

# AGGIE RESEARCH CAMPUS PROJECT

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SCH# 2014112012

## FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

PREPARED FOR



JUNE 2020

PREPARED BY



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**Final Subsequent Environmental Impact Report  
Aggie Research Campus Project**

SCH # 2014112012

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## TABLE OF CONTENTS

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<b>TABLE OF CONTENTS</b>
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<b><u>CHAPTER</u></b>	<b><u>PAGE</u></b>
<b>1. INTRODUCTION AND LIST OF COMMENTERS.....</b>	<b>1-1</b>
1.1 Introduction.....	1-1
1.2 Background.....	1-1
1.3 Purpose of the Final SEIR.....	1-2
1.4 List of Commenters.....	1-3
1.5 Certification of the Final EIR .....	1-5
1.6 Organization of the Final SEIR.....	1-6
<b>2. RESPONSES TO COMMENTS.....</b>	<b>2-1</b>
2.1 Introduction.....	2-1
2.2 Master Responses.....	2-1
2.3 Responses to Comments .....	2-31
<b>3. REVISIONS TO THE DRAFT EIR TEXT .....</b>	<b>3-1</b>
3.1 Introduction.....	3-1
3.2 Description of Changes.....	3-1
<b>4. MITIGATION MONITORING AND REPORTING PROGRAM.....</b>	<b>4-1</b>
4.1 Introduction.....	4-1
4.2 Compliance Checklist .....	4-1
4.3 Mitigation Monitoring and Reporting Program.....	4-2

**APPENDICES**

Appendix 1	Fehr and Peers MXD+ Model Memo
Appendix 2	Air Quality and Greenhouse Gas Modeling Outputs
Appendix 3	City of Davis Resolution No. 17-125 Series 2017
Appendix 4	Attachments to Letter 37
Appendix 5	Email from Yolo County Agricultural Commissioner to Ashley Feeney, Assistant City Manager, City of Davis
Appendix 6	Attachment to Letter 68
Appendix 7	Attachment to Letter 72
Appendix 8	Attachments to Letter 76
Appendix 9	Attachments to Letter 78
Appendix 10	Corrected Traffic Appendix

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## 1. INTRODUCTION AND LIST OF COMMENTERS

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# 1

# INTRODUCTION

## 1.1 INTRODUCTION

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This Final Subsequent Environmental Impact Report (SEIR) contains comments received during the public review period of the Aggie Research Campus (ARC) Project Draft SEIR<sup>1</sup>. This document has been prepared by the City of Davis, as Lead Agency, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Section 15132. In general, the Introduction chapter of the Final SEIR discusses the background of the Draft SEIR, purpose of the Final SEIR, list of commenters, and provides an overview of the Final SEIR’s organization.

## 1.2 BACKGROUND

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The Draft SEIR identified the proposed project’s potential impacts and the mitigation measures that would be required to be implemented, with particular attention given to any new significant impacts or substantial increases in severity of significant impacts previously identified in the Certified Final EIR for the Mace Ranch Innovation Center (MRIC) project. The environmental analysis within the ARC Project Draft SEIR was presented in Chapter 3, Aggie Research Campus Analysis, and included an analysis of all of the topics addressed in the MRIC Certified Final EIR, as well as any additional topics that have been added to Appendix G of the CEQA Guidelines since certification of the MRIC EIR in September 19, 2017. The full list of environmental topics included in the MRIC EIR and presented in the ARC Draft SEIR is as follows:

- Aesthetics and Visual Resources;
- Agriculture and Forestry Resources
- Air Quality;
- Biological Resources
- Cultural Resources;
- Geology, Soils, and Mineral Resources;
- Greenhouse Gas Emissions and Energy;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Urban Decay;
- Noise and Vibration;
- Population and Housing;
- Public Services and Recreation;
- Transportation and Circulation;

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<sup>1</sup> Since release of the Draft SEIR, the proposed project has been renamed to Davis Innovation Sustainability Campus. The references to the proposed project in this Final SEIR remain as “Aggie Research Campus” to maintain continuity among the environmental documents.

- Utilities; and
- Cumulative Impacts.

While the basic requirement for a subsequent EIR, as discussed in the Draft SEIR, is to revise the previous EIR to make it adequate for the project as modified, as well as changes in circumstances, the SEIR goes above and beyond by providing an overview of the changes in circumstances and changes to the project for each topic area, as applicable, in an effort to provide additional disclosure to the public regarding the severity of changed circumstances and the extent to which changes to the project affect the previous analysis.

In accordance with CEQA, the City of Davis used the following methods to solicit public input on the Draft SEIR:

- A voluntary public comment meeting was held on December 2, 2019 to discuss the changes in circumstances that may have occurred in the project vicinity since the certification of the MRIC EIR in 2017.
- The City voluntarily extended the period to accept written comments from public agencies and the general public until December 16, 2019.
- On March 13, 2020, the Draft SEIR was delivered to the State Clearinghouse for distribution to state agencies resulting in a 45-day review period from March 13, 2020 to April 27, 2020.
- The City posted the Draft SEIR on the City of Davis website.
- A Notice of Availability of the release of the Draft SEIR was published in the Davis Enterprise newspaper on March 13, 2020.
- Printed and electronic copies of the document were made available for public review at the City of Davis Department of Community Development and Sustainability, located at 23 Russell Boulevard, Suite 2, Davis.
- A web-based public comment meeting was held on the Draft SEIR before the City of Davis Planning Commission. The public comment meeting was held on April 22, 2020.
- The Draft SEIR was also reviewed by the following advisory commissions on the following dates:
  - Bicycle, Transportation, and Street Safety Commission: April 9, 2020
  - Natural Resources Commission: April 27, 2020
  - Open Space and Habitat Commission: April 6 and April 23, 2020

It should be noted that the ARC project was also brought before other City Commissions for review, such as the Social Services Commission, Finance and Budget and the Tree Commission; however, specific comments on the Draft SEIR were not provided at these meetings

All public comments received on the Draft SEIR are listed this chapter, and written responses to comments are included in Chapter 2, as discussed in more detail in Section 1.4 of this chapter.

### **1.3 PURPOSE OF THE FINAL SEIR**

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Pursuant to CEQA Guidelines Section 15132, this Final SEIR consists of the following:

1. The Draft SEIR;

2. Comments received on the Draft SEIR (Chapter 2 of this Final SEIR);
3. Revisions to the Draft SEIR (Chapter 3 of this Final SEIR);
4. A list of persons, organizations, and public agencies commenting on the Draft SEIR (included as Section 1.4 of this chapter); and
5. Any other information added by the Lead Agency.

Although CEQA requires responses for “significant environmental issues” only, the City has made an effort to provide responses to all comments. This is not intended to expand the City’s legal obligations under CEQA but rather to maximize opportunities for sharing information and increasing public understanding regarding the project and related review process.

#### **1.4 LIST OF COMMENTERS**

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The City of Davis received 81 comment letters during the public comment period on the Draft SEIR for the proposed project, inclusive of those comments submitted at City commission meetings. The comment letters were authored by the following agencies, groups, residents, and local businesses.

Letter 1.....	Burrowing Owl Preservation Society
Letter 2.....	Burrowing Owl Preservation Society
Letter 3.....	Davis Chamber of Commerce
Letter 4.....	Department of Toxic Substances Control
Letter 5.....	Federal Emergency Management Agency
Letter 6.....	Office of Planning and Research
Letter 7.....	Native American Heritage Commission
Letter 8.....	Yocha Dehe Wintun Nation
Letter 9.....	County of Yolo Department of Community Services
Letter 10.....	Yolo Land Trust
Letter 11.....	City of Davis, Natural Resources Commission
Letter 12.....	City of Davis, Open Space and Habitat Commission
Letter 13.....	City of Davis, Planning Commission
Letter 14.....	David Abramson
Letter 15.....	Joe Bolte
Letter 16.....	Herman Boschken
Letter 17.....	Cornelious Burke
Letter 18.....	Gwen Chodur
Letter 19.....	Julia Conner
Letter 20.....	Ranjit Dhillon
Letter 21.....	Ranjit Dhillon
Letter 22.....	Todd Edelman
Letter 23.....	Doby Fleeman
Letter 24.....	Connor Gorman
Letter 25.....	Sue Greenwald
Letter 26.....	Pamela Gunnell
Letter 27.....	Pamela Gunnell
Letter 28.....	Alisha Hacker

Letter 29.....	Samantha Hilborn and Pololu Silva
Letter 30.....	Thomas Hintze
Letter 31.....	Alan Hirsch
Letter 32.....	Alan Hirsch
Letter 33.....	Alan Hirsch
Letter 34.....	Alan Hirsch
Letter 35.....	Francesca Infantozzi
Letter 36.....	Francois Kaepelin
Letter 37.....	Matthew S. Keasling, Taylor & Wiley
Letter 38.....	Rik Keller
Letter 39.....	Rik Keller
Letter 40.....	Rik Keller
Letter 41.....	Luca Kessler
Letter 42.....	Mick Klasson
Letter 43.....	Dr. Billie Bensen Martin, DVM
Letter 44.....	Roberta Millstein
Letter 45.....	Roberta Millstein
Letter 46.....	Roberta Millstein
Letter 47.....	Roberta Millstein
Letter 48.....	Jonathan Minnick
Letter 49.....	Donald B. Mooney
Letter 50.....	Pam Nieberg
Letter 51.....	Ron Oertel & Som Ashton
Letter 52.....	Anthony Palmere
Letter 53.....	Nancy Price
Letter 54.....	Robert Prindle
Letter 55.....	Alan Pryor
Letter 56.....	Alan Pryor
Letter 57.....	Alan Pryor
Letter 58.....	Scott Steward Ragsdale
Letter 59.....	Dan Rayathome
Letter 60.....	Elizabeth Reay, MS, RBP
Letter 61.....	Greg Rowe
Letter 62.....	Greg Rowe
Letter 63.....	Greg Rowe
Letter 64.....	Greg Rowe
Letter 65.....	Greg Rowe
Letter 66.....	Greg Rowe
Letter 67.....	Greg Rowe
Letter 68.....	Hannah Safford
Letter 69.....	Eileen Samitz
Letter 70.....	Eileen Samitz
Letter 71.....	Emily Shandy
Letter 72.....	Shawn Smallwood, PhD
Letter 73.....	Diane Swann

Letter 74.....	Georgina Valencia
Letter 75.....	Colin Walsh
Letter 76.....	Colin Walsh
Letter 77.....	Colin Walsh
Letter 78.....	Colin Walsh
Letter 79.....	Colin Walsh
Letter 80.....	Matthew Williams
Letter 81.....	Matthew Williams
Letter 82.....	Char Henwood
Letter 83.....	Tom Camden

## **1.5 CERTIFICATION OF THE FINAL SEIR**

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State law requires that the City make several types of CEQA “findings” at the time of final action on the project. Findings describe the conclusions reached regarding particular issues, including specific evidence in support of those conclusions. The Final SEIR typically provides much of the substantial evidence to support these findings. The required findings for the project are as follows:

- Certification of the Final SEIR (CEQA Guidelines Section 15090) – These findings support the adequacy of the Final SEIR for decision-making purposes. The Lead Agency must make the following three determinations in certifying a Final SEIR:
  1. The Final SEIR has been completed in compliance with CEQA.
  2. The Final SEIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final SEIR prior to approving the project.
  3. The Final SEIR reflects the Lead Agency’s independent judgment and analysis.
- Findings Regarding Significant Impacts and Project Alternatives (CEQA Guidelines Section 15091) – These findings explain how the City chose to address each identified significant impact, including the mitigation measures adopted or an explanation of why such measures are infeasible. A discussion of the feasibility of project alternatives is also required by this section (see also CEQA Guidelines Section 15126.6f).
- Project Approval (CEQA Guidelines Section 15092) – These findings will be prepared to support approval of the project if that is the City Council’s action.
- Statement of Overriding Considerations (CEQA Guidelines Section 15093) – These findings document the City’s decision to adopt a project, despite the fact that unavoidable environmental impacts may result, due to other overriding benefits of the project.

For the ARC Project, the proposed project would result in both 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 only for fire protection services; thus, a Statement of Overriding Considerations must be adopted if the project is



approved. The Statement of Overriding Considerations will be included in a separate document that will be considered for adoption by the City's decision-makers during public hearings on the project.

## **1.6 ORGANIZATION OF THE FINAL SEIR**

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The Final SEIR is organized into the following four chapters.

### **1. Introduction**

Chapter 1 provides an introduction and overview of the document, describes the background of the Draft SEIR and the purposes of the Final SEIR, provides a list of commenters, and describes the organization of the Final SEIR.

### **2. Responses to Comments**

Master Responses are provided in Chapter 2 in response to similar comments made on the Draft SEIR with respect to employee occupancy of on-site units, use of the 25-acre "City Parcel" for 6.8-acre Agricultural Buffer Easement, Use of City-owned Agricultural Land for Off-site Detention, Infill Alternative, and Urban Decay. Chapter 2 then presents all of the comment letters received, and responses to each comment. Each comment letter received has been numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. The response to each comment will reference the comment number.

### **3. Revisions to the Draft SEIR Text**

Chapter 3 summarizes changes made to the Draft SEIR text including clarifications, modifications, and amplifications of the analysis. Section 15088.5 of the State CEQA Guidelines states that a lead agency is required to recirculate a Draft SEIR when "significant new information" is added to the document after public notice is given of the availability of the draft SEIR for public review under Section 15087 but before certification. Pursuant to this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an SEIR is not considered "significant" unless the SEIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the City has declined to implement. "Significant new information" requiring recirculation includes any of the following:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft SEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the SEIR merely clarifies or amplifies or makes insignificant modifications in an adequate SEIR. The modifications to the Draft SEIR identified in Chapter 3 have been examined with these requirements and obligations in mind. The City has determined that the provisions of Section 15088.5 of the CEQA Guidelines are not triggered and recirculation of this SEIR is not required. A more detailed description of this determination will be included in the CEQA Findings of Fact described above.

#### **4. Mitigation Monitoring and Reporting Program**

CEQA Guidelines, Section 15097, requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The intent of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure implementation of the mitigation measures identified within the SEIR for the ARC Project.

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## 2. RESPONSES TO COMMENTS

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## 2

## RESPONSES TO COMMENTS

### 2.1 INTRODUCTION

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This chapter contains master responses and responses to public comment letters submitted regarding the Aggie Research Campus Project (proposed project) Draft Subsequent Environmental Impact Report (SEIR).

### 2.2 MASTER RESPONSES

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#### **Master Response #1 (Employee Occupancy of On-Site Units)**

The Mace Ranch Innovation Center (MRIC) Draft EIR assumed that 100 percent of the 850 residential units at the project site would house one MRIC employee.

The Final EIR undertook a sensitivity test to determine the “break point” at which the mixed-use alternative no longer performed better than the proposed project, in terms of reduced environmental impact, looking solely at the variable of trip generation. The results demonstrated that the Mixed-Use Alternative would generate more external total daily trips when compared to the MRIC project with no residential units if the percentage of MRIC housing units occupied by MRIC employees drops below 60 percent (FEIR, Chapter 4, Figure 1).

On July 19, 2017, the Planning Commission voted to recommend certification of the EIR to the City Council including a clarification to page 7-202 of the Draft EIR that the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 on-site units.

Attachment A to the July 19, 2017 Planning Commission staff report included the clarifying language on page 7-202 of the Draft EIR, as follows:

The most environmentally superior alternative that appears to best meet the project objectives is the Mixed Use Alternative. The Mixed Use Alternative would result in greater impacts than the proposed project related to BOD (biochemical oxygen demand) loading at the wastewater treatment plant and aesthetics related to increased building heights. However, as compared to the project, this alternative will achieve reductions in daily VMT and GHG emissions, lower AM and PM peak hour vehicle trips, fewer impacts at Mace Boulevard, and elimination of impacts related to population and housing (see Table 7-7)<sub>2</sub> assuming the execution of a legally enforceable mechanism to ensure that at least 60 percent of the on-site units would be occupied by at least one MRIC employee. This minimum occupation estimate is based on sensitivity testing performed by Fehr & Peers.

Under such a scenario, this alternative is-would thus be environmentally superior and meets all of the objectives of the City and applicant. However, it should be noted that because it includes housing it is not consistent with the City's expressed goal of having only non-residential uses within the innovation center.

On September 19, 2017, Davis City Council adopted Resolution No. 17-125 certifying the MRIC Final EIR, which included the above-described clarification to page 7-202 of the Draft EIR.

With the background properly established, it can now be seen that Council's certifying resolution included no such requirement for the Mixed-Use Alternative or any future related proposal to ensure that at least 60 percent of the on-site units shall be occupied by at least one MRIC employee. The clarifying language to the EIR was adopted by Council to make it clear that the Mixed-Use Alternative would only be considered environmentally superior to the proposed MRIC Project if it could be legally guaranteed that at least 60 percent of the on-site units would be occupied by at least one MRIC employee.

It is clearly stated on page 3-3 of the Draft SEIR that the "Aggie Research Campus" (ARC) is now the proposed project, not MRIC. There is no legal requirement to demonstrate that at least 60 percent of the on-site units would be occupied by at least one ARC employee. What is legally required in a Subsequent EIR is to revise the previous EIR to make it adequate for project modifications or changes in circumstances. Importantly, since certification of the MRIC Final EIR, the City and applicant further considered the difficulty of finding a legally enforceable mechanism to ensure that up to 60 percent of the on-site units can be dedicated to employee housing. Instead, it was decided that it would be more reasonable to assume such a mechanism cannot be assured. Therefore, in brief, the ARC Draft SEIR technical analysis did not make employee assumptions for the on-site units, but rather relied on empirical data collected from other mixed-use projects to estimate trip generation. As stated on page 3-218 of the Draft SEIR (emphasis added):

It is important to note that in the Certified Final EIR, the trip generation and internalization estimates for the Mixed-Use Alternative estimated by the MXD+ model were adjusted based upon the presumption that on average, one MRIC employee would reside within each MRIC dwelling unit. **Conversely, 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 MXD+ 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.**

As described in the ARC Draft SEIR, Fehr & Peers' MXD+ mixed-use project trip generation tool was utilized to estimate ARC Project trip generation. As stated in Appendix 1 to this Final SEIR, in Fall 2019, Fehr & Peers used its own Research & Development resources to assess the degree to which MXD+ is still producing accurate estimates of external vehicle trip generation for mixed-use projects. To accomplish this, Fehr & Peers performed vehicle trip generation data collection at 15 mixed-use sites across the United States, ranging in size from 4 to 4,000 acres. Four of these sites contained large amounts of office space. The table below shows how MXD+ performed for each of these four sites in terms of its accuracy of matching the actual measured vehicle trip generation at each of these sites.

<b>External Vehicle Trip Generation Comparison for Fehr &amp; Peers' Mixed-Use Research Sites with Heavy Employment Uses</b>						
Mixed-Use Location	External Vehicle Trips					
	Daily		AM Peak Hour		PM Peak Hour	
	MXD+ Estimate	Actual	MXD+ Estimate	Actual	MXD+ Estimate	Actual
Sunnyvale, Ca	8,975 (+3%)	8,707	604 (-13%)	693	702 (0%)	705
Sacramento, Ca	21,583 (+11%)	19,362	1,732 (-7%)	1,863	1,945 (-2%)	1,985
Santa Clara, Ca	26,624 (-12%)	30,330	1,924 (-2%)	1,959	2,335 (-9%)	2,549
Alpharetta, Ga	34,840 (+5%)	33,301	1,610 (-4%)	1,685	2,500 (-2%)	2,543

Note: Value shown in parentheses represent the percentage that the MXD+ estimate over or underpredicts the actual value.  
 Source: Fehr & Peers, 2020.

1. For all three time periods and four sites, MXD+ estimates were within 13 percent or less of the actual, measured count.
2. The average absolute error for the four sites was 8 percent under daily conditions, 7 percent under AM peak hour conditions, and 3 percent under PM peak hour conditions.

This is particularly important because traffic volumes often fluctuate by 5 percent or more from day to day. Thus, the variation in MXD+ estimates are comparable to, and in some cases, even less than the variation in daily traffic. Appendix 1 to this Final EIR includes additional information, showing how the MXD+ results are also more reliable than the “ITE Internalization Method” included in ITE’s Trip Generation Handbook.

In conclusion, Fehr & Peers has provided substantial evidence that the MXD+ model is an effective tool for the purposes of reasonably estimating a mixed-use project’s trip generation. The above data demonstrates the MXD+ model’s accuracy in matching observed trips from other employment-oriented mix-use projects of similar size to the proposed ARC Project.

As shown in Table 3-29 of the Draft SEIR, this robust methodology resulted in an estimated 23,888 new external daily vehicle trips, 2,232 new external AM peak hour vehicle trips, and 2,479 new external PM peak hour vehicle trips during a typical weekday. The traffic impact analysis performed for the Draft SEIR was based upon this trip generation estimate; thus, the potential traffic effects of not assuming that at least 60 percent of the on-site units are occupied by at least one ARC employee, are fully evaluated within the Draft SEIR. Furthermore, because the air quality and greenhouse gas emissions analysis are based upon project-specific trip data provided by the traffic consultant (e.g., see pp. 3-58 and 3-138), the air quality and greenhouse gas analyses also evaluate the potential effects of not assuming a certain employee occupancy within the on-site units.

## Conclusion

The resolution adopted by City Council on September 19, 2017, certifying the MRIC Final EIR, did not establish a legal requirement that the Mixed-Use Alternative or any future mixed-use project on the site must guarantee that at least 60 percent of the on-site units shall be occupied by at least one on-site employee. The certifying resolution simply clarified that the Mixed-Use Alternative would only be considered environmentally superior to the originally proposed MRIC Project **if** a legal enforcement mechanism can ensure at least 60 percent of the on-site units are occupied by at least one MRIC employee. Such a legal mechanism was not found. The ARC is now the proposed project, and the SEIR adequately evaluates the project's potential traffic impacts using empirical trip generation data from other similar mixed-use projects, rather than assuming a legal enforcement mechanism is available to ensure a certain percentage of on-site units can be guaranteed for employees.

### **Master Response #2: Use of 25-acre “City Parcel” for 6.8-acre Agricultural Buffer Easement**

Several comments allege that the proposed use of a 6.8-acre portion of the 25-acre City-owned property (“Mace 25”) for a habitat conservation easement and agricultural buffer would be unlawful given that the Mace 25 property was purchased with Measure O funds or that the agricultural buffer does not meet the requirements of the Davis Municipal Code. While the legal validity of the proposed agricultural buffer is not a CEQA issue or an environmental impact that must be addressed in the SEIR, the City offers the following analysis.

The proposal from the ARC developer is to pay the City for a habitat conservation easement on 6.8 acres of the City's Mace 25 land for use as a portion of the project's agricultural buffer in perpetuity. The proposal is not to buy the 6.8 acres from the City. The City would continue owning the 6.8 acres but those acres would then be protected with a habitat conservation easement. The City has not yet committed to this transaction, which would be contingent on the approval of the project by the voters as well as successful negotiation of terms with the developer. Nonetheless, City staff have determined that the proposal is consistent with Measure O and consistent with the City's agricultural buffer ordinance.

Measure O. The City lawfully purchased the Mace 25 property with Measure O funds as a new open space area (Section 15.17.070 (a) of the Municipal Code). Under Measure O, “open space” is defined as “land in a predominantly natural state or altered for natural resources-based uses (i.e., farming, parks), and may include, but is not limited to, riparian areas, agricultural lands, watersheds, forests, floodplains, and habitat areas. For the purpose of this article, the definition of parks shall be limited to those areas providing recreational opportunities where the use is consistent with the primary use of the property (e.g., protection of agricultural resources, wildlife habitat, natural resources, etc.)” An agricultural buffer would appear to fall into Measure O's definition of “open space.” Allowable uses in the 100-foot portion of the agricultural buffer include “native plants, tree or hedge rows, drainage channels, storm retention ponds, natural areas such as creeks or drainage swales, railroad tracks or other utility corridors and any other use, including agricultural uses, determined by the planning commission to be consistent with the use of the property as an agricultural buffer” (Section 40A.01.050 (c)). Allowable uses in the 50-foot portion of the agricultural buffer include bike paths, community gardens, organic agriculture, native plants,

tree and hedge rows, benches, lights, trash enclosures, fencing, and any other use determined by the planning commission to be of the same general character as the foregoing enumerated uses” (Section 40A.01.050 (d)). All of these uses appear to be consistent with Measure O’s definition of open space. Therefore, using a portion of the Mace 25 property for an agricultural buffer is consistent with the definition of “open space” under Measure O because the entire Mace 25 property, including the agricultural buffer itself, would continue to be used as open space. Ultimately, the City Council will decide whether to enter into the proposed transaction with the ARC developer.

City’s Agricultural Buffer Ordinance. The City’s agricultural buffer ordinance (Section 40A.01.050 of the Municipal Code) contemplates that both the 50-foot portion and the 100-foot portion of the agricultural buffer will be either owned by the City or protected with a conservation easement. Under the ARC proposal, the 6.8 acres of the City’s land used for the agricultural buffer will be both owned by the City *and* protected by a conservation easement. Therefore, the ARC proposal to pay the City to establish a habitat conservation easement on 6.8 acres of the City’s Mace 25 land for use as a portion of the project’s agricultural buffer in perpetuity is consistent with the City’s agricultural buffer ordinance. Ultimately, it will be up to the City Council to determine whether to enter into an agreement with the ARC developer to record a conservation easement on City property and to count the 6.8 acres of the Mace 25 site towards the agricultural buffer for the project.

### **Master Response #3: Use of City-owned Agricultural Land for Off-Site Detention**

Several comments allege that the Draft SEIR did not evaluate the potential environmental effects associated with excavation of an off-site detention pond on city-owned property, west of the Yolo Bypass levee. To the contrary, the Draft SEIR evaluated this issue at pages 3-53 to 3-57, 3-63 to 3-67; 3-79 to 3-114; and 3-259 to 3-260. Before proceeding with a detailed response, however, it should be noted that construction of an off-site detention pond is only one option being considered to address the project’s volume of storm water runoff during large storm events, when the water level in the Yolo Bypass rises high enough to prevent flows from the Mace Drainage Channel (MDC) and Railroad Channel from entering the outfall in the Bypass levee. An additional solution identified in the Draft SEIR includes installation of a temporary or permanent pump station near the existing Bypass outfall (see Draft SEIR at pg. 3-169). The pump station would pump the volume of ARC runoff into the Bypass through a conveyance pipe.

It is also important to note that the ARC Project’s conceptual on-site drainage system has been designed to fully attenuate the project’s increase in peak flows on-site (see Draft SEIR at pg. 3-166). This means that there would be no increase in the rate of flow leaving the ARC Site, and consequently, no downstream impacts related to the existing capacity of the MDC. The off-site detention pond and pump station options are solely evaluated to address the increase in volume (but not the rate of flow) of runoff attributable to ARC.

The following detailed portion of this response will demonstrate the level of analysis performed in the Draft SEIR for the off-site detention pond alternative. It is noted that concerns have been raised regarding the applicant’s potential use of soil from a city-owned property and the need for



compensation. This is an economic issue outside the purview of CEQA that will be addressed in the staff report.

#### (a) Agricultural Resources

The Agricultural Resources section of the Draft SEIR did not evaluate the potential off-site detention pond locations based upon the fact that construction of the pond would not permanently impact the ability to conduct viable agricultural operations on the off-site pond property. As discussed in the Draft SEIR (pg. 3-168), to accommodate the increased volume from ARC Site and the Mace Triangle Site during major storm events, 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. The field would be returned with the same slopes so that irrigation would continue in a manner similar to existing conditions. Drainage patterns would not be changed and the small elevation change would not adversely impact the irrigation methodology.

It is noteworthy that 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,<sup>1</sup> which is not addressed in CEQA. 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, however, are considered Prime Farmland.

Excavation of the off-site pond would be completed during Phase 1 and is anticipated to occur over a relatively short period of 30 days. The restoration of the topsoil upon the shallow excavation limits would enable the property to remain in ongoing agricultural use; an approximately 100-acre area would only be inundated during periodic, large storm events during winter season. This is somewhat akin to the Yolo Bypass, which is farmed on an ongoing basis. In short, agricultural mitigation land is not required for the construction of the off-site detention pond as the land would not be permanently converted to a non-agricultural use (see Yolo County Surface Mining Ordinance, Section 10-5.525).

#### (b) Biological Resources

As discussed in the Draft SEIR, three potential, city-owned agricultural parcels are being considered for the 100-acre off-site detention pond location (see Draft SEIR at pg. 3-168 and Figure 3-14). These parcels comprise approximately 550 acres, and though much larger than the actual area required, were surveyed for biological resources by Sycamore Environmental (see Table 3-14), most recently on October 8, 2019, with more targeted protocol-level burrowing owl surveys conducted in January, February, and March 2020. The entire 550-acre area is referred to as the "Stormwater BSA", or biological study area, in the Draft SEIR (pg. 3-80) and accompanying Biological Resources Evaluation (see Appendix C to the Draft SEIR).

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<sup>1</sup> California Department of Conservation, Division of Land Resource Protection. *Yolo County Important Farmland 2016 Map*. July 2017.

As shown in Table 3-14 of the Draft SEIR, the Stormwater BSA has been surveyed by Sycamore Environmental as early as 2015 and as recently as March 2020. Recent surveys in 2019 and 2020 consisted of Yolo Habitat Conservation Plan (HCP) Land Cover Type mapping survey, reconnaissance level biological survey, and multiple protocol level burrowing owl surveys, completed in accordance with California Department of Fish and Wildlife (CDFW) (2012) guidelines. The results of said surveys are incorporated into the Draft SEIR, and mitigation included to ensure that adverse impacts to special-status species would not occur as a result of pond construction, should that be the chosen method of addressing the project's increase in runoff volume.

With respect to impacts to wildlife habitat, the excavation of the off-site pond would be considered a temporary effect under the Yolo HCP/NCCP. As discussed in the Draft SEIR, the potential off-site detention pond locations provide suitable habitat for special-status species including but not limited to burrowing owl, giant garter snake, Swainson's hawk and white-tailed kite, and other protected birds. According to Section 8.4.1.4 of the HCP, temporary effects are defined as direct effects that alter land cover for less than one year and that allow the disturbed area to recover to pre-project or ecologically improved conditions within one year of completing construction. Such would be the case for the off-site detention pond, the excavation of which is anticipated to last approximately 30 days, leaving more than adequate time for the pre-project conditions to be restored. The temporary effects associated with off-site detention pond construction would be subject to a temporary effect fee, collected by the City on behalf of the Conservancy. In addition, this Draft SEIR requires that all applicable Yolo HCP/NCCP avoidance and minimization measures (AMMs) be implemented for those special-status species having the potential to occur on the off-site detention pond location.

(c) Air Quality

Potential disturbance of the 100-acre off-site detention basin and movement of material from the off-site detention basin to the project site was included in the analysis of the proposed project presented in the Draft SEIR. In particular, page 3-54 of the Draft SEIR notes the following:

If the off-site detention basin option is selected, the disturbance of approximately 100 acres and excavation of all 130,000 cubic yards (CY) of soil would be completed with project initiation in Spring of 2022. All excavated material from the off-site detention basin would be imported to the project site and used for project grading. Due to the grading of the entire southern portion of the ARC Site, as well as the off-site detention basin work that would occur during project initiation, Phase 1 of the project was anticipated to represent the most intensive phase of the project...Phase 1 of the project was modeled under the following assumptions:...

- Phase 1 of the ARC Project was anticipated to include a total disturbance area of 217 acres, which includes 11 acres for off-site sewer improvements as well as 100 acres for off-site detention basin work;
- 130,000 CY of soil was assumed to be required to be exported in association with the off-site detention basin, all such material would be imported to the project site, which is approximately 2.15 miles from the off-site detention basin location;

Consequently, the air quality impacts of such activities were specifically analyzed in the Draft SEIR, and the emissions estimates prepared for construction of the project reflect the off-site detention basin work and import of the 130,000 CY of material. As noted in the Draft SEIR, excavation of an off-site detention basin is only one of several options being explored. Consequently, implementation of the proposed project may not require excavation and soil movement activity related to the off-site detention basin. Nevertheless, the analysis with the Draft SEIR assumed that the off-site detention basin would be selected in order to capture potential construction-related emissions that would occur with such activity.

In order to provide a conservative approach to the analysis of potential impacts from movement of the material excavated at the off-site basin, the Draft SEIR anticipated that the haul trucks used to transport the material would only have a capacity of 12 CY. In practice, haul trucks often have greater haul capacities. For example, a haul truck capacity of approximately 16 CY of material is used as the default setting in CalEEMod, and, thus, is used in most of Raney's technical analyses. The result of assuming the use of haul trucks with a smaller haul capacity is that a greater number of haul trips would be required, which would result in greater emissions as compared to trucks with a higher capacity. For instance, using only haul trucks with capacities of 12 CY would require a total of 10,833 truckloads to transport 130,000 CY of material, while using haul trucks with 16 CY of capacity would only require 8,125 truck loads. It should be noted that the assumption that only trucks with 12 CY of haul capacity would be used during project construction was also applied to the analysis of potential construction-related transportation impacts discussed on page 3-259 of the Draft SEIR.

Although the intent of the Draft SEIR was to provide a conservative approach to analysis, since release of the Draft SEIR for public review, Raney has identified two inadvertent errors in the methodology implemented during the preparation of construction emissions estimates for the Draft SEIR. The first error relates to the total amount of soil that would be exported, while the second error relates to the total number of haul truck trips that would be required to transport the material to the project site.

With regard to the first error, export of 130,000 CY of material was anticipated for the previously proposed MRIC Project, which was anticipated to include excavation of an 80-acre off-site detention basin to a depth of one foot. However, if the off-site detention pond alternative is selected, the ARC project is anticipated to necessitate excavation of a 100-acre detention basin at a depth of one foot. The resulting material off-haul for such excavation activity would equate to approximately 161,333 CY of material, rather than the 130,000 CY of material assumed in the air quality and GHG analysis prepared for the Draft SEIR. Under the same assumption that all material would be hauled using trucks with 12 CY of capacity, 161,333 CY of material would require approximately 13,444 truckloads. To address the second error within the Draft SEIR, each of the 13,444 truckloads would require both a trip to the project site and a trip back to the off-site detention basin site. Consequently, the total number of haul truck trips should be 26,888 trips assuming the total movement of 161,333 CY (for perspective, assuming 130,000 CY of material movement would result in 10,833 truckloads, but would result in 21,666 truck trips). It is important to note, however, that the construction vehicle traffic analysis performed in the Draft SEIR (see Impact 3-74 on pages 3-259 through 3-260) was appropriately based on the total number of

construction haul truck trips, assuming an 80-acre basin and 130,000 CY, as evidenced by the reference to 720 truck trips per day over 30 days. Notwithstanding, as mentioned above, the construction vehicle impact analysis should have been based on a 100-acre basin and hauling of approximately 160,000 CY. As a result, Fehr & Peers has provided a detailed response in this Final SEIR to demonstrate why the impact can still be considered less-than-significant with implementation of a Construction Traffic Control Plan, which is already required by Mitigation Measure 3-74 of the Draft SEIR. Please refer to the Construction Traffic portion of this Master Response.

Considering the foregoing changes, construction emissions for the ARC Project were re-modeled to assume the movement of 161,333 CY of material through 26,888 truck trips. Although the methodology to estimate material movement was updated, all other methodologies implemented for modeling construction emissions were held constant and remain as presented on pages 3-53 and 3-55 of the Draft SEIR. As noted in the Draft SEIR, should the off-site detention pond option be pursued, all material movement was assumed to occur during the first year of project construction, which was assumed to be 2022. The table below presents the results of the updated modeling, which are also included in Appendix 2 of this Final SEIR. The table also compares the estimated project emissions to the emissions presented in the Draft SEIR.

<b>Phase 1 Unmitigated ARC Project Construction-Related Emissions in 2022<sup>1</sup></b>			
	<b>ROG (tons/yr)</b>	<b>NO<sub>x</sub> (tons/yr)</b>	<b>PM<sub>10</sub> (lbs/day)</b>
Emissions Presented in Draft SEIR	1.24 <sup>2</sup>	6.89	28.89
Updated Emissions Estimates	1.26	7.74	28.89
<i>Difference</i>	+0.02	+0.85	0.00
<b>YSAQMD Threshold</b>	<b>10</b>	<b>10</b>	<b>80</b>
<b>Do Updated Emissions Exceed YSAQMD Threshold?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
Notes:			
<sup>1</sup> Emissions presented within this table include emissions related to on-site and off-site construction work.			
<sup>2</sup> It should be noted that the emissions presented in Table 3-7 of the Draft SEIR erroneously presented emissions of ROG in the year 2022 at 2.31 tons/yr. Emissions in the year 2022 under the methodology implemented in the Draft SEIR would actually be 1.24 tons/yr as presented in this table and as shown in Appendix B of the Draft SEIR.			
<i>Source: CalEEMod, February and April 2020.</i>			

As shown in the table above, assuming a total material movement of 161,333 CY and 26,888 truck trips, results in slight increases of ROG and NO<sub>x</sub> while PM<sub>10</sub> emissions would remain unchanged. However, the increase in anticipated emissions would not result in emissions exceeding the YSAQMD's thresholds of significance in the first year of project construction, which was assumed to be 2022. It should be noted that because the material movement was anticipated to occur during the first year of project implementation, the foregoing changes would not affect any subsequent phases or years of project construction, and, as such, the foregoing changes would not result in any increases to the maximum anticipated emissions of ROG or NO<sub>x</sub>, which are anticipated to occur in the year 2023.

In addition to the changes in criteria pollutant emissions that would occur during the year 2022, as compared to the emissions presented in the Draft SEIR, the updated methodology for estimating material movement volume and haul truck trips would affect the estimated GHG emissions from such activity. In particular, Table 3-18 of the Draft SEIR demonstrates that the first year of construction activity, which includes off-site detention basin work as well as on-site work, would result in emissions of 1,614.89 MTCO<sub>2e</sub>/yr. However, assuming a total material movement of 161,333 CY and 26,888 truck trips, construction-related emissions in the year 2022 would increase to 1,755.56 MTCO<sub>2e</sub>/yr, an increase of 140.67 MTCO<sub>2e</sub>/yr. Despite the increase in construction-related GHG emissions, the maximum annual GHG emissions related to project construction would continue to occur during the year 2023, as shown in Table 3-18 of the Draft SEIR.

The annual construction-related GHG emissions presented in Table 3-18 of the Draft SEIR were used to amortize construction emissions and the amortized emissions were added onto the estimated operational emissions. Considering the increase in annual GHG emissions during the year 2022, total construction emissions across all project phases would equal 49,475.40 MTCO<sub>2e</sub>. Thus, amortized construction over the 14-year period discussed on page 3-139 of the Draft SEIR would equate to an emissions rate of 3,533.96 MTCO<sub>2e</sub>/yr. For reference, as presented on page 3-139 of the Draft SEIR, the amortized emissions were anticipated to equate to 3,493.77 MTCO<sub>2e</sub>/yr.

Considering the changes discussed above to the methodology implemented to estimate construction-related emissions, and the resulting changes to the calculated emissions of criteria pollutants and GHG emissions, various minor modifications to the Draft SEIR are necessary and are presented below.

Pages 3-53 and 3-54 of the Draft SEIR are hereby revised as follows:

...Implementation of the ARC Project would first involve grading of the southern approximately 106 acres of the ARC Site. Grading of the remaining northern portion of the project site would proceed once the southern portion of the ARC Site is built out. If the off-site detention basin option is selected, the disturbance of approximately 100 acres and excavation of all ~~130,000~~161,333 cubic yards (CY) of soil would be completed with project initiation in Spring of 2022. All excavated material from the off-site detention basin would be imported to the project site and used for ~~project grading of the southern 106 acres in Phase 1.~~ Phase 1. Due to the grading of the entire southern portion of the ARC Site, as well as the off-site detention basin work that would occur during project initiation, if that option is selected, Phase 1 of the project was anticipated to represent the most intensive phase of the project. It should be noted that if the off-site detention basin is not implemented, emissions related to project construction would be less than the levels presented within this SEIR. Considering the update to the CalEEMod software, as well as the unique character of the ARC Project, an analysis of construction of Phase 1 of the project has been prepared. Phase 1 of the project was modeled under the following assumptions:

- Demolition would not be required;
- Construction of the ARC Project was assumed to commence in Spring 2022;
- Grading of the southern 106 acres of the ARC Site would occur prior to building construction for Phase 1;

- Construction of all structures included in Phase 1, as well as grading of the entire 106-acre southern portion of the ARC Site, was anticipated to occur over five years;
- The duration of site preparation, grading, building construction, and architectural coating for the ARC Project was adjusted based on applicant provided information;
- Phase 1 of the ARC Project was anticipated to include buildout of 540,000 sf of R&D uses, 0.60 acres for the transit plaza, 568 surface parking lot spaces, 723 parking garage spaces, 181 multi-family residential units, and 28 townhouse units;
- Phase 1 of the ARC Project was anticipated to include a total disturbance area of 217 acres, which includes 11 acres for off-site sewer improvements as well as 100 acres for off-site detention basin work;
- ~~161,333~~130,000 CY of soil was assumed to be required to be exported in association with the off-site detention basin, all such material would be imported to the project site, which is approximately 2.15 miles from the off-site detention basin location; and
- To provide a conservative analysis, the assumption was made that construction activity could commence on two different portions of the ARC Project during one construction year. Therefore, during the most intensive year of building construction-related emissions (2023), an additional set of building construction and architectural coating construction phases were added to represent the potential for overlap of construction activity to occur, either during a single phase or between phases.

As a result of the foregoing changes and the updated results of emissions modeling, Table 3-7 and 3-8 on page 3-56 of the Draft SEIR are hereby revised as follows:

<b>Table 3-7</b>			
<b>Phase 1 Unmitigated ARC Project Construction-Related Emissions</b>			
<b>Construction Year</b>	<b>ROG (tons/yr)</b>	<b>NO<sub>x</sub> (tons/yr)</b>	<b>PM<sub>10</sub> (lbs/day)</b>
2022 <sup>1</sup>	<del>2.31</del> <u>1.26</u>	<del>6.89</del> <u>7.74</u>	28.89
2023 <sup>2</sup>	7.50	12.19	13.64
2024	1.96	5.89	7.58
2025	1.71	5.63	6.63
2026	1.69	5.58	6.63
2027	0.60	1.85	6.63
Notes:			
<sup>1</sup> Emissions for the year 2022 include both on-site construction work and off-site work related to the detention basin.			
<sup>2</sup> Emissions for the year 2023 include two concurrent building construction and architectural coating phases.			
Source: CalEEMod, February and April 2020.			

<b>Table 3-8</b>			
<b>Maximum Unmitigated ARC Project Construction-Related Emissions</b>			
	ROG (tons/yr)	NO <sub>x</sub> (tons/yr)	PM <sub>10</sub> (lbs/day)
<b>2022<sup>1</sup></b>			
	2.341.26	6.897.74	28.89
<b>YSAQMD Threshold</b>	<b>10</b>	<b>10</b>	<b>80</b>
<b>Exceed?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<b>2023<sup>2</sup></b>			
	7.50	12.19	13.64
<b>YSAQMD Threshold</b>	<b>10</b>	<b>10</b>	<b>80</b>
<b>Exceed?</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>
Notes: <sup>1</sup> Emissions for the year 2022 include both on-site construction work and off-site work related to the detention basin. <sup>2</sup> Emissions for the year 2023 include two concurrent building construction and architectural coating phases.  <i>Source: CalEEMod, February and April 2020.</i>			

The foregoing revisions do not result in any changes to the conclusions presented within the Draft SEIR.

In addition to the above changes related to criteria pollutant emissions, the calculation of construction-related GHG emissions has also been revised; thus, Table 3-18 on page 3-140 of the Draft SEIR is hereby revised as follows:

<b>Table 3-18</b>	
<b>Construction-Related GHG Emissions for Phase 1 of the ARC Project</b>	
Construction-Year	Total Annual GHG Emissions (MTCO <sub>2e</sub> /yr)
2022 <sup>1</sup>	1,614.891.755.56
2023 <sup>2</sup>	4,156.07
2024	2,059.56
2025	2,015.32
2026	1,986.04
2027	655.30
Notes: <sup>1</sup> Emissions for the year 2022 include both on-site construction work and off-site work related to the detention basin. <sup>2</sup> Emissions for the year 2023 include two concurrent building construction and architectural coating phases.  <i>Source: CalEEMod, February and April 2020.</i>	

Furthermore, page 3-139 is hereby revised as follows:

In addition to the analysis of construction-related emissions against SMAQMD's thresholds of significance, construction-related emissions from the ARC Project have been further analyzed in combination with the anticipated operational emissions. In keeping with

the methodology implemented in the Certified Final EIR, GHG emissions from construction of the ARC Project will be amortized over the construction period and added to operational emissions. During the analysis of the MRIC Project, construction of the entire MRIC Project was modeled, which provided annual GHG emissions for buildout of the entire project. However, for the ARC Project, only the most intense phase of construction, Phase 1, has been modeled. Although all other construction phases are anticipated to result in GHG emissions below the levels presented for Phase 1, to provide a conservative approach to amortizing construction emissions, all subsequent phases of project construction were assumed to result in the same level of construction emissions, excluding emissions from off-site work on the detention basin. Thus, taking into consideration the exclusion of emission from off-site detention basin, as such work would only occur during Phase 1, total emissions per each construction phase would equal ~~12,228.18~~12,368.85 MTCO<sub>2e</sub>. After four construction phases, the total GHG emissions are then estimated to be ~~48,912.71~~49,475.40 MTCO<sub>2e</sub>. Based on applicant provided information, the project is anticipated to require no less than 20 years of construction activity prior to completion. Such a construction schedule would result in a project completion date in the year 2042. However, Fehr and Peers has used the year 2036 for the analysis of cumulative impacts resulting from the ARC Project, and due to limitations in the CalEEMod software, the operational year of 2035 has been used for project modeling. In order to maintain consistency with the analysis prepared by Fehr and Peers, and solely for the purposes of amortizing construction GHG emissions, ARC Project construction is anticipated to occur over 14 years (i.e. 2022 to 2036). Although construction is more likely to occur over 20 years or more, the use of a 14-year construction period in this specific instance is conservative as the total estimated construction emissions would be amortized over a shorter period. For instance, construction emissions amortized over a 20-year period would equate to an emissions rate of ~~2,445.64~~2,473.77 MTCO<sub>2e</sub>/yr, while construction emissions amortized over a 14-year period would equate to an emissions rate of ~~3,493.77~~3,533.96 MTCO<sub>2e</sub>/yr.

Based on the above, the conservatively amortized emissions of ~~3,493.77~~3,533.96 MTCO<sub>2e</sub>/yr will be added to the operational emissions discussed below.

Because construction emissions were amortized and added into operational emissions, Table 3-19 is hereby revised as follows:

<b>Emission Source</b>	<b>ARC Proposed Project Conditions Annual GHG Emissions (MTCO<sub>2e</sub>/yr)<sup>1</sup></b>	<b>ARC Cumulative Conditions Annual GHG Emissions (MTCO<sub>2e</sub>/yr)</b>
<b>Construction Emissions<sup>2</sup></b>	<u>3,493.77</u> <u>3,533.96</u>	<u>3,493.77</u> <u>3,533.96</u>
<b>Operational Emissions</b>	34,458.11	29,465.31
Area	10.72	10.72
Energy	2,719.02	2,719.02
Mobile	29,483.36	24,490.56
Solid Waste	899.71	899.71
Water	1,345.30	1,345.30



<b>TOTAL ANNUAL ARC GHG EMISSIONS</b>	<del>37,951.88</del> <u>37,992.07</u>	<del>32,959.08</del> <u>33,019.27</u>
Notes: <sup>1</sup> The ARC Proposed Project Condition refers to the “Existing Plus Project” condition presented in the Transportation and Circulation section of this SEIR. <sup>2</sup> Amortized maximum annual construction emissions over a conservatively estimated 14-year construction period (maximum annual construction emissions for the ARC Project of <del>48,912.71</del> <u>49,475.40</u> MTCO <sub>2e</sub> / 14 years = <del>3,493.77</del> <u>3,533.96</u> MTCO <sub>2e</sub> /yr).  <i>Source: CalEEMod, February and April 2020.</i>		

To reflect the changes above, page 3-142 is hereby revised as follows:

As shown in Table 3-19, the ARC Project under existing plus project conditions would result in operational emissions of 34,458.11 MTCO<sub>2e</sub>/yr with emissions increasing to ~~37,951.88~~37,992.07 MTCO<sub>2e</sub>/yr with consideration of amortized construction emissions. Considering that agricultural activity has continued within the site, the ARC Project would result in ~~37,684.19~~37,724.31 MTCO<sub>2e</sub>/yr total net new emissions (~~37,951.88~~37,992.07 – 267.69 = ~~37,684.19~~37,724.31), 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 MTCO<sub>2e</sub>/yr of anticipated emissions would be considered net new. Net emissions from both the ARC Project and potential future development of the Mace Triangle Site are considered a **significant** impact on the environment.

Similarly, pages 3-143 and 3-144 are hereby revised as follows:

Table 3-19 presents the anticipated level of project-related operational emissions in the year 2035. As shown in the table, total gross operational emissions under the existing plus project scenario would equal 34,458.11 MTCO<sub>2e</sub>/yr, with emissions increasing to ~~37,951.88~~37,992.07 MTCO<sub>2e</sub>/yr with consideration of amortized construction emissions. Considering that agricultural activity has continued within the site, the ARC Project would result in ~~37,684.19~~37,724.31 MTCO<sub>2e</sub>/yr total net new emissions (~~37,951.88~~37,992.07 – 267.69 = ~~37,684.19~~37,724.31). Potential future emissions from the Mace Triangle Site would be considered net new emissions, thus operations of the Mace Triangle Site would result in emission of 1,115.89 MTCO<sub>2e</sub>/yr.

Between the modeled operational year of 2035 and the year 2040, operational emissions at the project site would likely decrease slightly from the levels presented above. Decreased emissions would be due to a number of factors. Factors that would reduce GHG emissions include: increased sourcing of grid-supplied electricity from renewable sources based on existing RPS requirements, and decreased emissions due to mobile sources resulting from improvements in statewide vehicle fleets, among others.<sup>1</sup> Although emissions would be anticipated to decrease slightly, the operational emissions in the year 2040 would likely be substantively similar to those in the year 2035. Because net emissions in the year 2035 would equal ~~37,684.19~~37,724.31 MTCO<sub>2e</sub>/yr, 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 is not anticipated to meet the City’s target of net carbon neutrality by the year 2040.

As a result of the foregoing changes, Mitigation Measure 3-38(a) is hereby revised as follows:

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 ~~37,684.19~~37,724.31 MTCO<sub>2</sub>e/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 ~~37,684.19~~37,724.31 MTCO<sub>2</sub>e/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 ~~2,409.52~~2,414.36 MTCO<sub>2</sub>e/yr from the emissions modeled herein, which would represent 6.4 percent of the total ~~37,684.19~~37,724.31 MTCO<sub>2</sub>e/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.*

Despite the foregoing changes to the Draft SEIR, the overall conclusions reached in the Draft SEIR remain valid. With regard to criteria pollutants, maximum construction-related emissions would continue to occur during the second year of project construction, assumed to be the year 2023, and emissions of ROG and NO<sub>x</sub> would not exceed the YSAQMD's thresholds of significance in the year 2022. Furthermore, although construction-related emissions of PM<sub>10</sub> would be at their maximum in the first year of project construction, when the off-site detention basin work could

occur, emissions of PM<sub>10</sub> would not exceed the YSAQMD's thresholds of significance despite the change in methodologies. As described above, the increase in construction hauling activity would result in increased GHG emissions during the year 2022, but would not result in any changes to construction emissions in future years of project implementation. Despite the increase in GHG emissions during the year 2022, maximum GHG emissions would still be anticipated to occur during the year 2023, as shown in Table 3-18 of the Draft SEIR; thus, the maximum annual rate of GHG emissions would be unaffected by the foregoing changes. Due to the increase in construction-related emissions, the estimated operational emissions were adjusted to reflect the slight increase in amortized construction emissions. Because operational emissions were anticipated to result in a significant and unavoidable impact in the Draft SEIR, the increase in emissions resulting from changes to the amortized construction emissions would not result in any new or significantly more severe impacts than were analyzed in the Draft SEIR. It is important to note that the total change in construction-related emissions is relatively limited, with a one year increase of 140.67 MTCO<sub>2e</sub>/yr compared to total construction emissions of 48,912.71 MTCO<sub>2e</sub> and operational emissions of 34,458.11 MTCO<sub>2e</sub>/yr as presented in the Draft SEIR.

In addition to changes in methodologies related to criteria air pollutants and GHG emissions, haul trucks also emit TACs, including DPM, which can pose a health risk to nearby receptors. Although an increase in the number of haul truck trips would increase the total amount of TACs released, the increased hauling activity is not anticipated to result in any substantial changes to the health risks experienced by nearby receptors located in proximity to the project site for several reasons. The first reason is that TACs from haul trucks, specifically DPM, are highly dispersive and would not be concentrated at any single nearby receptor. The second reason is that the total change in DPM emissions resulting from the aforementioned changes in methodologies would be relatively limited. Both factors are discussed in greater depth below

Generally, haul trucks are anticipated to access the southern portion of the site, before traveling east to the off-site detention basin site. The path of travel for haul trucks accessing the project site and the off-site detention basin site is approximately two miles and does not approach any existing receptors. Although haul trucks may briefly circulate within the site to deposit material, the majority of the emissions from haul trucks would occur over the path of travel of the trucks. The path of travel is distant from any existing receptors, particularly so for the receptors that would be exposed to the maximum concentrations of DPM from on-site construction activity. As noted on page 3-65 of the Draft SEIR, the nearest sensitive receptors are considered to be individuals at the University Covenant Church, which is located to the west of the project site. Considering the proximity of the University Covenant Church to the project site, individuals at the church were anticipated to experience the highest concentration of DPM from on-site construction activities, which results in the highest anticipated health risks. While the location of the University Covenant Church places receptors at the church in proximity to future on-site construction activity, the path of haul trucks travel would take the trucks away from the University Covenant Church. In fact, the entirety of the anticipated path of haul trucks is outside of the 500-foot buffer distance that the CARB recommends for separation of sensitive receptors from roadways that are a substantial source of DPM.<sup>2</sup> Considering the distance between the nearest existing sensitive receptors and the

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<sup>2</sup> California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.

path of haul truck travel, haul truck travel is not anticipated to result in exposure of nearby receptors to substantial amounts of DPM.

The above discussion regarding DPM from haul trucks is true for the hauling anticipated in the Draft SEIR, as well as the updated hauling amounts discussed within this response. Notwithstanding the above, the Draft SEIR implemented an extremely conservative approach to analysis and included all DPM emissions from off-site hauling within the total DPM emissions estimates used in the health risk assessment prepared for project construction. In fact, the health risk assessment assumed that all DPM emissions from off-site hauling activity would be emitted within the project boundaries. As a result of the conservative assumptions used within the health risk assessment, the construction-related health risks presented in Table 3-11 of the Draft SEIR represent a highly conservative estimate of potential health risks to nearby receptors, and likely overestimates the health risks that would be experienced by nearby receptors. In practice, nearby receptors would be exposed to concentrations of DPM below the levels assumed in the Draft SEIR.

Nevertheless, because the total emissions resulting from project-related hauling have been updated in this response, it is necessary to assess any potential changes to the health risks presented within the Draft SEIR related to construction activity associated with the project. Emissions of DPM used in the health risk assessment prepared for the proposed project were derived from the PM<sub>2.5</sub> emissions presented in the CalEEMod outputs prepared for the Draft SEIR (included as Appendix B to the Draft SEIR). Emissions of PM<sub>2.5</sub> from exhaust during the year 2022 were assumed to be 0.1199 tons per year in the Draft SEIR. The updated assumptions regarding material hauling would result in annual emissions of an estimated 0.1209 tons per year, which represents an increase of 0.001 tons per year or 0.8 percent. The estimated increase in construction emissions would only occur during the first year of construction, 2022, and, as discussed above, would not be anticipated affect any nearby receptors in practice.

Due to the conservative assumptions implemented to estimate health risks from construction emissions related to the proposed project, construction of the ARC Project was estimated to result in a cancer risk of 6.26 increased cases per million persons, which is below the threshold of significance applied to the proposed project. Considering the magnitude of the calculated change in hauling related emissions, even if the additional hauling emissions were included in construction emissions for the project and an updated quantitative health risk assessment were prepared, the total change in health risk is likely to be proportional to the total change in emissions. In Raney's professional experience in modeling health risks from DPM, estimated health risks often respond directly to changes in emissions rates. Consequently, the estimated health risk of 6.26 cases per million would be anticipated to increase by no more than 0.8 percent, which would equate to an increase of 0.05 cases per million and a total project-related risk of 6.31 cases per million. The foregoing increase in cancer risks per million would not result in an exceedance of the thresholds applied to the project, and the overall increase would not be considered substantial. However, it is important to note that the foregoing increased cancer risk is not a result of updated health risk assessment modeling, but rather a simple extrapolation based on emissions inputs. Nevertheless, the estimated change in health risk is presented to provide an illustration of the small magnitude of change that would be likely to result from updated modeling.

Considering the discussion above, emissions from material hauling are unlikely to affect any nearby sensitive receptors, and inclusions of emissions from material hauling within the health risk assessment prepared for the proposed project was considered a highly conservative approach to analysis. Therefore, while the estimated emissions of DPM from material hauling would likely increase due to the updated methodologies presented within this analysis, the increase in DPM emissions is not anticipated to result in increased health risks in practice. Because the foregoing changes are not anticipated to result in changes to the health risks presented in the Draft SEIR, and the health risks presented therein are already considered to represent an overestimate of health risks, revisions to the text of the Draft SEIR are not necessary.

(d) Water Quality

As discussed on page 3-31 of the Draft SEIR, should the County of Yolo not find the proposed off-site excavation work associated with detention pond construction exempt from the Surface Mining and Reclamation Ordinance (Title, 10, Chapter 5 of County Code), then the applicant would need to obtain approval of a surface mining permit, reclamation plan, and financial assurances. In accordance with Section 10-5.507,

Upon the completion of operations, grading and revegetation shall minimize erosion and convey storm water runoff from reclaimed mining areas to natural outlets or interior basins. The condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Stormwater drainage shall be designed so as to prevent flooding on surrounding properties and County rights-of-way.

Furthermore, Section 10-5.511 states, “Reclaimed agricultural surfaces shall be graded to provide adequate field gradients to allow surface/furrow irrigation of crops and allow for adequate storm water drainage.” Should the proposed excavation work be found exempt from the County’s Surface Mining and Reclamation Ordinance, water quality/runoff would be addressed through compliance with the County’s Stormwater Ordinance 1352.

(e) Construction Traffic

Impact 3-74 of the Draft SEIR determined that with the implementation of a Construction Traffic Control Plan (see MM 3-74), the ARC Project would have a less-than-significant temporary impact associated with construction vehicle traffic, including the haul truck trips related to excavation of the off-site detention pond alternative. MM 3-74 requires the applicant to prepare and implement a Construction Traffic Control Plan (CTCP) to address adverse transportation system effects associated with ARC Project construction activities. Specific to peak hour traffic operations, MM 3-74 requires that the CTCP include a provision for a truck circulation pattern that minimizes impacts to existing vehicle traffic during peak traffic flows and maintains safe bicycle circulation.

Impact 3-74 assumed that activities associated with the excavation of the off-site storage pond would generate approximately 720 truck trips per day between the ARC Site and the Howatt Ranch property via County Road 32A and County Road 105, assuming a 30-day work period. As described above, revised estimates indicate that these activities would generate approximately up to 896 truck trips per day between the ARC Site and the Howatt Ranch property, an increase of

176 daily trucks trips from what was anticipated in the Draft SEIR. Despite this increase, the implementation of MM 3-74 would ensure that additional truck trips associated with the excavation of the off-site storage pond would not cause adverse effects to peak hour traffic operations or multi-modal safety. Nevertheless, Impact 3-74 and MM 3-74 have been revised as follows to clarify the increase in truck trips and the performance measures that must be met related to peak hour traffic operations. As shown below, the potential work period for excavation of the off-site detention pond has been revised to specify a range of 30-45 days, so as to enable the City and/or the applicant to spread the construction operations over an additional two week period should it be desirable from a congestion or construction scheduling standpoint.<sup>3</sup>

3-74 Impacts associated with Construction Vehicle Traffic (reference Impact 4.14-8).

Impacts related to construction vehicle traffic were determined to be less-than-significant with mitigation for the MRIC Project.

Construction of the ARC Project, including site preparation and construction, and delivery activities, would generate employee trips and a variety of construction-related vehicles. Construction activities would include disruptions to the transportation network near the project site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Bicycle and transit access may also be disrupted. The most concentrated period of heavy truck traffic is anticipated to occur when excavated soil from the off-site storage pond is transported over to the ARC Site, should this approach be selected over the pump station alternative. It is forecast that a total of approximately ~~40,833~~ 13,444 trucks would be required to transport the excavated soil approximately two miles to the ARC Site for stockpiling. The hauling would occur over 30 work days, resulting in an average of approximately ~~720~~ 896 truck trips per day (i.e., ~~360448~~ truckloads per day, with two trips – one loaded trip to the site, one return empty trip – for each load). Trucks are projected to travel to and from the east end of the Howatt Ranch property near the levee adjacent to the Yolo Bypass. Trucks would access the southern portion of the ARC Site by way of CR 32A, with trucks traveling to the Howatt Ranch site by way of CR 32A and CR 105. Use of CR 32A by construction trucks could cause a short-term adverse impact to bicyclists using existing bike lanes.

The aforementioned activities could result in degraded roadway conditions. Thus, similar to the MRIC Project, construction activities associated with the ARC Project could result in a *less-than-significant* temporary traffic impact with implementation of mitigation.

Mitigation Measure(s)

*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*

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<sup>3</sup> The modeled construction emissions rely on an assumed 30-day period for the completion of off-site detention basin work and soil importation. Per YSAQMD guidance, significance conclusions related to criteria pollutant emissions during construction depend upon total annual emissions, not maximum daily emissions. Potentially changing the construction period by 15 days to accommodate a 45-day period for off-site detention basin work would not be anticipated to result in a substantial change in annual emissions. Thus, revisions related to the period during which off-site detention basin work would occur are not necessary.

*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 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. This could include extending hauling activities across a 45-day period in order to lessen the daily or hourly effects associated with haul truck traffic;*
- *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.*

It is noted that a 30-day haul period would result in approximately 36 round-trip truck trips per hour with a truck arriving/departing at the project site every 1 minute and 40 seconds on average. Extending to a 45-day haul period would result in approximately 24 round-trip truck trips per hour, with a truck arriving/departing at the project site every 2 minutes and 30 seconds on average. These hourly truck volumes would be substantially less than the project-generated hourly traffic volumes on County Road 32A analyzed in the Existing Plus Project conditions peak hour traffic operations analysis.

As was determined in the Draft SEIR, implementation of MM 3-74 would reduce the construction traffic impact to a less-than-significant level.

#### **Master Response #4: Infill Alternative**

The Infill Alternative was dismissed from further analysis in the Certified Final 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 Certified MRIC Final 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, 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 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 2<sup>nd</sup> 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 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 2<sup>nd</sup> 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:**

<b>Category</b>	<b>Typical Characteristics</b>
<b>Site Characteristics</b>	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
<b>Location/ Access</b>	Easy freeway access, on major arterial (or equivalent), high visibility
<b>Surrounding Uses</b>	Surrounding uses either are or are likely to be similar or compatible
<b>Strengths/Challenges</b>	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.<sup>4</sup> 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. Moreover, the PG&E site may be considered more appropriate as a residential mixed-use project, serving as a downtown extension. PG&E has not indicated any desire to abandon their property and in fact are looking to make some improvements to it.

It is important to note that a large portion of the ARC site itself was identified as a “Potential External Business Park Location”.<sup>5</sup> 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, 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:<sup>6</sup>

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

<sup>4</sup> City of Davis. *Business Park Land Strategy Technical Report* [pg. 117]. October 27, 2010.

<sup>5</sup> City of Davis, *Business Park Land Strategy Technical Report* [Figure 10, pg. 120]. October 27, 2010.

<sup>6</sup> BAE Urban Economics. *City of Davis Economic Evaluation of Innovation Park Proposals*. July 9, 2015, pg. 7.

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 alternative was determined infeasible and dismissed from consideration.

The MRIC EIR considered six alternatives. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Notably, the ARC SEIR compares the proposed ARC Project to these alternatives, with recognition of changes in circumstances, as is appropriate for a subsequent EIR. This discussion is provided in Chapter 2 of the SEIR.

### **Master Response #5: Urban Decay**

The City received a number of different comments regarding urban decay issues. Some comments pertained to whether the proposed office, R&D, manufacturing, and retail uses would “cannibalize” tenants from elsewhere in the City, including downtown Davis and 2<sup>nd</sup> Street. Other comments expressed concern that there would not be sufficient future demand for office and innovation uses to support the ARC Project and other pending projects such as UCD Aggie Square (“Aggie Square”) and Woodland Research and Technology Park (“Woodland Tech Park”). Additional comments focused on the short and long-term effects of COVID-19 and the resultant economic recession on the current and future market demand for office, manufacturing, and retail uses proposed as part of the project. The commenters expressed concerns that, with insufficient market demand for all of these planned uses, the project could result in urban decay in other areas of the City by drawing existing office, R&D, manufacturing, and retail tenants from elsewhere in the City.

In responding to these comments, it is useful to first review the analysis on urban decay contained in the current Draft SEIR, which is summarized below. Before considering how the ARC might affect the market and environs, it is useful to focus on what constitutes the environmental impact known as urban decay. As discussed on page 3-183 of the Draft SEIR (footnote 42),

It is useful to focus on what constitutes the *environmental* impact known as urban decay. In *Bakersfield Citizens for Local Control v. City of Bakersfield*, the court described the phenomenon as “a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake.” The court also discussed prior case law that addressed the potential for large retail projects to cause

“physical deterioration of [a] downtown area” or “a general deterioration of [a] downtown area.” (Id. at pp. 1206, 1207). When looking at the phenomenon of urban decay, it is also helpful to note economic impacts that do not constitute urban decay. For example, a vacant building is not urban decay, even if the building were to be vacant over a relatively long time. Similarly, in the context of retail development, even a number of empty storefronts would not constitute urban decay. Based on the above description regarding urban decay, therefore, ALH Economics’ analysis examined whether there was sufficient market demand to support the ARC’s various land use components without affecting existing retailers or other businesses so severely such as to lead to a downward spiral toward decay of the existing physical environment.

### *Draft Subsequent EIR Analysis of Urban Decay*

The Draft SEIR summarized the prior analysis from the Certified Final EIR and assessed the current project’s impacts with respect to urban decay, in Impact 3-54, as follows (with minor modifications made in this Final SEIR):

#### 3-54 Economic and social change and/or effect that result in urban decay (reference Impact 4.10-2).

...As discussed in the EIR (pg. 4.10-32), given the long time horizon associated with project buildout, there is no knowing how many tenants and the associated amount of additional existing space that could be at risk of potential innovation type space relocation. In all likelihood it would be confined to the City’s existing innovation sector tenants, as these are the type of tenants to which the project R&D/technology-oriented uses will be targeted. As noted, these tenants are estimated to occupy about 506,600 sf of the existing Davis office and industrial base.<sup>6</sup> Excluded are Expression Systems and DMG/Mori, given the likelihood that these businesses may be less likely to relocate because of the customization of their space to meet their specific needs.<sup>7</sup> As was the case during the original urban decay analysis, though now for different reasons,<sup>8</sup> the expectation is that FMC/Schilling Robotics would vacate 120,000 sf, leaving another 386,600 sf of innovation tenant space. If tenants comprising one-half this remaining balance were to relocate, this would result in 313,300 sf becoming vacant (i.e., 120,000 sf for FMC/Schilling Robotics and ½ the 386,800-sf balance).

It should be noted that the Urban Decay analysis assumed buildout of both the Nishi Gateway Project and the Davis Innovation Center Project, which were anticipated to include non-residential uses. Since certification of the Final MRIC EIR, Nishi Gateway was revised to eliminate the non-residential components, and the Davis Innovation Center Project has been withdrawn; thus, the Urban Decay analysis generally overestimates the amount of vacant retail space that will be available within the City. While a portion of that retail space may be offset by the potential retail space included in the forthcoming Downtown Davis Specific Plan, the overall conclusions presented within the analysis are generally conservative.

Accounting for the additional demand for vacated office and industrial space that may result from related SACOG-projected job growth between 2008 and 2035 (1,617 new jobs in Davis), ALH concluded there may yet be vacant space in 2035 (see Table 4.10-3 of the EIR). Based on the illustrative 313,300 sf increase in vacancy due to relocated innovation

sector businesses, this would leave a balance of 151,575 sf of vacant office and industrial space. ALH's 2015 Urban Decay Analysis accounted for the demand for the project's use types by accounting for related job growth through 2035. This, coupled with consideration that substantial new R&D/office type buildings have not been developed in Davis since the 2015 ALH analysis, render the 2015 findings applicable to the present time.

ALH Economics concluded that the illustrative analysis suggests that regardless of the amount of space, some increment of existing office and industrial space is at risk of sustained vacancy following development of the ARC Project. The vacancies would remain sustained until such time as yet additional demand was generated due to economic growth and expansion. Numerous market factors could likely boost this demand potential, including the attraction of larger increments of office and industrial space and the draw of the City of Davis to businesses located in other regional locations like Woodland and West Sacramento that would prefer a Davis location.

The regulatory controls suggest existing City of Davis measures to avoid the onset of deterioration or decay are effective with regard to these types of land uses. In addition, innovation space is not subject to the same anchor tenant/small tenant forces to which retail space is subject, whereby small tenants can be greatly affected by larger anchor tenants going out of business. Moreover, many of the office and industrial properties in Davis are owned by major institutional and private real estate companies, with the financial wherewithal to provide them with the option of withstanding prolonged vacancy and funding the maintenance necessary for upkeep even during times of vacancy. Therefore, the potential for properties to be well-maintained during periods of prolonged vacancy exists. ALH Economics therefore concludes that the office and industrial components of the 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.

With respect to the proposed hotel, ALH's analysis determined that sufficient demand was anticipated to exist in the City of Davis to support the ARC Project's 150-room hotel along with the existing hotels. Notably, since ALH's analysis was prepared, a new 120-room hotel (Residence Inn) has been constructed proximate to the project site, southwest of the intersection of Mace Boulevard/2<sup>nd</sup> Street. In addition, the Downtown Davis Specific Plan currently being prepared includes the potential for an additional 150,000 sf of hotel space, which could accommodate 150 rooms. While this is a change in circumstances, the Certified Final EIR, through mitigation, 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 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 of this requirement is to ensure that the hotel developed within the ARC 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. This will ensure that the project's hotel would not lead to urban decay.<sup>9</sup>

Furthermore, 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. The BAE *Economic Evaluation of Innovation Park Proposals* (2015) generally

concluded that there would be more than sufficient internal demand to support the project's ancillary retail space by buildout. In addition, the on-site residents resulting from the residential portion of the ARC Project would provide additional demand for the on-site retail space. However, the BAE study suggested that it would be reasonable for the City of Davis to establish phasing controls for the retail space to ensure that the new retail space being developed does not outpace the increase in employee demand for daytime retail, dining, and services, and therefore not divert sales from existing Davis retail establishments. As a result, the EIR, through mitigation, 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 generated within the project~~. If the analysis cannot demonstrate that the proposed amount of ancillary retail space will not outpace ~~employee-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 ~~employee-project-generated~~ demand. This will ensure that the project's ancillary retail space would not lead to urban decay.

(DSEIR, pp. 3-181-183.) In addition, the Draft SEIR includes mitigation measures designed to ensure that proposed onsite retail and hotel uses do not result in significant urban decay impacts, revised as follows for clarification purposes:

*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 ~~employee~~ 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 ~~employee-project-generated~~ demand.*

*3-54(b) Prior to ~~building permit issuance~~ 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 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.*

The foregoing revisions do not affect the analysis or conclusions presented in the Draft SEIR (DSEIR, pp. 3-183 to 184.).

### *Response to Comments*

As discussed previously, several comments pertained to the effects of the global recession caused by the COVID-19 pandemic coupled with a possible ongoing switch to telecommuting and how these factors may affect local demand for commercial real estate in and around the City of Davis. Other comments expressed concern that the project, in conjunction with other similar projects, would result in a surplus supply of office, industrial, and retail space in the City and in neighboring jurisdictions which would prolong vacancies and jeopardize the buildout of all proposed areas.

At this point, it is unknown how long the current COVID-19 related recession will last or what long-term impact the stay at home order may have on future trends in telecommuting and working remotely. Given the current lack of information concerning the extent and duration of COVID-19 pandemic and the associated current recession, predicting the long-term market demand for such uses and ascertaining whether a future lack of demand could lead to urban decay requires a substantial amount of speculation. It should be noted, however, that unlike traditional office uses, laboratory, R&D and advanced manufacturing uses such as those proposed in the project site can neither take place in a residence nor via video conferencing. “If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” (CEQA Guidelines § 15145.) Therefore, the discussion shall focus on how the applicant and the City can ensure that the proposed uses of the project will not impact market demand to a degree that physical impacts of urban decay result.

The project is anticipated to be built-out over approximately 20 years, a considerably longer period than most recessions. The most recent recession of 2007-2009 lasted approximately 18 months. The “Great Depression” of 1929 lasted nearly ten years. Thus, the anticipated project timeline of 20 years would allow for sufficient time for a recession or even a depression to occur and the economy to recover afterwards.

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. The decision of whether to proceed with the next phase of project construction would be based on actual demand and be, primarily, user driven. For this reason, perceived competition for two other innovation centers in neighboring jurisdictions will not result in buildings at the project site being constructed and sitting vacant or underutilized. Rather, those structures will not be built until demand is assured. Furthermore, in a webinar presented by Greater Sacramento Economic Council (GSEC) on May 7, 2020, entitled Economic Recovery: Next Steps in Yolo County, in which Yolo County business executives and a County Supervisor discuss the economy in Yolo mid- and post-COVID, Barry Broome, President and CEO of GSEC, indicated that Aggie Square has been fully committed to tenants before the project has broken ground. Broome further indicated that he is currently aware of fourteen additional science-based enterprises looking for commercial space in Yolo County today. This economic report indicates that demand in the region is diverse and sufficiently robust to sustain several technology centers. ([https://www.youtube.com/watch?v=B\\_7DLsJqZyw](https://www.youtube.com/watch?v=B_7DLsJqZyw), minutes 35:30 and 56:00).

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. Aside from the obligations of existing innovation sector tenants' existing lease terms, there is no reason to believe they would incur the fit-out and moving costs of relocating to ARC unless they had compelling reasons.<sup>7</sup> It should be noted that if they had such compelling reasons, they could also be candidates for relocation or expansion out of the City entirely due to lack of viable space options, if not for the presence of ARC. Additionally, that scenario assumes no other firms beside the ones already existing in Davis – at their present size – would be looking to occupy office/R&D space in the market. The Interland/Research Center Drive and 2nd Street areas have extremely low vacancy rates, suggesting that current conditions inhibit potential economic activity within the city. The Davis Downtown Business Association and Davis Chamber of Commerce submitted letters of support to the City's Finance and Budget Commission. These organizations are comprised of business and property owners in the City. The lack of concern for cannibalization by the business community and the support of these organizations further demonstrates that there is a need for additional space.

Regarding the demand for proposed office, laboratory, R&D and manufacturing uses, local and regional commercial real estate experts believe there is sufficient demand within and beyond the City of Davis for the proposed office and industrial uses associated with the ARC Project and other pending projects proposing similar uses, such as Aggie Square and the Woodland Tech Park. ([https://www.youtube.com/watch?v=B\\_7DLsJqZyw](https://www.youtube.com/watch?v=B_7DLsJqZyw)). Barry Broom indicates that demand in Yolo County from both the medical research and technology sectors has been sustained despite COVID-19. Furthermore, the commercial opportunities available at the project site for existing Davis businesses are not intended to lure users out of existing space, but could be an opportunity to allow certain mid-sized businesses to continue to grow and expand in Davis rather than leaving to neighboring jurisdictions, which is a pattern that the City has witnessed, that, in part, led to its desire to pursue an innovation center. Relocation and expansion of these existing businesses within Davis would open existing commercial buildings for growing start-ups looking for mid-sized office and unable to find adequate space in a constrained market like Davis.<sup>8</sup>

Furthermore, the ALH report, as cited in the Certified Final EIR and in the Draft SEIR, concluded that, although the MRIC Project (which contains the same amount of non-residential square footage as the ARC 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. Market analysis indicates that, 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. As noted in the ALH Report:

Because the office and industrial market in Davis is generally supply constrained, especially for spaces totaling 10,000 square feet or more, there are limited other examples of office or industrial properties experiencing prolonged vacancy in Davis. However, the examples cited above indicate that when they occur, prolonged vacancies are well

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<sup>7</sup> EPS. *Response to FBC ARC Ad Hoc Subcommittee Questions*. May 27, 2020.

<sup>8</sup> Personal communication between Nick Pappani, Vice President, Raney Planning & Management, Inc., and John Buckel, Capital Partners Development Co., May 11, 2020.

maintained and do not exhibit characteristics indicative of urban decay. This information, along with property owner incentives, suggests the potential for other properties to be well maintained during periods of prolonged vacancy if prolonged vacancy occurs. ALH Economics therefore concludes that the office and industrial components of the Project and cumulative projects 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.

(ALH Report, p. 42.)

Regarding the demand for proposed retail and hotel uses, the Draft SEIR includes two mitigation measures (3-54(a) and (b)) that require the applicant to submit to the City, as part of its application for entitlements to construct the proposed retail and/or hotel uses, an analysis that demonstrates that there will be sufficient demand for those uses. For proposed retail uses, Mitigation Measure 3-54(a) requires that the analysis demonstrate that the proposed ancillary retail development will not exceed the anticipated demand increase from the ARC development. 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. For proposed hotel uses, Mitigation Measure 3-54(b) requires that the analysis demonstrate 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.

Thus, in summary, there appears to be sufficient future demand for the types of office, R&D, and advanced manufacturing uses proposed with the ARC project and other planned projects such as Aggie Square and the Woodland Tech Park. Moreover, phased development of the project, in conjunction with Mitigation Measures 3-54(a) and (b) related to hotel and retail demand, would ensure that the ARC Project would not result in significant impacts associated with urban decay.



## 2.3 RESPONSES TO COMMENTS

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Each bracketed comment letter is followed by numbered responses to each bracketed comment. The responses amplify or clarify information provided in the Draft SEIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record. Where revisions to the Draft SEIR text are required in response to the comments, such revisions are noted in the response to the comment, and are also listed in Chapter 3 of this Final SEIR. All new text is shown as double underlined and deleted text is shown as ~~struck through~~.

Letter 1



## Burrowing Owl Preservation Society

14841 CR 91 B, Woodland, CA 95695  
cportman@gmail.com • 530-666-0882  
<https://www.facebook.com/burrowingowlpreservationsociety>  
[www.burrowingowlpreservation.org](http://www.burrowingowlpreservation.org)

April 23, 2020

City of Davis Planning Commission  
23 Russell Boulevard, Suite 2  
Davis, CA 95616

1-1

These comments pertain to Subsequent Environmental Impact Report (SEIR) (SCH # 2014112012) for the Aggie Research Campus (ARC).

ARC will have a permanent substantial effect on the burrowing owl population locally and regionally. The burrowing owl population in Yolo County and the region is nearing extirpation. ARC's cumulative impact on the burrowing owl population regionally is not assessed; therefore, issuing a statement of overriding consideration is not supported in the EIR or SEIR.

1-2

The project proponent must adhere to Yolo Habitat Conservancy (YHC) AMM 18 Minimize Take and Adverse Effects on Burrowing Owl. The project proponent must adhere to the CDFW Staff Report on Burrowing Owl Mitigation (2012) where its conservation guidelines are not covered in the YHC.

1-3

The City of Davis has an obligation under the Yolo Habitat Conservancy, as a permittee and signatory of the YHC, as defined in Chapter 7, Plan Implementation "The Permittees...will ultimately be responsible for compliance with all the terms and conditions of the permits and the conservancy's performance." As such the city is obligated to require mitigations outlined in the YHC and CDFW Staff Report and additional unique mitigations to conserve a covered species. Protecting the small





## Burrowing Owl Preservation Society

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1-3  
Cont'd

breeding colony in the biological study area is critical to preventing extirpation and to meeting the YHC's burrowing owl conservation goals.

As a permittee of YHC, the city can require additional unique mitigations of the project proponent to protect burrowing owls within the YHC covered area. There are several conditions the city can require to enhance habitat for burrowing owls.

1-4

Burrowing owls have high site fidelity. The city should require artificial burrows be made available within the interior, away from the road, where heavy equipment and staging materials will crush available burrows and result in burrowing owl-vehicle collisions.

Phased grading and providing burrows away from construction will allow owls to continue to use the property during construction (as happened at Marriott site).

1-5

The project proponent can plant the agriculture buffer as California native prairie, not trees and tall shrubs,

1-6

Require project proponent to reconfigure the project to combine all the open space to provide a larger, contiguous habitat. Move the ag buffer and the little park in the middle of the project to adjoin the city owned "Mace 25".

Independently of the project, the city could provide 25 acres of habitat adjacent to ARC ag buffer by selling a conservation easement on "Mace 25" (all 25 acres) to YHC. If the YHC is successful meeting its burrowing owl conservation goals, the city can keep its take permit and the streamlined permitting provided by YHC.

Thank you

Catherine Portman, President/CEO



**LETTER 1: CATHERINE PORTMAN, BURROWING OWL PRESERVATION SOCIETY**

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**Response to Comment 1-1**

Cumulative impacts to the regional burrowing owl population are addressed in detail in Impact 3-89 of the Draft SEIR. In short, as a result of the regional conservation strategy included in the adopted Yolo HCP/NCCP, the Yolo HCP/NCCP EIS/EIR concluded that the impact from future development anticipated in the Plan, which includes the ARC Project and the undeveloped portions of the Mace Triangle (Please see Table 3-1 of Yolo HCP/NCCP), would have a less-than-significant impact on western burrowing owl (Yolo HCP/NCCP EIS/EIR, pg. 4-61).

**Response to Comment 1-2**

Mitigation Measure 3-18 in the SEIR requires compliance with 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 (YHC). Moreover, consistent with CDFW's 2012 guidance, AMM-18 requires the protection of any occupied burrowing owl burrows. 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).

**Response to Comment 1-3**

The Draft SEIR includes a detailed analysis of burrowing owl, as well as the results of four sets of recent (2020) protocol-level CDFW (2012) surveys for burrowing owl within the project site and surrounding 500-foot buffer. As clearly stated in the Draft SEIR, the project will be required to comply with the Yolo HCP/NCCP and all avoidance and minimization measures (AMMs) set forth in the Plan. For example, Mitigation Measure 3-18 of the Draft SEIR requires the applicant to obtain coverage under the Yolo HCP/NCCP and implement AMM-18 regarding burrowing owl. Generally, AMM-18 requires that a qualified biologist conduct a survey prior to any phase of construction to determine presence/absence of burrowing owl within 500 feet of all covered activities. If burrowing owl are detected, setback distances from occupied burrows must be implemented in accordance with Table 3-17 of the Draft SEIR, consistent with the Yolo HCP/NCCP requirements. The Draft SEIR concluded that the impacts were less than significant with the implementation of the Yolo HCP/NCCP AMMs; therefore, additional unique mitigations are not required.

**Response to Comment 1-4**

Farming is anticipated to continue on portions of the site during the approximate 20-year buildout of the project, thus providing refugia for burrowing owl within agricultural spaces, as is the case today, during construction of the early phases of the project. As discussed in the phasing section of the Draft SEIR (p. 3-23), the ARC Site would likely be graded in two sections, with the first graded section including the 106 southernmost acres of the ARC Site. Following grading of the 106 acres, infrastructure would be placed in the graded area to allow for phased construction of the proposed buildings and uses. The artificial burrow complexes discussed on page 3-14 of the

Draft SEIR will be constructed within the perimeter drainage system as soon as practicable, in consultation with the City and project biologist.

### **Response to Comment 1-5**

Page 3-14 of the Draft SEIR states:

The project applicant, in consultation with a biological expert, would build three artificial burrow complexes for burrowing owls within the agricultural buffer along the perimeter of the ARC Site. The burrow complexes would be located within the 150-foot wide agricultural buffer, but not within the drainage swales, or the 50-foot wide agricultural transition area, where bike paths, community gardens, and other potential uses could occur. A burrowing owl site management plan would be prepared consistent with applicable portions of Appendices E and F of the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation.

In recognition of the fact that burrowing owls require relatively short vegetation with sparse shrubs and taller vegetation and burrows for nesting, the ARC Project will implement the following measures within the external 100-foot buffer area to ensure that the existing and created habitat within this area will be beneficial for burrowing owls:

- Reduce or cluster trees to allow large expanses of grassland within the buffer,
- Implement seasonal mowing, or preferably, stock grazing of grassland areas in the buffer to maintain short grass height preferred by burrowing owls,
- Preserve any California ground squirrels that colonize the buffer grasslands, including their burrows, and
- Establish the three artificial burrow systems currently proposed in the buffer area. The buffer on the north side of the ARC Site, east of CR 104 is a particularly suitable location to establish one or more of the artificial burrows. Nearby, occupied burrowing complexes exist along CR 104, on the Mace Boulevard curve, and along CR 30B.

Therefore, the commenter's suggestion is already incorporated into the proposed project.

### **Response to Comment 1-6**

The comment suggests modifications to the project's open space layout to further burrowing owl conservation goals, however, the project's impacts to burrowing owls are mitigated to less than significant levels, and no further mitigation is required. Nonetheless, the recommendations have been forwarded to the decision-makers for their consideration.

**Letter 2**

**From:** Catherine Portman <cportman@gmail.com>  
**Sent:** Monday, April 27, 2020 4:54 PM  
**To:** Sherri Metzker  
**Subject:** incorporate Shawn Smallwood's letter by reference

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

2-1

Hi Sherri  
BOPS incorporates Smallwood's comments by referenc

--  
Catherine Portman  
Burrowing Owl Preservation Society  
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**LETTER 2: CATHERINE PORTMAN, BURROWING OWL PRESERVATION SOCIETY**

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**Response to Comment 2-1**

The comment is noted. Please refer to Responses to Comments 72-1 through 72-15.

Letter 3



We are a membership organization whose mission is to promote, support, and advocate for the general economic vitality of our membership and the quality of life for our community.

April 21, 2020

Cheryl Essex, Chair  
City of Davis Planning Commission  
23 Russell Blvd  
Davis, CA 95616

RE: Aggie Research Campus Innovation Center - Support

3-1

Dear Chair Essex and Commissioners:

The Davis Chamber of Commerce is excited to support the Aggie Research Campus (ARC) project. We believe that it is well planned, thoroughly vetted and carefully designed to fit in with the character and values of Davis. Perhaps of most importance to the Chamber, the ARC will substantially strengthen and diversify the Davis economy, which is especially important now given the threat of a deep virus-driven recession.

In the context of the project's Draft Subsequent Environmental Impact Report, we offer the following comments:

Environmentally sound transit strategy

Although the SEIR identifies several potentially significant impacts related to traffic associated with the project, we are pleased to see that nearly all of those impacts can and will be mitigated. Additionally, we are impressed with the development team's commitment to addressing traffic-related impacts as demonstrated through its recently released transportation demand management plan. We see the project's design and related transit plan as strong evidence that this will be a bike-friendly and transit-friendly development that will effectively connect employees, residents and businesses to the broader Davis community.

As the report concludes, the project site is already well served by service from Yolobus and Unitrans, and can be anticipated to generate 860 transit boardings per day at buildout. We also are excited about the potential for implementation of an electric shuttle service running from the Amtrak station down Second Street to ARC and back to UC Davis and the Amtrak station. In

BOARD OF DIRECTORS

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- Trevor Warren  
*AGR Partners*

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- Cory Koehler  
*Executive Director*
- Kristin Hannell  
*Director of Events & Marketing*
- Esmeralda Andrade  
*Membership Coordinator*
- Jovita Husband  
*Front Office Administrator*



**Letter 2**

**3-1  
Cont'd**

addition, the project will make substantial investments in bicycle infrastructure, including a grade-separated crossing of Mace Boulevard, and bike lane improvements along Second Street, Mace Boulevard and County Road 32A. Along with other recommendations included in the project's transit plan and additional regional transit improvements, such as the Causeway Connection electric bus service, we're confident that the project will be able to add jobs and residents without causing significant disruption to the community's transportation network.

**Environmental sustainability goals consistent with Davis' values**

We appreciate that the project, in keeping with its vision for the future economy of Davis and the broader region, has committed to a sustainability plan that builds upon and advances Davis' long history of environmental leadership and takes seriously Davis's declaration of a climate emergency. Along those lines, we are especially enthusiastic about the project's commitment to 100% renewable energy usage and the partnership the project is negotiating with Valley Clean Energy to ensure that solar energy produced on site in excess of the project's needs will be distributed locally.

To our knowledge, this commitment to 100% renewable energy is the first of its kind for a business park in the country. We are also pleased that the project has committed to all-electric onsite residential units, and that infrastructure will be installed for photovoltaic, electric vehicle charging stations, and microgrid capability throughout the site.

In summary, the ARC will improve our community, creating new much-needed economic opportunity and growth, while cementing Davis' well-earned reputation for leadership on environmental sustainability.

Sincerely,



Cory Koehler  
Executive Director

**LETTER 3: CORY KOEHLER, DAVIS CHAMBER OF COMMERCE**

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**Response to Comment 3-1**

The comment expresses support for the project, does not raise any issues related to the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.



Jared Blumenfeld  
Secretary for  
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



Gavin Newsom  
Governor

March 30, 2020

Ms. Sherri Metzker, Principal Planner  
City of Davis  
Department of Community Development and Sustainability  
23 Russell Boulevard  
Davis, California 95616

SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR AGGIE RESEARCH  
CAMPUS PROJECT – DATED MARCH 2020 (STATE CLEARINGHOUSE NUMBER:  
2014112012)

Dear Ms. Metzker:

4-1

The Department of Toxic Substances Control (DTSC) received a Subsequent Environmental Impact Report (SEIR) for the Aggie Research Campus Project (ARC). The ARC Project site is located immediately east of the City of Davis' limits, in unincorporated Yolo County. The ARC would include up to approximately 2,654,000 square feet (sf) of innovation center/business uses. The ARC Project also incorporates up to 850 on-site workforce housing units. The SEIR evaluates the potential for the expansion of the existing commercial uses and development of up to 71,056 sf of general commercial uses, including up to 45,900 sf of research, office, Research and Development, and up to 25,155 sf of retail within the Mace Triangle Site.

DTSC recommends that the following issues be evaluated in the SEIR Hazards and Hazardous Materials section:

1. The SEIR should acknowledge historic or future activities on or near the project that may have the potential to result in the release of hazardous wastes/substances on the project site. In instances in which releases either have or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The SEIR should also identify the mechanism(s) necessary to initiate any required investigation and/or remediation, as well as the government agency who will be responsible for providing appropriate regulatory oversight.

4-2

2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive

Ms. Sherri Metzker  
March 30, 2020  
Page 2

4-2  
Cont'd

in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the SEIR.

4-3

3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* ([https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance\\_Lead\\_Contamination\\_050118.pdf](https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf)).

4-4

4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP\\_FS\\_Cleanfill-Schools.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf)).

4-5

5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the SEIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to review the SEIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: [https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP\\_App-1460.doc](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

**Letter 4**

Ms. Sherri Metzker  
March 30, 2020  
Page 3

If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

Sincerely,



Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Ms. Lora Jameson, Chief  
Site Evaluation and Remediation Unit  
Department of Toxic Substances Control  
[Lora.Jameson@dtsc.ca.gov](mailto:Lora.Jameson@dtsc.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

**LETTER 4: GAVIN MCCREARY, DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

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**Response to Comment 4-1**

Potential impacts related to creating 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 are addressed in Impact 3-43 of the Draft SEIR. The evaluation of potential impacts of the ARC Project associated with hazards and hazardous materials was primarily based on the Phase I Environmental Site Assessment prepared for the MRIC Project. As noted on page 3-160 of the Draft SEIR, with implementation of Mitigation Measures 3-43(a) through (c), all impacts would be reduced to less-than-significant levels.

With respect to the portion of the comment related to activities near the project that may have the potential to result in the release of hazardous wastes/substances on the project site, there are no such activities, nor is this topic within the purview of CEQA. In *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 (CBIA), the California Supreme Court held that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents.

**Response to Comment 4-2**

Issues related to soil contamination, including lead contamination, are addressed on pages 3-159 through 3-160 of the Draft SEIR. As noted therein, based on the results of the Surface Soil Investigation Report prepared for the site, lead concentrations at the ARC Site range from 5.4 milligrams per kilogram (mg/kg) to 7.4 mg/kg, which is below the 80 mg/kg threshold for residential exposure and the 320 mg/kg threshold for commercial exposure. Thus, the Draft SEIR concluded that on-site soils would not 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.

**Response to Comment 4-3**

The proposed project would not include demolition of any buildings or other structures.

**Response to Comment 4-4**

Approximately 160,000 CY of soil would be required to be exported in association with the off-site detention basin, if this is the alternative chosen to address the increased volume of stormwater runoff from the project site during infrequent, large storm events. All such material would be selectively sampled, as determined by the project's geotechnical consultant and consistent with DTSC's *Information Advisory Clean Imported Fill Material*, prior to being hauled to the project site.

**Response to Comment 4-5**

Issues related to soil contamination from prior pesticide use are addressed on pages 3-159 through 3-160 of the Draft SEIR. As noted therein, based on the results of the Surface Soil Investigation Report prepared for the site, organochlorine pesticides (OCPs) were not present in any soil samples at concentrations exceeding reporting limits. Thus, OCP concentrations in the on-site soils would not pose a risk to human health.



Letter 5

RECEIVED

MAR 31 2020

City of Davis  
Community Development

U.S. Department of Homeland Security  
FEMA Region IX  
1111 Broadway, Suite 1200  
Oakland, CA. 94607-4052



FEMA

March 25, 2020

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

Dear Ms. Metzker:

5-1

This is in response to your request for comments regarding Notice of Availability of a Subsequent Environmental Impact Report (SEIR) and Notice of Public Meeting to provide comments on the SEIR for the Aggie Research Campus (ARC) project.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Yolo (Community Number 060423), Maps revised May 16, 2012 and City of Davis (Community Number 060424), Maps revised June 18, 2010. Please note that the City of Davis, Yolo County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

5-2

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

[www.fema.gov](http://www.fema.gov)



**Letter 5**

Sherri Metzker, Principal Planner  
Page 2  
March 23, 2020

- 5-3**
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtml>.

**5-4 Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Davis floodplain manager can be reached by calling Greg Mahoney, Chief Building Official, at (530) 757-5610. The Yolo County floodplain manager can be reached by calling Scott Doolittle, Plan Check Examiner, at (530) 666-8609.

If you have any questions or concerns, please do not hesitate to call Michael Hornick at (510) 627-7260 or Ramona Sudbeck at (510) 627-7169 of the Mitigation staff.

Sincerely,



Gregor Blackburn, CFM, Branch Chief  
Floodplain Management and Insurance Branch

cc:

Greg Mahoney, Chief Building Official, City of Davis

Scott Doolittle, Plan Check Examiner, Yolo County

Ray Lee, WREA, State of California, Department of Water Resources, North Central Region  
Office

Michael Hornick, Floodplain Management Specialist, DHS/FEMA Region IX

Ramona Sudbeck, Floodplain Management Specialist, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

[www.fema.gov](http://www.fema.gov)

**LETTER 5: GREGOR BLACKBURN, FEDERAL EMERGENCY MANAGEMENT AGENCY**

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**Response to Comment 5-1**

Page 3-178 of the Draft SEIR states the following regarding flood hazards:

*ARC Project*

Unlike the MRIC Project, the ARC Project includes development of housing on the site. However, the entire ARC Site is located in Zone X on the applicable FIRM (Panels 604, 610, 612, and 620 of 785). Zone X is not considered a FEMA Special Flood Hazard Area.<sup>1</sup> Zone X includes areas determined to be outside the 0.2 percent annual chance floodplain. Therefore, the entire ARC Site is not located within the regulatory floodplain, and the ARC Project would not place structures within a 100-year flood hazard area, place within a 100-year floodplain structures that would impede or redirect flood flows, or expose people or structures to a significant risk of loss, injury or death involving flooding.

In addition, implementation of Mitigation Measures 8-47(a) through 8-47(c) would ensure that the ARC Project would not result in induced off-site flooding in downstream areas. Furthermore, these downstream areas consist of farmland, and do not contain any habitable structures.

*Mace Triangle*

The Mace Triangle Site is located in Zone X (Panel 612 of 785). As noted above, Zone X includes areas determined to be outside the 0.2 percent annual chance floodplain. Thus, impacts related to placing structures within a 100-year flood hazard area would not occur associated with the Mace Triangle Site.

Based on the above, the proposed project would not conflict with any applicable National Flood Insurance Program (NFIP) floodplain management building requirements. The Draft SEIR concluded that similar to the MRIC Project, the ARC Project would not place structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or flood hazard delineation map, or place within a 100-year floodplain structures which would impede or redirect flood flows.

**Response to Comment 5-2**

Please refer to Response to Comment 5-1.

**Response to Comment 5-3**

Please refer to Response to Comment 5-1.

**Response to Comment 5-4**

Please refer to Response to Comment 5-1.

Letter 6

**From:** Justin Le  
**Sent:** Tuesday, April 28, 2020 2:18 PM  
**To:** Sherri Metzker  
**Subject:** SCH# 2014112012

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

6-1

The State Clearinghouse would like to inform you that our office will be transitioning from providing a hard copy of acknowledging the close of review period on your project to electronic mail system.

**Please visit:** <https://ceqanet.opr.ca.gov/2014112012/4> for full details about your project and if any state agencies submitted comments by close of review period (note: any state agencies in **bold**, submitted comments and are available).

This email acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please email the State Clearinghouse at [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) for any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Justin Le | Student Assistant  
**Governor's Office of Planning and Research**  
**State Clearinghouse Unit**  
1400 10th Street, Room 113  
Sacramento, CA 95814  
(916) 445-0613

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**LETTER 6: JUSTIN LE, OFFICE OF PLANNING AND RESEARCH**

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**Response to Comment 6-1**

The comment notes the City has complied with the State Clearinghouse review requirements and does not address the adequacy of the Draft SEIR. Comments on the Draft SEIR received from State agencies have been incorporated into this Final SEIR.

Letter 7



STATE OF CALIFORNIA

Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

March 20, 2020

Sherri Metzker  
City of Davis

Via Email to: [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)

Re: SCH#2014112012, Aggie Research Campus Project, Yolo County, California

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer** 7-1  
Luiseño

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

COMMISSIONER  
**Marshall McKay**  
Wintun

COMMISSIONER  
**William Mungary** 7-2  
 Paiute/White Mountain  
Apache

COMMISSIONER  
**Joseph Myers** 7-3  
Pomo

COMMISSIONER  
**Julie Tumamait-Stenslie** 7-4  
Chumash

COMMISSIONER  
**[Vacant]** 7-5

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

NAHC HEADQUARTERS  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

Dear Ms. Metzker:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR)/Mitigated Negative Declaration (MND) or Negative Declaration prepared for the project referenced above. The review may have included the Cultural Resources Section, Archaeological Report, Appendices for Cultural Resources Compliance, as well as other informational materials. We have the following concerns:

- There is no information in the documents of any contact or consultation with all traditionally, culturally affiliated California Native American Tribes from the NAHC's contact list.
- There does not appear to be evidence that possible mitigation measures were developed in consultation with the traditionally, culturally affiliated California Native American Tribes, for example when resources are found, avoidance or conservation easements for this new project.
- There does not appear evidence that a cultural assessment was completed more recently.
- The process for what to do for inadvertent finds of Native American remains in accordance with Health and Safety Code 7050.5 needs to be reviewed and revised.
- While work was done for the original project in 2014, conducting the consultation is suggested.

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52 (AB 52).<sup>4</sup> AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for "tribal cultural resources"<sup>5</sup>, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on

<sup>1</sup> Pub. Resources Code § 21000 et seq.  
<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15084.5 (b)  
<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

Letter 7

7-6  
Cont'd

the environment.<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Contact Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

If you have any questions or need additional information, please contact me at my email address: [Sarah.Fonseca@nahc.ca.gov](mailto:Sarah.Fonseca@nahc.ca.gov).

Sincerely,



Sarah Fonseca  
Cultural Resources Analyst

Attachment

cc: State Clearinghouse

Letter 6

**Pertinent Statutory Information:**

**Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice. A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project,<sup>4</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).<sup>5</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.<sup>6</sup>

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>7</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>8</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>9</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>10</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program,** if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>11</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>12</sup>

An environmental impact report **may not be certified,** nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

<sup>4</sup> Pub. Resources Code § 21080.3.1, subs. (d) and (e)

<sup>5</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>6</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>7</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>8</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>9</sup> Pub. Resources Code § 21082.3 (b)

<sup>10</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>11</sup> Pub. Resources Code § 21082.3 (a)

<sup>12</sup> Pub. Resources Code § 21082.3 (e)

7-6  
Cont'd



Letter 6

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>13</sup>

***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

**Under SB 18:**

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>14</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>15</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>16</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>17</sup>

**NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.

<sup>13</sup> Pub. Resources Code § 21082.3 (d)

<sup>14</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>15</sup> pursuant to Gov. Code section 65040.2.

<sup>16</sup> (Gov. Code § 65352.3 (b)).

<sup>17</sup> (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

7-6  
Cont'd



Letter 6

- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

**Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>18</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>19</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>20</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

7-6  
Cont'd

<sup>18</sup> (Civ. Code § 815.3 (c)).

<sup>19</sup> (Pub. Resources Code § 5097.991).

<sup>20</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

**LETTER 7: SARAH FONSECA, NATIVE AMERICAN HERITAGE COMMISSION**

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**Response to Comment 7-1**

As noted on page 3-121 of the Draft SEIR, the City of Davis consulted with Native American tribes pursuant to Senate Bill (SB) 18 requirements for the original EIR. None of the tribes who were contacted indicated any concerns regarding the MRIC Project's potential to impact tribal cultural resources. In addition, tribes were provided notice of the original Notice of Preparation (NOP), the December 2, 2019 meeting to accept comments on the scope of the Subsequent EIR, and the Notice of Availability (NOA) of the Draft SEIR for review and comment.

**Response to Comment 7-2**

The Draft SEIR includes Mitigation Measure 3-28(a) through (c), which require halting of ground-disturbing activity in the event that inadvertent discovery of archaeological resources occurs, and implementation of appropriate measures. In addition, Mitigation Measure 3-30 requires stopping all work and notification of the NAHC if human remains of Native American descent are identified during ground-disturbing activities associated with the proposed project. Thus, the Draft SEIR includes sufficient measures to ensure protection of any tribal cultural resources potentially occurring in the project area.

**Response to Comment 7-3**

As part of the Certified Final EIR, an Archaeological Survey Report was prepared by Far Western Anthropological Research Group in 2015.<sup>9</sup> The Archaeological Survey Report included surveys of the entire project site, as well as off-site improvement areas. There is no evidence of any significant changes in the site conditions since 2015, and there is no new information suggesting further study at this time would lead to results different from those in the 2015 survey report. Thus, further cultural assessments are not necessary to in conjunction with the SEIR.

**Response to Comment 7-4**

Mitigation Measure 3-30 on page 3-127 of the Draft SEIR is hereby revised as follows in accordance with the requirements of California Health and Safety Code Section 7050.5 and California Public Resources Code (PRC) Section 5097.98:

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*

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<sup>9</sup> Far Western Anthropological Research Group, Inc. *Archaeological Survey Report Performed for the Proposed Davis Innovation Center: Mace Ranch Location*. February 2015.

~~Commission (NAHC), located in Sacramento, and the Yolo County Coroner Yocha Dehe Wintun Nation shall be notified within 24 hours. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains. 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.~~

The foregoing revisions provide additional specificity to the performance standards included in Mitigation Measure 3-30. The revisions do not affect the analysis or conclusions presented within the Draft SEIR.

### **Response to Comment 7-5**

Because the subject environmental document is an SEIR to the original Certified Final EIR, the tribal consultation requirements established by PRC 21080.3.1 have been satisfied as part of the original CEQA process, and further consultation is not required per the CEQA Guidelines. In addition, as noted on page 3-121 of the Draft SEIR, substantial changes in circumstances that would affect the analysis in the Certified Final EIR related to cultural resources have not occurred. Finally, as noted in response to comment 7-1 above, potentially interested Tribes received the Notice of Preparation and notice regarding the Draft SEIR and the opportunity to provide comments.

### **Response to Comment 7-6**

Page 4.5-14 of the Certified Final EIR states the following regarding tribal consultation requirements under Assembly Bill (AB) 52 and SB 18:

As stated in Section 11 of AB 52, this act shall apply only to a project that has a notice of preparation or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015. The Notice of Preparation (NOP) for the MRIC EIR was filed with the State Clearinghouse on November 6, 2014. Therefore, the MRIC Project is not subject to AB 52. Notwithstanding this, the City of Davis, as discussed above, did consult with Native American tribes pursuant to SB 18 requirements. To date, none of the tribes have indicated any concerns regarding the project's potential to impact tribal cultural resources.

Given that the subject environmental document is a Subsequent EIR to the original Certified Final EIR, the proposed project is not subject to the requirements of AB 52. The SB 18 consultation requirements for the proposed project were met as part of the original Certified Final EIR CEQA process. As noted above, tribes were provided notice of the original Notice of Preparation (NOP), the December 2, 2019 meeting to accept comments on the scope of the Subsequent EIR, and the Notice of Availability (NOA) of the Draft SEIR for review and comment.

It should be noted that the attachments to the letter are merely statutory requirements and examples NAHC recommendations for all projects. The attachments do not specifically address the adequacy of the ARC Draft SEIR.

Letter 8



RECEIVED

APR 14 2020

City of Davis  
Community Development

March 30, 2020

City of Davis – Comm. Development Dept.  
Attn: Sherri Metzker, Principal Planner  
23 Russell Boulevard  
Davis, CA 95616

RE: Mace Ranch Innovation Center Project

Dear Ms. Metzker:

Thank you for your notification email dated, March 13, 2020, regarding the availability of the Subsequent Environmental Impact Report on or near the proposed Mace Ranch Innovation Center Project, Davis, Yolo County. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area and would like to initiate a formal consultation with the lead agency. At the time of consultation, please provide our Cultural Resources Department with a project timeline, detailed project information and the latest cultural study for the proposed project. We have included a copy of our Burial Treatment Protocol for your review.

Please contact the following individual to coordinate a date and time for the consultation meeting:

Kristin Jensen, CRD Administrative Assistant  
Yocha Dehe Wintun Nation  
Office: (530) 796-0105  
Email: [kjensen@yochadehe-nsn.gov](mailto:kjensen@yochadehe-nsn.gov)

Please refer to identification number YD-05162017-01 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

  
Leland Kinter (Apr 7, 2020)

Tribal Historic Preservation Officer

Yocha Dehe Wintun Nation  
PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 [www.yochadehe.org](http://www.yochadehe.org)

**LETTER 8: LELAND KINTER, YOCHA DEHE WINTUN NATION**

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**Response to Comment 8-1**

Please refer to Responses to Comments 7-1 through 7-6. It is also noted that the City of Davis provided the Tribe with a copy of the cultural resources report prepared for the project site, as requested by the commenter. No further consultation has been requested, though as discussed in the responses to Letter 7, the project is not subject to formal consultation under AB 52, and the statutory timeframe for SB 18 consultation has passed. It is also noted that the Burial Treatment Protocol referenced in the letter was not provided to the City.

Letter 9



**County of Yolo**  
DEPARTMENT OF COMMUNITY SERVICES

Taro Echiburú, DIRECTOR

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April 27, 2020

**VIA E-MAIL**

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

Dear Ms. Metzker:

**9-1** The Yolo County Department of Community Services and Office of the County Administrator ("County") appreciate the opportunity to provide comments on the Draft Supplemental EIR ("SEIR") for the Aggie Research Campus. The County would like to acknowledge the City's efforts in addressing many of the County's concerns identified after the Notice of Preparation with respect to agricultural protection and mitigation and workforce housing. Based on County staff's review of the SEIR, including comments provided in our December 9, 2019, NOP letters and discussions with the City during public comment, the County provides the following comments regarding the SEIR.

**9-2 Initial Observation Regarding the SEIR**

In its review of the original EIR and the SEIR, County staff noted a number of instances in which the impact analysis and development of mitigation measures were postponed until a later time, as the phases of the project come to fruition. For example, the traffic analysis provides for the future development of "TDM program" for approval by the City's Public Works Department, which may not include a number of possible components identified in the SEIR. We acknowledge the City will need to issue a number of discretionary approvals at later dates, and we infer that the City plans to conduct its environmental analysis when those components are fully planned. If, however, the City plans to conduct future environmental review, it must designate the SEIR as a Program or Staged EIR pursuant to CEQA Guidelines §§ 15165-15168. The City also should clearly identify the additional review that will be conducted upon the development of the project design. Without that clarity, a number of the vague and indeterminate mitigation measures based on future study would be considered deferred mitigation that precludes a meaningful evaluation of the project and its impacts.

**AGRICULTURE**

**9-3 Agricultural Buffer**

The County is pleased to see that the City considered County policies for ensuring adequate separation between proposed development and active farming operations, and that the County Agricultural Commissioner was consulted. Mitigation Measure 3-8(b) requires, as an alternative to the windscreen identified in 3-8(a), the applicant shall enter into an agreement with the neighboring property owner regarding pesticide spraying. The City is encouraged to reach out to the affected agricultural operator to the east and north of the project site (Dhillon Ranches) to ensure there is a

Letter 9

Sherri Metzker  
April 27, 2020  
Page 2

9-3  
Cont'd

mutual understanding of this alternative approach for securing adequate separation between farming operations and urbanized uses. Otherwise, successful implementation of the proposed mitigation measure may not be realized.

9-4

As the SEIR indicates, it remains unclear whether or not the City will agree to the project's proposal to apply a portion of the required agricultural buffer on the County-owned Mace 25 property. Should the City decline to grant an easement to the developer, this could affect the proposed and analyzed project footprint. There was no indication that an alternative was considered.

9-5

***Impacts to Adjacent Ongoing Farming Operations/County's Right-to-Farm***

The County requested that the City consider referencing the County's Right-to-Farm Ordinance during preparation of the SEIR. While perhaps not a CEQA-related issue, absent any agreement from adjacent property owners to provide notification of spraying activities, the County remains concerned that the adjacent agricultural operator's pest-control options could be constrained by the ARC development.

The County's Right-to-Farm Ordinance provides that *'No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained on agricultural lands for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.'* (Yolo County Code Section 10-6.102.). In the absence of such a disclosure, uninformed residents and businesses that may not be accustomed to normal agricultural operations (including but not limited to use of unrestricted materials not regulated under permit, running farm machinery late at night, etc.) could perceive such activities as nuisances that result in an undue increase in complaints.

The County strongly urges the City to require that Right-to-Farm deed restrictions, applicable to purchasers of property within the ARC development and subject to Yolo County Ordinance #1133, be made a contingency of project approval.

9-6

**HYDROLOGY**

***Offsite Flooding***

The SEIR relies on a 2015 drainage study prepared by Watermark Engineering for the MRIC project, which was substantiated as being applicable to the ARC project as per a Drainage Memo contained in Appendix D. The drainage study was based on conceptual design for the original MRIC project and offers two distinct engineering solutions for attenuating offsite flows, but acknowledges that design level considerations would have to be examined prior to first phase development to ensure impacts to offsite drainage features are not adversely affected.

The SEIR concludes that with implementation of future improvements addressed as Mitigation Measures 3-47(a)-(c), offsite storm water flows from the ARC project would be reduced to pre-built conditions; yet, such improvements have not yet been developed, and therefore cannot be considered conclusive. The improvements must be identified and analyzed for any meaningful evaluation of whether flood impacts are properly addressed.

9-7

Page 3-21 of the SEIR describes that during major storm events, when the Yolo Bypass is flowing at a high level, ponding near the bypass levee already occurs. The County is mindful that past development affecting the Mace Drainage Canal and Yolo Bypass levee system was highly disputed by downstream agricultural landowners, and that the ARC project provides additional opportunities



Sherri Metzker  
April 27, 2020  
Page 3

9-7  
Cont'd

for straining the drainage system and/or raising alarm for additional concern. Therefore, the County respectfully requests that the City strengthen such measures to ensure that required improvements specifically address impacts to downstream agricultural property owners.

**PUBLIC SERVICES**

***Library Services***

While the SEIR acknowledges receiving NOP comments regarding concerns for additional demand library services within the City of Davis (page 1-9 of the SEIR), the analysis did not contemplate such demand.

9-8

The existing library system located within the City of Davis is currently operating beyond capacity and cannot be expected to provide a proportionate level of service commensurate with buildout or even the first phase of the project. The SEIR should describe the impacts of adding new users to the library system in the public services section.

**TRAFFIC**

9-9

Chapter 3 of the SEIR identifies that there are four distinct phases to the project and states that for purposes of assigning some upfront mitigation measures, the SEIR follows the same framework as the previously certified Final EIR for discussing site build-out in the context of the four phases (page 3-23). However, in its analysis of traffic and circulation, the SEIR concludes that:

*Given the unknown timing of future traffic improvements required as a result of this project, it cannot be known at this time whether the construction of any off-site traffic improvements, subject to other agency approval, or the City's corridor plan process, will overlap with a particular phase of on-site construction. Although speculative, it is reasonable to assume construction of one or more off-site traffic improvements could overlap with on-site construction, but which improvement(s), and during which phase(s), is speculative (Page 3-244).*

The proposed mitigation for traffic-related impacts appears on its face to be deferred to further study or subject to a 'fair share' and is thus neither conclusive nor informative.

9-10

The County appreciates the updated Traffic Impact Assessment prepared by Fehr & Peers that analyzed traffic impacts according to current traffic analysis methodologies and considered current and anticipated traffic patterns, but recommends that the City reconsider the traffic mitigation measures in light of the four distinct phases identified in Chapter 3. The County also strongly urges the City not to apply a "fair share" standard to mitigation. A large-scale project that causes significant traffic impacts should mitigate those impacts to ensure baseline conditions are maintained.

9-11

Barring any uncertainty as to what those future phases might include, and for the purposes of public disclosure, the City should take into consideration a reasonable range of possibilities for the development of these phases and plan definitive mitigation measures for such scenarios. At the very least, an analysis using objective criteria to consider these possibilities and their potential adverse traffic impacts and the objective criteria to apply the mitigation measures, would better inform the public and allow for a more meaningful participation with respect to possible outcomes.

Letter 9

Sherri Metzker  
April 27, 2020  
Page 4

**AFFORDABLE HOUSING**

- 9-12 County staff commend the ARC project for including workforce housing, including up to 570 multi-family units, and encourage the City to require that a relevant portion of the 850 residential units be restricted to affordable housing so that people and families of all income levels are adequately served at the project site. This would ensure that the broad range of workers who will work at the site have opportunities to minimize travel impacts.

**FINANCIAL CONSIDERATIONS**

- 9-13 The County looks forward to a productive discussion with the City regarding the necessary tax sharing agreement that would accompany an annexation. The scope and scale of this project and its phased approach will require a thoughtful tax sharing agreement in order to best ensure there is sufficient and equitable revenue to both the City and County so that the increased need for public services associated with each respective phase of the project and at build-out is adequately and properly addressed. We furthermore request that a jointly agreed upon tax sharing agreement or the terms of other financing mechanisms, such as community facilities district, be in place prior to this project going before the voters for approval.

\* \* \*

The County is appreciative of the opportunity to discuss and provide comments on the Draft SEIR and hope that our dialogue with the City continues as the ARC project progresses.

Sincerely,



Taro Echiburú, Director  
Department of Community Services



Patrick S. Blacklock,  
Yolo County Administrator

cc (via e-mail only):  
Supervisor Don Saylor  
Supervisor Jim Provenza  
City Manager Mike Webb  
Assistant City Manager Ash Feeney

**LETTER 9: TARO ECHIBURÚ, COUNTY OF YOLO DEPARTMENT OF COMMUNITY SERVICES**

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**Response to Comment 9-1**

The comment is an introductory statement and does not address the adequacy of the Draft SEIR. Specific issues raised by the commenter are addressed in the responses below.

**Response to Comment 9-2**

The City appreciates the County’s request that the SEIR be designated as a Program or Staged EIR pursuant to CEQA Guidelines Sections 15165-15168 if the City intends to conduct future environmental review of the project as future entitlements are sought. Nevertheless, as the court noted in *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1047-1048 (*Treasure Island*),

CSTI’s contention that the EIR was improperly prepared as a “project EIR” instead of a “program EIR” improperly focuses on the EIR’s title rather than its substance. There are many different names that have been applied to EIRs. For example, there are project EIRs (Guidelines, § 15161), program EIRs (Guidelines, § 15168), staged EIRs (Guidelines, § 15167), master EIRs (Guidelines, § 15175), subsequent EIRs (Guidelines, § 15162), focused EIRs (Guidelines, §§ 15178; 15179.5), and supplemental EIRs (Guidelines, § 15163).

For this reason, courts strive to avoid attaching too much significance to titles in ascertaining whether a legally adequate EIR has been prepared for a particular project. As explained in *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511 (*Friends of Mammoth*): “Designating an EIR as a program EIR . . . does not by itself decrease the level of analysis otherwise required in the EIR. ‘All EIR’s must cover the same general content. (Guidelines, §§ 15120–15132.) The level of specificity of an EIR is determined by the nature of the project and the “rule of reason” [citation], rather than any semantic label accorded to the EIR.’ [Citation.]” (*Id.* at p. 533, quoting *Al Larson, supra*, 18 Cal.App.4th at pp. 741-742, fn. omitted.)

Consistent with leading court cases on this topic, the ARC SEIR does not need to be designated as a particular type of EIR. The requirement is for the SEIR to include a level of specificity commensurate with the nature of the project. It can now be seen that the level of analysis and detail in the ARC SEIR is appropriate given the fact that the applicant is currently only seeking annexation, general plan, and rezoning level entitlements for a project that will have a long buildout subject to first securing additional discretionary entitlements from the City of Davis.

Notwithstanding the above, in an effort to bring more clarity to the introductory section of the ARC SEIR in this regard, Section 1.4, Subsequent EIR Process and Scope, of Chapter 1 is hereby revised to add the following paragraph:

### **Level of Specificity of Analysis**

This subsequent EIR is programmatic in scope as the applicant is currently only seeking program-level entitlements from the City of Davis, including annexation, general plan, and rezoning (see Section 3.4 of the SEIR for a complete description and list of entitlements). As noted in Section 3.4, additional discretionary entitlements from the City of Davis will be required before on-site construction is allowed. Such project-level entitlements from the City will include preliminary/final planned development(s) and tentative subdivision map(s).

The level of specificity of an EIR is determined by the nature of the project and the rule of reason, rather than any semantic label accorded to the EIR (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1047-1048). Thus, the level of specificity included in this SEIR is appropriately broader in scope due to the programmatic nature of the project entitlements.

The comment also requests that the City clearly identify the additional review that will be conducted upon the development of the project design. Given the context, the comment appears to refer to what level of additional environmental review would be required. It is not possible, nor is it necessary, to specify the additional level of environmental review that may be conducted during future project-level entitlement review. The reasons are as follows. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, when an EIR has been certified, no subsequent or supplemental environmental impact report shall be required by the lead agency unless certain conditions are met, based upon substantial evidence. Generally, these conditions relate to changes in the project or changes in circumstances under which the project is undertaken. Neither of these conditions can be known at this time. Rather, at such time that the applicant submits design-level building applications to the City, the City will review the application(s) to determine whether the project is consistent with the scope of activities evaluated in the certified SEIR, or whether there are modifications to the project that could require major revisions to the previous EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified environmental effects, such that a subsequent or supplemental EIR may be required (see CEQA Guidelines Section 15162(a) and (b)). The same type of review and analysis would be conducted by the City regarding changes in circumstances since the time of SEIR certification.

It may also be the case that the City finds none of the conditions in 15162 are met, thus allowing the City to prepare an addendum to the certified SEIR if only minor technical changes or additions are necessary (Guidelines Section 15164).

It may further be the case that the City, acting as lead agency, may find that none of the conditions in 15162 requiring a subsequent or supplemental EIR are met, nor are minor technical changes or additions to the certified EIR required, thus requiring an addendum. In such a case, the City can find, on a fact-based evaluation, that further environmental analysis is not required.<sup>10</sup>

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<sup>10</sup> Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition*. March 2020, page 19-46.

With regard to the comment about deferred mitigation, and the commenter’s specific example of the required TDM, it is important to note that a lead agency may rely on future studies to devise the specific design of a mitigation measure when the results of the later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions.<sup>11</sup> In *City of Hayward v Board of Trustees of Cal. State Univ.* (2015) 242 CA4th 833, the court upheld a transportation demand management program that identified measures to be evaluated and included monitoring plan, performance goals, and schedule for implementation. The TDM mitigation measure for the ARC Project includes the same components (Mitigation Measure 3-72(a).

### **Response to Comment 9-3**

As mentioned by the comment, Mitigation Measure 3-8(b) includes two options to ensure that development of the proposed project, specifically placement of a recreational trail within the first 50 feet of the agricultural buffer, would not result in impacts to neighboring farming operations. The first option requires the applicant to implement “barrier plantings” within the project’s agricultural buffer to mitigate for potential pesticide drift, consistent with Natural Resources Conservation Services guidance. Alternatively, the mitigation allows the applicant to enter into an agreement with the neighboring property owner pursuant to which the agricultural operator provides notice to the ARC project applicant of the days on which pesticide application will occur so that the applicant can close the recreational trails during the period in which pesticides are applied within 300 feet of the trail. While the City or applicant could reach out to the neighboring agricultural operator at this time to ensure there is a mutual understanding of the alternative approach regarding an agreement, it is not necessary to do so. If for some reason, an agreement cannot be reached, the ARC applicant can successfully mitigate the impact with barrier plantings.

### **Response to Comment 9-4**

Please refer to Master Response #2. Should the City not agree to grant an easement to the applicant for the use of 6.8-acres of the City’s 25-acre parcel, the project’s northern buffer would be placed on the 187-acre privately-owned ARC Site. Impacts associated with developing the 187-acre ARC Site are already addressed in the Draft SEIR.

### **Response to Comment 9-5**

Compliance with the City of Davis Right to Farm and Farmland Preservation Ordinance (Chapter 40A), including notification of prospective homebuyers through deed restriction (Chapter 40A.01.030), would be required by law as part of future project approvals, and is sufficient for the purposes requested by the commenter.

### **Response to Comment 9-6**

Section 15126.4(B) of the CEQA Guidelines states the following regarding mitigation requirements:

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<sup>11</sup> Ibid, pg. 14-17.

- (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.

Mitigation Measures 3-47(a) through (c) in the Draft SEIR include specific, enforceable performance standards necessary to ensure that the identified impact would be reduced to a less-than-significant level, and identifies potential actions necessary to achieve such standards (i.e., 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). Thus, while specific stormwater improvements have not been identified at this time, Mitigation Measures 3-47(a) through (c) meet the requirements of Section 15126.4(B) of the CEQA Guidelines, and the SEIR does not inappropriately defer mitigation.

In addition, preliminary analysis has already been conducted to demonstrate that the conceptual design of the perimeter drainage facilities for the project could be expected to adequately accommodate the project's increase in runoff such that flooding of adjacent properties would not be induced. This analysis is provided in Appendices F.1, F.4 and F.5 to the Certified Final EIR.

### **Response to Comment 9-7**

The increase in the volume of stormwater runoff attributable to the ARC Project, during large storm events, is evaluated in detail in the Draft SEIR. For a helpful summary, please see Master Response #3. As demonstrated in the Draft SEIR, Mitigation Measures 3-47(a) requires that, 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 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.

The preliminary drainage report prepared for the programmatic entitlements being sought at this time evaluate two different options for addressing the volumetric increase in stormwater runoff. Please see Master Response #3.

## Response to Comment 9-8

The demand for library use attributable to the residential portion of the proposed project will further exacerbate overcrowding already being experienced at the existing Mary L. Stephens Branch within Davis. The Yolo County Facilities Master Plan (2018-2035) identifies renovation improvements at the Mary L. Stephens Branch within the Master Plan's Phase 2 timeframe of 2025-2030 to relieve overcrowding. In addition, the overcrowding is intended to be largely offset with a new branch, the plan for which is already underway in South Davis, on a 1.7-acre City-owned parcel in Walnut Park. The library, known as the "South Davis Library and Education Center", is currently being designed by Yolo County. A South Davis Ad Hoc Committee for Library Services has been formed. Further, it is expected that existing and future taxes would fund necessary library services.

## Response to Comment 9-9

In response to the comment, page 3-23 of the Draft SEIR is hereby revised as follows for clarification purposes:

### Phasing

The ARC Project is anticipated for build-out gradually over the course of approximately 20 to 25 years. The initial development would likely occur along the western edge at Mace Boulevard and the southern portion along CR 32A, as infrastructure will be gradually extended into the ARC Site from the urbanized edges of the site. Once established, subsequent phases are anticipated to fill in the project's central core and then move north and east. The ARC Project development pattern represents a logical sequencing with structures gradually extending from the current urbanized area out toward the City's new urban boundary, although the exact pattern of build-out would be driven by user demand and infrastructure costs. Furthermore, while construction of proposed buildings is anticipated to gradually extend from the urbanized edges of the site, to provide an efficient approach to construction, the ARC Site would likely be graded in two sections, with the first graded section including the 106 southernmost acres of the ARC Site. Following grading of the 106 acres, infrastructure would be placed in the graded area to allow for phased construction of the proposed buildings and uses as discussed below. Following buildout of the southern 106 acres of the ARC Site, the remaining portion of the ARC Site would be graded and buildings would be subsequently constructed in line with the phasing presented below. ~~For purposes of assigning some upfront mitigation measures, t~~The Certified Final EIR discusses site build-out in the context of four phases; that framework is continued within this chapter for the proposed ARC Project.

The foregoing revisions are for clarification purposes only, and would not affect the analysis or conclusions presented within the Draft SEIR. The clarification made here is appropriate because the language of the Draft SEIR should have better reflected the fact that unlike the Certified Final EIR, which evaluated project-level entitlements for Phase 1 of the project, due to a then-current interested tenant (Schilling Robotics), the current entitlements are programmatic in nature and the applicant is not seeking to proceed with development of any particular phase immediately following project approval. Therefore, as discussed in Response to Comment 9-2, it is appropriate

to note that a lead agency may rely on future studies to devise the specific design of a mitigation measure when the results of the later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions.<sup>12</sup> The Draft SEIR does just that by requiring a focused traffic impact study, in conjunction with submittal of a final planned development, or tentative map, for each phase of future development, to determine which, if any, of the improvements listed in Mitigation Measure 3-70(a) are required based upon specified performance standards.

### **Response to Comment 9-10**

The commenter's recommendation to reconsider the traffic mitigation in light of the four distinct phases identified in Chapter 3 of the Draft SEIR is noted. The ARC project has an anticipated buildout of approximately 20 years. As discussed in Response to Comment 9-2, it is important to note that a lead agency may rely on future studies to devise the specific design of a mitigation measure when the results of the later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions.<sup>13</sup> In *City of Hayward v Board of Trustees of Cal. State Univ.* (2015) 242 CA4th 833, the court upheld a transportation demand management program that identified measures to be evaluated and included in a monitoring plan, performance goals, and schedule for implementation. ARC Mitigation Measures 3-70(a) and 3-72(a) regarding traffic include similar components. For example, Mitigation Measure 3-70(a) states that,

*“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 intersection and roadway improvements listed in the mitigation are required based on the additional traffic generated by the development phase.”*

This implementation timing, correlating to each phase, will allow the specific traffic improvements to be tailored to fit on-the-ground environmental conditions, which is appropriate for a project that will be phased over a long period of time. Such an approach to mitigation is not uncommon for large-scale projects built out over a sustained period of time. In addition, the applicant is currently seeking program-level entitlements, such that mitigation language may also be programmatic so long as sufficient performance standards are incorporated. According to CEQA Guidelines Section 15126.4(a)(1)(B),

The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be

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<sup>12</sup> Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition*. March 2020, page 14-17.

<sup>13</sup> *Ibid*, pg. 14-17.



reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.

Consistent with such directives, Mitigation Measure 3-70(a) also lists performance goals:

*“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.”*

The City has endeavored to meet all of the requirements for mitigation measures under CEQA when assessing and mitigating the project’s traffic impacts. Nevertheless, there are other circumstances rendering the eventual implementation of certain traffic mitigation measures, such as Mitigation Measure 3-70(a), uncertain. With reference to Yolo County facilities, the reason rests with the extraterritorial nature of the improvements. The leading case on extraterritorial impacts caused by a project is *Tracy First v. City of Tracy* (2009) 177 Cal. App. 4<sup>th</sup> (“*First Tracy*”). In *First Tracy*, the traffic study included in the EIR concluded that the project would have a substantial impact on two intersections near the project but outside the City’s limits, in an unincorporated part of San Joaquin County. The traffic study recommended improvements, such as installation of traffic signals, coordination of signals with railroad crossing systems, and optimization of signal timing to mitigate the impact. The EIR concluded that because there was no identified plan or project to implement this improvement, nor was there a financing plan in place to fund the improvements, the mitigation measure cannot be implemented, and the impact was determined *significant and unavoidable*.

Tracy First argued that the EIR should have required payment to the county for the improvements to the intersections, even though the county had no construction or financing plan to make the improvements. The court found that,

Without jurisdiction and without a county plan in place, the City cannot insure that mitigation measures will be implemented, even if funding is required by the EIR. The City did not fail to proceed in the manner required when it found that the impact on extraterritorial intersections was significant and unavoidable.

While the City of Davis similarly cannot ensure that the traffic improvements within the County can be implemented, the ARC Draft SEIR is distinguishable by the fact that the traffic mitigations require the applicant to pay a fair share towards identified extraterritorial improvements. The City will require the applicant to attempt, in good faith, to enter into an agreement with Yolo County regarding completion of improvements in its jurisdiction, or contribution of fair share funding towards those improvements, depending upon the extent of the project’s impact, based on the results of phase-specific traffic analysis required by Mitigation Measure 3-70. Furthermore, the mitigation measures in the Draft SEIR require the applicant to make a good faith effort to work with other agencies, including Caltrans, for the purpose of identifying and implementing physical improvements to the network, which have a nexus to the project’s impact.

Please see also Response to Comment 42-10 for an amplification to Mitigation Measure 3-70(a).

### **Response to Comment 9-11**

Please see Response to Comment 9-10.

### **Response to Comment 9-12**

As stated on page 3-201 of the Draft SEIR, the ARC Project would include up to 850 residential units and, thus, be required to comply with applicable affordable housing requirements established in the City's Municipal Code, including Section 18.05, Affordable Housing. The Ordinance, under Section 18.05.060(b), which was recently extended by City Council to November 30, 2021, allows more than one avenue to meet the City's alternative affordability requirements, including on-site construction of affordable housing, off-site land dedication, or pledging to the City a continuing payment of funds to be submitted to the City at least annually for the purpose of furthering the City's affordable housing goals and objectives, in an amount as deemed appropriate by the City Council.

Consistent with the City's ordinance, the applicant may choose to construct all of the required affordable units on-site, construct a portion of those units on-site and dedicate sufficient land to meet the rest of the requirement elsewhere in the City, or fully meet the City's affordable housing requirements by off-site land dedication. The ultimate plan for complying with the City's affordable housing obligations will be subject to City approval. Regardless of the ultimate affordable housing plan approved for the project by the City, the project will contribute towards increased affordable housing within the City, which would serve to minimize VMT.

### **Response to Comment 9-13**

The comment focuses on economic issues related to annexation, which is not an environmental impact requiring CEQA analysis, however the comment has been forwarded to the decision-makers for their consideration.

Letter 10



April 23, 2020

Sherri Metzker  
Principal Planner City of Davis  
Department of Community Development and Sustainability  
23 Russell Boulevard  
Davis, CA 95616  
[smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)

Dear Ms. Metzker:

The Yolo Land Trust, a California nonprofit public benefit corporation, is entering this public comment to the Aggie Research Campus Draft Subsequent Environmental Impact Report, dated March 2020, SCH# 2014112012.

This comment is in response to the following two impacts:

**3-5:** Impacts related to the conversion of Prime Farmland, or Farmland of Statewide Importance to non-agricultural use, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency (reference Impact 4.2-1); and

**3-7:** Result in the loss of forest or agricultural land to non-forest or non-agricultural use (reference Impact 4.2-3), and more specifically the corresponding outlined mitigation measure that "***The easement instrument used to satisfy this measure shall conform to the conservation easement template of the Yolo Habitat Conservancy.***"

The Yolo Land Trust (YLT) questions why the Report requires the farmland conservation easement conform to the Yolo Habitat Conservancy's (YHC) template easement. The Yolo Land Trust is the recognized local nonprofit organization that has been partnering with Yolo County, LAFCO and the City of Davis since 1995 to hold agricultural conservation easements for the purposes of mitigating against the loss of farmland. YLT's qualifications include:

- Currently holds 65 agricultural conservation easements encompassing over 11,400 acres across Yolo County, including:
  - 18 agricultural conservation easements mitigating loss of farmland that are co-held by the City of Davis.
  - 5 agricultural conservation easements mitigating loss of farmland that are co-held by the City of Woodland.
  - 14 easements approved by the California Department of Fish and Wildlife to mitigate the loss of Swainson's Hawk habitat, all but one of which pre-date the

10-1

221 West Court Street, Suite 5, Woodland, CA 95695  
P.O. Box 1196, Woodland, CA 95776  
530.662.1110 - [www.TheYoloLandTrust.org](http://www.TheYoloLandTrust.org)

**Letter 10  
Cont'd**

Sherri Metzker  
April 23, 2020  
Page 2

**10-1  
Cont'd**

adoption of the Yolo County Natural Heritage Program's Habitat Conservation Program/Natural Community Conservation Plan.

- 2 agricultural conservation easements mitigating loss of farmland under Yolo County's farmland mitigation ordinance.
- Recently established a template agricultural conservation easement for use with the City of Davis farmland ordinance requirements and approved by City staff.
- Currently working with City and County staff to facilitate the farmland mitigation for the Bretton Woods project.
- Staff with expertise to complete title due diligence, negotiate and close complicated easement transactions, and to author Baseline Conditions Reports.
- Established relationships with consultants, attorneys, and local title insurance and escrow officers who are all well versed in agricultural conservation easements to ensure swift easement transactions.
- Invested financial resources for stewardship and legal defense and staff capacity to annually monitor easements.
- In addition to monitoring its own conservation portfolio, YLT staff currently monitor one City of Davis farm and two Yolo Habitat Conservancy held easements due to our capability and expertise.

YLT's qualifications as an experienced land trust also includes our local and dedicated conservation easement landowner partners and members of YLT's Board of Directors, which include multiple Yolo County growers. YLT's prominence in the local farm community places us in a position to quickly identify properties that fit the Aggie Research Campus Project's farmland mitigation requirements including soil type and acreage. In fact, YLT maintains a list of landowners who are interested in placing a permanent agricultural conservation easement on their farms.

Removing the requirement for use of the YHC template would allow the Yolo Land Trust to continue its mission of permanently conserving farmland in Yolo County.

The Yolo Land Trust thanks you for your consideration in this manner. You may reach me at [mclark@theyololandtrust.org](mailto:mclark@theyololandtrust.org).

Sincerely,



Michele Clark  
Executive Director

**LETTER 10: MICHELE CLARK, YOLO LAND TRUST**

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**Response to Comment 10-1**

In response to the comment, the reference requiring the “Yolo Habitat Conservancy” form of conservation easement to be used for the agricultural mitigation lands is hereby deleted. That reference is replaced with language stating that the conservation easement will comply with Section 40A.03.060 of the City’s Municipal Code. Under that section, the conservation easement must be held in perpetuity by “a qualifying entity” and/or the city. A “qualifying entity” is defined as “a nonprofit public benefit 501(c)(3) corporation operating in Yolo County or Solano County for the purpose of conserving and protecting land in its natural, rural, or agricultural condition. The following entities are qualifying entities: Yolo Land Conservation Trust and Solano Farm and Open Space Trust. Other entities may be approved by the city council from time to time.”

Page 3-42 of the Draft SEIR, Mitigation Measure 3-5(a), is hereby revised as follows:

*ARC Site*

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 ~~conform to the conservation easement template of the Yolo Habitat Conservancy~~ comply with Section 40A.03.060 of the City’s Municipal Code.*

Page 3-45 of the Draft SEIR, Mitigation Measure 3-7(b), is hereby revised as follows:

*Mace Triangle Site*

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 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 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 ~~conform to the conservation easement template of the Yolo Habitat Conservancy~~ comply with Section 40A.03.060 of the City's Municipal Code.*

The above changes to the mitigation measures are intended to better conform the mitigation language to the City's Municipal Code. As a result, the changes do not affect the adequacy of the Draft SEIR.

**Letter 11**

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
 April 27, 2020

At the regular April 27, 2020 meeting of the Natural Resources Commission, the following motion was made by Alan Pryor, and seconded by Greg Miller. Following discussion by the seven commissioners plus one alternate, the commission voted unanimously to approve the motion:

*“The NRC will provide one document, submitted to staff for consideration during the ARC SEIR public comment period, to include A) a summary of full commission issues discussed and agreed upon during the meeting, and B) individual comments from commissioners focused specifically on adequacy of ARC SEIR, with no advocacy for or against the project.”*  
 (7-0 Angulo, Doss, Johnston, McCann, Miller, Pryor, Safford, Abramson, alternate—no vote)

A. Summary of Full Natural Resources Commission Issues and Comments:

- |             |  |
|-------------|--|
| <b>11-1</b> | 1. The SEIR should contain an updated analysis of project alternatives—especially (1) infill, and (2) reduced project size—in light of the new Downtown Plan that would permit new and innovative use of downtown space, and in light of changes in circumstances that have resulted in additional vacant commercial and industrial space.   |
| <b>11-2</b> | 2. The SEIR should contain a more thorough analysis of the cumulative effects—and associated environmental impacts—that the ARC would have on Davis via factors such as increased demand for housing, recreation space, city services, etc.  |
| <b>11-3</b> | 3. Moreover, to adequately assess the overall impacts of the ARC project, the NRC would need to see improved information about the estimated net carbon impact for the overall project, as well as for (separately) project construction and project operations.<br>i. In particular, the SEIR should assess the extent to which the proposed project would affect progress on the City’s goal of achieving carbon neutrality by 2040. |
| <b>11-4</b> | 4. In addition, the NRC has the following specific requests and concerns:<br>i. The SEIR should include analysis of mitigation strategies that do not rely on City property (e.g., Mace 25, Howatt Ranch).<br>ii. The SEIR should explore the potential for expanding the proposed agricultural buffer beyond the minimum required by City ordinance, and should clarify plans for long-term maintenance of the agricultural buffer.   |
| <b>11-5</b> | iii. The SEIR should analyze alternative strategies for water supply, drainage, stormwater management. In particular, the SEIR should:<br>▪ More thoroughly consider options that prioritize onsite stormwater retention.  |
| <b>11-6</b> | ▪ Include an assessment of the project’s biological and environmental impacts on sites proposed for use for drainage.  |

**Letter 11**

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
 April 27, 2020

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| 11-7  | <ul style="list-style-type: none"> <li>▪ Provide sufficient support in the SEIR to support the claim in Impact 3-50 that no mitigation measured is required. The applicant is considering addition of a new irrigation well to provide 80% of the project's irrigation demand. Details on what zone of the aquifer this well is to pull from is not provided in order to sufficiently assess whether there will be impacts to the City's groundwater supplies. Additionally, the comment that the City "now relies heavily on surface water supplies" does not seem to reflect appropriate detailed analysis on the impact of this site on the regional aquifer supply. The City continues to maintain groundwater wells that supplement surface water supplies, especially during the summer months, and may need to be relied on more heavily as prolonged drought affects the availability of surface water supplies.</li> </ul> |
| 11-8  | <ul style="list-style-type: none"> <li>iv. Transportation impacts are inadequately assessed and addressed in the SEIR. The transportation-impacts analysis in the SEIR should address concerns that have been expressed thoroughly by other public commenters (e.g., Matt Williams). The SEIR should also more thoroughly explore options to reduce project reliance on private vehicular travel.</li> </ul>  |
| 11-9  | <p>5. Finally, the NRC believes that the SEIR:</p> <ul style="list-style-type: none"> <li>i. Does not include adequate measures for mitigating impacts on burrowing owl populations and habitat.</li> </ul>   |
| 11-10 | <ul style="list-style-type: none"> <li>ii. Does not adequately address adverse impacts of soil excavation proposed as part of various project components (e.g., for stormwater management).</li> </ul>  |
| 11-11 | <ul style="list-style-type: none"> <li>iii. Does not adequately address the extent to which the proposed project would impede agriculture on adjacent lands.</li> </ul>   |
| 11-12 | <ul style="list-style-type: none"> <li>iv. Does not adequately consider whether the prices and costs of proposed mitigation strategies, especially relative to other options for resources included in those strategies.</li> </ul>   |

B. Individual Comments from Commissioners

The following comments were sent to Kerry Loux, NRC Staff Liaison, prior to 5 pm on Tuesday, April 28, 2020, as provided for in the NRC motion, and agreed upon by Sherri Metzger, Principle Planner. The comments are provided without editing or formatting changes.

**David Abramson**

No additional comments received.

**Sarah Angulo**

- |       |   |
|-------|---|
| 11-13 | <p>Related to Item 2 above, the availability of affordable housing in close proximity to where people work impacts issues surrounding transportation and air quality. Without these options, workers chose more affordable housing options over the local ones, thereby increasing the amount of miles traveled commuting and greenhouse gasses. Without addressing equitable</p> |
|-------|---|



Letter 11

**Natural Resources Commission Meeting**

**Re: Aggie Research Campus Subsequent Environmental Impact Report**

April 27, 2020

11-13  
Cont'd

housing options for those performing essential work in the proposed businesses, the SEIR fails to take a truly innovative approach to create a climate-friendly development that is in line with the state of California's policy initiatives. The California Department of Housing and Community Development's [Housing and Climate Change policy brief](#) point out that "lower income households are four times as likely to use transit as higher income groups." Affordable housing options will not only save commuter hours (and therefore GHGs), but those living in these options are more likely to use the transportation modes that will be invested in this project. Since discussion within the Social Services commission in December 2019, this remains unaddressed.

**Courtney Doss**

No additional comments received.

**John Johnston**

3-62 Induce substantial population growth, page 3-199

11-14

Housing Demand related to the project (3-62, page 3-199) -- According to the *City of Davis Economic Evaluation of Innovation Park Proposals* prepared by BAE Urban Economics and based on American Community Survey (ACS) data, the average number of employed workers per household in the Davis area, for households that have at least one employed worker, is 1.62, that is, in 62% of the households with one employed worker, there is a second worker. For a city with 10,000 workers, it is reasonable to assume that both workers in dual income households are working in the city and the number households needed is  $10,000/1.62 = 6173$ . However, when the 1.62 factor is applied to the ARC workforce, the assumption is being made that in every household with two workers, both are working at ARC. In other words, in the 3763 households cited as the project demand, 3763 workers work at ARC and the remaining 2119 workers (62%) also work at ARC (total of 5882 employees). If none of the second workers in these household worked at ARC, then only 3763 workers are accommodated by this level of housing. Assuming that all of the second workers in these households work at the same complex seems unlikely and there is no documentation in the report to justify this statistic. Consequently, the projected housing demand is underestimated. Please review and either provide a basis for this assumption or revise the calculations.

Inducing additional population growth (3-62, page 3-199) – The SEIR addresses the employees of the project but does not address the population growth associated with other businesses drawn to the city by ARC. A large business center like this has a multiplier effect in the local economy which will generate additional jobs and additional demand for housing and population growth. City decision makers need to know how much pressure for city growth will arise from the project so that they can estimate the future call on public services. Citizens will want to know if ARC is (or is not) a major driver for general city growth. I imagine that normally this issue would be handled by referring to the General Plan and deciding if a particular project is compatible with the city's planned growth projections. In this case, though, the General Plan does not envision a significant employment center at the ARC site. So I am suggesting that the

Letter 11

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
 April 27, 2020

11-14 Cont'd	<p><u>SEIR should be providing the same kind of analysis that would be done in a General Plan amendment.</u></p>
11-15	<p>GHG transportation mitigation (3-38, page 3-144) -- In the mitigation measures the SEIR describes how tenants of ARC would prepare Carbon Neutrality Plans to guide how they will comply with the city's 2040 carbon neutrality goal. Because a large fraction of the GHG generated by this project is due to traffic VMT, it is stated that Transportation Demand Management programs will be needed as part of these plans. However, there is the caveat that ... "The TDM program would have a significant potential to reduce the project-related trip rates and VMT, but the extent to which such reductions would occur cannot be quantified with reasonable certainty at this time. Consequently, the extent to which future development projects within the ARC and Mace Triangle Site, respectively, would be able to meet the full requirements of Mitigation Measure 3-38(a) and 3-38(b) is speculative." (page 3-144) While strictly true, this leaves the environmental impact in doubt – the TDMs might work well or might not do too much. <u>I request that the likely GHG mitigation that can be achieved through TDM programs be discussed based on literature sources and/or experiences at similar projects so that City decision makers can understand how this project will impact the city's efforts to achieve its GHG goals.</u> In other words, Carbon Neutrality Plans are aspirational and laudable, but the SEIR should evaluate their potential to work.</p>
11-16	<p>Wastewater Treatment Plant Upgrades (Table 2-2, mitigation measure 3-80) -- The suggestion is made that for each phase of the project a BOD loading capacity study will be done to determine the need for various mitigation factors. <u>I recommend that this language be changed to expand the scope of the study beyond just BOD capacity.</u> The ARC wastewater may not have the same characteristics of municipal wastewater. Consequently, the problem for the treatment plant may not be BOD capacity. I suggest expanding the capacity study to cover any pollutant in its discharge permit (e.g., BOD, N, P) and don't restrict the capacity study to BOD alone.</p>
11-17	<p><b>Richard McCann</b></p> <ol style="list-style-type: none"> <li>1. Regarding the greenhouse gas emission inventory, the project should be able to demonstrate that it will at least not increase GHG emissions and preferably reduce GHG emissions across the Sacramento Valley region on a cumulative basis. Please analyze on a cumulative basis the total GHG emissions from the project annually and over the project life as compared to where a similar project would be built somewhere else in the region. Please do not dismiss this request as requiring speculation. But if it is considered a speculative analysis, then please explicitly acknowledge and affirm that the cumulative emissions for the region will increase by the total emissions from the project with no offsetting emissions from shifted demand from other potential sites.</li> </ol>
11-18	<ol style="list-style-type: none"> <li>2. The project appears to require a large amount of top soil to be removed from a neighboring parcel and the subsoil excavated for use on the project site. Please provide a complete analysis of how this action will affect (1) release of carbon currently</li> </ol>

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
 April 27, 2020

11-18 Cont'd	<p>sequestered in the both top soil and subsoil and (2) the soil structure after being moved at least twice and the parcel's continued viability for use in productive agriculture.</p> <p><b>Greg Miller</b></p>
11-19	<ul style="list-style-type: none"> <li>• Related to the project's carbon impacts, the SEIR should quantify the GHG emissions related to the soil carbon that will be released when the topsoil is excavated, moved, and otherwise disturbed for the project.</li> </ul>
11-20	<ul style="list-style-type: none"> <li>• The SEIR should analyze the impact on VMT of eliminating the parking minimum for this property to reduce the induced demand for VMT, if a parking minimum exception were to be granted by the city. One option that should be considered would be to eliminate all parking for commercial and industrial spaces, except for parking required for handicap access or other operational needs, but not for regular employee parking.</li> </ul>
11-21	<ul style="list-style-type: none"> <li>• The SEIR should analyze the impacts of the proposed buffer zone of 150' on the ability of adjacent agricultural property to spray their crops (given the restriction of spraying within 500' of other uses), as well as the impact of the proposed project on the ability of adjacent agricultural properties to maintain organic certification.</li> </ul>
11-22	<p><b>Alan Pryor</b>          Comments by Alan Pryor for NRC Analysis of DSEIR_4-27-20:</p> <p><b>GENERAL LAND USE</b></p> <p><b><u>Inconsistency with General Plan</u></b>          Preamble - The City of Davis General Plan Chapter 5. Economic and Business Development, Economic Development Element states under Action "F" under Policy ED 3.2:</p> <p><i>"Key considerations in such re-designation or rezoning shall include the timing of these potential development(s) and impacts and demands caused by these potential developments on the City and the Davis community. Impacts to address include, but are not limited to: traffic, water, housing (for example, growth demand), schools, effects on neighborhoods, and economics (for example, cost benefits and cost generation to the City); and</i></p> <ul style="list-style-type: none"> <li>• <i>Designation of a peripherally sited URRP shall only occur after:</i></li> </ul> <ul style="list-style-type: none"> <li>a) <i>It is determined that lands within the City limits would not meet the needs for "research-oriented" Business Park uses.</i></li> <li>b) <i>Specific guidelines for development projects on the periphery of the City are adopted."</i></li> </ul> <p>In other words, the General Plan--which is the guiding "Constitution" for local land use decisions--states that the City needs to undertake certain steps and make certain findings before designating peripheral land for research park/business park purposes. The City has not fully completed these studies, analyses, or findings. Additionally, these additional properties were dismissed out of hand by the DSEIR as being unsuitable because it did not include a single parcel the size of ARC (200 acres). However, the project description indicates this project would be built in phases on smaller acreage lots which renders the aforementioned objection moot.</p>

Letter 11

Natural Resources Commission Meeting

Re: Aggie Research Campus Subsequent Environmental Impact Report

April 27, 2020

11-22  
Cont'd

Further analysis in the Scoping Comments about the inadequate analysis and unwarranted dismissal of an infill strategy to meet commercial/industrial land needs is on pages 12-15. The bottom line is that the City has not completed an analysis of the actual development capacity of vacant commercial/industrial land, including potentially underutilized and redevelopable land, City-owned land, and other land that could potentially be re-zoned to meet commercial/industrial needs that could be developed with the 20-25 year time-frame.

**DSEIR Needs to Analyze Additional Infill Sites** - The DSEIR must have a full accounting of all proper infill candidates to be analyzed and not just the current analysis of only vacant land.

**TRAFFIC**

Inadequacy of Traffic Study

11-23

Preamble - "***You want this to be the most sustainable, innovative tech campus in the United States. But you have come to us with a car-dominated, auto-centric proposal on the edge of town, far from the capitol corridor station, not linked to good transit, with huge parking lots and parking structures...Widening Mace to accommodate more traffic is not the answer. It's going to induce more demand. It's going to make the people who currently choose other modes of transportation, choose other routes, choose other times of day ... go back to this street and we're going to have all of this new demand. I think that we need to get serious about other modes of transportation...If you want to build this project and you want to be an innovator and bring value to this community, you need to do that right ... and that requires outside partners and getting better transit to this site. Without more specific information and plans and guarantees on these things, I don't know that I can recommend this project in good faith because this is going to be more of the same kind of development that has brought us — I don't want to be melodramatic — but has brought us to the brink of climate emergency that we're at.***" (Emphasis added) - Emily Shandy, Davis Planning Commissioner, February 26, 2020

**DSEIR Needs for Redoing the Traffic Study** – A redo of the analysis of the traffic study must be performed based on the analysis by Matt Williams showing the east bound on-ramps to I-80 have not been properly included as intersections within the Fehr and Peers study. Other important intersections must be analyzed as suggested in the Williams letter. Additional analysis must be performed such that trip counts through the various intersections need to be equalized – i.e. some of the "lost" trips need to be quantitatively accounted for.

11-24

Need to Define Impacts of "Potential Operational Enhancements"

Preamble - Additionally, the DSEIR states that the engineers that studied the impact on traffic as a result of ARC and who prepared the Transportation Impact Analysis have suggested "*potential operational enhancements*" in their report and infer that they are actual mitigations proposed for the project. In fact, they are totally distinct from the list of those officially identified mitigations in the SEIR. There appears to be no tie-in between actual recommend mitigation measures for the project and these "*potential operational enhancements*".

It appears that Fehr and Peers otherwise identified this list of "*potential operational enhancements*" in order to present a future scenario that looks more rosy than would otherwise be the case if these "*potential operational enhancements*" were not implemented. The "*potential operational enhancements*" consist of a wish-list of massive roadway construction projects with an unknown price tag and feasibility which may, in fact, never be realized. Further, the Transportation Impact Analysis itself recognizes that increasing roadway capacity due to these "*potential operational*

Letter 11

Natural Resources Commission Meeting  
Re: Aggie Research Campus Subsequent Environmental Impact Report  
April 27, 2020

11-24  
Cont'd

*enhancements*" would have deleterious effects on local traffic and bicycle-pedestrian safety and actually increase roadway congestion if they were, in fact, implemented as noted below.

From p. 26 of the Transportation Impact Analysis:

*"Note that while the improvements listed above provide benefits to peak hour roadway operations for vehicles, they could diminish the bicycle and pedestrian environment by increasing crossing distances and bicycle and pedestrian exposure times at intersections. Moreover, the additional roadway capacity resulting from these improvements could induce additional vehicle miles traveled (VMT) on study area roadways. Existing evidence indicates that Covell Boulevard, Mace Boulevard, and connecting roadways such as Second Street and Chiles Road are utilized as regional cut-through routes when I-80 experiences significant speed reductions and delays during p.m. peak periods. Therefore, improving operations and reducing delays along these local roadways could increase the attractiveness of these routes as alternatives to I-80 and induce additional regional cut-through activity on local roadways. Parallel local routes require longer trip distances than remaining on I-80, therefore, regional travel demand use of local routes would yield more VMT than use of I-80. (Emphasis added)*

In other words, the Transportation Impact Analysis implies peak hour traffic flow benefits from these *"potential operational enhancements"* but does not factor in any of the suggested negative impacts that the *"potential operational enhancements"* may induce which is a logical flaw in the study

**DSEIR Needs for Further Analysis of Potential Operational Enhancements** – The DSEIR must remove all references for *"potential operational enhancements"* **or** quantitatively analyze the impacts of these enhancements on both vehicular traffic and bicycle/pedestrian traffic.

**VMT & GHG Emissions**

Transportation Related GHG Emissions

11-25

Preamble - The ARC proposal saw daily auto trips increase to 23,888 trips per day vs about 15,800 trips per day from the MRIC proposal. Current daily VMT are now projected to be 309,000 for the Existing Plus Condition or 253,000 for Cumulative Plus Conditions. It appears that the Transportation contributions to the total GHG emissions from the project are estimated at 30,505 MTCO<sub>2</sub>eq/yr – or about 78% of the total project GHG emissions of 39,066 MTCO<sub>2</sub>eq/yr. (see Tables 3-20 & 3-321 on page 3-141)

Looking at the 2012 City of Davis GHG Inventory (TABLE 2 - SUMMARY OF INCLUDED AND EXCLUDED EMISSIONS – p. 912), *Total On-road passenger vehicle travel associated with community land uses* results in 148,713 MTCO<sub>2</sub>eq/yr but there is an additional contribution to the total City-wide Total GHG emissions of 348,000 MTCO<sub>2</sub>eq/yr of 48,515 MTCO<sub>2</sub>/yr due to *On-road freight and service vehicle travel associated with community land uses*. This is an increase of about 32.8% of the GHG emissions only from On-road freight and service vehicle travel it does not appear to be accounted for in total GHG emissions associated with the project.

**DSEIR Needs for Additional of Calculation of Transportation Related GHG Emissions** – If the reported transportation-related GHG emissions in the ARC DSEIR do not include *On-road freight and service vehicle travel associated with community land uses*, the DSEIR must include the emissions from *On-road freight and service vehicle travel associated with community land uses* in total project GHG

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
April 27, 2020

11-25  
Cont'd

emissions. In either event, the emissions from *On-road freight and service vehicle travel* must be reported as a separate line item distinct from emissions from *On-road passenger vehicle travel*

VMT and GHG Emissions as a Function of % Occupancy of Residential Unit Occupancy by ARC Employees

Preamble - It also appears that the project's VMT and total project GHG emissions assume that there is not a specified minimum percentage of occupants living in the 850 units that will be working at ARC but rather the predicted percentage of occupant employees is based on other mixed use business parks.

11-26

However, the Council Resolution adopted 9-19-2017 to certify the EIR had a *Whereas* stating that the Mixed Use Alternative would qualify as the Environmentally Superior Alternative *only* if a legally enforceable mechanism could be found to ensure that at least 60% of the 850 on-site housing units were occupied by at least one ARC employee.

The 60% occupancy criteria was never included in the basic MRIC project itself nor in the Mixed Use Alternative but it is the result of a trip generation sensitivity analysis conducted in response to comments on the DSEIR. The previous MRIC EIR indicated that mixed use was the preferred environmental option because it assumed that 60% of the units would be occupied by at least one employee of ARC. If that is not now the case, then we don't really know if the mixed use proposal is really the environmentally preferred option. As such, additional analysis should be performed looking at what are the total VMT and project GHG MTCO<sub>2</sub>eq/yr for different scenarios for housing and employee occupancy.

**DSEIR Need to Recalculate VMT and GHG Emissions** - Based on specific directive of Council for MRIC to ensure that 60% of homes in housing have at least 1 person working at ARC, the DSEIR must do additional analysis assuming 60% occupancy of units by ARC employees and an additional analysis assuming no residential development at all (i.e. all commercial) to ensure that the residential mixed use option is still the environmentally preferable alternative vs only looking at the current proposal with no specified occupancy requirements.

**DRAINAGE**

Proposed Use of City Property for Private Project Storm-Water Detention

11-27

Preamble – Originally a large detention pond was located on the ARC site itself which served as mitigation to collect runoff/flood waters from the large Mace Ranch development which was developed to the west of the site 20 years ago also by Ramco. However, the project drainage was not engineered properly which resulted in excessive runoff to the east during wet years damaging other farmers properties. As a result, a lawsuit was filed against the City by the Howett farm owners several years ago. As a settlement, the City had to purchase the 700-acre Howett and Clayton ranches with storm-water and wastewater enterprise funds. Now the same Ramos developers want to use this property to handle all of the Mace Ranch runoff and additionally the drainage from the ARC site itself onto City-owned land. There is clearly an irony here. However, my comments here only address the inadequacies of the existing DSEIR in addressing the impacts of this decision to propose using the Howett Clayton Ranch as a detention basin backstop to handle all of the Mace Ranch and ARC drainage and runoff.

In the original MRIC proposal, an onsite storm-water detention pond was proposed to handle any excess surface runoff from the project but I see this has been removed in the current proposal and now the 2nd and 3rd paragraphs of p. 3.21 of the DSEIR state that one of the engineering solutions for handling ARC project drainage was an offsite 100 acre detention pond. The preferred location for the "off-site replacement storage area" is the easternmost open space parcel owned by the City of Davis, adjacent to the Mace Drainage Channel (MDC). [See SEIR Fig 3-10, p. 3-81]. To accomplish that, the applicant is proposing to excavate up to 2.5 feet of topsoil and transporting approximately 1 foot of that soil to

Letter 11

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
April 27, 2020

11-27  
Cont'd

the ARC site – or 130,000 cubic yards using 10,833 dump truck loads of 12 cubic yards per load. The remaining soil will be pushed back into the 100 acre plot resulting in a depression of about 10 inches or so in the 100 acres. The soil transported to the ARC site will be stockpiled there and presumably be used for piling on the different phases of construction to compress the soil making it suitable for construction as inferred in the DSEIR

However, although the text of the description of the impacts *seem* to indicate that the impacts of moving that soil in terms of GHG emissions are considered in the DSEIR, there appears to be no analysis of the potential impacts of altering approximately 100 acres of land on the land itself. Such action could have impacts on 1) wildlife habitat, or 2) water quality flowing into the bypass, 3) salt build-up in the soil due to evaporation and/or drainage of the water on the Howett Clayton Ranch, 4) farmability of the soil due to possible soil compaction, and 5) integrity of the levee due to removal of the dirt from the toe area; none of which are addressed in the DSEIR.

**DSEIR Need for Analysis of the Impact of Creating the 100-acre Drainage Basin on Howatt or Clayton Ranches** - A biological resources study of the Howatt Ranch must be performed by a qualified biologist. Additionally, an analysis of the impacts of soil removal must be done by a qualified soil scientist of the impacts of lowering and leveling on the 100 acres particularly with respect to compaction of that soil by huge amounts of heavy equipment running back and forth on it followed by repeated flooding and drying with residual salts buildup as this may very likely result in a hard-pan rendering the 100 acres unfarmable. Further, the proximity of the proposed soil removal from the toe of the Yolo Bypass levee could compromise the levee structure; especially problematic during large flood events from Sacramento River. As a result, a comprehensive geotechnical study must be carried out to further inform the DSEIR of these potential impacts or, alternatively, a statement from the Army Corp of Engineers must be obtained stating that such soil removal will have no adverse impacts on the levee structure and stability.

Onsite vs Offsite Storm-water Detention

Preamble - The MRIC proposal showed the detention pond onsite and now that option has been removed and replaced with the Howatt Clayton detention pond option. The alternative placement of the detention pond on the ARC site itself must be evaluated as an environmentally superior alternative.

11-28

**DSEIR Need for Comparison of Onsite vs Offsite Flood Water Retention** - The DSEIR must also compare the environmental impacts of onsite storm-water detention vs offsite storage at Howett or Clayton ranches.

Impact of Soil Placement on the Arc Site

Preamble - The DSEIR says 130,000 cubic yards will be transported to the site but does not say where it will be stockpiled nor how long and the impacts on storm water runoff from placing such a large volume of soil on the ARC site have not been evaluated.

**DSEIR Need for Evaluate the Drainage Impacts of Raising the Project Site Elevation** – 130,000 cubic yards of fill added to the site will add about 5'+ elevation if spread over the entire 200 acre site which will impact the drainage calculations for the site. This location of the fill and impacts on runoff must be evaluated.

**AG BUFFER**

11-29

Preamble - Only a 150 ft agricultural buffer is proposed for the northern and eastern sections of the project adjoining your ranch vs a 300 ft buffer as required per County Code per the letter from the County to the City as scoping comments prior to the preparation of the DSEIR. This letter reminded the City that County Code requires a 300 ft. buffer instead of the 150 ft as proposed by ARC. Even with a 300 ft buffer,

Letter 11

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
April 27, 2020

11-29  
Cont'd

you will likely still have to pull any spray rigs in an additional few hundred feet and stop spraying there to maintain a 500 ft. "safe spray zone". These impacts were not reflected in the project proposal as the resultant project proposal maintained only the 150 ft agricultural buffer which was also presented in the DSEIR.

Further, the agricultural buffer area on the north and east sides of the project is also proposed as a temporary water storage area which holding capacity as apparently not been fully evaluated in the DSEIR with respect to potential offsite flooding to the north and east - p. 3-168 of the DSEIR discloses that the developer is proposing to use that already narrowed agricultural buffer for temporary water drainage storage. "The applicant intends to remove the existing on-site detention basin, and reconfigure it with varied side-slopes and a more rectangular shape. It would be an offline storage facility and only fill during extreme storm events. **In addition, the 150-foot agricultural buffer area along the eastern and northeastern site boundaries would provide detention storage for storm events.**" (Emphasis added). This could severely exacerbate flooding issues periodically experienced by properties to the north and east of the property as previously documented with pictures by Billie Martin and concerns expressed by Ranjit Dhillon.

11-30

Also, although there is no specific mention of possible water detention on the ag buffer intruding onto Mace-25, if there is ANY possibility of that occurring that must be analyzed in light of the applicant's proposal to put artificial burrows on that property because putting in burrows where there is a potential for flooding would result in a "take" of the owls which would need to be analyzed and a permit sought from CDFW.

**DSEIR Need for Evaluation of Flooding Potential from Ag Buffer** – Additional modeling must be done disclosing the potential for offsite flooding from the ag buffer from the properties to the north and east of the ARC site and the potential adverse impacts on local farmers from such offsite flooding. Further, the adverse impacts of the farming operations to properties adjacent to the ag buffer must be evaluated.

**IN ALL OF THE ABOVE CASES WHERE ADVERSE IMPACTS ARE NOTED, THE IMPACTS MUST BE QUANTITATIVELY EVALUATED TO THE EXTENT POSSIBLE AND MITIGATIONS MUST BE PROPOSED AND SIMILARLY EVALUATED.**

**Hannah Safford**

*During its April 27, 2020 meeting, the City of Davis Natural Resources Commission (NRC) compiled and approved a document—included at the beginning of this package—summarizing consensus NRC feedback on the Subsequent Environmental Impact Report (SEIR) for the Aggie Research Campus (ARC) Project (SCH #2014112012). The text below contains additional input from NRC Commissioner Hannah Safford that align with the consensus NRC feedback. Per the NRC motion unanimously approved during the April 27 meeting, this additional input is submitted for inclusion in the formal NRC comment package to be submitted in response to the City's request for public comment on the SEIR. Where applicable, numbers are included to indicate a specific item in the consensus document to which a particular note pertains.*

11-31

My additional input yields three key takeaways:

- **Takeaway 1:** The City should carefully consider whether benefits of the ARC Project as currently proposed outweigh its substantial—and to some extent irreversible—



Letter 11

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
April 27, 2020

11-31  
Cont'd

- environmental costs. In particular, the City should request an updated analysis of project alternatives [NRC Item 1].
- Takeaway 2: If the City chooses to proceed with the ARC Project largely as planned, certain project aspects should be altered and certain mitigation measures strengthened in order to minimize the project's most serious environmental impacts [NRC Items 4 and 5].
  - Takeaway 3: The City should not proceed with the ARC Project unless a far stronger effort is made to reduce the project's adverse impacts on vehicle miles traveled (VMT), transportation emissions, and congestion [NRC Items 3 and 4].

Each of these takeaways is detailed further below.

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11-32

**Takeaway 1: The City should carefully consider whether benefits of the ARC Project as currently proposed outweigh its substantial—and to some extent irreversible—environmental costs. In particular, the City should request an updated analysis of project alternatives [NRC Item 1].**

Any large and ambitious development project will inevitably impose considerable environmental impacts. The Aggie Research Campus (ARC) Project is no exception. Per the project's March 2020 Draft Subsequent Environmental Impact Report (SEIR), carrying out the ARC Project as currently planned would:

- Substantially degrade existing visual character or quality of the project site and its surroundings.
- Eliminate important farmlands and agricultural land.
- Substantially increase regional greenhouse gas (GHG) emissions.
- Considerably increase criteria pollutant emissions and associated health risks.
- Generate more than 300,000 additional vehicle miles traveled (VMT)—the equivalent of approximately 120 tons of CO<sub>2</sub> emissions<sup>1</sup>—per typical weekday.

11-33

The ARC Project could also have significant and adverse impacts on special-status plant, insect, and animal species; sensitive habitat; energy consumption; and water quality; and could increase risks related to flooding and hazardous materials.

11-34

The project applicant has proposed numerous measures to mitigate the severity of identified environmental impacts. Many of these measures are highly detailed and likely to be effective. Yet even if all proposed mitigation measures are implemented as successfully as possible, the "significant and unavoidable impacts" summarized in the bulleted list above would still occur. The additional significant (but avoidable) impacts would be reduced to perhaps tolerable—but still non-zero—levels.

<sup>1</sup> U.S. Environmental Protection Agency, (n.d.), "Greenhouse Gas Emissions from a Typical Passenger Vehicle", available at <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle>.

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
April 27, 2020

11-35

Moreover, it should be acknowledged that for complex developments such as the ARC Project, even those with the best intentions will find it nearly impossible to implement all mitigation measures exactly as planned. It is more likely than not that at least some mitigation measures will fall through the cracks or fail, and that environmental impacts will be greater than anticipated as a result.

11-36

Adverse environmental impacts associated with the ARC Project would run afoul of the City Council's Goal 3 ("Pursue Environmental Sustainability") and Objective 1 ("Reduce the community's carbon footprint and achieve measurable GHG emission reductions, including reduction of Vehicle Miles Traveled (VMT)). Two of the greatest and most unavoidable environmental consequences of the ARC Project directly counteract this objective. Pages 3-135 through 3-137 of the SEIR note changes in circumstances that have increased ARC Project impacts related to GHG emissions above levels documented in the Certified Final EIR for the Mace Ranch Innovation Center (MRIC) Project. Of particular note is the March 5, 2019 climate emergency resolution that accelerated the City's goal of net carbon neutrality from the year 2050 to the year 2040. The SEIR acknowledges that "the ARC Project's GHG emissions cannot be shown to be reduced to net zero by 2040 with certainty at this time." Proceeding with the ARC Project as planned would make it even more difficult for the City to meet its ambitious climate targets.

11-37

The SEIR also notes that "[i]mpacts related to VMT were determined to be less-than-significant with mitigation for the MRIC Project" (p. 3-250), but are not for the ARC Project. Specifically, "the proposed ARC Project and future buildout of the Mace Triangle are estimated to generate 309,000 VMT and 10,800 VMT, respectively...on a typical weekday" (p. 3-251). Given that the average car emits 404 grams of carbon dioxide (gCO<sub>2</sub>) per mile traveled, this equates to approximately 120 additional tons of CO<sub>2</sub> emitted from the transportation sector. This VMT increase "represents a new unmitigable significant impact" (p. 3-254) of the ARC Project.

Of course, the environmental impacts that the ARC Project would impose must be evaluated alongside the benefits the ARC Project would yield. Such benefits include positioning the City to capture a greater share of local/regional business growth, flexibly meeting needs of local businesses now and for +/- 20 years into the future, contributing to job creation and tax-base enhancement within Davis, and providing housing to accommodate a growing population. These benefits are consistent with the City Council's Goal 2 ("Drive a Diverse and Resilient Economy") and Objective 3 ("Address the needs of new businesses and business types identified as desirable additions to our economic diversity and sustainability.")<sup>2</sup>

In light of the substantial—and to some extent irreversible—environmental damage the ARC Project as currently proposed would cause, the City should carefully consider alternative

<sup>2</sup> Ashley Feeney and Sherri Metzker, (October 2019), "Aggie Research Campus Application Update and Request for City Council Subcommittee", available at <http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/CouncilMeetings/Agendas/20191008/05E-ARC-Application.pdf>.

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
April 27, 2020

**Letter 11**

11-37  
Cont'd

options for achieving benefits that the ARC Project is intended to provide. Numerous public commenters have identified changes in city circumstances (e.g., creation of an updated Downtown Plan that would permit new and innovative use of downtown space; business closures that have resulted in additional vacant commercial and industrial property) that would support lower-impact alternatives to a ~200-acre development project. As such, the City should request an updated analysis of alternatives to the current ARC Project proposal [NRC Item 1].

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**Takeaway 2: If the City chooses to proceed with the ARC Project largely as planned, certain project aspects should be altered and certain mitigation measures strengthened in order to minimize the project's most serious environmental impacts [NRC Items 4 and 5].**

On April 15, Greg Rowe—writing in his role as a private citizen and drawing on his experience as a member of the City of Davis Planning Commission and as a long-time environmental planner in Sacramento County—sent a memo (included as Appendix A of this document) to the Natural Resources Commission entitled “Comments on Draft Subsequent EIR (SEIR) for Proposed Aggie Research Campus Project (March 2020). The memo is thorough and credible, and merits consideration in its entirety. The following summarizes some of the most pressing points and compelling recommendations advanced by Mr. Rowe, all of which align with NRC consensus items.

11-38

**(A) Structure and adequacy of proposed agricultural buffer [NRC Item 4-ii].**

The Davis Municipal Code (40A.01.050, “Agricultural buffer requirement”) requires that

“all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive areas...shall be required to provide an agricultural buffer/agricultural transition area...[The area] shall be a minimum of one hundred fifty feet measured from the edge of the agricultural, greenbelt, or habitat area. Optimally, to achieve a maximum separation and to comply with the five-hundred-foot aerial spray setback established by the counties of Yolo and Solano, a buffer wider than one hundred fifty feet is encouraged.”

The ARC Project would meet this requirement by establishing a 150-foot buffer (comprising a total area of 22.6 acres) along the north and east sides of the planned ARC campus.

This proposal raises two primary concerns. First, the proposed 150-foot buffer satisfies the letter of Davis local law, but not the spirit. Public comment letters from the Yolo County Local Agency Formation Commission (LAFCo) and the Yolo County Department of Community Services emphasize that the minimum 150-foot buffer required by the Davis Municipal Code “may be insufficient for the significance of the proposed project.” As Mr. Rowe suggests, the City should strongly consider requiring the project applicant to increase the buffer width to a minimum of 300 feet. Such a requirement would also help address concerns related to (1) the potential impact of the ARC Project on Western Burrowing Owl populations and habitat,<sup>3</sup> and

<sup>3</sup> See p. 5 and 6 of the Rowe memo, especially comments pertaining to the impracticality of the proposal to obtain ‘dual’ BUOW habitat and bicycle/recreation benefits in the first 50 feet of the buffer.

Natural Resources Commission Meeting  
Re: Aggie Research Campus Subsequent Environmental Impact Report  
April 27, 2020

11-38  
Cont'd

(2) incompatibility between recreational uses proposed for the buffer and the proximity of the buffer to agricultural parcels that use restricted substances (e.g., pesticides and herbicides; p. 9 of the Rowe memo).

Second, the applicant proposes meeting part of the buffer requirement by establishing a 6.8-acre easement on a City-owned 25-acre parcel adjacent to the development area. This parcel was acquired in fee title by the City in 2011 using funds from Measure O—a parcel tax dedicated to provide long-term funding for acquisition, maintenance, and improvement of open-space areas. The Rowe memo (p. 3 through 5) provides a compelling argument that conveying such an easement would be an improper use of City resources. To address this issue, the City should either (1) require the buffer to be included solely within the applicant's property, or (2) convey the easement at a price that would enable the City to obtain a greater amount of open space/agricultural land elsewhere.

11-39

(B) Proposed use of City property for stormwater detention [NRC Item 4-iii].

Per the Rowe memo (p. 7), the SEIR states “that two engineering solutions for handling ARC Project drainage have been identified: off-site replacement storage or a small pump station. Each of the three possible sites identified by the project applicant for off-site replacement storage are located on properties owned by the City of Davis. Mr. Rowe argues that “using City-owned space as a detention facility for the sole benefit of a private development could constitute an unwarranted public subsidy; i.e., a gift of public funds.”<sup>4</sup> The City should require the applicant to propose an alternative strategy for stormwater detention that does not rely on (uncompensated) use of City property. In particular, the City may wish to encourage the applicant to explore potential onsite detention/retention facilities (p. 13 and 14 of the Rowe memo).

11-40

(C) Topsoil excavation and use associated with off-site stormwater replacement storage [NRC Item 5-ii].

As noted above, off-site replacement storage is one of two options identified in the SEIR for handling ARC Project drainage. This option would involve removing up to 2.5 feet of topsoil from approximately 100 acres on a City-owned property, excavating the selected area to the desired depth, and then spreading the topsoil back over the lowered field (SEIR p. 3-168). This option could significantly affect water quality, wildlife habitat, and other aspects of the local environment (p. 7 of the Rowe memo). This option would also require approximately 10,000 2-mile diesel-truck trips to transport excavated materials (p. 13 of the Rowe memo). Finally, this option appears to allow the project applicant to use excavated materials from City-owned property for “correcting unsuitable soil conditions at the ARC site in preparation for development”, without reimbursing the City for those materials (p. 12 of the Rowe memo). Again, the City could address this issue by requiring the applicant to propose an alternative

<sup>4</sup> This argument is revisited on p. 14 of the Rowe memo.

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
April 27, 2020

11-40  
Cont'd

storm-water detention strategy. If the City permits the applicant to proceed with off-site replacement storage on City-owned property, then “the City must receive compensation commensurate with the value of the stormwater protection and improved site conditions received by the ARC applicants” (p. 14 of the Rowe memo).

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**Takeaway 3: The City should not proceed with the ARC Project unless a far stronger effort is made to reduce the project’s adverse impacts on VMT, transportation emissions, and congestion [NRC Items 3 and 4].**

11-41

As stated on Page 2 of this memo, a substantial anticipated increase in VMT is one of the biggest changes between the MRIC Project EIR and the ARC Project SEIR. The SEIR estimates that the ARC Project would generate nearly 24,000 additional external daily vehicle trips (including nearly 5,000 during AM and PM peak hours) and more than 300,000 VMT per typical weekday. This would result in approximately 120 additional tons of CO<sub>2</sub> emissions and 1.3 tons of carbon monoxide emissions from driving miles alone per typical weekday, making it harder for the City to meet its goal of achieving carbon neutrality by 2040 [NRC Item 3]. This would also result in additional emissions of various hydrocarbons, nitrogen oxides (NO<sub>x</sub>), and small particulate matter (PM<sub>2.5</sub>) from driving miles,<sup>5</sup> as well as additional emissions of all of the above-listed compounds from traffic idling.

Even these figures may be understating the environmental impacts of increased VMT and local congestion associated with the ARC Project. On April 24, Matt Williams—a longtime Davis resident and current and former member of multiple City advisory bodies—sent a memo (included as Appendix B of this document) to the Natural Resources Commission entitled “Aggie Research Campus—Subsequent Environmental Impact Report Traffic and Circulation”. The memo states that the traffic and circulation analysis included in the SEIR is deficient in several ways. Specifically, the memo states that the SEIR (1) failed to “include two of the most impactful ‘choke point’ intersections” in the ARC Project domain, (2) failed to “adequately report the impact of traffic on adjacent residential neighborhoods, and (3) includes multiple numerical discrepancies that suggest an inadequate and/or incomplete traffic and circulation analysis was performed. The City should require the project applicant to respond to these concerns. If the response is unsatisfactory, the City should require the project applicant to redo the traffic and circulation analysis [NRC Item 4-iv].

11-42

Above all, though, the City should not proceed with the ARC Project unless a far stronger effort is made to reduce the project’s generation of VMT and effects on local traffic conditions. The SEIR identifies some measures that will be taken to mitigate these impacts. Such measures include constructing bicycle facilities, improving bicycle and pedestrian infrastructure, adding

<sup>5</sup> Bureau of Transportation Statistics, (n.d.) “Table 4-43: Estimated U.S. Average Vehicle Emissions Rates per Vehicle by Vehicle Type Using Gasoline and Diesel”, U.S. Department of Transportation, available at <https://www.bts.gov/content/estimated-national-average-vehicle-emissions-rates-vehicle-vehicle-type-using-gasoline-and>.

**Natural Resources Commission Meeting**  
**Re: Aggie Research Campus Subsequent Environmental Impact Report**  
April 27, 2020

**Letter 11**

**11-42**  
**Cont'd**

signaling and other road infrastructure to improve flow of car traffic, widening certain roadways, and constructing a transit plaza that connects the ARC Project to local transit networks. These measures are not nearly far-reaching or ambitious enough. At the Natural Resources Commission's February 24, 2020 meeting, the project developers stated their intention to build one of the most sustainable innovation campuses in the world. If this is the case, then the transportation-related elements of the ARC Project proposal must reduce reliance on privately owned, gas-powered vehicles for transportation to and from the project campus as much as possible. This vision could be achieved through strategies such as:

- Providing electric-vehicle charging stations well in excess of minimum requirements.
- Supporting construction of dedicated roadways for micromobility vehicles (e.g., electric scooters, electric skateboards, and electric bikes).
- Establishing dedicated loading and unloading zones for rideshare services.
- Establishing dedicated parking spaces for carsharing services.
- Providing an electric shuttle service to transport passengers between the ARC Project campus and priority destinations (e.g., Downtown Davis, shopping centers).
- Requiring commercial tenants of the ARC Project to subsidize transit for employees.

The SEIR references a minority of these strategies as possibilities, but the project applicant has not committed to any of them. The City should require the project applicant to update the transportation-related elements of the project proposal with additional measures to materially reduce the project's impacts on VMT, emissions, and congestion [NRC Item 4-iv]. Just as the ARC Project is intended to accommodate and grow the businesses of the future, so too should it be designed to accommodate and grow the transportation solutions of the future.

## **LETTER 11: NATURAL RESOURCES COMMISSION**

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### **Response to Comment 11-1**

Please refer to Master Response #4 for information regarding the infill alternative. The reference for the need to update the analysis of the “reduced project size” alternative is unclear as to what significant impacts that alternative would be designed to address and whether reductions would be to commercial or residential elements of the project, or a combination thereof. The Certified Final EIR and Draft SEIR already include evaluation of a Reduced Site Size Alternative and a Reduced Project Alternative; thus, it is unclear what additional reductions would be considered in response to the comment.

The Downtown Davis Specific Plan has not been adopted, but the draft version identifies up to 600,000 additional non-residential square feet within the plan area by 2040, which comprises only approximately 23 percent of the ARC Project’s total non-residential square feet. The MRIC Certified Final EIR considered and evaluated six alternatives. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Notably, the ARC SEIR compares the proposed ARC Project to these alternatives, with recognition of changes in circumstances, as is appropriate for a subsequent EIR. This discussion is provided in Chapter 2 of the SEIR.

### **Response to Comment 11-2**

Chapter 5 of the Certified Final EIR included a thorough analysis of cumulative effects, and the Draft SEIR revised the cumulative effects analysis, as needed, to reflect changes in circumstances since certification of the MRIC EIR, consistent with CEQA Guidelines Section 15162. In reference to those “factors” mentioned by the commenter, potential cumulative impacts related to recreation is presented on page 3-318, while impacts related to City services are presented on pages 3-316 through 3-318. Cumulative impacts to population and housing are analyzed on pages 3-313 through 3-316.

### **Response to Comment 11-3**

Potential impacts related to GHG emissions are presented on pages 3-135 through 3-147, as well as pages 3-303 through 3-304. The City’s recently adopted goal of net carbon neutrality forms the basis of the analysis presented in the Draft SEIR; for example, the Changes in Circumstances section of the GHG and Energy analysis of the Draft SEIR states the following on page 3-136:

Within the City of Davis, changes have occurred related to the establishment of updated emissions reductions targets. At the time of analysis of the MRIC Project, the applicable document related to the control of GHG emissions within the City of Davis was the City’s Climate Action and Adaptation Plan (CAAP). The City’s CAAP formed the basis of emissions reductions targets and GHG emissions thresholds for development within the

City. However, on March 5, 2019, the City Council adopted a resolution declaring a climate emergency. As part of the resolution, the City's adopted goal of net carbon neutrality by the year 2050 was accelerated to the year 2040. Achievement of carbon neutrality by the year 2040 would place the City on an emissions reductions trajectory that surpasses the minimum reduction targets previously established by the City, which were based on Assembly Bill 32, as well as the City's previously adopted desired reductions levels, thus surpassing the emissions reductions goals of the City's CAAP.

The remaining analysis related to GHG Emissions presented in the Draft SEIR is predicated on the foregoing changes in circumstances. The commenter is specifically directed to Impact 3-38 of the Draft SEIR, which presents an analysis of construction-related and operational GHG emissions in comparison to the City's desired goal of net carbon neutrality by the year 2040. As discussed on page 3-144 of the Draft SEIR, "full implementation of Mitigation Measure 3-38(a) and 3-38(b) would ensure that project-related emissions are reduced to a level of carbon neutrality by the year 2040." However, full implementation of the foregoing mitigation measures is ultimately considered speculative, and, as such, implementation of the proposed project could interfere with the ability of the City to meet the goal of net carbon neutrality by the year 2040. It is important to recognize, however, that the referenced GHG mitigation measures are not illusory, insofar as specific performance standards are specified, available means to achieve performance standards are included, and the City and applicant are committed to implementing the mitigation measures to reduce the project's GHG emissions to the maximum extent feasible. Notwithstanding this, the ability for such actions to fully reduce the project's GHG emissions below the applicable thresholds is uncertain. For example, as stated on page 3-304 of the Draft SEIR,

In addition to the uncertainty regarding on-site reductions in GHG emissions, the future availability of carbon off-set credits that provide ongoing carbon off-sets (as opposed to one-time off-sets) 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, and other reasons discussed in the Draft SEIR, the Draft SEIR determines this impact to be significant and unavoidable, which would require the City Council to adopt findings of fact and a statement of overriding considerations, consistent with CEQA Guidelines Sections 15091 and 15093 should the City Council determine the SEIR should be certified and the project entitlements approved.

#### **Response to Comment 11-4**

The Draft SEIR does not rely on the City Parcel for mitigation strategies. Please refer to Master Response #2 regarding the applicant's proposed use of 6.8 acres of the City Parcel for the project's northern agricultural buffer.

Please see Response to Comment 64-2 regarding the adequacy of the width of the proposed agricultural buffer, considering the mitigating strategies included in the Draft SEIR. Long-term maintenance of the agricultural buffer would be in conformance with Section 40A.01.050 of the City Municipal Code.



### **Response to Comment 11-5**

Water supply, drainage, and stormwater management are analyzed within the Utilities section and the Hydrology and Water Quality sections of the Draft SEIR.

With regard to water supply, with implementation of the proposed project, the City of Davis would assume responsibility of providing water supply to the project site, the sole exception being that 80 percent of the landscape irrigation demand would be provided by an on-site well (please see Response to Comment 11-7 below for more discussion). The City of Davis currently relies on surface water from the Woodland-Davis Clean Water Agency as well as groundwater. Alternative sources of water do not exist within the City. Nevertheless, as discussed on page 3-19 of the Draft SEIR, the ARC Project would include installation of on-site infrastructure sufficient to access recycled water should the City, or another entity, construct off-site infrastructure to provide recycled water to the project site. Considering the existing sources of water supply are adequate to serve the proposed project, as shown in Table 3-43 of the Draft SEIR, the investigation of further alternative sources of water for the project is not required.

Impact 3-47 of the Draft SEIR presents an analysis of the potential impacts that could result related to alterations of the existing drainage patterns at the project site. As stated on page 3-166 of the Draft SEIR:

The overall drainage system design would be such that the combination of attenuated onsite flows and the channel and off-line detention modifications would reduce 100-year flows leaving the developed ARC Site to the original design capacity of 260 cfs.<sup>36</sup> This means that there would be no increase in the rate of flow leaving the ARC Site, and consequently, no downstream impacts related to the existing capacity of the MDC.

Based on the analysis provided above, on-site features are a major component of the proposed system of storm drainage management. However, the drainage system is considered conceptual at this time; consequently, Mitigation Measure 3-47(a) requires that a design-level drainage report be prepared prior to on-site development that would demonstrate that the proposed project includes sufficient storm drainage infrastructure.

### **Response to Comment 11-6**

Please see Master Response #3 (b).

### **Response to Comment 11-7**

The question addressed in Impact 3-50 of the Draft SEIR is whether implementation of the project would result in depletion of groundwater supplies or interference with groundwater recharge. The discussion presented in the Draft SEIR provides a meaningful analysis of both topics, which were previously analyzed in detail in sections 4.15, Utilities, and 4.9, Hydrology and Water Quality, in the Certified Final EIR.

Two irrigation wells are currently located within the project site. The existing wells currently pump groundwater for on-site agricultural irrigation. The Draft SEIR indicates that either one of the existing wells would be used for irrigation of ARC landscaping/open space, or both of the existing wells would be abandoned and one new on-site well installed. Because use of groundwater at the ARC Site is part of the baseline environmental condition it is instructive to consider groundwater use on-site. Crops grown on the ARC Site in the recent past include safflower and tomatoes. It is instructive to acknowledge that the on-site irrigation wells have been used periodically in the past to pump a substantial amount of groundwater for high water demand tomato crops. For example, tomato crops can require 2.75 acre-feet/year/acre in the Sacramento Valley. Applying this rate across the 187-acre privately-owned ARC Site yields a total annual groundwater demand of approximately 514 acre-feet.

By way of comparison, the ARC Project could be expected to require 121 acre-feet of groundwater per year. This is calculated using information contained in the Water Supply Assessment (June 2015) prepared by Brown and Caldwell for the MRIC project and its associated Mixed-Use Alternative. Consistent with the Draft SEIR (see pg. 3-19), the WSA assumed that an on-site well would provide 80 percent of the project's non-potable, irrigation needs, whereas the City's water system would provide the remaining 20 percent. Using data from Table 3-15 of the WSA, 80 percent of the ARC's open space irrigation demand would equate to 121 acre-feet year (80 percent of 2,712 gpd/ac x 50 acres). This annual demand attributable to ARC landscaping is well below the annual demand for tomato crops grown periodically on-site in the past, though the landscaping demand would be much greater than the amount of groundwater used on-site when low water crops, such as safflower, have been in production.

Regardless of historic use of groundwater on-site, the most significant consideration is that the on-site irrigation well, used for ARC landscaping, is expected to be within the intermediate aquifer, similar to other existing irrigation wells in the vicinity. While once a substantial source of City water supply, upon completion of the Woodland-Davis Clean Water Agency surface water supply project, and commencement of surface water delivery in 2016, intermediate aquifer water use in Davis was substantially reduced.

Table 4-6 of the WSA that illustrates that once the surface water starts to be delivered, the groundwater use within the City is projected to go from producing 12,574 acre-feet/yr of groundwater in 2015 to 3,466 acre-feet/yr of groundwater in 2020, after surface water comes online from the Woodland-Davis Clean Water Agency. Page 4-3 of the WSA states:

The City plans to reduce the amount of groundwater use and only use the deep aquifer wells once surface water becomes available. The intermediate aquifer wells will be retired, placed on standby, and/or converted to nonpotable service. Wells 31, 32, 33, and 34 would be the priority operating wells, with Wells 28 and 30 serving as the backup wells. It is assumed that Well 29 is not available. Future planned deep aquifer groundwater improvements include installing well head treatment and completing the above ground features for existing Well 34 and installing a new Well 35 after the year 2020 with treatment to replace existing Well 28. Figure 4-2 presents the historical and projected future annual use of groundwater from the intermediate and deep aquifers. The sharp drop of projected groundwater use depicted in Figure 4-2 in 2017 coincides with the beginning of wholesale surface water deliveries.

Thus, substantial evidence exists that the use of approximately 121 acre-feet per year of groundwater at the project site, on an ongoing basis, will not substantially deplete groundwater supplies, and is less than the peak past usage when high-water use crops were grown on the site.

With regard to the recharge of groundwater at the project site. As discussed on page 4.9-39 of the Certified Final EIR, the project site is underlain principally by soils with low permeability. Consequently, the project site is not considered a significant source of groundwater recharge currently. As noted on page 3-177 of the Draft SEIR, the ARC project would incorporate agricultural buffers, parks, and green spaces where groundwater recharge would continue to occur. Furthermore, runoff routed off-site may continue to contribute to groundwater recharge at off-site detention areas or within the Yolo Bypass.

### **Response to Comment 11-8**

The Draft SEIR presents an in-depth analysis of potential impacts to Transportation and Circulation within pages 3-212 through 3-272, as well as pages 3-318 through 3-332. For responses to public comments submitted by Matt Williams, please see the responses to Letters 80 and 81.

Factors limiting non-vehicular travel are presented on pages 3-218 and 3-221 of the Draft SEIR. Nonetheless, Mitigation Measure 3-72(a) outlines methods that could be implemented to reduce the reliance on single-passenger private vehicles. Please see Response to Comment 67-91 regarding TDM Mitigation Measure 3-72(a) for further discussion. In addition, it is noteworthy that since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station.

### **Response to Comment 11-9**

Potential ARC-related impacts to burrowing owl are discussed in Impact 3-18 of the Draft SEIR. Mitigation Measure 3-18 provides a means of avoiding and minimizing impacts to burrowing owls consistent with the Yolo HCP/NCCP as well as CDFW guidelines.

Cumulative impacts to the regional burrowing owl population are addressed in detail in Impact 3-89 of the Draft SEIR. In short, as a result of the regional conservation strategy included in the adopted Yolo HCP/NCCP, the Yolo HCP/NCCP EIS/EIR concluded that the impact from future development anticipated in the Plan, which includes the ARC Project and the undeveloped portions of the Mace Triangle (Please see Table 3-1 of Yolo HCP/NCCP), would have a less-than-significant impact on western burrowing owl (Yolo HCP/NCCP EIS/EIR, pg. 4-61). See also Responses to Comments 1-1 through 1-6.

### **Response to Comment 11-10**

Please see Master Response #3.

### **Response to Comment 11-11**

Please see Responses to Comments 9-5 and 64-2.

### **Response to Comment 11-12**

The comment is somewhat unclear and does not identify specific mitigation measures for which the commenter believes costs should have been evaluated. An EIR is not required to discuss or evaluate mitigation costs; however, the mitigation identified and required has been found to be feasible and will be implemented.<sup>14</sup>

### **Response to Comment 11-13**

As stated on page 3-201 of the Draft SEIR, the ARC Project would include up to 850 residential units and, thus, be required to comply with applicable affordable housing requirements established in the City's Municipal Code, including Section 18.05, Affordable Housing. The Ordinance, under Section 18.05.060(b), which was recently extended by City Council to November 30, 2021, allows more than one avenue to meet the City's alternative affordability requirements, including on-site construction of affordable housing, off-site land dedication, or pledging to the City a continuing payment of funds to be submitted to the City at least annually for the purpose of furthering the City's affordable housing goals and objectives, in an amount as deemed appropriate by the City Council.

Consistent with the City's ordinance, the applicant may choose to construct all of the required affordable units on-site, construct a portion of those units on-site and dedicate sufficient land to meet the rest of the requirement elsewhere in the City, or fully meet the City's affordable housing requirements by off-site land dedication. Regardless of the ultimate affordable housing plan approved for the project by the City, the project will contribute towards increased affordable housing within the City, which would serve to minimize VMT.

### **Response to Comment 11-14**

As discussed in Master Response #1, contrary to the commenter's assertion, the Draft SEIR makes no explicit assumptions regarding the number of ARC employees living in on-site housing. It is true that American Community Survey data regarding the average number of employees per household in Davis (1.62) was used to estimate the employee household demand for the project in an effort to estimate the share of ARC employee housing demand within the City that should be accommodate on-site. However, the Draft SEIR makes no explicit assumptions regarding where the employed occupants of each ARC dwelling unit are working. Instead, as discussed in detail in Master Response #1, the technical environmental analyses performed for the Draft SEIR that could be affected by making assumptions regarding where ARC residents would be working, was instead driven by empirical data collected from other mixed-use projects similar in situation and type.

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<sup>14</sup> Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act*. Second Edition. March 2020 Update, section 14.9.

As discussed on page 3-200 of the Draft SEIR, unlike the MRIC Project, the ARC Project would meet its estimated housing need within the City by providing up to 850 residential units. To be sure, this is not the project's entire employee household demand, but the Draft SEIR reasonably assumes that the remainder of the demand can be met elsewhere within the City and the six-county SACOG region (see Draft SEIR, pg. 3-200, and Certified Final EIR, Table 4-12-12). For example, SACOG's 2020 MTP/SCS estimates that between 2016 and 2035, the City of Davis will add 3,000 housing units, inclusive of Nishi and the "Core Area Specific Plan".<sup>15</sup>

### **Response to Comment 11-15**

Please see Response to Comment 67-91.

### **Response to Comment 11-16**

Mitigation Measure 3-80(a) of the Draft SEIR was included in the Certified Final EIR based upon the WWTP analysis performed by West Yost Associates on behalf of the City Public Works Department, who did not identify loading constraints associated with N and P.<sup>16</sup> The requirements of the mitigation measure reflect the input of both West Yost and the City Public Works staff and were determined to reduce the potential impact to a less-than-significant level. Therefore, revisions to the mitigation measure are not necessary.

### **Response to Comment 11-17**

As discussed on page 3.-144 of the Draft SEIR,

Mitigation Measures 3-38(a) and 3-38(b) below have been prepared to attain consistency with the City's CAAP. With implementation of the mitigation below, 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. Consequently, full implementation of Mitigation Measure 3-38(a) and 3-38(b) would ensure that project-related emissions are reduced to a level of carbon neutrality by the year 2040. 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.

As can be seen, Mitigation Measure 3-38 of the Draft SEIR is designed to ensure that the project would not result in increased GHG emissions. However, full implementation of the foregoing mitigation measure is ultimately considered speculative, and, as such, implementation of the proposed project could interfere with the ability of the City to meet the goal of net carbon neutrality by the year 2040. It is important to recognize, however, that the referenced GHG mitigation measure is not illusory, insofar as specific performance standards are specified, available means

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<sup>15</sup> See SACOG. Appendix D: 2020 MTP/SCS Land Use Forecast Documentation, pg. 52.

<sup>16</sup> West Yost Associates. *Technical Memorandum: Impacts of Innovation Center/Nishi Property Development on Wastewater Treatment Plant Capacity (Final)*. April 2, 2015.

to achieve performance standards are included, and the City and applicant are committed to implementing the mitigation measures to reduce the project's GHG emissions to the maximum extent feasible. Notwithstanding this, the ability for such actions to fully reduce the project's GHG emissions below the applicable thresholds is uncertain. For example, as stated on page 3-304 of the Draft SEIR,

In addition to the uncertainty regarding on-site reductions in GHG emissions, the future availability of carbon off-set credits that provide ongoing carbon off-sets (as opposed to one-time off-sets) 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, and other reasons discussed in the Draft SEIR, the Draft SEIR determines this impact to be significant and unavoidable, which would require City Council to adopt findings of fact and a statement of overriding considerations, consistent with CEQA Guidelines Sections 15091 and 15093 if City Council determines the SEIR should be certified and the project entitlements approved.

With regard to the request to analyze on a cumulative basis the total GHG emissions from the project annually, as compared to where a similar project would be built somewhere else in the region, the following response is offered. The Sacramento Area Council of Governments (SACOG) has prepared a Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) to address regional economic and housing trends and methods of reducing GHG emissions related to regional travel patterns. SACOG's most recent MTP/SCS was adopted following a nearly three-year planning and public outreach effort that involved all six member counties, 22 cities, and interested public agencies. The type of analysis requested by the commenter is of a similar scale as that which is included in the MTP/SCS, and is outside of the scope required for analysis of the proposed project under CEQA. Nevertheless, the Draft SEIR qualitatively addresses the commenter's request. As discussed on page 3-251 of the Draft SEIR, Fehr & Peers considered the potential for the proposed project to alter regional transportation patterns; as noted on page 3-251:

Analyses were performed using US Census OnTheMap database for 2017 conditions, which is the most recent year of available data. The analysis determined that there is a sizeable number of persons residing in the Sacramento metropolitan area that commute long distances to work destinations west of Davis, including many in the Bay Area. If the employment component of the ARC Project could induce some of these employers to relocate their operations or operate satellite work centers at the project site, many of these trips could be 'intercepted', resulting in considerably shortened trip distances. This would reduce the project-generated VMT and VMT per service population below the estimates presented in this analysis.

Data currently does not exist to enable quantification of the expected number of 'regional commute' employees that would shift their work destination to the ARC Project. Thus, the VMT estimates presented herein are accurate, if not somewhat conservative, so as to ensure impacts are not understated. Potential information that would provide supporting evidence

on this topic would include, but is not limited to, surveys of prospective ARC employers, employees, and residents and a detailed economic analysis of existing and anticipated future local and regional housing and employment trends (specifically those related to the City of Davis and UC Davis).

As shown in Table 3-39 of the Draft SEIR, the VMT per service population for the ARC Project would be below the City of Davis, and City of Davis/UC Davis, VMT per service population estimates.

### **Response to Comment 11-18**

Please refer to Master Response #3.

With regard to the sequestration of carbon in agricultural areas that could be used as an off-site detention basin, the degree to which soil carbon (C) could be released during excavation depends on the type of farming practices employed over time. For example, if the property has been subject to conventional tillage, soil C would be expected to be greater at deeper levels in the soil, as compared to conservation tillage or no-till practices, which would be expected to result in greater concentrations of soil C in the near surface layers.<sup>17</sup> Therefore, if the off-site detention pond alternative is ultimately selected as the method to address the project's increase in runoff volume, and the selected property has been subject to ongoing conventional tillage, removal of near surface soils may not result in substantial loss of soil C. Due to the uncertainty regarding existing, and particularly, future agricultural practices on each site being considered for the off-site detention pond location, the degree to which these agricultural lands act to sequester carbon, and the soil horizons in which soil C concentrations would be greatest, is speculative.

In addition, following excavation of the subsurface material, topsoil would be redistributed over the agricultural land and agricultural activity would resume. The agricultural activity resumed following excavation of the subsurface material would allow soil C sequestration to continue. Thus, the net long-term effect of the off-site detention basin work would be no net loss in soil carbon sequestration.

It should further be noted that as described on page 3-12 of the Draft SEIR, the "The ARC Project would incorporate several privately-maintained parks and open space areas throughout the site, totaling approximately 49.2 acres of green space." Furthermore, since the release of the Draft SEIR, the applicant has committed to planting a minimum of 1,000 trees on-site. Landscaped areas of the ARC site would continue to allow soil carbon sequestration. Moreover, trees planted throughout the ARC Project site would provide carbon sequestration during the lifespan of the trees.

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<sup>17</sup> John M. Baker et al. "Tillage and Soil Carbon Sequestration – What Do We Really Know?" in *Agriculture Ecosystems & Environment* (Vol. 118), January 2007, pp. 1-5.

### Response to Comment 11-19

Please refer to Response to Comment 11-18. Agricultural activities at the project site have been observed to include intensive practices such as seasonal tillage. Due to the past use of tillage at the project site, soil C may be stored deeper in the soil profile, such that grading operations would not be expected to release substantial soil C, with the exception of deeper excavations required for utility trenching and construction of the perimeter drainage.

Development of the project site would result in the conversion of the agricultural lands to urban uses. Lands developed with impervious surfaces lose the ability to sequester soil C; thus, following implementation of the project, the ultimate capacity of the project site to sequester soil C would likely be reduced. Although the project would predominantly include development involving impervious surfaces, parks, greenways/open space, and agricultural buffer areas would continue to provide areas where C sequestration could occur. For instance, the proposed project would include 49.2 acres of green space, as noted in Table 3-1 and generally shown in Figure 3-5 of the Draft SEIR, which could allow for the on-site sequestration of approximately 214.6 MTCO<sub>2</sub>e/yr.<sup>18</sup> Furthermore, the proposed planting of 1,000 trees on-site could contribute a further 35.40 MTCO<sub>2</sub>e/yr for a total on-site C sequestration potential of 250.04 MTCO<sub>2</sub>e/yr.<sup>19</sup> However, because the ultimate configuration of the on-site green space is not currently known (i.e., although the total area is known, the eventual design and potential inclusion of hardscapes, such as walkways, is unknown at this time), the potential on-site C sequestration is not considered definitive.

Considering the above, the loss of soil C during project construction may in large part depend upon the soil depths at which the greatest concentrations of C is stored, and the extent of project grading that would extend to such depths. Ultimately, the Draft SEIR concluded that implementation of the proposed project would result in a significant and unavoidable impact related to GHG emissions, and the potential loss of soil C on-site would not substantially increase the severity of the conclusions reached in the Draft SEIR.

### Response to Comment 11-20

Please refer to Response to Comment 15-2.

The Draft SEIR presents an analysis of the ARC project as currently proposed. As discussed on page 3-16 of the Draft SEIR, the ARC project would incorporate a maximum of 5,858 parking spaces. Therefore, the analysis of the proposed project in the Draft SEIR analyzes impacts related to provision of the foregoing amount of parking. It should be noted that 4,772 of the proposed spaces would be intended for use by the non-residential uses. As noted on page 3-16 of the Draft SEIR:

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<sup>18</sup> California Air Pollution Control Officers Association. *CalEEMod User Guide: Appendix A Calculation Details* [pgs. 59-61]. October 2017.

<sup>19</sup> California Air Pollution Control Officers Association. *CalEEMod User Guide: Appendix A Calculation Details* [pgs. 59-61]. October 2017.



The ARC Project would include creation of a parking reservoir to allow the allotted 4,772 nonresidential parking stalls to be distributed throughout the ARC Site as needed, rather than strict parking ratios being applied at the issuance of each building permit based upon use type. For example, if an advanced manufacturing use is more employee-dense than typical manufacturing and, as such, requires parking for employees at a number that exceeds the 1/707 ratio shown in the table above, the proposed project may accommodate that particular user's need. However, the 4,772-stall maximum allowed capacity within the project's envelope would not increase; therefore, future users may be parked at a level below the allotted ratio. Effectively, the parking envelope allows the proposed project to collectively park the site as is determined necessary during buildout, based upon an evaluation of user needs and transit patterns.

Thus, parking may be reduced, but not increased, from the levels analyzed in the Draft SEIR, subject to the future on-site uses and demands. Furthermore, Mitigation Measure 3-72(a) within the Draft SEIR acknowledges that parking management, preferential parking, and other types of parking programs may be used as part of the project-wide TDM Program to reduce demand for parking and increase alternative modes of transportation, with the ultimate goal of increasing average vehicle ridership and reducing project-specific VMT. The extent to which future parking demand management strategies may play a role in achieving the goals of the TDM is currently speculative due to the uncertainties related to the specific future uses at the project site as well as the future availability of on-site transit options. However, it is noteworthy that since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station. These commitments will be included in the Development Agreement for the project between the City and the applicant.

Although uncertainties exist at this time, Mitigation Measure 3-72(a) includes specific on-going reporting requirements that would aid in determining what types of TDM measures would provide the greatest benefit to increasing average vehicle ridership and reducing project-specific VMT. During build-out of the project site, if further reductions in parking are deemed to be an efficient means of increasing average vehicle ridership and reducing project-specific VMT, Mitigation Measure 3-72(a) would provide an avenue for reducing on-site parking, as well as a means of tracking the efficacy of such reductions.

### **Response to Comment 11-21**

Please refer to Response to Comment 64-2. In addition, as noted in Response to Comment 9-5, compliance with the City of Davis Right to Farm and Farmland Preservation Ordinance (Chapter 40A), includes notification of prospective homebuyers of nearby farming operations through deed restriction (Chapter 40A.01.030).

### **Response to Comment 11-22**

The comment notes that the City’s overarching General Plan strategy is to promote infill development first and asserts that the City has not complied with Policy ED 3.2 regarding looking for opportunities to locate technology and research uses within the City and only on the periphery if it is determined infeasible. The General Plan was adopted in May 2001 and incorporates amendments through January 2007. Since that time, several reports have been prepared, including 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). These studies were prepared to address Policy ED 3.2. As noted in Master Response #4 regarding the dismissal of the Infill Alternative, the largest site or combination of contiguous sites is 27 acres. The lack of large, contiguous parcels of land would not provide sufficient flexibility for an “infill” alternative to accommodate businesses that need a large space initially, or prefer to have access to adjacent property for future growth. It is also important to note that a large portion of the ARC site itself was identified as a “Potential External Business Park Location” in the 2010 Business Park Land Strategy.

While there is evidence to support the consistency determination, the City Council makes the ultimate determination related to consistency with the General Plan. As part of the project entitlements, which includes a General Plan Amendment for the desired land uses at the site, the City Council will consider the proposed project with the background of the General Plan and all the reports prepared related to innovation centers in order to determine consistency.

### **Response to Comment 11-23**

The first part of the comment pertains to concerns regarding project design and has been forwarded to the decision-makers. Please see Responses to Comments to Letter 81 for responses to Matt Williams’ comments, including 81-13 regarding the I-80 ramp issues. As demonstrated in those responses, the further traffic analysis suggested by the commenter is not required due to the adequacy of the analysis prepared for the Draft SEIR.

### **Response to Comment 11-24**

Please see Responses to Comment 55-1 and 55-2.

### **Response to Comment 11-25**

As noted in the Draft SEIR, for instance on page 3-140, CalEEMod was used to analyze the potential emissions that would occur from implementation of the ARC Project. The YSAQMD as well as all other nearby air districts recommend the use of CalEEMod for the analysis of potential land use projects. Although CalEEMod is the recommended model for estimation of emissions from land use projects, other methods are available for estimating emissions in different contexts. For instance, the *2012 Davis Community Wide Greenhouse Gas Inventory Update* prepared for the City of Davis used a combination of different models, information sources, and calculation

methodologies dependent on the available data.<sup>20</sup> In particular, the City’s 2012 GHG Inventory used the CARB’s EMFAC2011 emissions database to prepare an analysis of citywide vehicle emissions. CalEEMod similarly relies on EMFAC as a means of estimating mobile emissions based on the project-specific trip generation and VMT information input into CalEEMod; however, the most recent version of CalEEMod relies on EMFAC2014,<sup>21</sup> which provides more accurate emissions factors as compared to EMFAC 2011. Based on the trip generation rates, VMT, EMFAC-derived emissions factors and the statewide mix of on-road vehicles, CalEEMod generates estimates of emissions from all forms of motorized transportation that could serve a project. Consequently, the mobile emissions presented within the Draft SEIR include the emissions that would be generated by both passenger vehicles, as well as heavy-duty freight vehicles, and even transit vehicles, utility vehicles, and motorcycles. While CalEEMod calculates total mobile-related GHG emissions based on a mix of vehicles, CalEEMod does not report emissions on the basis of vehicle class (i.e., CalEEMod does not present the total emissions from passenger vehicles, separate from that of heavy-duty vehicles and so forth); rather, CalEEMod reports the sum of total emissions from the mobile sourced category. Therefore, the conclusions and analysis presented in the Draft SEIR incorporate emissions from all vehicles accessing the site, but presentation of disaggregated emissions data from individual vehicle classes is not possible using only the information presented in CalEEMod. Furthermore, the City does not maintain any thresholds, policies, or adopted guidance that require environmental analyses to present this type of disaggregated emissions data. In contrast, the City’s adopted goal of net carbon neutrality by the year 2040 does not make reference to any specific emissions categories, but instead focuses on total emissions. Such an approach makes sense considering the cumulative nature of GHG emissions, because regardless of whether GHG emissions originate from a passenger vehicle, heavy-duty truck, or a lawn mower, once released into the atmosphere the GHGs contribute equally to global climate change.

### **Response to Comment 11-26**

Please refer to Master Response #1.

### **Response to Comment 11-27**

The comment incorrectly states that an on-site detention pond is no longer included as part of the project. As discussed in detail in Master Response #3, the project’s increase in stormwater runoff peak flows would be attenuated on-site in detention facilities. The off-site detention pond, if selected, would provide a separate function and address the project’s increase in the volume of runoff during large storm events.

### **Response to Comment 11-28**

Please see Response to Comment 11-27. With respect to the portion of the comment pertaining to raising the elevation of the project site, it is noted that the anticipated end use of the soil brought

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<sup>20</sup> City of Davis Community Development & Sustainability Department. *2012 Davis Community Wide Greenhouse Gas Inventory Update*. March 2013.

<sup>21</sup> California Air Pollution Control Officers Association. *User’s Guide Version 2016.3.2*. November 2017.

to the ARC Site from the off-site detention pond excavation is stated on page 3-21 of the Draft SEIR. If the project applicant chooses to excavate soil from the off-site detention pond, excavated soil would be exported to the existing detention basin located near the eastern boundary of the ARC Site. The existing on-site detention basin would be reconfigured with varied side-slopes and a more natural shape. It would be an offline storage facility and only fill during extreme storm events. While stockpiling is not anticipated, any potential for temporary soil stockpiling would be addressed through the Stormwater Pollution Prevention Plan (SWPPP) that will be implemented by the contractor during all phases of construction. Per the State's Construction General Permit (NPDES NO. CAS000002), all stockpiled soils not in use would require covering or other treatment such as seeding, to prevent temporary erosion.

### **Response to Comment 11-29**

Please refer to Response to Comment 64-2 with regard to the agricultural buffer zone and spraying, and Response to Comment 9-5 regarding the City's Right-to-Farm Ordinance. Preliminary analysis has already been conducted to demonstrate that the conceptual design of the perimeter drainage facilities for the project could be expected to adequately accommodate the project's increase in runoff such that flooding of adjacent properties would not be induced. This analysis is provided in Appendices F.1, F.4 and F.5 to the Certified Final EIR. In addition, Mitigation Measure 3-47(a) requires the preparation of a design-level drainage report, which would include analysis and specification of all proposed on-site drainage infrastructure to the satisfaction of the City of Davis.

### **Response to Comment 11-30**

Please see Response to Comment 11-29. As stated on page 3-14 of the Draft SEIR, the artificial burrow complexes for burrowing owls would be located within the 150-foot wide agricultural buffer, but not within the drainage swales, or the 50-foot wide agricultural transition area, where bike paths, community gardens, and other potential uses could occur. A burrowing owl site management plan would be prepared consistent with applicable portions of Appendices E and F of the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation. Furthermore, the placement of the burrows would be informed by the design-level drainage study required by Mitigation Measure 3-47(a).

With respect to the concern about flooding from the ag buffer, please see Master Response #3 where it is stated that the ARC Project's conceptual on-site drainage system has been designed to fully attenuate the project's increase in peak flows on-site (see Draft SEIR at pg. 3-166). This means that there would be no increase in the rate of flow leaving the ARC Site, and consequently, no downstream impacts related to the existing capacity of the MDC.

With respect to the portion of the comment about adverse impacts of farming operations to properties adjacent to the ag buffer, please see Response to Comment 9-5.

### **Response to Comment 11-31**

Regarding NRC consensus feedback on the Draft SEIR, please see Responses to Comments 11-1 through 11-12.

Under CEQA Guidelines Section 15043, the City maintains the authority to approve projects despite significant and unavoidable environmental effects under certain circumstances. Should the City Council seek to move forward with certifying this EIR and approving the project entitlements, due to the significant and unavoidable impacts that would occur with implementation of the project, the City would be required to adopt a Statement of Overriding Considerations. The Statement of Overriding Considerations would publicly disclose the process by which the City Council weighs the environmental impacts of the project against any other factors. As enumerated in Section 15093 of the CEQA Guidelines, factors to be balanced by the City Council when considering projects that would result in a significant and unavoidable environmental impact include economic, legal, social, and technological benefits of projects as well as region-wide or statewide environmental benefits.

With respect to alternatives, as stated in Response to Comment 11-1, the MRIC Certified Final EIR considered and evaluated six alternatives. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Notably, the ARC SEIR compares the proposed ARC Project to these alternatives, with recognition of changes in circumstances, as is appropriate for a subsequent EIR. This discussion is provided in Chapter 2 of the SEIR.

The comment also states that certain mitigation measures should be altered or strengthened but does not specifically identify any mitigation measures. Thus, a detailed response cannot be provided.

With respect to the comments regarding VMT, please see Response to Comment 67-91, which presents a helpful overview of Mitigation Measure 3-72(a) of the Draft SEIR, the intended purpose of which is to reduce VMT.

### **Response to Comment 11-32**

Please refer to Response to Comment 11-31 with regard to the analysis of project alternatives. The commenter otherwise generally summarizes conclusions presented in the SEIR regarding significant impacts generated by the project. It is also important, however, to consider that the Draft SEIR includes mitigation measures for the identified topics to reduce project impacts to the maximum extent feasible.

Regarding the commenter's fifth bullet regarding GHG emissions, the methodology used by the commenter to estimate the daily GHG emissions from project-related VMT is unclear. Members of the public and decisionmakers interested in the anticipated GHG emissions that would result

from implementation of the proposed project are encouraged to consult the relevant sections of the Draft SEIR (e.g., Table 3-19).

**Response to Comment 11-33**

The comment presents conclusions from the Draft SEIR regarding significant project impacts. It is also important, however, to consider that the Draft SEIR includes mitigation measures for the identified topics to reduce project impacts to the maximum extent feasible.

**Response to Comment 11-34**

For clarification, the mitigation measures are not proposed by the applicant, but rather, developed by the City of Davis and the City’s environmental consultants, in order to reduce the identified environmental impacts to the maximum extent feasible. The level of environmental impact before and after implementation of mitigation measures included in the Draft SEIR is summarized in Chapter 2, Executive Summary, of the Draft SEIR.

**Response to Comment 11-35**

The City of Davis must ensure that the feasible mitigation measures included in this EIR are implemented in full. In order to track the implementation of all feasible mitigation measures included in this EIR, Chapter 3, Mitigation Monitoring and Reporting Program, has been prepared in compliance with CEQA Guidelines Section 15097 and would be adopted by City Council if the project is approved. That certain mitigation measures will “fall through the cracks or fail” is speculative.

**Response to Comment 11-36**

The comment does not address the adequacy of the Draft SEIR, but rather expresses concerns regarding the project’s inconsistency with the City’s goals. While the Draft SEIR does conclude that the project’s GHG and VMT impacts would be significant and unavoidable, the TDM and GHG mitigation measures required in the Draft SEIR are not illusory, insofar as specific performance standards are specified, available means to achieve performance standards are included, and the City and applicant are committed to implementing the mitigation measures to reduce the project’s GHG emissions to the maximum extent feasible. Furthermore, while there is evidence to support a consistency determination, the final determination of consistency of the project with City goals rests within the purview of the City Council.

**Response to Comment 11-37**

Regarding the commenter’s request that the alternatives analysis should be updated, please see Response to Comment 11-1.

In addition, it is important to consider that, while the ARC Draft SEIR concludes the project’s VMT impact would be significant and unavoidable, whereas the Certified Final EIR determined the MRIC’s VMT impact could be mitigated to less than significant, this is not necessarily a result

of the ARC project's intensity relative to MRIC. As stated on page 3-213 of the Draft SEIR, methodologies and thresholds for evaluating VMT are evolving and have changed considerably since certification of the MRIC EIR. The thresholds under which the ARC Project's VMT impact was determined are different than that which was utilized in the Certified Final EIR. Whereas the Certified Final EIR utilized the following VMT threshold,

- d) The project does not minimize vehicle miles travelled growth in accordance with City goals;

the ARC Draft SEIR utilizes the more rigorous VMT thresholds more in line with OPR's Technical Advisory on Evaluating Transportation Impacts:

- VMT Threshold #1: Project-generated VMT per service population would be less than or equal to the existing local or regional VMT per service population averages, as analyzed for recent City of Davis CEQA documents;
- VMT Threshold #2: Project-generated VMT per service population would be less than or equal to 15 percent lower than the local or regional VMT per service population averages, as recommended by OPR in the Technical Advisory on Evaluating Transportation Impacts in CEQA; and
- VMT Threshold #3: Project-generated VMT per service population would be less than or equal to 14.3 percent lower than the local or regional VMT per service population averages, the threshold needing to be met in order to be consistent with the 2017 Scoping Plan Update and to achieve State climate goals as defined by the California Air Resources Board (CARB) in the Technical Advisory on Evaluating Transportation Impacts in CEQA.

This context is important when comparing impact significance determinations between the MRIC Project and the ARC Project. Please see Response to Comment 67-91 regarding the TDM mitigation measure included in the Draft SEIR to reduce the project's VMT impact to the maximum extent feasible.

For these reasons, the Draft SEIR determines this impact to be significant and unavoidable, which would require the City Council to adopt findings of fact and a statement of overriding considerations, consistent with CEQA Guidelines Sections 15091 and 15093 should the City Council determine the SEIR should be certified and the project entitlements approved.

### **Response to Comment 11-38**

The commenter refers to Planning Commissioner Greg Rowe's comment memo, provided to the Natural Resources Commission. This memo was subsequently updated and Mr. Rowe indicated that the updated memo could be used for response purposes. Please see responses to Mr. Rowe's updated memo, included as Letter 67 of this Final SEIR.

Regarding the portion of the comment about the use of the City Parcel for the ARC Project's northern buffer, and the adequacy of the project's buffer width, please see Master Response #2 and Response to Comment 64-2.

**Response to Comment 11-39**

Please see Master Response #3.

**Response to Comment 11-40**

Please see Master Response #3.

**Response to Comment 11-41**

Regarding the project's VMT increase, please see Response to Comment 11-37.

The methodology used by the commenter to estimate the daily GHG and CO emissions from project-related VMT is unclear. Members of the public and decisionmakers interested in the anticipated GHG and CO emissions that would result from implementation of the proposed project are encouraged to consult the relevant sections of the Draft SEIR (e.g., Tables 3-10 and 3-19), which are based upon industry-standard, independently verifiable modelling software.

The commenter references comments submitted by Matt Williams, responses to which are provided in this Final SEIR. Please see responses to Letter 81. As demonstrated in those responses, the traffic study adequately evaluated the ARC Project's traffic impacts.

**Response to Comment 11-42**

The commenter's concerns and recommendations regarding reducing reliance on privately-owned, gas-powered vehicles have been forwarded to the decision-makers for their consideration. Please refer to Response to Comment 67-91 regarding the applicant's commitment to a robust TDM plan.

Mitigation Measure 3-38(a) of the Draft SEIR is intended to provide a strict emissions reduction requirement while simultaneously allowing for the project applicant and future developers to include project-specific GHG mitigation strategies that suit the type of businesses and development trends experienced during buildout of the project site. As such, Mitigation Measure 3-38(a) includes a range of options that could be implemented by the project applicant to demonstrate that the project has achieved the required GHG reductions. The range of options presented in Mitigation Measure 3-38(a) was specifically tailored to take into consideration the mitigation measures required elsewhere in the Draft SEIR, as well as those measures that have been proven to be effective in reducing GHG emissions. While some of the commenter's suggested mitigation measures can be shown to result in verifiable GHG reductions, the potential GHG emissions that could be achieved by other suggested mitigation measures are less certain. For instance, currently available research does not necessarily support the efficacy of ridesharing services at reducing GHG emissions.<sup>22</sup> Nevertheless, based on the commenter's suggestions, Mitigation Measure 3-38(a) of the Draft SEIR is hereby revised as follows:

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<sup>22</sup> See for instance recent research that indicates that ridesharing services result in substantial amounts of VMT related to vehicle travel in between trips: Fehr and Peers. *Estimated Percent of Total Driving by Lyft and Uber In Six Major US Regions, September 2018*. August 6, 2019.



*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.<sup>25</sup>*

With respect to the recommendation 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.

The foregoing revisions provide further options to the project applicant to reduce on-site GHG emissions, but would not result in any changes to the analysis or conclusions of the Draft SEIR.

Consolidated Comments -- Open Space and Habitat Commission  
Aggie Research Campus SEIR

4/23/20

Letter 12

General Comments

COMMENT

12-1

General Comments

Satisfaction of City's ag buffer ordinance

**Issue:** The ARC project proposes to use 6.8-acres of the City parcel just to the northwest of the project, often called the "Mace 25," to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. This proposal calls for the City to provide a buffer (part of the Mace 25) for its own land (the remainder of the Mace 25). However, it is not clear that this use satisfies the spirit or the letter of the municipal code, which states "all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required to provide an agricultural buffer/agricultural transition area" [emphasis added], and "the land shall be dedicated to the city," implying that the land for the buffer is not already owned by the City.

**Importance:** The ARC proposal should not be in violation of the City's ordinance.

**Recommendation:** The SEIR needs to clearly state this potential conflict between the City's ordinance and the ARC's proposed agricultural buffer. The SEIR also needs to state that a change will need to be made to the ARC proposal – to use the developer's land rather than the City's land to satisfy the ag buffer requirement – if it is found to be in violation of the City's ordinance. Finally, on p. 3-14 the SEIR implies that the ag buffer proposal is "consistent" with the City's ordinance. This should be corrected since the proposal may not in fact be consistent with the ordinance.

General Comments

Use of Open Space Protection Tax money to satisfy ag buffer ordinance

**Issue:** The ARC project proposes to use 6.8-acres of the City parcel just to the northwest of the project, often called the "Mace 25," to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. However, given that the City's parcel was purchased with money from the Open Space Protection Tax, it is not clear that this use is legal; City-required ag buffers are not on the list of approved uses for this money (see [http://qcode.us/codes/davis/view.php?topic=15-15\\_17-15\\_17\\_070](http://qcode.us/codes/davis/view.php?topic=15-15_17-15_17_070)).

**Importance:** The ARC proposal should not be in violation of the City's ordinance.

**Recommendation:** The SEIR needs to clearly state this potential conflict between the City's ordinance and the ARC's proposed agricultural buffer. The SEIR also needs to state that a change will need to be made to the ARC proposal – to use the developer's land rather than the land purchased with money from the Open Space Protection Tax to satisfy the ag buffer requirement – if it is found to be in violation of the City's ordinance.

Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20  
 Letter 12

General Comments

General Comments		COMMENT
12-2	<p><b>General Comments</b>                      Size of ag buffer</p>	<p><b>Issue:</b> The adequacy of the 150-wide agriculture buffer was challenged in an ARC SEIR scoping comment letter from the Director of the County of Yolo Department of Community Services ("County Director Letter"). The letter encouraged the City to "...refer to policies in the Countywide General Plan that seek to protect existing farm operations from impacts related to the encroachment of urban uses through use of an increased minimum buffer, as opposed to the City's minimum standard..." Policy LU-2.1 in the County's Land Use and Community Character Element "...recommends a minimum 300-foot setback for ensuring the proposed development will not adversely affect the economic viability or constrain the farming practices of agricultural operations" (emphasis in County Director Letter). Further, "County staff concur with Yolo County Local Agency Formation Commission (LAFCo) that provision of a 'minimum' agricultural buffer as prescribed by the City's Municipal Code "...may be insufficient for the significance of the proposed project." Even the City's Code states, "Optimally, to achieve a maximum separation and to comply with the five-hundred-foot aerial spray setback established by the counties of Yolo and Solano, a buffer wider than one hundred fifty feet is encouraged" (Davis Municipal Code 40A.01.050 Agricultural buffer requirement).</p> <p><b>Importance:</b> The agricultural buffer needs to be wide enough to do its intended job, i.e.: "To minimize future potential conflicts between agricultural and nonagricultural land uses and to protect the public health" (Davis Municipal Code 40A.01.050 Agricultural buffer requirement). The SEIR's analysis of potential impacts on surrounding farmland is insufficient.</p> <p><b>Recommendation:</b> Either the ag buffer needs to be widened from the current proposed 150 feet or the SEIR needs to be amended to acknowledge greater impacts on surrounding farmland than the SEIR currently describes.</p>
	<p><b>General Comments</b>                      Annexation of 25 acre City-owned parcel</p>	<p><b>Issue:</b> It is clear that the ARC project proposes <i>annexing to the City</i> the City-owned 25 acres (Mace 25) at the northwest of the project. However, in some places the SEIR reads as it is proposing to annex the entire Mace 25 to the project. For example, p. 2-1 refers to "annexation of the entire 229-acre project site, including the Mace Triangle Site, into the City of Davis," where just above it is clearly stated that the Mace 25 is part of the 229 acres. Similarly, p. 2-13 states, "The project annexation area includes a 25-acre parcel owned by the City, a portion of which is being proposed to serve as the City-required agricultural buffer along the project's northern boundary." See also pages 3-1, 3-4, and 3-30.</p> <p><b>Importance:</b> Other places in the SEIR state that only 6.8 acres of the Mace 25 would be part of the ARC Project, not the entire 25 acres, so there is a contradiction.</p> <p><b>Recommendation:</b> The SEIR needs to clearly state that the entire Mace 25 is not proposed as a part of the ARC Project. Language that suggests that the entire parcel would be annexed to the project on the above identified pages should be removed or modified.</p>

Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20

Letter 12

General Comments

12-4

General Comments

Description of project size

COMMENT

**Background:** Page 3-1 states, “For CEQA purposes, the “ARC Site” is comprised of approximately 194 acres, and defined as the 187- acre, privately-owned property containing the Aggie Research Campus development footprint, and a proposed 6.8-acre easement on the City Parcel to satisfy the City’s 150-foot Agricultural Buffer requirements along a portion of the project’s northern boundary.”

Page 3-2 states: “The ARC Site, as depicted above, and described on the preceding page, includes the 187-acre privately-owned Aggie Research Campus development footprint, as well as a 6.8-acre easement on the City Parcel to satisfy the City’s 150-foot Agricultural Buffer requirements. The Agricultural Buffer area represented in the figure includes a total of 22.6 acres. Of the 22.6 acres, 15.8 acres are located within the privately-owned property containing the ARC development footprint and an additional 6.8 acres of easement area is located within the City Parcel. All 22.6 acres are considered to be part of the ARC Site for the purposes of this analysis.”

**Issue:** Several places in the SEIR refer to the size of the ARC project as **187 acres**, instead of **194 acres**, and compare it to the Mixed-Use Alternative at **229 acres**. However, as p. 2-5 shows, the size of the Mixed-Use Alternative is **212 acres**, not 229 (229 includes the 16.5 acre Mace Triangle, which is not part of either project proposal, but it is part of both annexation proposals). The 212 acres includes all of the required agricultural buffer (see p. 8-110 of the Mixed-Used Alternative). **An apple-to-apples comparison, including the complete ag buffer in both projects, is 194 acre ARC to 212 acre Mixed-Use Alternative.**

**Importance:** The mistake has the effect of making ARC look smaller than it is and the Mixed-Use Alternative look bigger than it is, exaggerating the difference between them. The actual difference in acreage is 212 acres - 194 acres = 18 acres (not 42 acres).

**Recommendation:** Every page where the complete size of the ARC project is referred to as 187 acres should be corrected to 194 acres. Every page where the complete size of the Mixed-Use Alternative is referred to as 229 acres should be corrected to 212 acres (especially pages 2-5, 2-6, 2-7, 2-8 (two places), 2-9).

Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20

Letter 12

General Comments

		COMMENT
12-5	<p><b>General Comments</b></p> <p><b>Conclusions based on project size comparisons</b></p>	<p><b>Issue:</b> In several places in the Executive Summary – Aesthetics; Biological Resources; Cultural Resources; Geology, Soils, and Mineral Resources; Hydrology and Water Quality – the SEIR claims that there is a reduced impact due to the reduced footprint of ARC as compared to the Mixed-Use Alternative. However, as described in the previous point, that difference in footprint has been exaggerated by using mistaken numbers for both ARC and Mixed-Use Alternative. Furthermore, the more detailed discussions in Chapter 3 of each of the issue areas do not make the argument for the small change in footprint to have a detectable or noteworthy change in impact (thus, those claims are not “summaries”).</p> <p><b>Importance:</b> The claims for reduced impact made in the Executive Summary are based on false numbers, unjustified, and questionable.</p> <p><b>Recommendation:</b> The claims for a reduced impact based on a reduced footprint in the Executive Summary should be changed to reflect the actual differential in project footprints for the following areas: Aesthetics; Biological Resources; Cultural Resources; Geology, Soils, and Mineral Resources; Hydrology and Water Quality. (Not all of these fall within the purview of the OSHC, but for consistency’s sake they should all be changed).</p>
	12-6	<p><b>General Comments</b></p> <p><b>Total green space (on p. 1-3 but connected to other general issues).</b></p>

Consolidated Comments -- Open Space and Habitat Commission  
Aggie Research Campus SEIR

4/23/20

Letter 12

Chapter 3.5 -- ARC Project Analysis

Aesthetics & Visual Resources

COMMENT

p. 3-36

12-7

**Issue:** The SEIR states, “officially designated scenic highways, corridors, vistas, or viewing areas do not exist within the City’s planning area and established scenic vistas are not located on or adjacent to the ARC Site” (p. 3-36). This is incorrect. The City’s document, “Open Space Priorities with Public Lands as of 2013,” appearing on the City’s website at <https://www.cityofdavis.org/home/showdocument?id=2854>, depicts views of the Sierra Nevada and the Sacramento skyline looking east from the City.

**Importance:** Aesthetic values, including scenic vistas, are one of the five values used to evaluate open space areas in the City.

**Recommendation:** The SEIR should state, and factor in, that the ARC Project would entail a significant impact to a priority open space viewshed (the Sierra Nevada and the Sacramento skyline) identified by the City of Davis's Open Space Program.

**Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR**

4/23/20

**Letter 12**

**Chapter 3.5 -- ARC Project Analysis  
 Agriculture & Forest Resources**

**COMMENT**

<b>12-8</b>	<b>Page 3-44</b>	<p><b>Issue:</b> The SEIR states, “Specifically, the MRIC Site includes approximately 159 acres of Prime Farmland and 39 acres of Farmland of Statewide Importance, a substantial portion of which the EIR concluded would be converted to urban uses with buildout of the MRIC Project,” noting that ARC would use somewhat less because not all of the Mace 25 is included in the project. Nonetheless, the ARC SEIR concludes that even with mitigation “the impact would remain significant and unavoidable” because “active agricultural land would still be permanently converted to urban uses” (p. 3-44). However, the impact of the loss of agricultural land in the context of climate change is not discussed. The IPCC has stated that “climate change has already affected food security due to warming, changing precipitation patterns, and greater frequency of some extreme events” (<a href="https://www.ipcc.ch/srcc1/chapter/summary-for-policy-makers/">https://www.ipcc.ch/srcc1/chapter/summary-for-policy-makers/</a>). New studies suggest that agriculture can help reduce climate change through carbon sequestration (<a href="https://ww3.arb.ca.gov/cc/natandworkinglands/draft-nw1-ip-1.7.19.pdf">https://ww3.arb.ca.gov/cc/natandworkinglands/draft-nw1-ip-1.7.19.pdf</a>).</p> <p><b>Importance:</b> New facts about climate change increase the significance of the loss of agricultural lands because usable farmland is reduced with climate change, yet certain farming practices can help to mitigate the effects of climate change.</p> <p><b>Recommendation:</b> The SEIR should factor in a discussion of climate change when evaluating the significance of the loss of Prime Farmland and Farmland of Statewide Importance that the ARC Project would bring.</p>
<b>12-9</b>	<b>Page 3-43 and 3-45          Mitigation Measures 3-5(a) and 3-7(b)</b>	<p>The SEIR requires that the form of easement used for the agricultural mitigation land is the form used by the Yolo Habitat Conservancy. This effectively excludes the Yolo Land Trust from being involved in the acquisition of an easement. The requirement that the form of easement used must be the form of easement approved by the Yolo Habitat Conservancy should be removed.</p>



Consolidated Comments -- Open Space and Habitat Commission  
Aggie Research Campus SEIR

4/23/20

Letter 12

Chapter 3.5 -- ARC Project Analysis  
Biological Resources

COMMENT

12-10

Page 3-78

**Issue:** On p. 3-78, the SEIR states, "Of the four bat species mentioned above, only the pallid bat (*Antrozous pallidus*) is designated as a Species of Special Concern by the CDFW (2019a)." That is incorrect. The hoary bat (*Lasiurus cinereus*) is also listed as a Species of Special Concern.  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>

**Importance:** Species of Special Concern should get greater attention in the SEIR.

**Recommendation:** Page 3-78 of the SEIR needs to be corrected to acknowledge that the hoary bat is a California Species of Special Concern and it should get additional evaluation as a result, as was done for the pallid bat.

12-11

Page 3-79

**Issue:** Concerning bats, on p. 3-79, the SEIR states, "The foraging habitat in the Study Area is marginal and of minor extent when compared to the quality and extent of foraging habitat available in the greater region in and surrounding the Yolo Bypass." However, this claim is unsupported by evidence. As the SEIR itself admits, "Bats known to occur in the region would be expected to forage in and over the Study Area during summer evenings, when conditions are appropriate (i.e., warm and calm)." Yet bats were not studied during these months, only in the winter months, and they were not studied during the evenings. There could be greater use of this area for foraging by bats than expected. Without study, this is unknown, and the claim is unsupported.

**Importance:** There are at least four bat species that frequent this area, as the SEIR acknowledges, and two of them are Species of Special Concern: the pallid bat (*Antrozous pallidus*) and the hoary bat (*Lasiurus cinereus*).

**Recommendation:** The SEIR should acknowledge that the project will result in the permanent loss of potential bat foraging habitat. Greater justification for the conclusions need to be provided.



Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20

Letter 12

Chapter 3.5 -- ARC Project Analysis  
 Biological Resources

COMMENT

12-12

Page # 2-39 - Impact 3-18

Impacts to burrowing owls

As written, the avoidance and minimization measures in the SEIR for impacts to burrowing owls do not reduce potential impacts to a level of less than significant, in the event that an active burrowing owl burrow is discovered within the proposed development limits of the Aggie Research Campus (Project) site. If the Project will result in the permanent loss of active burrowing owl burrows, a qualified biologist should prepare a mitigation and monitoring plan in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation* (2012). The Mitigation and Monitoring Plan should be submitted for CDFW review and approval prior to the start of Project activities. The Mitigation and Monitoring Plan should include the permanent protection of occupied burrowing owl habitat, at a mitigation to impacts ratio acceptable to CDFW, through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. Habitat should not be altered or destroyed on the Project site, and burrowing owls should not be excluded from burrows until mitigation lands have been legally secured and are managed for the benefit of burrowing owls according to Department-approved management, monitoring and reporting plans; and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.

Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20

**Letter 12**

**Chapter 3.5 -- ARC Project Analysis**  
 Biological Resources

	COMMENT
12-13	<p><u>Page # 2-39 - Impact 3-18</u>                      Impacts to burrowing owls</p> <p>I believe it is important that the EIR include an avoidance and minimization measure requiring that either a qualified biologist or a trained biological monitor perform a daily inspection of the areas where construction activities are planned for that day, prior to starting project construction each day. Burrowing owls can be attracted to minor amounts of land disturbance, associated with construction sites (e.g. dirt mounds, mounds of concrete rubble). This includes equipment staging and soil stockpile areas outside of the active construction sites. Once the site has been deemed clear of burrowing owls by a qualified biologist or trained biological monitor, construction activities can begin for the day. It looks like the EIR already has a measure giving a qualified biologist the authority to stop work in order to avoid harming wildlife, but this same authority should be extended to biological monitors, if used.</p>
12-14	<p><u>Page # 2-39 - Impact 3-18</u>                      Impacts to burrowing owls</p> <p>If the project is proposing to construct artificial burrows within the agricultural buffer surrounding the ARC development site, the artificial burrows should be monitored and maintained yearly to ensure they function as intended (i.e. the project proponent should develop a monitoring and maintenance plan that specifies criteria for when and how artificial burrows will be cleaned out of debris in order to continue their function as being suitable nest burrows. Without this maintenance, artificial burrows are not likely to be successful in the long term.</p>

Consolidated Comments -- Open Space and Habitat Commission  
Aggie Research Campus SEIR

4/23/20

Letter 12

Chapter 3.5 -- ARC Project Analysis  
Hydrology & Water Quality

COMMENT

12-15

Pages 3-38 and 3-69

**Issue:** On pages 3-168 and 3-169, an alternative is described for storing water runoff from the ARC Site on the easternmost parcel owned by the City of Davis, adjacent to the MDC and Yolo Bypass levee (APN 033-300-015: 204 acres). The SEIR states that two other sites could alternatively provide the necessary storage (APN 033-300-001: 248 acres and 300-650-006: 327 acres). To provide storage for increased volume from ARC Site and the Mace Triangle Site during major storm events, 100 acres of topsoil would be removed and stockpiled, the selected area excavated to the design depth, and the topsoil then spread back over the lowered field. Excavated materials, not including the temporarily removed topsoil, would be imported to the ARC Site. The impact of the excavation, the impact on the ability to farm or have viable habitat on the chosen site, and other possible impacts are not discussed in the SEIR.

**Importance:** The Replacement Storage Alternative would increase by approximately 50% the acreage that is impacted by the ARC project – possibly more if the "unused" parts of the chosen parcel were impacted. It would also be a substantial use of City-owned land, in addition to the proposed use of the City's 6.8 acres for a required ag buffer.

**Recommendation:** The environmental impacts of the Replacement Storage Alternative need to be studied and described for each of the three proposed City-owned areas, as separate EIRs or as part of the main EIR (with alternative uses considered), including but not limited to effects that this large-scale excavation would have on wildlife, plant life, habitat, soil compaction, and subsequent agricultural use. We further recommend that an alternative be assessed for the creation of a seasonal wetland habitat area on the site of the soil removal.

**LETTER 12: OPEN SPACE AND HABITAT COMMISSION**

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**Response to Comment 12-1**

Please refer to Master Response #2.

**Response to Comment 12-2**

Please see Response to Comment 64-2 regarding the adequacy of the width of the proposed agricultural buffer, considering the mitigating strategies included in the Draft SEIR.

**Response to Comment 12-3**

The commenter is directed to page 3-1 of the Draft SEIR, where the following is stated:

The proposed annexation area includes the 187-acre privately-owned ARC Site, the 25-acre City parcel (“City Parcel”), and the 16.5-acre Mace Triangle Site (“Mace Triangle Site”), which are collectively the 228.5 acres proposed for annexation (the “Project Site”) (see Figure 3-1). For CEQA purposes, the “ARC Site” is comprised of approximately 194 acres, and defined as the 187-acre, privately-owned property containing the Aggie Research Campus development footprint, and a proposed 6.8-acre easement on the City Parcel to satisfy the City’s 150-foot Agricultural Buffer requirements along a portion of the project’s northern boundary.

As noted above, the project site, as referenced in the Draft SEIR, includes all areas that would be annexed into the City with approval of the proposed project, including the ARC Site, the City Parcel and the Mace Triangle Site. It is correct that implementation of the proposed project would include annexation of the entire 25-acre City Parcel; therefore, revisions to such text are not required. Although the entire City Parcel would be annexed into the City, only 6.8 acres of the City Parcel would be used for an agricultural buffer area. Therefore, the Draft SEIR is correct in noting that the 6.8-acre agricultural buffer area within the City Parcel would be modified as part of the proposed project, but the remaining portions of the City Parcel would not be changed, with the exception of being annexed into the City.

**Response to Comment 12-4**

In light of the comment, the Draft SEIR has been revised for clarification purposes as follows:

Table 2-1 of the Draft SEIR is revised as shown below.

**Table 2-1  
 Comparison of Alternatives Features**

Project / Alternative	Acres				Square Feet				Dwelling Units			
	Total	MRIC	Mace Triangle	Alternate Site	Total	MRIC	Mace Triangle	Alternate Site	Total	MRIC	Mace Triangle	Alternate Site
MRIC Project	228.5	212.0	16.5	N/A	2,725,056	2,654,000	71,056	N/A	--	--	--	N/A
ARC Project	228.5	187.194 <sup>1</sup>	16.5	N/A	2,725,056	2,654,000	71,056	N/A	850	--	--	N/A
No Project (No Build) Alternative	228.5	212.0	16.5	N/A	--	--	--	N/A	--	--	--	N/A
Reduced Site Size Alternative	122.5	106.0	16.5	N/A	2,725,056	2,654,000	71,056	N/A	--	--	--	N/A
Reduced Project Alternative	66	49.5	16.5	N/A	611,056	540,000	71,056	N/A	--	--	--	N/A
Off-Site Alternative A (Davis Innovation Center Site) <sup>2</sup>	133	--	--	133	2,654,000	2,654,000	--	2,654,000	--	--	--	--
Off-Site Alternative B (Covell Property)	236.0	--	--	236.0	2,654,000	2,654,000	--	2,654,000	--	--	--	--
Mixed-Use Alternative	228.5	212.0	16.5	N/A	2,725,056	2,654,000	71,056	--	850	850	--	--

<sup>1</sup> Does not include 25-acre City Parcel. Only includes the 6.8-acre buffer area within the 25-acre City Parcel, as the remaining portion of the City Parcel has been removed from the development footprint. The total acreage remains at 228.5 as the overall annexation area would include the 25-acre City Parcel.

<sup>2</sup> Assumes Off-Site Alternative A is shifted to northerly 133 acres of former Davis Innovation Center site, due to the approval of the West Davis Active Adult Project.

Page 2-6 is revised as follows:

**Aesthetics**

The ARC Project would have a greater aesthetic impact related to substantially degrading the existing visual character or quality of a site and its surroundings, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative, Reduced Project Alternative, and Off-Site Alternative A (due to the now reduced site size of 133 acres). However, the ARC Project would have a reduced aesthetic impact compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., ~~187194~~-acre ARC development area vs. ~~229212~~ to 236 acres, depending upon the alternative). It is important to note, however, that similar to the ARC Project, each of the alternatives, excepting the No Project (No Build) Alternative, would still be anticipated to have a significant and unavoidable aesthetic effect due to the permanent alteration of visual character.

Page 2-7 is revised as follows:

**Biological Resources**

The ARC Project would have a greater potential impact related to biological resources, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative, Reduced Project Alternative, and Off-Site Alternative A (due to the now reduced site size of 133 acres). However, the ARC Project could have a reduced impact to biological resources compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., ~~187194~~-acre ARC development area vs. ~~229212~~ to 236 acres).

Pages 2-7 and 2-8 are revised as follows:

**Cultural Resources**

The ARC Project would have a greater potential impact related to cultural resources, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative, Reduced Project Alternative, and Off-Site Alternative A (due to the now reduced site size of 133 acres). However, the ARC Project could have a reduced impact to cultural resources compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., ~~187194~~-acre ARC development area vs. ~~229212~~ to 236 acres).

**Geology, Soils, and Mineral Resources**

The ARC Project would have a greater potential impact related to geology and soils, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative (specifically, soil erosion), Reduced Project Alternative, and Off-Site Alternative A (i.e., soil erosion, due to the now reduced site size of 133 acres). However, the ARC Project could have a reduced impact to geology and soils compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., ~~187194~~-acre ARC development area vs. ~~229212~~ to 236 acres).

Page 2-9 is revised as follows:

### **Hydrology and Water Quality**

The ARC Project would have a greater potential impact related to hydrology and water quality, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative, Reduced Project Alternative, Off-Site Alternative A, and for flooding specifically, Off-Site Alternatives A and B, given that at least a portion of their sites are within a FEMA floodplain. However, the ARC Project could have a reduced impact to water quality during construction compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., ~~487,194~~-acre ARC development area vs. ~~229,212~~ to 236 acres). Operational effects to water quality and increases in peak flows would be similar between the ARC Project and the MRIC Project, Off-Site Alternative B, and the Mixed-Use Alternative.

Following review of the remaining chapters in the Draft SEIR, other changes to the Draft SEIR were not found to be necessary in response to the comment. The changes are for clarification purposes and do not alter the conclusions in the Draft SEIR.

### **Response to Comment 12-5**

Please refer to Response to Comment 12-4, and the changes to Chapter 2 of the Draft SEIR presented therein.

Despite the slight changes in acreages presented in Response to Comment 12-5, the conclusions presented within Chapter 2 of the Draft SEIR remain valid. One of the principal differences between the ARC Project and the Mixed Use Alternative is that the Mixed Use Alternative included the City Parcel in the development area of the Alternative, whereas the ARC Project does not include the City Parcel within the development area of the ARC Project. Instead, as the commenter has noted, only 6.8 acres of the City Parcel would be disturbed under the ARC Project for use as an agricultural buffer area; the remaining 18.2 acres of the City Parcel would be annexed, but remain as is and undisturbed with implementation of the ARC Project. Impacts to the environmental resource areas noted by the commenter are largely driven by the area of disturbance of a given project. For instance, the potential for a project to disturb cultural resources is typically considered to increase or decrease proportionally with the amount of land disturbed during project implementation. Due to the relationship of the area of disturbance to the degree of impacts to the identified environmental issue areas, despite the changes to acreages presented in Response to Comment 12-4, the conclusions presented in Chapter 2 remain valid and further revisions to the analysis of the Draft SEIR text are not required in response to the comment.

### **Response to Comment 12-6**

In response to the commenter's request, page 1-3 of the Draft SEIR is hereby revised as follows:

#### **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 ~~nearly entirely~~ 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).

The commenter is also directed to Figure 3-5 and Impact 3-67 regarding on-site green space. The clarifications do not alter the conclusions presented in the Draft SEIR. Please see also Chapter 3 of the Final SEIR for minor corrections to the greenspace calculations.

### **Response to Comment 12-7**

The language from page 3-36 of the Draft SEIR is based on the definitions and standards of significance used in the Certified Final EIR. As presented on page 4.1-2 of the Draft MRIC EIR:

*Scenic vista* is defined as an area that is designated, signed, and accessible to the public for the express purposes of viewing and sightseeing. This includes any such areas designated by a federal, State, or local agency.

Considering the definition of scenic vista being applied in the Draft SEIR, the quoted assertion in the Draft SEIR is accurate, as the City of Davis has not designated, signed, or made publicly accessible any areas within the City for the express purpose of viewing or sightseeing. The foregoing technical definition does not diminish the importance of scenic resources as viewed from different points within the City, nor the Draft SEIR's treatment of scenic resources, as shown below.

In the vicinity of the ARC site, particularly along the Mace Boulevard curve, intermittent views of the City of Sacramento skyline, as well as more distant views of the Sierra Nevada, are available during clear days. Views of the distant Sierras as well as the City of Sacramento skyline are considered to be scenic resources in the City's *2030 Strategic Plan City of Davis Open Space Program*.<sup>23</sup> The 2030 Strategic Plan identifies Priority Acquisition Areas that, among other things, are recognized as providing scenic benefits. However, it is instructive that the 187-acre ARC site, the area where vertical development would occur as part of the project, is not identified in Figure 12 of the 2030 Strategic Plan as being within a Priority Acquisition Area.

The scenic value of the site and surrounding area is recognized in the Certified Final EIR and Draft SEIR, which, when assessing views of the site looking east from Mace Boulevard, conclude that development of the project would result in a significant and unavoidable aesthetic impact (see Impact 3-2).

### **Response to Comment 12-8**

The potential for farmland to result in the sequestration of carbon in soils is discussed in Responses to Comments 11-18 and 11-19. In addition, as discussed in the Certified Final EIR, as well as on page 3-142 of the Draft SEIR, agricultural activities result in the emission of GHGs, through the

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<sup>23</sup> City of Davis. *2030 Strategic Plan City of Davis Open Space Program*. March 20, 2018.



combustion of fossil fuels in agricultural equipment as well as inputs such as fertilizer, pesticides, and energy demanded to pump water.

The analysis presented in the Draft SEIR is adequate under CEQA and discloses the potential impacts from the loss of agricultural lands. Nevertheless, it is noted in response to the commenter's attempt to link the lack of precipitation with effects on farmland that, 2019 was Sacramento's second-wettest calendar year in two decades, edged only by the 26 inches of precipitation that fell in 2017, the year that then-Gov. Jerry Brown declared an official end to California's drought.<sup>24</sup>

Nevertheless, the commenter's consideration of the loss of farmland in the context of climate change has been forwarded to the decision-makers for their consideration.

### **Response to Comment 12-9**

Please refer to Responses to Comments for Letter 10.

### **Response to Comment 12-10**

The statement regarding the hoary bat (*Lasiurus cinereus*) is incorrect. While the hoary bat is included on CDFW's Special Animals List, it is not considered a Species of Special Concern by the California Department of Fish and Wildlife.<sup>25</sup> The inclusion of hoary bat on the Special Animals List is due to its ranking as Medium Priority by the Western Bat Working Group. Therefore, it is not required to be included in the assessment of species of special concern.

### **Response to Comment 12-11**

Please see Response to Comment 12-10 regarding hoary bat. The statement that the ARC site was only surveyed during winter months is incorrect. As shown in Table 3-14 of the Draft SEIR, the ARC as well as the Stormwater BSA were surveyed during the winter, spring, summer, and fall intermittently since 2014. Moreover, page 3-78 of the Draft SEIR provides further evidence and context regarding the conclusion that the ARC Project would not result in significantly reduced habitat for bat species. In particular, on page 3-79 the Draft SEIR notes, "The area surrounding the ARC site provides several hundred thousand acres of similar bat foraging habitat over agricultural fields." Due to the availability of foraging habitat in close proximity to the project site and in the surrounding region, the development of the ARC project site would not be considered a significant loss of foraging habitat for the identified bat species. The judgments made regarding the quality of the on-site habitat for bats is based on the professional experience of Sycamore Environmental Consultants, Inc., as well as the extensive field surveys identified in Table 3-14 of the Draft SEIR.

### **Response to Comment 12-12**

The commenter's recommendations are not entirely consistent with the Yolo HCP/NCCP. The commenter recommends that no active burrows detected on-site should be destroyed, and no owls

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<sup>24</sup> <https://www.sacbee.com/news/weather-news/article238824518.html>; accessed May 11, 2020.

<sup>25</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>; accessed May 11, 2020.

excluded from burrows, until mitigation lands have been legally secured and are managed for the benefit of burrowing owls. Among the purposes of the Yolo HCP/NCCP is to streamline and coordinate existing processes for review and permitting of public and private activities that potentially affect covered species (HCP/NCCP, Section 1.1). The Yolo HCP/NCCP allows for participants to receive incidental “take” coverage for covered species, as opposed to having to request incidental take permits from USFWS or CDFW. The regional conservation program to be implemented as part of the HCP/NCCP is not intended, nor required, to be implemented on a project-by-project basis, but rather over the course of the 50-year permit term. As stated on pg. 1-11 of the Yolo HCP/NCCP:

The 50-year length of the permit term provides adequate time for the assembly of a reserve system and development of a management program on conservation lands. This includes the time necessary for willing landowners to become available and for the land agents of the Yolo HCP/NCCP to negotiate a fair price for the land in fee title or conservation easement. It may take several years to complete a single land acquisition or purchase a conservation easement. Given the large number of transactions required to assemble a reserve system, adequate time is needed to ensure that it happens before the end of the permit term. A permit term of 50 years also allows the monitoring and adaptive management programs to become well established so that they can continue successfully in perpetuity. As described in Chapter 6, Conservation Strategy, the adaptive management and monitoring program will go through three distinct phases: inventory, targeted studies, and long-term monitoring. Each phase will take many years to complete.

Moreover, the Plan includes a requirement that land be preserved ahead of habitat effects, so that rough proportionality is maintained between adverse effects on natural communities and conservation measures. The YHC will monitor the status of this “stay ahead” provision throughout the life of the Plan, and the agencies will evaluate the efficacy of this provision on an annual basis (see HCP/NCCP, Section 7.5.3);

The project applicant is required by the Yolo HCP/NCCP and Mitigation Measure 3-18 of the Draft SEIR to pay HCP/NCCP land cover fees, which are used by the Yolo Habitat Conservancy to purchase habitat suitable for covered species, including burrowing owl. As discussed in Impact 3-89, as a result of the regional conservation strategy included in the adopted Yolo HCP/NCCP, the Yolo HCP/NCCP EIS/EIR concluded that the impact from future development anticipated in the Plan, which includes the ARC Project and the undeveloped portions of the Mace Triangle (see Table 3-1 of Yolo HCP/NCCP), would have a less-than-significant impact on western burrowing owl (Yolo HCP/NCCP EIS/EIR, pg. 4-61).

### **Response to Comment 12-13**

Per Mitigation Measure 3-18, the project applicant would be required to implement Yolo HCP/NCCP Avoidance and Minimization Measure AMM-18. Per Table 5-2(b) of the HCP/NCCP, no injury or mortality of individuals would occur with application of AMM-18.<sup>26</sup> In issuing its

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<sup>26</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 5-21 to 5-25]. April 2018.

Incidental Take Permit associated with the Yolo HCP/NCCP, CDFW determined that this impact would be less than significant under CEQA.

Additionally, Draft SEIR Mitigation Measure 3-20(c) includes the following requirements, which would ensure avoidance of harm to burrowing owls and other birds during ground-disturbing activities:

- *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:*
  - *Stop all work within a 100-foot radius of the discovery.*
  - *Notify the City of Davis Department of Community Development and Sustainability and Public Works.*
  - *Do not resume work within the 100-foot radius until authorized by the biologist.*
  - *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.*

#### **Response to Comment 12-14**

As stated on page 3-14 of the Draft SEIR, a burrowing owl site management plan would be prepared consistent with applicable portions of Appendices E and F of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.

#### **Response to Comment 12-15**

Please refer to Master Response #3.



Letter 13A

City of Davis  
Planning Commission Meeting Minutes  
Community Chambers, 23 Russell Boulevard, Davis, CA 95616  
Wednesday, February 26, 2020  
7:00 P.M.

Commissioners Present: Herman Boschken, Cheryl Essex (Chair), Stephen Mikesell, David Robertson, Darryl Rutherford (Arrived at 7:15 p.m.), Stephen Streeter (Vice Chair), Emily Shandy (Alternate)

Commissioners Absent: Greg Rowe

Council Liaisons Present: None

1. **Call to Order.** Chair Essex called the meeting to order at 7:02 p.m.

2. **Approval of Agenda.** S. Streeter moved to approve agenda, seconded by S. Mikesell. Motion passed by the following vote:

AYES: Shandy, Mikesell, Streeter, Boschken, Robertson, Essex

NOES: None

ABSENT: Rutherford, Rowe

3. **Brief Announcements from Staff, Commissioners, and Liaisons.** None.

4. **Public Comment**

Alan Hirsch: Local papers are afraid to publish anything controversial. We live in a bubble in Davis. Invited people to attend meeting to discuss how we can address issues in our country.

5. **Regular Items**

A. **Workshop: Aggie Research Campus, 185-Acre Project Site Immediately East of City Limits Near the “Mace Curve”**

Principal Planner Sherri Metzker: Proposed project consists of 2,654,000 sq. ft. of innovation center/business uses and 850 residential units of varied sizes and affordability. Workshop is intended for Planning Commission to receive information regarding the proposed project from staff and the applicant team, receive public comment, ask clarifying questions, and provide feedback.

13-1

Overview of project history. Objectives of Innovation Center from the 2010 Business Park Land Strategy. Tentative schedule for how project will proceed, including review by advisory commissions. Correction to staff report that states surrounding open buffer on city's 25 acres is 9 acres, but its only 6.8.

Assistant City Manager Ashley Feeney: Update on city land supply: Overview of report to City Council regarding vacant commercial land, approximately 121 acres of available land in city limits, most spoken for already. Single largest parcel is 14 acres in south Davis along Cowell. If you take away sites already spoken for, less than 80 available acres

13-1  
Cont'd

of commercial land available. Second meeting will be held in late April and will focus on environmental documents and summaries of other additional advisory discussions. City Council must take action by July 7 in order to make the November ballot deadline.

Dan Ramos, Project Manager for Aggie Research Campus: Project has been under city review for over 5 years. Summer 2014 responded to the City Request for Expressions of Interest. April 2016 project was placed on hold. Fall 2017 Environmental Impact Report certification completed. Summer 2019 revised and recommencement of processing the project. Looked at what's going on in the country and on campuses in terms of innovation. Tremendous amount of jobs that can be created. Important to address housing issue of where workers will live, believes adding housing to the project solves issues. Removed the city's 25 acres from this project. Leaving that up to city and citizens as to what they want to do with that land. Not part of application.

Matt Kingsly, Land Use Attorney: Benefits of the project- Helps address city fiscal sustainability and improves quality of life; Solidify Davis' role as the ag-tech, clean-tech and food science capital of the world; Offers new housing options including entry-level type; and creates and retains good local jobs. Aspects of this project will be publicly reviewed many times throughout its development.

Prakash Pinto, Planner, Pinto & Partners: Concentrated housing and park on open space that runs through project. General layout is to concentrate housing and offices together. Putting manufacturing uses out towards periphery. Programs- Research and development. Trend is wide-open workspaces. Looking at prototyping- Engineers test things and then there will be a place to manufacture that project. Higher density housing- Wide open spaces, tall spaces, highly convertible based on need- can be bigger or smaller, a lot of flexibility. Series of alleys behind townhomes- Containing small units such as granny units. Garages also can be used as workspaces. People can live in their home and work in their garage/workspace below the home. In regards to parking structures- Can eventually be converted which is the goal. Can adapt to changing demands of users and extend the life. Flexibility in all programs and structures is how they're designing the ARC project.

Chair Essex opened public comment

13-2

In support: Alan Hirsch, Susan Kirby, Carol Stiver, Carol Day, Molly Merman, Joshua Mason, Adam Hadafi, Gwen Coter, Scott Powell, Julia Conner, Stephanie: Suggest installing bus stop on Mace Boulevard and use shuttles or Unitrans to get people in and out of location without affecting all of Davis; Project will attract industry leaders; Opportunities for high school and graduate students; Will provide jobs and business opportunities for Davis residents; Will help grow Davis economy; Additional housing in Davis desperately needed.

13-3

Opposed: Alan Pryor, Sharleen Henwood, Dan Ray, Todd Edelman, Ron Artell, Eileen Samitz, Francois Kaplin, Madelyn Rancim, Josh Jones, Les Bortello, Nancy Price, Roberta Millstein, Colin Walsh: Important for housing to accommodate employees of this project; Project will cause Mace Boulevard to gridlock every day; Nearby residents will have to deal with pollution and traffic accidents; Not innovative; Concerned about transportation impacts; No demand for this project; Concerned about whether housing will be

Planning Commission Minutes  
February 26, 2020

- 13-3**  
**Cont'd**
- affordable; The name ARC is confusing, it also stands for activities and recreation center at UC Davis; High-rise apartments should be on campus; Plan needs to address traffic going towards Woodland; Concern regarding the environmental impact to the burrowing owls.
- 13-4**
- Chair Essex closed the public hearing.
- Commissioner comments included: Concerns regarding traffic issues, need better transit to site; Interested in Affordable Housing Plan as well as proposed wages to be paid to those working on site; Would like to see natural vegetation along ditch, etc.; Need traditional units for families; Consider parking fees to discourage drivers; Questioned whether a hotel is a realistic demand; Concerned that widening Mace Boulevard will induce more demand.

**6. Commission and Staff Updates**

- a. Davis Downtown Liaison Update: C. Essex: City Council hasn't decommissioned group yet, but the project is done. Opticos presentation date to Planning Commission possibly being changed to joint presentation with City Council in April.
- b. Upcoming Meeting Dates/Long Range Calendar. E. Shandy and H. Boschken will be absent on March 25.

- 7. Adjournment.** Meeting adjourned at 10:42 p.m.

City of Davis Planning Commission Meeting  
April 22, 2020. 7:00 PM.

Letter 13B

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**Commission Members:** Herman Boschken, Cheryl Essex (Chair), Stephen Mikesell, David Robertson, Darryl Rutherford, Stephen Streeter (Vice Chair), Greg Rowe, Emily Shandy (Alternate)  
**Council Liaisons:** Lucas Frerichs, Dan Carson (Alternate)  
**Staff:** Principal Planner Sherri Metzker

*[Public Comment Period begins]*

- 13-5 **Marika Pappagianis**
- Commenter expressed concern about the project developer using City-owned open space land that was obtained from tax money via Measure O.
  - The proposed development is inadequate with regard to open space requirements, and would be a misuse of tax dollars.

- 13-6 **Roberta Millstein**
- Commenter is concerned about the legality of the use of the Mace 25 parcel, and is unsure that the project satisfies the City's required agricultural buffer or open space requirements.
  - Commenter is concerned that the proposed agricultural buffer is not large enough. County comments refer to a 300-foot buffer.

- 13-7
- Commenter believes there were inconsistencies regarding the project size within the project description and throughout the analysis within the SEIR.
    - As a result, the SEIR draws faulty conclusions regarding impacts and open space.
  - Commenter expressed concerns about the aesthetics analysis of the SEIR stating it does not mention loss of views to the Sierra Nevada and Sac skyline.
  - Commenter is also concerned about:
    - The loss of prime farmland;
    - Impacts related to hydrology; there is no analysis of impacts of the proposed use of the City's Howatt/Clayton Ranch properties;
    - The loss of biological resources, including burrowing owl habitat throughout the area; and
    - Inadequate biological surveys.
      - The surveys were not conducted during the right times of year/times of day to identify birds and bats, especially the hoary bat, which is a species of special concern.

- 13-8 **Ron Oertel**
- Commenter recommends that the Planning Commission reject the proposal.
    - More time is needed to analyze the project.
  - 6,000 parking spaces for a freeway-oriented development would have significant impacts and not consistent with City's goal of reducing GHG emissions.
  - Impacts on roadways; the City of Davis already has a substantial amount of commuters, and the proposed project would increase the net inflow of vehicles.

**Letter 13B**

13-8  
Cont'd

- The proposed 850 residential units are not related to the City’s initial objective for innovation centers.
- The SEIR notes that 1,200 additional housing units are still needed in Davis and it is not specified how this would be achieved.

13-9

- The commenter expressed concern about the lack of an affordable housing plan.
- The proposal includes the use of two City-owned parcels: one for its own purposes, on the adjacent 25-acre site, and a larger site near the causeway for drainage.
  - Why is the City sacrificing its own land for this development?
- While a formal fiscal analysis has not been conducted, the commenter believes that the total cost of maintaining this project would not be sufficiently beneficial.
- Commenter believes that, as a result of the Coronavirus emergency, putting the ARC project on the November ballot would be a rushed timeline.

13-10

**Rodney Robinson**

- Commenter expressed concern that the project would result in too many traffic impacts.
- Commenter expressed concerns regarding agricultural mitigation on the Mace 25 open space area.
  - How can a developer consider using City-owned properties?
  - The project’s use of Mace 25 would conflict with Measure O.
- Commenter recommends that the applicant remove the use of the 6.8 acres of City land from the project.

13-11

**Russell**

- The seven acres of City land was bought with Measure O tax money, and was not intended to be given away for free to private developers.

13-12

**Ellen Dean**

- Commenter expressed concern about biological surveys, and believes the current surveys are not adequate.
  - Concerned about impacts on raptors and burrowing owls. Such species are known to occur on-site.
- Commenter is concerned the developer is being allowed to use City-owned property (Mace 25) as part of the project.
  - The land was purchased with tax money from Measure O, and was intended to conserve open space.
- Given the state of emergency in California [resulting from the Coronavirus pandemic], the current timeline does not allow enough time for public commentary.
- Commenter is not certain that the campus will be needed anymore because the State may enter an economic recession.

13-13

**Jean Jackman**

- Commenter is concerned about the project developer’s plans to take seven acres of the 25 acres that the City owns for open space.
- Off-site affordable housing is not analyzed in the SEIR.
  - The developer might not build off-site affordable housing.



**Letter 13B**

13-13 Cont'd	<ul style="list-style-type: none"> <li>• Davis does not need any more commuters; traffic on I-80 is already horrible.</li> </ul>
13-14	<ul style="list-style-type: none"> <li>• The SEIR only has a December 2016 biological survey that was conducted in the winter, which is not adequate because anyone who visits the Yolo Flyway knows that during the migratory times, birds come by the thousands.</li> <li>• A biological survey was not conducted for the drainage area.</li> <li>• Commenter expressed additional concerns about impacts to burrowing owls.</li> </ul>
13-15	<p><b>Josh Jones</b></p> <ul style="list-style-type: none"> <li>• Commenter expresses concerns that the SEIR does not address the impacts associated with creating off-site detention pond.</li> </ul>
13-16	<p><b>Rik Keller</b></p> <ul style="list-style-type: none"> <li>• Commenter expressed general concern about inadequacy of the SEIR.</li> <li>• Commenter believes the project follows an unnecessarily accelerated timeline.</li> <li>• Commenter does not believe that his scoping comments were addressed, though the commenter has not had adequate time to check.</li> </ul>
13-17	<ul style="list-style-type: none"> <li>• Infill development is important to Davis.             <ul style="list-style-type: none"> <li>○ The SEIR briefly discusses an infill alternative, and dismisses the alternative for faulty reasons.</li> <li>○ SEIR analysis of project alternatives is inadequate.</li> <li>○ Project objectives are defined too narrowly.</li> </ul> </li> </ul>
13-18	<p><b>Sue Greenwald</b></p> <ul style="list-style-type: none"> <li>• Commenter expressed general concern about approving a large business project during the Coronavirus pandemic.</li> <li>• As the City prepares for a potential economic depression, commercial spaces will become available and local business will contract.</li> <li>• High-tech companies, such as those that are expected to occupy the ARC site, are not making plans to significantly expand.</li> <li>• The proposed project will result in net neutral or net negative revenue for the City.</li> </ul>
13-19	<p><b>Christine Armstrong</b></p> <ul style="list-style-type: none"> <li>• Commenter expressed concerns about off-site affordable housing.             <ul style="list-style-type: none"> <li>○ Off-site affordable housing was not analyzed in the SEIR.</li> <li>○ Commenter wishes to see affordable housing included as part of the project.</li> <li>○ The developer may not build affordable housing, and may opt to pay in-lieu fees instead.</li> <li>○ Employees of the proposed project will need housing.</li> </ul> </li> <li>• Housing for project workers is important because of the transportation impacts, and associated carbon emissions, related to commuting into Davis.</li> </ul>
13-20	<p><b>Pam Gunnel</b></p> <ul style="list-style-type: none"> <li>• Commenter's primary concern is the location of the project on the periphery of Davis.             <ul style="list-style-type: none"> <li>○ The proposed location conflicts with the City's land use principles.</li> <li>○ The City has not yet taken advantage of infill accommodations.</li> </ul> </li> </ul>

**Letter 13B**

13-20  
 Cont'd

- An infill development would be a better alternative, and would rely less on automobiles.
- Commenter would prefer to see dense housing in an area that is either close to downtown or close to existing public transit.

**Charlene Henwood**

13-21

- Commenter expressed concerns about the “Mace Mess”; in 2018, the City Council decided to change the main thoroughfare in Davis, Mace Boulevard, into a residential street.
- The project ended up being dangerous, and residents demanded that the street be converted back to its original use.
  - The project has not been fixed.
- The ARC project would add 24,000 additional vehicle trips on Mace Blvd.
- East Davis residents will be blockaded within their homes/neighborhoods during rush hour.
- The increase in traffic will lead to increased pollution, noise, and dangerous driving.

**Larry Gunther**

13-22

- Commenter encourages Planning Commission to extend the comment period due to the COVID-19 situation.
- 24,000 new vehicle trips on Mace Blvd is a huge concern and project would make traffic on Mace Blvd worse.

13-23

- Davis needs more affordable housing.
- Commenter is concerned about the agricultural buffer on Mace 25.

**Colin Walsh**

13-24

- Commenter is concerned that developer is proposing to frontload housing by moving it to Phase 1, versus the MRIC mixed-use project. This gives the project even less opportunity to capture employees of the project as tenants of the housing.
- Commenter is concerned about all of the project vehicles and notes that the development should include parking under the proposed buildings, and this should be evaluated in the EIR.

13-25

- The project is too dense and has to use Measure O open space land to provide the ag buffer; this should not be allowed.
- The commenter refers to his email and the attachment provided thereto, which should be evaluated in the SEIR.
  - For example, a bike path along the inside of the Mace Curve is responsive to comments from the Planning Commission but needs to be evaluated in the EIR; it should be included in a further biological survey – burrowing owls are across the street.
- The effectiveness of the mitigation measures in the sustainability plan need to be evaluated in the EIR.
- Commenter requests that the public review period be extended due to COVID-19.

**Letter 13B**

13-26	<b>Alan Hirsch</b> <ul style="list-style-type: none"><li>• Commenter recommends that public transit/bus stops be located next to the populated areas.<ul style="list-style-type: none"><li>○ The ARC project wants to deviate the City and Yolo bus routes into the project. This would slow down commute and bus times for other commuters.</li></ul></li></ul>
13-27	<ul style="list-style-type: none"><li>• What is the anticipated phasing of construction, and how would it influence the transportation impacts?<ul style="list-style-type: none"><li>○ What will transportation impacts look like in five years? Ten years? What would the impacts look like if only 1/3 of the project is built?</li></ul></li></ul>
13-28	<ul style="list-style-type: none"><li>• The proposed parking footprint of 6,000 spaces is very large.<ul style="list-style-type: none"><li>○ Parking lots are a significant impact on landscape.</li></ul></li><li>• The City has no way of ensuring the landscaping and trees successfully grow and survive.</li></ul>
13-29	<b>Dirk Gently</b> <ul style="list-style-type: none"><li>• The large, 200-acre project site is not consistent with General Plan policies.</li><li>• General Plan Chapter 5, Economic and Business Development, states under action F, under Policy ED 3.2,<ul style="list-style-type: none"><li>○ Designation of a peripherally sited URRP shall only occur after:<ul style="list-style-type: none"><li>a) It is determined that lands within the City limits would not meet the needs for “research-oriented” Business Park uses.</li><li>b) Specific guidelines for development projects on the periphery of the City are adopted.</li></ul></li></ul></li><li>• The SEIR is required to address consistency of the project with the General Plan, but this particular policy is not discussed.</li><li>• Planning Commission should recommend that the SEIR is inadequate.</li></ul>
13-30	<b>Eileen Samitz</b> <ul style="list-style-type: none"><li>• The commenter’s primary concern relates to traffic impacts.<ul style="list-style-type: none"><li>○ 24,000 additional vehicle trips will impact east and south Davis as well as Mace overcrossing and traffic along I-80. Freeway traffic along I-80 will back up into adjacent neighborhoods.</li></ul></li><li>• The SEIR traffic chapter relies on an unwarranted assumption that 60 percent of housing units will be occupied by at least one ARC employee of the site. However, the project developers currently have no plan to implement this occupancy requirement.<ul style="list-style-type: none"><li>○ Developers admit they cannot guarantee this housing goal.</li><li>○ If the 60 percent goal is impossible to achieve, it is a faulty assumption to include in the SEIR.</li></ul></li><li>• Commenter also expressed concern regarding the lack of defined affordable housing.<ul style="list-style-type: none"><li>○ Developer has talked about off-site affordable housing and in-lieu fees, which is not what the City needs.</li></ul></li><li>• Commenter expresses concerns regarding open space and drainage issues; specifically related to use of Mace 25 and two feet of soil from Howatt Ranch.<ul style="list-style-type: none"><li>○ Can Howatt property still be farmed?</li></ul></li><li>• Commenter believes that the City should not be subsidizing this project, and that the SEIR is inadequate.</li></ul>

**Letter 13B**

13-31

**Alan Pryor**

- Commenter notes that the project applicant has proposed to remove two feet of topsoil from Howatt Ranch and transfer to the ARC site.
  - Is money going to be paid to City for taking soil/land?
  - How will this soil transfer impact the land on Howatt Ranch? Would there be significant impacts to agriculture?
  - Would there be a subsequent risk of flooding?
- If ARC is being raised approximately one-foot, that will significantly change the flooding profile of the parcel. ARC already results in flooding to a number of parcels to the north.
- How much money is the developer going to pay for ruining 100 acres of agricultural land?

*[Planning Commissioner Comments begin]*

13-32

**Herman Boschken**

- The project is essentially a conventional business park, and does not propose any restrictions that would ensure use as a research park only.
  - Commenter doubts the site will actually be used as a high-tech research park.
  - The project developer or the City should restrict use of the project site so that it can only be used for research.
- Does UC Davis support the project?
  - There is indifference/lack of support from UC Davis.
  - The project is only called a “research park” because of the close proximity to UC Davis, but the project is not even school affiliated.
- The EIR does not analyze the potential to cannibalize other business parks and businesses in Downtown Davis.
- Other business park locations have large swaths of open acreage that could be developed for either business park purposes or research park purposes.
- South Davis, for example, has a number of locations very sizeable that simply are not being utilized, apparently because there is no demand.
- The SEIR should contain an economic analysis.
- There no longer seems to be regional demand for business parks, which SEIR does not address.
- The project’s retail might take business away from Downtown Davis.

13-33

**Stephen Mikesell**

- Commenter expresses concern regarding the use of agricultural land by causeway for drainage purposes.
  - Is the off-site property prime agricultural land?
  - If so, it seems that removing the topsoil of the off-site drainage property would destroy prime agricultural land, which is not analyzed in the SEIR.

13-34

**David Robertson**

- How are vehicle wait times addressed as far as additional air pollution?

**Letter 13B**

13-34 Cont'd	<ul style="list-style-type: none"> <li>• In addition to the 850 residential units proposed for the project, there is an assumption that 1,700 units necessary to house ARC employees will be in the region, and 1,200 will come from the City of Davis itself. How is the City going to provide 1,200 additional housing units, when the City has low levels of vacancy?</li> </ul>
13-35	<ul style="list-style-type: none"> <li>• The commenter is concerned that the 850 units will go to non-employees because there is no mechanism that has been identified and the SEIR should be evaluating the worst case; additional trips would be generated by commuters.</li> <li>• The SEIR understates the generated vehicle trips because the report assumes that many people will live and work on the project site.</li> <li>• On page 3-119, the SEIR states that 54.6 percent of new employees would live in Davis based on typical commute patterns.             <ul style="list-style-type: none"> <li>○ Can we reasonably rely on this data? Where is the housing stock that is going to accommodate those 1,200 units that are needed within Davis; is this new growth?</li> </ul> </li> </ul>
13-36	<ul style="list-style-type: none"> <li>• Does the trip generation modeling assume VMT based on allocation of 1,700 regional trips, 1,200 in-town trips and 850 internal project trips?</li> </ul>
13-37	<ul style="list-style-type: none"> <li>• Affordable housing is not guaranteed in any way. Will the housing component be a part of the project?</li> </ul>
13-38	<p><b>Darryl Rutherford:</b></p> <ul style="list-style-type: none"> <li>• How exactly is the use of 6.8 acres of City land addressed in the SEIR impact analysis?</li> <li>• If the applicant identified an additional six-acre site to deed to the City, would that have any implications on the SEIR analysis?</li> </ul>
13-39	<ul style="list-style-type: none"> <li>• The currently proposed use of land does not meet the open space requirements set forth by the City. The applicant should find another parcel of land to designate as open space.</li> </ul>
13-40	<ul style="list-style-type: none"> <li>• The commenter inquires about the traffic mitigation plan for County Road 32A and notes that this roadway already experiences heavy traffic during commute hours. The project will add to this existing issue.             <ul style="list-style-type: none"> <li>○ Commenter notes that this is already an existing issue that needs to be addressed.</li> </ul> </li> </ul>
13-41	<ul style="list-style-type: none"> <li>• Commenter states that the report cannot assume that those who live on the ARC site would also work there because there is no mandate in place to ensure this.</li> <li>• The SEIR does not include an adequate analysis of affordable housing.             <ul style="list-style-type: none"> <li>○ Affordable housing is not addressed, and there are no alternative areas in Davis where the applicant has proposed to supply affordable housing instead.</li> <li>○ There should be a strong preference for on-site affordable housing, not off-site. Commenter requests consideration of dedicating on-site acreage for affordable housing.</li> </ul> </li> </ul>
13-42	<p><b>Stephen Streeter:</b></p> <ul style="list-style-type: none"> <li>• Commenter anticipates that the Planning Commission's comments at the February 26<sup>th</sup> workshop on the project will be addressed as part of this Final SEIR.</li> <li>• Commenter generally references traffic issues (e.g., widening Mace will induce more demand), and need for better transit to the site and potential relocation of the on-site transit hub.</li> <li>• Commenter generally references interest in affordable housing.</li> </ul>

**Letter 13B**

13-43	<ul style="list-style-type: none"> <li>• Commenter questions whether there is demand for an on-site hotel, given that other hotels have been built.</li> </ul>
13-44	<ul style="list-style-type: none"> <li>• Ensuring that 60 percent of future employees occupy the on-site residences is a great idea, but how can we make this happen?</li> </ul>
<b>Emily Shandy:</b>	
13-45	<ul style="list-style-type: none"> <li>• One of the reasons mentioned in the staff report for rejected alternatives was it failed to meet the goal of building a 200-acre innovation center.           <ul style="list-style-type: none"> <li>○ The commenter asks how the 200-acre figure was derived given the discussion at the meeting on the location of a facility like this on the periphery of town compared to infill opportunities that may not offer a single large parcel but may be a better fit to address some of the other impacts.</li> <li>○ Commenter expresses concerns that the 200-acre figure is outdated and based on 20-year old data.</li> </ul> </li> </ul>
13-46	<ul style="list-style-type: none"> <li>• In which phase of development would the grade-separated bike path be constructed?</li> </ul>
13-47	<ul style="list-style-type: none"> <li>• In the SEIR, there is no mention of an east/west pathway, as was shown at the Bicycle Transportation Streets Safety Commission meeting. Why was this not addressed in the SEIR?</li> </ul>
13-48	<ul style="list-style-type: none"> <li>• Is there any information about how many bike parking spaces would be made available?</li> </ul>
<b>Greg Rowe:</b>	
13-49	<ul style="list-style-type: none"> <li>• A few commenters referenced the applicant’s plan to excavate soil, and alluded to the fact that the soil would raise the foundation of the site.           <ul style="list-style-type: none"> <li>○ This is not the case. In the August 2015 DEIR, the ARC site was shown to have expansive clay soils. As a result, the project would need to correct it by importing 130,000 CY of soil to improve soil conditions.</li> </ul> </li> <li>• Will the site attract businesses from elsewhere in Davis?           <ul style="list-style-type: none"> <li>○ There likely will be movement of companies in Davis to the ARC site.</li> </ul> </li> <li>• Updated technical reports came in recently, and they should be included in the SEIR. The commenter specifically mentions the sustainability plan, transportation demand management plan, and tree plan.</li> </ul>
13-50	<ul style="list-style-type: none"> <li>• Commenter notes that the biggest challenge of this draft supplemental EIR is that you cannot really understand the project and the potential impacts based on the SEIR alone. Commenter had to reference other documents from 2015 draft EIR and 2016 final EIR.</li> <li>• In the previous document, 100 percent of units were assumed to be occupied by at least one employee of the ARC site. It is deficient for this draft SEIR to have not taken into account such a requirement, especially when the resolution adopted by City Council said that the mixed-use alternative has to have at least 60% of the units occupied by at least one project employee.</li> <li>• The previous analysis indicated that a mixed-use alternative was environmentally superior due to the substantially fewer vehicle trips, whereas the ARC project, with new methodologies that had to be employed, show a 54% increase in trips. The sensitivity analysis performed in the final EIR needs to be redone to determine number of on-site units to ensure appreciable environmental benefits, such as VMT and GHG reduction.</li> </ul>

**Letter 13B**

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|-------|---|
| 13-51 | <ul style="list-style-type: none"><li>• The Final EIR should consider alternatives to using City-owned Measure O open space as part of the project.<ul style="list-style-type: none"><li>◦ Commenter suggests that the agricultural buffer come out of the developer's land rather than City land.</li></ul></li><li>• Yolo County letter states that, per County policy, a 300-ft agricultural buffer is required. The SEIR should look at another alternative with a larger buffer.</li><li>• The commenter expressed concern about urban decay.<ul style="list-style-type: none"><li>◦ Based on the UC Davis website, the campus is trying to attract the exact same tenants to Aggie Square as the ARC project.</li></ul></li><li>• Commenter references the Woodland Tech Park and expresses concern regarding oversaturating the markets with tech parks. If there is not sufficient demand for the project's innovation-related uses, will the applicant come back and ask for more housing?</li></ul> |
| 13-52 | <ul style="list-style-type: none"><li>• Commenter expresses concern that the SEIR does not address impacts (e.g., ag land, truck trips, truck emissions) related to excavation of the off-site detention pond.</li><li>• The project relies on implementation of a transportation management plan (TMP), which was provided to BTSSC but has no "meat" in it. Commenter is concerned that efficacy of TDM programs.</li></ul>   |
| 13-53 | <ul style="list-style-type: none"><li>• The SEIR requires wider streets to mitigate for increased vehicle traffic. The change would discourage bike riding.</li></ul>   |
| 13-54 | <ul style="list-style-type: none"><li>• Commenter expresses concern regarding the traffic calming analysis in the SEIR. There is already a lot of cut-through traffic going through neighborhoods from people trying to avoid problems on Mace Boulevard, etc. The traffic calming plan in the SEIR will direct traffic away from neighborhoods onto regional streets, which are already heavily congested.</li></ul>   |
| 13-55 | <p><b>David Robertson:</b></p> <ul style="list-style-type: none"><li>• In the absence of a mechanism to enforce the 60 percent housing requirement, the SEIR analysis should assume it cannot occur. There is no legal mechanism to enforce it.</li><li>• A lot of the traffic mitigations are identified as not being completely in the control of the applicant due to being offsite.<ul style="list-style-type: none"><li>◦ If the City is going to require the applicant to contribute money towards mitigation, then zones of benefit should be established to ensure the remaining monies are collected to actually achieve mitigation. Commenter is concerned that other future projects may not come forward to realize the mitigation.</li></ul></li></ul>   |
| 13-56 | <p><b>Emily Shandy:</b></p> <ul style="list-style-type: none"><li>• Have the environmental impacts of off-site mitigations, such as the off-site bicycle and pedestrian path been investigated?<ul style="list-style-type: none"><li>◦ What if the suggested mitigation measures are no longer feasible due to a significant and unavoidable impact?</li></ul></li><li>• On page 50 of Appendix F, the report mentions a potential increase in traffic may diminish the quality of bicycle and pedestrian facilities.<ul style="list-style-type: none"><li>◦ Would the increased traffic volumes as a result of the project warrant separated bikeways, or an off-street path, as opposed to a simple bike lanes on the street?</li></ul></li></ul>   |

**Letter 13B**

**13-57  
Cont'd**

- Commenter expresses concern that the Areas of Controversy section (2.8) of SEIR is too narrow regarding bicycle and pedestrian connections. It should be expanded to not only reference CR32A but also Mace Boulevard, as well as surrounding streets.



**LETTER 13A: PLANNING COMMISSION – FEBRUARY 6, 2020**

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**Response to Comment 13-1**

The comments describe the project and related issues, including presentations from staff and project proponents, and do not raise issues related to the adequacy of the Draft SEIR.

**Response to Comment 13-2**

The comment identifies those testifying in support of the project, does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 13-3**

In keeping with CEQA Guidelines Section 15088(c), as recently amended by the State, the level of detail contained in a response may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). General concerns raised by the commenters are addressed, in general, as follows:

- The ARC Project would include construction of fair share workforce housing to provide housing opportunities for future employees associated with the commercial portion of the Project.
- Issues related to traffic congestion at local roadway facilities, including Mace Boulevard, are addressed in Impacts 3-70, 3-71, 3-74, and 3-104 of the Draft SEIR. While the Draft SEIR identifies potential impacts to roadway facilities along Mace Boulevard, mitigation measures are included to reduce the identified impacts to the maximum extent feasible.
- Issues related to air pollution are addressed in Impacts 3-10, 3-11, 3-12, 3-88 of the Draft SEIR. While the Draft SEIR identifies potential impacts related to air quality, mitigation measures are included to reduce the identified impacts to the maximum extent feasible.
- Issues related to demand for the proposed commercial uses are addressed in Master Response #5.
- As stated on page 3-201 of the Draft SEIR, the ARC Project would include up to 850 residential units and, thus, be required to comply with applicable affordable housing requirements established in the City’s Municipal Code.
- As noted on page 3-224 of the Draft SEIR, the UC Davis/City of Davis travel demand model was applied to inform the distribution and assignment of project trips under all “plus project” analysis scenarios.
- The Draft SEIR includes a detailed analysis of burrowing owl, as well as the results of four sets of recent (2020) protocol-level CDFW (2012) surveys for burrowing owl within the project site and surrounding 500-foot buffer. As clearly stated in the Draft SEIR, the project will be required to comply with the Yolo HCP/NCCP and all avoidance and minimization measures (AMMs) set forth in the Plan. For example, Mitigation Measure 3-18 of the Draft SEIR requires the applicant to obtain coverage under the Yolo HCP/NCCP and implement AMM-18 regarding burrowing owl. Generally, AMM-18 requires that a qualified biologist conduct a survey prior to any phase of construction to determine presence/absence of

burrowing owl within 500 feet of all covered activities. If burrowing owl are detected, setback distances from occupied burrows must be implemented in accordance with Table 3-17 of the Draft SEIR, consistent with the Yolo HCP/NCCP requirements.

Issues related to lack of innovation in the ARC Project design, as well as the project name, do not address the adequacy of the Draft SEIR and have been forwarded to the decision-makers for their consideration.

### **Response to Comment 13-4**

In keeping with CEQA Guidelines Section 15088(c), as recently amended by the State, the level of detail contained in a response may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). General concerns raised by the commenters are addressed, in general, as follows:

- Issues related to traffic and transit are addressed in Impacts 3-70, 3-71, 3-74, 3-76 and 3-104 of the Draft SEIR. While the Draft SEIR identifies potential impacts related to vehicle traffic, mitigation measures are included to reduce the identified impacts to the maximum extent feasible.
- As stated on page 3-201 of the Draft SEIR, the ARC Project would include up to 850 residential units and, thus, be required to comply with applicable affordable housing requirements established in the City's Municipal Code. The Ordinance, under Section 18.05.060(b), which was recently extended by City Council to November 30, 2021, allows more than one avenue to meet the City's alternative affordability requirements, including on-site construction of affordable housing, off-site land dedication, or pledging to the City a continuing payment of funds to be submitted to the City at least annually for the purpose of furthering the city's affordable housing goals and objectives, in an amount as deemed appropriate by the City Council. Consistent with the City's ordinance, the applicant may choose to construct all of the required affordable units on-site, construct a portion of those units on-site and dedicate sufficient land to meet the rest of the requirement elsewhere in the City, or fully meet the City's affordable housing requirements by off-site land dedication. The ultimate plan for complying with the City's affordable housing obligations will be subject to City approval.
- Issues related to wages of those working on the site are economic issues that are within the scope of CEQA
- Issues related to demand for the proposed commercial uses are addressed in Master Response #5.
- For the concern that widening Mace Boulevard may induce more demand, the Draft SEIR acknowledges the effects that increasing roadway capacity can have on VMT. The City will consider these factors when evaluating future improvements to the Mace Boulevard Corridor and other roadways as part of implementing Mitigation Measure 3-70(a) of the Draft SEIR.

Other concerns noted by the commenter do not address the adequacy of the Draft SEIR and have been forwarded to the decision-makers for their consideration.

**LETTER 13B: PLANNING COMMISSION – APRIL 22, 2020**

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**Response to Comment 13-5**

Please refer to Master Response #2.

**Response to Comment 13-6**

Please refer to Master Response #2.

**Response to Comment 13-7**

Please refer to Response to Comment 64-2 regarding the size of the agricultural buffer.

Regarding the portion of the comment about project size inconsistencies, see Responses to Comments 12-3 through -6.

Regarding the commenter's aesthetics concerns, see Response to Comment 12-7.

Regarding the concerns about loss of prime farmland, the comment is noted. Draft SEIR Mitigation Measure 3-5(c) requires the applicant to set aside in perpetuity, at a minimum ratio of 2:1 of active agricultural acreage, an amount equal to the then-current phase. Nevertheless, the project's impact to agricultural land conversion is determined to be significant and unavoidable due to the fact that active agricultural land would still be permanently converted to urban uses. The commenter does not provide any specific concerns that can otherwise be addressed.

For impacts related to the proposed use of the City's Howatt/Clayton Ranch properties, see Master Response #3.

Regarding concerns about burrowing owl habitat loss and inadequate biological surveys, please see Responses to Comments 12-11 through -13.

**Response to Comment 13-8**

Please refer to Responses to Comments 51-1 through 51-3, 51-17, and 51-18.

**Response to Comment 13-9**

The commenter expresses concerns about use of City property for use as agricultural buffer and off-site drainage. Please see Master Response #2. In addition, as noted in footnote 1 on page 3-1 of the Draft SEIR, while the applicant has proposed to use 6.8 acres of the 25-acre City Parcel, the City has not agreed to transfer any rights over this property at this time. If the project is approved by City Council, the City will negotiate with applicant regarding use of the site. The applicant's use of off-site City-owned property is one of the options being considered.

Please refer to Response to Comment 51-3 regarding affordable housing.

The commenter's concerns regarding the fiscal feasibility of the project and the timing of the ballot measure as it relates to the Coronavirus do not address the adequacy of the Draft SEIR and have been forwarded to the decision-makers for their consideration.

**Response to Comment 13-10**

Issues related to traffic are addressed in Impacts 3-70, 3-71, 3-74, 3-76 and 3-104 of the Draft SEIR. While the Draft SEIR identifies potential impacts related to vehicle traffic, mitigation measures are included to reduce the identified impacts to the maximum extent feasible. No specific comments about traffic are provided, thus precluding a more detailed response.

Please see Master Response #2 regarding use of the City Parcel for the project's northern agricultural buffer.

**Response to Comment 13-11**

Please refer to Master Response #2.

**Response to Comment 13-12**

Please refer to Master Response #2 regarding use of the City Parcel for the project's northern agricultural buffer.

Regarding adequacy of the biological surveys, surveys conducted since the certification of the FEIR in 2015 occurred during the appropriate seasons to identify special-status species, consistent with guidance issued by the United States Fish & Wildlife Service (FWS) and California Department of Fish & Wildlife (CDFW). Specifically, species surveys have been – and will continue to be – conducted consistent with the requirements of the Yolo HCP/NCCP. Surveys conducted by Sycamore Environmental in support of the 4 February 2020 Biological Resources Evaluation were therefore adequate to describe and quantify habitat for all special-status species with potential to occur. Mitigation Measure 3-18, 3-19 and 3-20 have been included in the Draft SEIR to ensure protection of burrowing owl and raptors.

The commenter's concerns related to the impacts of the Coronavirus do not address the adequacy of the Draft SEIR and have been forwarded to the decision-makers for their consideration.

**Response to Comment 13-13**

Please refer to Master Response #2 regarding use of the City Parcel for the project's northern agricultural buffer and Response to Comment 64-7 regarding affordable housing. Issues related to traffic are addressed in Impacts 3-70, 3-71, 3-74, 3-76 and 3-104 of the Draft SEIR.

### **Response to Comment 13-14**

Please refer to Response to Comment 13-12 regarding timing of biological surveys, Master Response #3 regarding the surveys conducted for the drainage area, and Response to Comment 13-3 regarding burrowing owl.

### **Response to Comment 13-15**

Please refer to Master Response #3.

### **Response to Comment 13-16**

The commenter indicates his belief that the SEIR did not address his scoping comments, though he has not had enough time to check. The commenter's 12/16/19 comment letter on the scope of the SEIR includes several topics, the content of which is reiterated in his comment letter on the Draft SEIR. For responses to that letter, showing that his concerns are adequately addressed, please refer to Responses to Letter 40.<sup>27</sup> The comment regarding the project timeline does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

### **Response to Comment 13-17**

Please refer to Master Response #4 and Responses to Letter 40.

### **Response to Comment 13-18**

Please refer to Master Response #5.

### **Response to Comment 13-19**

Please refer to Response to Comment 64-7.

### **Response to Comment 13-20**

Please refer to Master Response #4.

### **Response to Comment 13-21**

Please see Response to Comment 78-22.

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<sup>27</sup> It is noted that the commenter submitted another letter on December 2, 2019, alleging several discrepancies in the project description. These comments were based on the commenter's assessment of preliminary materials submitted by the project applicant, and not on materials provided by the City, nor content of the Draft SEIR. No response is required.

**Response to Comment 13-22**

The commenter’s concern regarding the timing of the project as it relates to the Coronavirus does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. Issues related to traffic congestion at local roadway facilities, including Mace Boulevard, are addressed in Impacts 3-70, 3-71, 3-74, and 3-104 of the Draft SEIR. While the Draft SEIR identifies potential impacts to roadway facilities along Mace Boulevard, mitigation measures are included to reduce the identified impacts to the maximum extent feasible.

**Response to Comment 13-23**

Please refer to Response to Comment 13-4 regarding affordable housing and Master Response #2 regarding use of the City Parcel for the project’s northern agricultural buffer.

**Response to Comment 13-24**

Please see Response to Comment 78-37 regarding timing of residential construction. Regarding parking concerns, it is noted that 3-17 of the Draft SEIR indicates that parking areas may be converted to parking structures over time to accommodate buildout of the allowed densities. Such parking structures are shown in Figure 3-3 of the Draft SEIR.

**Response to Comment 13-25**

Please see Responses to Comments 76-1 regarding the referenced bike path and 76-3 regarding the referenced sustainability plan measures. The commenter’s concern regarding the timing of the project as it relates to the Coronavirus does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 13-26**

Please refer to Response to Comment 78-23.

**Response to Comment 13-27**

Per SEIR Mitigation Measure 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), would be required to submit a focused traffic impact study. The focused traffic study would address the impact of adding the individual phase of development to existing plus other approved/pending development projects. The traffic study would be required to 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 would be required 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.

With respect to the portion of the comment related to transit, please see Response to Comment 13-42.

### **Response to Comment 13-28**

Please see Response to Comment 11-20 regarding parking. The MOA for the project will be responsible for maintenance of the on-site trees.

### **Response to Comment 13-29**

Please see Response to Comment 40-3.

### **Response to Comment 13-30**

Please see Master Responses #1 (employee occupancy of on-site units), #2 (potential use of City Parcel for portion of agricultural buffer), and #3 (potential use of Howatt property for off-site drainage). For the general traffic concerns expressed, it is noted that issues related to traffic congestion at local and state roadway facilities are addressed in Impacts 3-70, 3-71, 3-72, and 3-104 of the Draft SEIR. While the Draft SEIR identifies potential impacts to roadway facilities, mitigation measures are included to reduce the identified impacts to the maximum extent feasible.

Regarding affordable housing, please see Response to Comment 51-3.

The concerns regarding the applicant's potential use of soil from a city-owned property and the need for compensation is an economic issue outside the purview of CEQA, which will be addressed in the staff report.

### **Response to Comment 13-31**

Please refer to Master Response #3. The excavated soil from the off-site detention basin, which is only one option being considered, could be exported to the existing detention basin located near the eastern boundary of the ARC Site. If this option is chosen, the existing on-site detention basin would be reconfigured with varied side-slopes and a more rectangular shape. It would be an offline storage facility and only fill during extreme storm events. Contrary to other public comments submitted, the import of soil would not be used to remove the ARC site out of the floodplain, as the ARC site is not located within a floodplain (see Impact 3-51 of the Draft SEIR).

The concerns regarding the applicant's potential use of soil from a city-owned property and the need for compensation is an economic issue outside the purview of CEQA, which will be addressed in the staff report.

### **Response to Comment 13-32**

The commenter's concerns regarding the nature of the business park and UC Davis support do not address the adequacy of the Draft SEIR and have been forwarded to the decision-makers for their consideration. Regarding consideration of an off-site Infill Alternative, see Master Response #4.

Regarding concerns whether there is demand for the project and retail competition with downtown Davis, please see Master Response #5 pertaining to urban decay.

### **Response to Comment 13-33**

As discussed in Master Response #3, the Agricultural Resources section of the Draft SEIR did not evaluate the potential off-site detention pond locations based upon the fact that construction of the pond would not permanently impact the ability to conduct viable agricultural operations on the off-site pond property. As discussed in the Draft SEIR (pg. 3-168), to accommodate the increased volume from ARC Site and the Mace Triangle Site during major storm events, 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. The field would be returned with the same slopes so that irrigation would continue in a manner similar to existing conditions. Drainage patterns would not be changed and the small elevation change would not adversely impact the irrigation methodology.

It is noteworthy that 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,<sup>28</sup> which is not addressed in CEQA. 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, however, are considered Prime Farmland.

Excavation of the off-site pond would be completed during Phase 1 and is anticipated to occur over a relatively short period of 30 days. The restoration of the topsoil upon the shallow excavation limits would enable the property to remain in ongoing agricultural use; an approximately 100-acre area would only be inundated during periodic, large storm events during winter season. This is somewhat akin to the Yolo Bypass, which is farmed on an ongoing basis. In short, agricultural mitigation land is not required for the construction of the off-site detention pond as the land would not be permanently converted to a non-agricultural use (see Yolo County Surface Mining Ordinance, Section 10-5.525).

### **Response to Comment 13-34**

The air quality effects of vehicle wait times is related to vehicle generation of carbon monoxide (CO), which were analyzed as part of the Draft SEIR. According to the pollutant concentration discussion in Impact 3-12,

For the ARC Project, the worst-case intersections were determined to be I-80 WB Ramps/Mace Boulevard during the PM peak hour and I-80 EB Off-Ramp/Chiles Road during the AM peak hour under Cumulative Plus Project Conditions, due to worst LOS, highest delays, and highest volumes. Thus, the aforementioned intersections and associated peak hour conditions were modeled using AERMOD in order to determine their associated localized CO concentrations. A highly conservative assumption that the nearest sensitive

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<sup>28</sup> California Department of Conservation, Division of Land Resource Protection. *Yolo County Important Farmland 2016 Map*. July 2017.



receptor to the worst-case intersection approaches would be approximately 10 feet (3 meters) from the edge of right-of-way was applied to the model. Such a distance provides a conservative estimate, as a sensitive receptor would not be located within such close proximity to any of the potentially affected intersections. The results of the model were compared to the threshold established by the YSAQMD, which refers to the CAAQS (California Ambient Air Quality Standards) for CO.

Based on the AERMOD modeling results, Table 3-10 shows the worst-case concentration of CO from the I-80 WB Ramps/Mace Boulevard intersection and the I-80 EB Off-Ramp/Chiles Road intersection at a distance of approximately 10 feet (3 meters) from the edge of right-of-way of each intersection approach during both a 1-hour and 8-hour averaging period. As shown in Table 3-10, the highest predicted concentrations of CO associated with the worst-case intersections would be well below the 1-hour and 8-hour CAAQS for CO. Because all other affected intersections would involve lower volumes of traffic, less of a delay, and would not be located within 10 feet of the nearest sensitive receptor, the CO concentrations resultant of all other intersections would be expected to be less than what has been estimated for the I-80 WB Ramps/Mace Boulevard and the I-80 EB Off-Ramp/Chiles Road intersections. Therefore, similar to the MRIC Project, the ARC Project’s impact related to a contribution to local mobile-source concentrations of CO would be less than significant.

<b>Table 3-10</b>	
<b>ARC Project Maximum Predicted CO Concentrations</b>	
<b>Intersection</b>	<b>CO Concentration (ppm)</b>
<b>1-Hour Average</b>	
I-80 WB Ramps/Mace Boulevard	2.83
I-80 EB Off-Ramp/Chiles Road	1.76
<b>State Standard</b>	<b>20.0</b>
<b>8-Hour Average</b>	
I-80 WB Ramps/Mace Boulevard	1.39
I-80 EB Off-Ramp/Chiles Road	1.24
<b>State Standard</b>	<b>9.0</b>
<i>Source: AERMOD, February 2020.</i>	

Regarding the second portion of the comment, availability of 1,203 units within the City of Davis over the next 20 years, the approximate buildout period of ARC, to meet the remainder of ARC’s employee-generated housing demand within the City can reasonably be expected to occur. For example, SACOG’s 2020 MTP/SCS estimates that between 2016 and 2040, the City of Davis will add 3,800 housing units, inclusive of Nishi and the “Core Area Specific Plan”, and 1,630 new employees.<sup>29</sup> Also contributing to the 3,800 new housing units estimated by SACOG are accessory dwelling units on mid-sized lots, small-scale infill throughout the City, and the Cannery site. Using 1.62 employed residents per household, the estimated employee growth within the City over the next 20 years equates to a demand for 1,006 dwelling units to meet expected employee growth within the City of Davis, not including the ARC Project.

<sup>29</sup> See SACOG. *Appendix D: 2020 MTP/SCS Land Use Forecast Documentation* [pg. 52]. November 18, 2019.

### Response to Comment 13-35

Please refer to Master Response #1.

Pages 3-217 through 3-221 of the Draft SEIR describe the methods utilized to estimate daily, a.m. peak hour, and p.m. peak hour ARC Project trip generation. ARC Project trip generation was estimated using the Fehr & Peers MXD+ model developed specifically for the purposes of estimating vehicle trip generation for mixed-use projects. First, the MXD+ model estimates raw external vehicle trips that would be generated by the ARC Project. For the ARC Project, these estimates are based upon trip rates for relevant land uses published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10<sup>th</sup> Edition (2017). Next, the MXD+ model estimates external vehicle trip reductions related to trip internalization and shifts to walking, bicycling, and transit. These reductions are based on a variety of transportation and built environment factors and are informed by empirical data collected at over 240 mixed-use projects around the United States. Finally, the MXD+ model estimates the net daily, a.m. peak hour, and p.m. peak hour external vehicle trips that would be generated by the ARC Project based upon the steps described above. Refer to the technical memorandum included as Appendix 1 of this Final SEIR titled *Aggie Research Campus MXD+ Model Information* for a discussion of recent MXD+ model validation activities.

It is important to note that the trip generation methodology employed for the ARC Project differs from that employed for the MRIC Mixed-Use Alternative. As described on page 3-218 of the Draft SEIR, in the Certified Final EIR, the trip generation and internalization estimates for the MRIC Mixed-Use Alternative estimated by the MXD+ model were adjusted further based upon the presumption that on average, one MRIC employee would reside within each MRIC dwelling unit. Conversely, the ARC Project trip generation analysis does not establish any explicit association between ARC Project dwelling units and ARC Project employees, and instead relies upon empirical data in the MXD+ model (i.e., trip generation data collected at other mixed-use project sites) to estimate the degree to which the varied uses at the ARC Project would internalize travel. In other words, while the MRIC Mixed-Use Alternative trip generation method included additional trip reductions beyond those identified by the MXD+ model due to an assumption that a relatively high percentage of project dwelling units would be occupied by project employees, the ARC Project trip generation method included no such additional trip reductions. This resulted in lower levels of trip internalization for the ARC Project relative to trip internalization levels estimated for the MRIC Mixed-Use Alternative.

Regarding the commenter's inquiry about assumptions surrounding ARC employee residential locations, the environmental effects resulting from the anticipated residential locations of ARC Project employees are addressed in various Draft SEIR sections. The Transportation and Circulation section addresses ARC Project transportation impacts under a hypothetical Existing Plus Project conditions scenario. This hypothetical scenario assumes the full buildout of the ARC Project but holds all other off-site land use and transportation system characteristics constant in alignment with baseline (i.e., existing) conditions. This allows the Draft SEIR to isolate the transportation system effects specific to the ARC Project. The Existing Plus Project conditions transportation impact analysis assumed the vast majority of ARC Project employees would be expected to reside outside of Davis, primarily due to the current lack of housing supply and demand

patterns locally within the City of Davis and on the UC Davis campus. Under Existing Plus Project conditions, this would result in the ARC Project generating a large number of commute vehicle trips from outside of Davis, as suggested by the commenter.

Other Draft SEIR sections reflect the effects of the residential patterns of ARC Project employees over the course of its 20- to 25-year buildout. One example of this is the Population and Housing section, which examines the housing demand associated with ARC employees in the context of reasonably foreseeable changes to local and regional housing supply and demand factors. In this section, the figures mentioned by the commenter (i.e., included on p. 3-199 of Draft SEIR) were used to estimate the share of ARC employee housing demand within the City of Davis that should be provided on-site, while also considering planned and approved residential development elsewhere in the City of Davis. Additionally, the Cumulative section of the Draft SEIR includes a cumulative transportation impact analysis that accounts for anticipated changes to ARC employee residential locations during a future analysis year of 2036. Additionally, the cumulative transportation impact analysis considers reasonably foreseeable land use and transportation system changes expected to occur by the 2036 analysis year, including planned and approved land use development throughout the City of Davis and on the UC Davis campus, as well as future changes to land use throughout the greater Sacramento region (e.g., Sacramento, West Sacramento, Woodland, etc.) as identified by SACOG in the adopted *2016 Metropolitan Transportation Plan/Sustainable Communities Strategy*. In the future, as additional residential development occurs within the City of Davis and on UC Davis, ARC employees would experience increased opportunities to reside within Davis. The effects of these trends on the transportation system are reflected in the Draft SEIR cumulative transportation impact analysis. In this sense, while not identical due to inherent methodological differences between the population and housing analysis and the future year travel demand forecasting process, the figures mentioned by the commenter are reflected in the cumulative transportation impact analysis.

Pages 3-221 through 3-223 of the Draft SEIR describe the methods utilized to estimate project-generated, local, and regional VMT. Project-generated VMT estimates were derived by multiplying the daily external vehicle trip estimate derived from the MXD+ process described above by the average trip length for each project land use component according to the UC Davis/City of Davis local travel demand model, the SACOG SACSIM regional travel demand model, and the California Statewide Travel Demand Model.

### **Response to Comment 13-36**

Please see Response to Comment 13-35.

### **Response to Comment 13-37**

As stated on page 3-201 of the Draft SEIR, the ARC Project would include up to 850 residential units and, thus, be required to comply with applicable affordable housing requirements established in the City's Municipal Code, including Section 18.05, Affordable Housing. The Ordinance, under Section 18.05.060(b), which was recently extended by City Council to November 30, 2021, allows more than one avenue to meet the City's alternative affordability requirements, including on-site construction of affordable housing, off-site land dedication, or pledging to the City a continuing

payment of funds to be submitted to the City at least annually for the purpose of furthering the City's affordable housing goals and objectives, in an amount as deemed appropriate by the City Council.

Consistent with the City's ordinance, the applicant may choose to construct all of the required affordable units on-site, construct a portion of those units on-site and dedicate sufficient land to meet the rest of the requirement elsewhere in the City, or fully meet the City's affordable housing requirements by off-site land dedication. The ultimate plan for complying with the City's affordable housing obligations will be subject to City Council approval.

### **Response to Comment 13-38**

Please refer to Master Response #2. With respect to how the use of the 6.8 acres of the City Parcel is addressed in the SEIR, it is noted that from an environmental perspective, the effects would be limited to land disturbance, which are evaluated in the Draft SEIR. For example, the biological resources analysis addresses potential disturbance of the 6.8-acre easement area during construction of the agricultural buffer and notes that the applicant will be required to pay land cover fees pursuant to the Yolo HCP/NCCP, which, based upon consultation with the Yolo Habitat Conservancy, may include the agricultural buffer areas of the project. For example, per the discussion on page 3-100 of the Draft SEIR:

As previously discussed, the applicant proposes to use 6.8 acres on the City's 25-acre property as agricultural buffer. A portion of this 6.8-acre buffer area could be considered impacted acreage, thus, requiring land cover fees per the Yolo HCP/NCCP. Mitigation measures would be required for both the MRIC Project and the ARC Project in order to protect burrowing owl.

### **Response to Comment 13-39**

Please refer to Master Response #2. The commenter's belief that the applicant should find another parcel of land to designate as open space if the 6.8-acre easement is granted is a policy issue that does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

### **Response to Comment 13-40**

Mitigation Measure 3-70(a) of the Draft SEIR requires, in conjunction with submittal of a final planned development, or tentative map, whichever occurs first, for each phase of development, the MOA for the Project, or applicant (i.e., Mace Triangle project), shall submit a focused traffic impact study to determine if any of the intersection and roadway improvements listed in the mitigation measure are required based on the additional traffic generated by the development phase. 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.

Among the County Road 32A improvements identified in the mitigation measure include, constructing capacity improvements at the CR 32 interchange and along CR 32A to allow this interchange to serve more project traffic. However, this improvement would require Caltrans and Yolo County approval, which is outside of the City's control. Thus, as noted in the Draft SEIR, this improvement cannot be guaranteed. Nevertheless, the applicant is required, pursuant to Mitigation Measure 3-70(a), to 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.

From a bicycle perspective, Mitigation Measure 3-75(b) requires the applicant to 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), if Yolo County approval can be secured, given that the facility is within their jurisdiction.

### **Response to Comment 13-41**

Please see Master Response #1 regarding employee occupancy of on-site units.

Regarding the affordable housing portion of the comment, please see Response to Comment 64-7.

### **Response to Comment 13-42**

Please refer to Letter 13A for responses to the February 26, 2020 Planning Commission workshop on the project.

For the concern that widening Mace Boulevard may induce more demand, the Draft SEIR acknowledges the effects that increasing roadway capacity can have on VMT. The City will consider these factors when evaluating future improvements to the Mace Boulevard Corridor and other roadways as part of implementing Mitigation Measure 3-70(a) of the Draft SEIR.

For the transit concerns it is noted that Mitigation Measure 3-76(a) in the Draft SEIR states the following:

*3-76(a) Prior to the issuance of the first certificate of occupancy 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.*

Based on the above, the project applicant would be required to coordinate with Unitrans and Yolobus before relocating the proposed bus stops from Mace Boulevard to the ARC Project transit plaza. In addition, it is noteworthy that since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UCD and the Amtrak station.

Regarding the affordable housing portion of the comment, please see Response to Comment 64-7.

**Response to Comment 13-43**

Regarding the concerns about demand for the hotel, see Master Response #5.

**Response to Comment 13-44**

Please refer to Master Response #1.

**Response to Comment 13-45**

Please refer to Master Response #4.

**Response to Comment 13-46**

The grade-separated crossing is a baseline feature of the project and the timing for completion of this project feature will be determined by City Council during upcoming deliberation of the project.

**Response to Comment 13-47**

The east-west pathway discussed at the BTSSC meeting held on the project was not a feature contemplated for the project at the time of preparing the SEIR. For additional discussion, please refer to Response to Comment 71-3.

**Response to Comment 13-48**

The number of bicycle parking spaces has not been determined at this stage of program level entitlements. The number of bike spaces will need to be specified for each phase of development during future final planned development approvals (Municipal Code Section 40.22.090).

**Response to Comment 13-49**

Please see Response to Comment 67-63 regarding excavated soil.

Please see Master Response #5 regarding the concern about attracting businesses from elsewhere.

Please see Responses to Comments 76-1 through -3 about evaluating updated technical information provided by the project applicant.

**Response to Comment 13-50**

Please see Response to Comment 67-1 and Master Response #1.

**Response to Comment 13-51**

Please refer to Master Response #2 regarding use of the City Parcel for the project's northern agricultural buffer.

Please see Response to Comment 64-2 regarding the width of the agricultural buffer.

Please see Master Response #5 regarding the concern about urban decay.

Please see Response to Comment 64-5 regarding the commenter's concerns about demand for the non-residential uses of the project and potential for the applicant to request more housing.

**Response to Comment 13-52**

Please refer to Master Response #3 regarding analysis of the off-site drainage pond alternative.

Please see Response to Comment 67-91 regarding the commenter's TDM concerns.

**Response to Comment 13-53**

For the concern that widening streets may discourage bike riding, it is noted that the City will consider such factors when evaluating future improvements, such as those to the Mace Boulevard Corridor and other roadways as part of implementing Mitigation Measure 3-70(a) of the Draft SEIR. It should also be noted that the project will construct additional bike facilities which will help partially offset this concern. However, see also Response to Comment 71-4.

**Response to Comment 13-54**

The commenter's concerns have been forwarded to the decision-makers for their consideration. Nevertheless, it is important to direct cut-through traffic away from neighborhood areas to those streets that are intended to carry traffic. As part of the neighborhood traffic calming plan, required in Mitigation Measure 3-71 of the Draft SEIR, the prospective measures intended to minimize peak hour traffic volumes on local streets and speeds on collector and minor arterial streets will need to be studied by a qualified consultant to determine their actual effectiveness towards achieving the Plan's goals. The measures identified in the Plan must be acceptable to the City, who will be responsible for approving the Plan. See also Response to Comment 67-88.

**Response to Comment 13-55**

Please refer to Master Response #1. Regarding the portion of the comment about traffic mitigation funding, it is noted that the City will require the applicant to attempt, in good faith, to enter into

an agreement with Yolo County regarding completion of improvements in its jurisdiction, or contribution of fair share funding towards those improvements, depending upon the extent of the project's impact, based on the results of phase-specific traffic analysis required by Mitigation Measure 3-70. For impacts solely within the jurisdiction of the City of Davis, if the needed roadway improvements are included in the City's Capital Improvement Program (CIP), then payment of the City's traffic impact fees by future development will contribute the remaining monies needed to fully fund the improvements.

**Response to Comment 13-56**

Indirect effects of traffic mitigation measures are discussed on pages 3-244 through 3-247 of the Draft SEIR. The mitigation measures included in the Draft SEIR are crafted so as to ensure that potential adverse impacts associated with off-site traffic improvements are addressed and mitigated, such that the improvements could be implemented, if interagency approval is granted.

**Response to Comment 13-57**

Please refer to Response to Comment 71-1.



**Letter 14**

On Mon, Mar 16, 2020 at 1:59 PM Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)> wrote:

Mr Abramson

I see that your letter was not included and for that I apologize. We will make sure that a copy gets into the final SEIR. The good news is there is a thorough analysis of green house gases and air quality in the new document. We look forward to your additional comments, should you have any.

14-1

*Sherri A. Metzker*

Principal Planner

City of Davis

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[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)

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Letter 14

14-1  
Cont'd

**From:** David Abramson <[dabramson04@gmail.com](mailto:dabramson04@gmail.com)>  
**Sent:** Monday, March 16, 2020 1:23 PM  
**To:** Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>  
**Subject:** Fwd: FW: Aggie Research Campus

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

Hi Sherri,

Thank you for sending this out. I took a quick look through the intro section and I noticed that my public comment from Dec 2, 2019 was not noted in the list of people who had submitted it. I'll forward that to you, but if you could let me know that would be much appreciated :)

Thank you,

David Abramson

----- Forwarded message -----

**From:** Kerry Loux <[KLoux@cityofdavis.org](mailto:KLoux@cityofdavis.org)>  
**Date:** Fri, Mar 13, 2020 at 5:04 PM  
**Subject:** FW: Aggie Research Campus  
**To:** John Johnston <[johnston@ecs.csus.edu](mailto:johnston@ecs.csus.edu)>, Hannah Safford <[hannahsafford@gmail.com](mailto:hannahsafford@gmail.com)>, Courtney Hall <[courtneyhall90@gmail.com](mailto:courtneyhall90@gmail.com)>, Gregory Miller <[gmliller31@gmail.com](mailto:gmliller31@gmail.com)>, Richard McCann <[mccann@mcubed-econ.net](mailto:mccann@mcubed-econ.net)>, Alan Pryor <[ozone21@att.net](mailto:ozone21@att.net)>, Sarah Angulo <[angulo.sarah@gmail.com](mailto:angulo.sarah@gmail.com)>, David Abramson <[dabramson04@gmail.com](mailto:dabramson04@gmail.com)>  
**Cc:** Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>

Commissioners,

FYI, please see the Notice of Availability of the Subsequent Environmental Impact Report (SEIR) for the Aggie Research Campus, released today.

Kerry

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**From:** Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>  
**Sent:** Friday, March 13, 2020 4:14 PM  
**To:** Kelly Stachowicz <[KStachowicz@cityofdavis.org](mailto:KStachowicz@cityofdavis.org)>; Dale Summersille

**Letter 14**

<[DSumersille@cityofdavis.org](mailto:DSumersille@cityofdavis.org)>; Robert Cain <[RCain@cityofdavis.org](mailto:RCain@cityofdavis.org)>; Brian Mickelson <[BMickelson@cityofdavis.org](mailto:BMickelson@cityofdavis.org)>; Pamela Day <[PDay@cityofdavis.org](mailto:PDay@cityofdavis.org)>; Kerry Loux <[KLoux@cityofdavis.org](mailto:KLoux@cityofdavis.org)>; Tracie Reynolds <[TReynolds@cityofdavis.org](mailto:TReynolds@cityofdavis.org)>  
**Subject:** Aggie Research Campus

Liasons,

Can you please forward this notice of availability to your various commissions. Thank you.

*Shenni A. Metzker*

Principal Planner

City of Davis

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**LETTER 14: DAVID ABRAMSON**

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**Response to Comment 14-1**

The following comment submitted at the scoping meeting is hereby incorporated into Appendix A to the Draft SEIR:

**From:** David Abramson <[dabramson04@gmail.com](mailto:dabramson04@gmail.com)>  
**Sent:** Monday, December 2, 2019 10:10 PM  
**To:** Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>  
**Subject:** Public input on ARC project

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

Hi,

Thanks for accepting public comment on this issue. I have 3 words:

Net-zero Carbon Construction!!

And now a longer comment...

With a project of this size and given the need for climate action, anything less than that would set our climate goals back significantly.

The City of Davis has declared a climate emergency and is in the process of revising their Climate Action and Adaptation Plan, so this is perhaps the first big test of how seriously we are taking that emergency and commitment to local climate action. I hope that the process is completed thoughtfully and responsibly.

Thank you!  
David Abramson

With regard to consistency with the City’s recently adopted goal of net carbon neutrality, this is addressed in the Draft SEIR (see Impact 3-38). Please also refer to Response to Comment 11-3.

Letter 15

**From:** [Joe Bolte](#)  
**To:** [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org); [jiflynn@ucdavis.edu](mailto:jiflynn@ucdavis.edu); Terry Bassett; [JDonofrio@cityofdavis.org](mailto:JDonofrio@cityofdavis.org); [Brian Abbanat](#)  
**Subject:** comments on SEIR (SCH # 2014112012) for the Aggie Research Campus (ARC)  
**Date:** Monday, April 27, 2020 4:55:01 PM

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

Dear Ms Metzker:

I submit the following comments on the Subsequent Environmental Impact Report (SEIR) (SCH # 2014112012) for the Aggie Research Campus (ARC).

Thank you,  
Joe Bolte

15-1

The Aggie Research Campus SEIR forecasts that travel to the site will be overwhelmingly by car. It includes an unsustainable transportation plan that focuses on adding general traffic lanes to roads, poor bicycle connectivity, and a "transit plaza" that will degrade local transit service.

Adding general traffic lanes is a partial mitigation for car delay aka congestion. It worsens GHG emissions, local air quality, transit reliability, and bike/ped safety. Road widening cannot be the focus of a successful transportation plan. Meeting our sustainability goals will only be possible with land use, parking management, bike/ped infrastructure, and transit service that make a sustainable choice the most convenient choice for travelers to ARC.

The most important ingredient for sustainable transportation is appropriate land use - dense housing near job centers, ideally within walking distance. By providing new homes for people who work in Davis, and new jobs for people who live in Davis, the right mixed-use development at this site can \*decrease\* congestion and VMT. But it has to help ease the jobs-housing mismatch in Davis by providing more homes, not worsen the housing shortage by providing too little. And it must concentrate the densest land use within a short walk of frequent transit on Mace Blvd.

15-2

Parking must be unbundled and limited to achieve or exceed local emissions, VMT, and mode share targets. Otherwise, we will be building parking spaces, then trying to incentivize people not to use them. For context, the Davis General Plan Transportation Element of 2013 includes goals for the following by 2035: 10% of trips by walking, 10% by public transportation, and 30% of trips by bicycle. The SACOG 2020 plan includes a 10% reduction in VMT per capita from 2017 to 2040, as part of CARB's plan to decrease statewide per capita GHG emissions 19% from 2005 to 2035. The SEIR should comment on ARC's compliance with relevant government transportation and climate plans.

15-3

ARC is in an excellent location for mass transit access to the rest of Davis and to West Sacramento and beyond. The SEIR discusses a "transit plaza" a block East of Mace. Diverting buses from Mace Blvd into ARC would be catastrophic to bus travel times and thus ridership. A better approach would be dedicated bus lanes on Mace and stops that accommodate multiple buses to enable transfers without delaying through passengers. Bicycles, micromobility, and ridehail are door-to-door modes that don't involve transfers. A transit plaza is not useful for

Letter 15

- 15-3**  
**Cont'd** them.
- 15-4** The SEIR discusses a dedicated shuttle to downtown Davis. For operating efficiency and network integration reasons, new or enhanced service should be operated by existing providers like Unitrans or Yolobus, as part of their standard service.
- 15-5** ARC bike travel must be and feel safe from origin to destination. Both Alhambra (30mph) and 2nd St (45mph!) have high speed car traffic beside unprotected bike lanes.
- A fully protected route from ARC to John Barovetto Park / Target bike path will include ARC in the extensive off-street trail network that spans East Davis and South Davis. The Causeway / Olive Dr bike path is an express bikeway to West Sacramento and Richards Blvd. / UC Davis campus. Two projects in planning will connect it to Pole Line Drive and downtown Davis via the train station. These two world-class protected networks within blocks of ARC merit fully protected and shaded connecting bikeways on Mace Blvd across I80 to Cowell, and either on Alhambra from Mace to John Baretto Park or by adding a protected bikeway on the north side of 2nd St from Mace to that park.
- 15-6** The grade-separated crossing across Mace must be wide enough to accommodate heavy bidirectional pedestrian and cyclist travel comfortably. It must also be somewhere south of Alhambra so that bus passengers can use it to cross Mace free of cars while allowing buses to turn from Mace to Alhambra.
- 15-7** The SEIR mentions micromobility as an alternative to car traffic. Davis has no active shared micromobility providers today. Davis law bans scootershare and limits bikeshare bikes to 15mph, slower than the top speed of the average rider on a non-electrified bike. Widespread micromobility usage in Davis would require legal changes and attraction of new providers.
- 15-8** ARC is in Davis to complement and capitalize on UC Davis academic excellence in several fields. The project must aid and integrate with our city's exceptional transportation system. Its transportation plan must include baseline features that achieve our sustainability goals.

--  
Joe Bolte  
304 986 5632  
[joebolte@gmail.com](mailto:joebolte@gmail.com)

**LETTER 15: JOE BOLTE**

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**Response to Comment 15-1**

The comment expresses several concerns regarding the conceptual design of the project but does not address the adequacy of the Draft SEIR. The comment has been forwarded to the decision-makers for their consideration. In terms of the commenter's concerns related to transit, the commenter may refer to Responses to Comments 11-8 and 13-42.

**Response to Comment 15-2**

The most relevant climate plan is the City of Davis Climate Action and Adaptation Plan, which is addressed in detail in Impact 3-38 of the Draft SEIR. In addition, Mitigation Measure 3-72(a) in the Draft SEIR requires the project applicant to develop a TDM program for the entire ARC Project prior to the issuance of the first building permit in the first phase of development. Per Mitigation Measure 3-72(a), trip reduction/TDM proposed programs and strategies may include 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.

**Response to Comment 15-3**

Impact 3-76 of the Draft SEIR provides a thorough analysis of project impacts to transit services and facilities, including the adverse effects of the proposed on-site transit plaza on Unitrans and Yolobus route directness and travel times. Mitigation Measure 3-76(a) of the Draft SEIR requires the project applicant to construct new bus stops with turnouts on both sides of Mace Boulevard near Alhambra Drive in order to accommodate Unitrans and Yolobus service to the project site without requiring a route deviation off of Mace Boulevard into the project site.

Mitigation Measure 3-76(b) of the Draft SEIR requires the project applicant to study and implement multi-modal transportation improvements for each ARC Project phase of development, including improvements to 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. These improvements could include transit-only lanes on Mace Boulevard, as suggested by the commenter. However, further study is required to understand the feasibility, operational effects, and effects on other modes of potential transit-only lanes on Mace Boulevard.

No changes to the Draft SEIR are required in response to this comment. This comment has been forwarded to the decision-makers for their review and consideration.

**Response to Comment 15-4**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

### **Response to Comment 15-5**

Impact 3-75 of the Draft SEIR provides a thorough analysis of project impacts to bicycle facilities. Project impacts to bicycle facilities are identified in instances where the project would conflict with a program, plan, ordinance, or policy addressing bicycle facilities.

The ARC Project baseline features include a new bicycle and pedestrian grade separated crossing of Mace Boulevard and a new Class I shared-use path on the inside of the Mace Curve. Mitigation Measures 3-75(a) through 3-75(c) of the Draft SEIR describe the bicycle facility improvements and related roadway circulation system modifications that would be required in order to address project impacts to bicycle facilities. Beyond the bicycle facility enhancements included as project baseline features, the mitigation measures referenced above require the applicant to implement improvements to roadways and intersections surrounding the project site to minimize the potential for conflicts involving bicyclists and to enhance connections to the surrounding off-site bicycle network. These include improvements to on- and off-street bicycle facilities on Mace Boulevard and connecting roadways, including Covell Boulevard, Alhambra Drive, Second Street, County Road 32A, and Chiles Road. These also include bicycle crossing improvements on Mace Boulevard where it intersects Alhambra Drive, Second Street/County Road 32A, the I-80 Westbound ramps, the I-80 Eastbound ramps, and Chiles Road.

The protected bikeway facilities suggested by the commenter on Mace Boulevard, Alhambra Drive, and Second Street could be considered during the design and implementation of the bicycle facility mitigation measures described above. This comment has been forwarded to the decision-makers for their review and consideration.

### **Response to Comment 15-6**

The proposed grade-separated bicycle and pedestrian crossing of Mace Boulevard near the Mace Drainage Channel is included as a project baseline feature. The crossing, including its width, would be designed to the satisfaction of the City of Davis Public Works Department. The current *City of Davis Public Works Department 2016 Street Standards* identify a minimum shared-use path paved width of 12-feet with 2-foot all-weather shoulders on either side. This configuration would allow for bidirectional use by bicyclists and pedestrians in accordance with City expectations for shared-use path operations.

The commenter proposes locating the crossing south of Alhambra Drive (south of the location identified in the project baseline features) in order to provide alleged benefits to bus passengers. The commenter does not address the feasibility of their proposed crossing location, nor does the commenter provide evidence to substantiate why or how a crossing at this location would be required to address environmental impacts associated with the ARC Project. Therefore, this comment does not pertain to the adequacy of the Draft SEIR.

This comment has been forwarded to the decision-makers for their review and consideration.



**Response to Comment 15-7**

The commenter's statement regarding micromobility providers in Davis is incorrect. In partnership with the Sacramento Area Council of Governments (SACOG), the City of Davis participates in the regional bikeshare program. In early 2020, prior to COVID-19-related emergency measures, approximately 200 JUMP bikeshare electric-assist bicycles were available for use locally within the City of Davis and the UC Davis campus.

**Response to Comment 15-8**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

Letter 16

**From:** [Herman Boschken](#)  
**To:** [Sherri Metzker](#)  
**Subject:** Fwd: Planned development on county road 32 A, Davis, Ca 95618  
**Date:** Friday, April 24, 2020 12:48:54 PM

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

Sherri,

This is an interesting and relevant letter for ARC. It poses the reality that surrounding agriculture may be reduced in use by legal limitations on farmers to protect their crops by pesticide control. It would seem to me that the City and the ARC developers might have some legal liability if the development limits the use of adjacent ag lands and/or causes ag-land owners to incur substantial costs and or loss of production capacity. In public policy, we refer to this as a development "spillover effect" or project "externality" which would seem to require the project developers to mitigate or compensate. Am I reading this situation correctly?

Herman

----- Forwarded message -----

**From:** Ashley Feeney <[AFeeney@cityofdavis.org](mailto:AFeeney@cityofdavis.org)>  
**Date:** Fri, Apr 24, 2020 at 11:05 AM  
**Subject:** RE: Planned development on county road 32 A, Davis, Ca 95618  
**To:** Ranjit Dhillon <[rdhillon1@aol.com](mailto:rdhillon1@aol.com)>  
**Cc:** City Council Members <[CityCouncilMembers@cityofdavis.org](mailto:CityCouncilMembers@cityofdavis.org)>, Planning Commission <[PlanningCommission@cityofdavis.org](mailto:PlanningCommission@cityofdavis.org)>, SDHILL04@AOL.COM <[SDHILL04@aol.com](mailto:SDHILL04@aol.com)>, Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>

16-1

Dear Mr. Dhillon,

Thank you for your emails today. Our staff has received them and will be reaching out to you to discuss your concerns.

Regards,

Ashley Feeney

Assistant City Manager

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**From:** Ranjit Dhillon <[rdhillon1@aol.com](mailto:rdhillon1@aol.com)>  
**Sent:** Friday, April 24, 2020 8:03 AM  
**To:** Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>; City Council Members

<[CityCouncilMembers@cityofdavis.org](mailto:CityCouncilMembers@cityofdavis.org)>; Planning Commission  
<[PlanningCommission@cityofdavis.org](mailto:PlanningCommission@cityofdavis.org)>; [SDHILL04@AOL.COM](mailto:SDHILL04@AOL.COM)  
**Subject:** Planned development on county road 32 A, Davis, Ca 95618

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

Hi Ms. Metzker,

My name is Ranjit Dhillon and I own almond orchard next to the planned development. I heard agricultural buffer is 150 feet and I cannot spray with in 500 feet of the new building. Does it mean I loose 450 feet of my developed land with almonds for nothing. I love my almonds and like them like my babies. How can you ask me to kill my babies?

If you are planning to use 150 feet agricultural buffer as a pond for holding water, who will be responsible for my orchard damage with flooding if these ponds over flow? If my orchard is flooded I could loose all almonds trees with water logging because roots won't be able to breath.

There is already quite a bit traffic on road 32 A and this development can increase more. This is not good for me.

I use aerial spray on almonds, this development will increase my difficulties.

I am asking you to reconsider this development because it will make my agricultural practices very difficult and much more costly.

Regards,  
RANJIT DHILLON 510-375-0168

16-1  
Cont'd

**LETTER 16: HERMAN BOSCHKEN**

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**Response to Comment 16-1**

Please see Response to Comment 64-2.

**Letter 17**

April 22, 2020

Davis City Planning Commission  
City Hall  
23 Russell Boulevard  
Davis, CA 95616

**Subject: Letter of Support for Aggie Research Campus**

Dear Chair Cheryl Essex and Planning Commissioners,

I am writing as a member of the public to express my support for the Aggie Research Campus. I am an urban planner with a strong background in land use policy, economic development and sustainability. My research and review of the project shows that it will be a win-win for both Davis and the entire region.

Davis and the greater Sacramento region are significantly behind with STEM employment compared to our neighbors in the Bay Area. Estimates have shown that between 100,000 to 150,000 people commute daily from the Sacramento region to the Bay Area. Aggie Research Campus would play a role in alleviating the mismatch between employment and housing for not just Davis but our greater region. Moreover, the move to propose onsite housing is forward-thinking since it will bring people closer to their place of work and reduce dependence on a car.

Davis is well suited for an innovation center since it is one of the few major research universities without one. Lacking the innovation center, potential entrepreneurs coming out of UC Davis do not have space to build their companies in town, leaving Davis missing out on companies that can become the bedrock of a city's budget.

Due to this current pandemic and economic downturn, the need for sizable shovel ready projects is paramount to restart the region's economy. Davis, now more than ever, Aggie Research Campus could help propel the city through our looming economic recession and hopefully better off on the other side. Please continue advancing Aggie Research Campus through the public hearing process.

Sincerely,

Cornelious Burke

17-1

**LETTER 17: CORNELIOUS BURKE**

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**Response to Comment 17-1**

The comment expresses support for the project and does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

Letter 18

**From:** [Gwen Chodur](#)  
**To:** [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)  
**Subject:** Public Comment re: Aggie Research Campus  
**Date:** Tuesday, April 21, 2020 8:26:55 PM

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

Hello Members of the Planning Commission,

18-1

I am Gwen Chodur, External Vice President for the UC Davis Graduate Student Association writing in support of the Aggie Research Campus proposal. Although our organization has yet to take a formal position, the project fulfills many of the needs facing the graduate student and UC Davis community. There is a significant lack of high-quality jobs in Davis outside of the university and this puts a significant strain on graduate students and faculty members. Many of us have partners who are also highly educated looking for high skill jobs outside of the campus and they are difficult if not impossible to find. This forces many people we know to drive long distances outside of Davis to find employment matching their skills. Additionally, Davis still faces one of the most significant housing shortages in the region, and this proposal provides for workforce housing, which would be better suited to graduate students and early career professionals. Aggie Research Campus is providing the housing on-site, which is a step in the right direction to have mixed-use developments to reduce travel times. Lastly, given the predictions of an economic slowdown following the current COVID-19 outbreak, the City would be wise to invest in projects that will create jobs and bring tax revenue into Davis.

I wrote more about these issues here in an editorial recently about Aggie Research Campus (<https://www.davisvanguard.org/2020/02/guest-commentary-why-davis-needs-more-jobs-a-graduate-student-perspective/>)

Please consider looking into ways to improve the proposal while taking into account this serves a significant need in Davis for high-quality jobs, housing, and developing the city's budget.

Thank you for your consideration,

Best,  
Gwen Chodur MSPH RDN  
she/ her/ hers

PhD Candidate, Graduate Group in Nutritional Biology  
External Vice President, Graduate Student Association  
President, Nutrition Graduate Student Advising Committee

**LETTER 18: GWEN CHODUR**

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**Response to Comment 18-1**

The comment expresses support for the project and does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.



Letter 19

**From:** [Julia Conner](#)  
**To:** [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)  
**Subject:** Public Comment  
**Date:** Wednesday, April 22, 2020 10:37:40 AM

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

Dear Planning Commissioners,

First and foremost, thank you for working during this most unusual of times. I never expected to be in "shelter in place" writing a letter to commissioners in "shelter in place", yet here we are.

I've supported the Aggie Research Campus and its predecessor, the Mace Ranch Innovation Campus because companies have left Davis that would have stayed here if we had the space for them to grow. We didn't, and we still don't, and that's why so many community leaders have identified the Aggie Research Campus as an essential development for Davis.

19-1

When I look at the Supplemental EIR, I see a willingness to prepare for all externalities. The myriad of transportation improvements included with the Aggie Research Campus are focused on improving Mace Boulevard, County Road 32-A, and other corridors that have plagued city planners for years. Resources are always thin and about to get thinner, so to have these improvements in our city's pocket is a big deal.

I'm also encouraged by the commitment to clean energy, which comes as no surprise when you understand the kinds of innovative businesses the property is designed to attract. It's not always the case that projects are both business friendly and environment friendly, but that's what we have in the Aggie Research Campus.

After you've reviewed the Aggie Research Campus, please vote to approve it. Davis needs this.

Thank you,  
Julia

**LETTER 19: JULIA CONNER**

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**Response to Comment 19-1**

The comment expresses support for the project and does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Letter 20**

**From:** [Ranjit\\_Dhillon](mailto:Ranjit_Dhillon)  
**To:** [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org); [citycouncilmembers@cityofdavis.org](mailto:citycouncilmembers@cityofdavis.org); [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)  
**Subject:** DHILLON FARMS AGAINST DEVELOPING  
**Date:** Friday, April 24, 2020 7:21:39 AM

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

Hi Ms. Metsker,

**20-1**

My name is Ranjit Dhillon. I own property next to the planned development on county road 32 A. I am against it and here is my concerns.

1. If I cannot spray with in the 500 feet of the building, do I have to pull out beautiful Almond trees? I have already spent money planting these trees

**LETTER 20: RANJIT DHILLON – APRIL 24, 2020**

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**Response to Comment 20-1**

Please refer to Response to Comment 64-2.

Letter 21

**From:** [Ranjit\\_Dhillon](mailto:Ranjit_Dhillon)  
**To:** [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)  
**Subject:** PLANNED DEVELOPMENT ON 32 A  
**Date:** Friday, April 24, 2020 10:49:42 AM

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

Hi Ms. Metzker,

21-1

My name is Ranjit Dhillon and I own almond orchard next to the planned development. I heard agricultural buffer is 150 feet and I cannot spray with in 500 feet of the new building. Does it mean I loose 450 feet of my developed land with almonds for nothing. I love my almonds and like them like my babies. How can you ask me to kill my babies?

21-2

If you are planning to use 150 feet agricultural buffer as a pond for holding water, who will be responsible for my orchard damage with flooding if these ponds over flow? If my orchard is flooded I could loose all almonds trees with water logging because roots won't be able to breath.

21-3

There is already quite a bit traffic on road 32 A and this development can increase more. This is not good for me.

21-4

I use aerial spray on almonds, this development will increase my difficulties.

I am asking you to reconsider this development because it will make my agricultural practices very difficult and much more costly.

Regards,  
RANJIT DHILLON 510-375-0168

**Letter 21**

**LETTER 21: RANJIT DHILLON**

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**Response to Comment 21-1**

Please refer to Response to Comment 64-2.

**Response to Comment 21-2**

Please refer to Response to Comment 11-29.

**Response to Comment 21-3**

Please see Response to Comment 47-18.

**Response to Comment 21-4**

Please refer to Response to Comment 64-2.

## Aggie Research Campus DSEIR (ARC DSEIR) Comments

Todd Edelman  
1320 Locust Pl  
Davis CA 95618  
[todd@deepstreets.org](mailto:todd@deepstreets.org)  
415-613-0304

April 27, 2020

To:  
Sherri Metzker, City of Davis Community Development and Sustainability Department, 23  
Russell Boulevard, Davis, CA 95616

**Note: Any following comment that references my perspective of a member of the  
Bicycling, Transportation and Street Safety Commission (BTSSC) is mine alone, and  
does not represent the BTSSC, the City of Davis, or any of its bodies.**

**Part One:  
Clarifications on CEQA, SB 743 and LOS/VMT**

22-1

See the following from the 3-212 of the [DSEIR](#):

*"Changes to CEQA Guidelines: On December 28, 2018, the CEQA Guidelines were amended consistent with SB 743 to include Section 15064.3, Determining The Significance of Transportation Impacts, which states that generally, vehicle miles traveled is the most appropriate measure of transportation impacts. According to 15064.3(a), "Except as provided in subdivision (b)(2) (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact." Beginning on July 1, 2020, the provisions of 15064.3 shall apply statewide. As a result, CEQA lead agencies are shifting the focus of transportation impact analyses from level of service (LOS) analysis, to vehicle miles travelled (VMT) analysis. This shift is further driven by the Third Appellate District's published opinion regarding Citizens for Positive Growth & Preservation v. City of Sacramento (2019), which will be further discussed in the thresholds section below. This SEIR now evaluates both LOS and VMT"*

**Comment: Right now the City Council might vote on ARC as late as July 7, 2020. Any Measure R vote is later. Is the change on July 1 relevant, being that this SEIR evaluates both LOS and VMT? Would we actually be directed to look different at the SEIR from that point? Would LOS be a significant part of the SEIR if we were looking at this later only**

22-1  
Cont'd

because LOS is part of the City's current General Plan? What does that July 1 date actually relate to - if anything - within this project?

See also, from 3-225:

22-2

"[...] Importantly, the Court did not provide any guidance as to other suggested method(s) by which an agency should determine significant traffic impacts during this "interim" period. As a result, the City believes it has discretion to determine the appropriate metric of traffic impacts for the ARC Project. The City believes that the shift towards VMT on a statewide basis, starting in July 2020, provides a compelling rationale for determining impact significance in the SEIR based on VMT. However, the City also believes it is important to include significance determinations based on LOS in order to 1) provide a meaningful comparison between the LOS analysis in the Certified Final EIR and the analysis in this SEIR, 2) to consider whether there are physical improvements (whether imposed as mitigation measures or as conditions of approval) needed to further the current LOS-based General Plan policies, and 3) because the Draft SEIR was released for public review before July 1, 2020 when VMT analysis becomes required. As a result, thresholds of significance are included below for both LOS and VMT."

**Comment: The relevance of LOS is partly based - see 3), above - on the date of release for public review. The "anchor" as it were, for LOS relating to the General Plan is different from its anchor to the June 30, 2020 termination of LOS by State Law. The General Plan is still a legal structure going forward, past June 30, and there's at least the intent to respect it, BUT at the State level there is no legal justification for LOS extending beyond June 30, and nothing going forward. Thus, the amount of emphasis on LOS is inappropriate.**

Part Two:

22-3

**General comments about the review of the ARC DSEIR**

As a member of the BTSSC I appreciated the introduction and a kind of primer by Sherri Metzger for the April 9, 2020 BTSSC Agenda, but I would have appreciated it more if it was included in the Agenda packet and website documents.

In addition to innumerable numbers of pages of documents from the original MRIC EIR, the DSEIR for ARC and others available at the time Staff suggested an advance look at the project on about the 20th of March, many we had to hunt down on our own, and the Staff Report we received last week, since yesterday we've received another 30+ pages from the applicant.

We've received about a dozen emails about the actual details of the project, all since late yesterday and some in the last few hours. They total about 27 pages. Several question the lack



22-3  
Cont'd

of realistic mitigations and at least one commenting on key missing elements of the Transport Impact Study, that in and of themselves may require repair or at least a good explanation, the absence of one or the other makes me question if the Study's findings are relevant in their entirety.

Regarding designs of bike/ped infrastructure that would mitigate the effects of the project, there's been a BTSSC agenda item to review the 2016 Street Standards. In September 2019 it was added to the long range calendar for December 2019. It has been repeatedly delayed and is currently on the list TBD, and might not be agendized until after the August 2020 break.

Finally, as we saw in the orientation the City has no Asst. City Engineer/Transportation Manager, who has been described as a Senior Transport Engineer position. This position has been vacant for nearly three years. While I believe I don't undervalue the experience and skills of current staff, it's clear that a Senior level person is needed, especially during a process for a project like the ARC.

**Part Three:  
Project Description of the ARC DSEIR**

22-4

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

To start, before I get into any specifics about technical details, I have some questions about descriptive terms in the Project Description. I hope that it is fair for me to assume that since they are front and center in the - quite frankly - epic level of documents for the ARC proposal, they have been chosen quite carefully.

Page 1: **"live/work environment" has for decades described a type of housing that is combined with the workplace of the residents of the housing. This is not present at ARC.**

22-5

Page 1 **We're told that ARC is "10 miles west of Sacramento" and that it "sits strategically between the Bay Area and the State Capital of California." Which is it?**

Page 1: **"adjacent to rail" - Is perhaps half of East Davis between and the Depot normally described as "adjacent to rail"?**

Page 1: **"adjacent to the developed community on the south" It is of course blocked by I-80 with no safe cycling infrastructure aside from the bridge some distance to the west.**

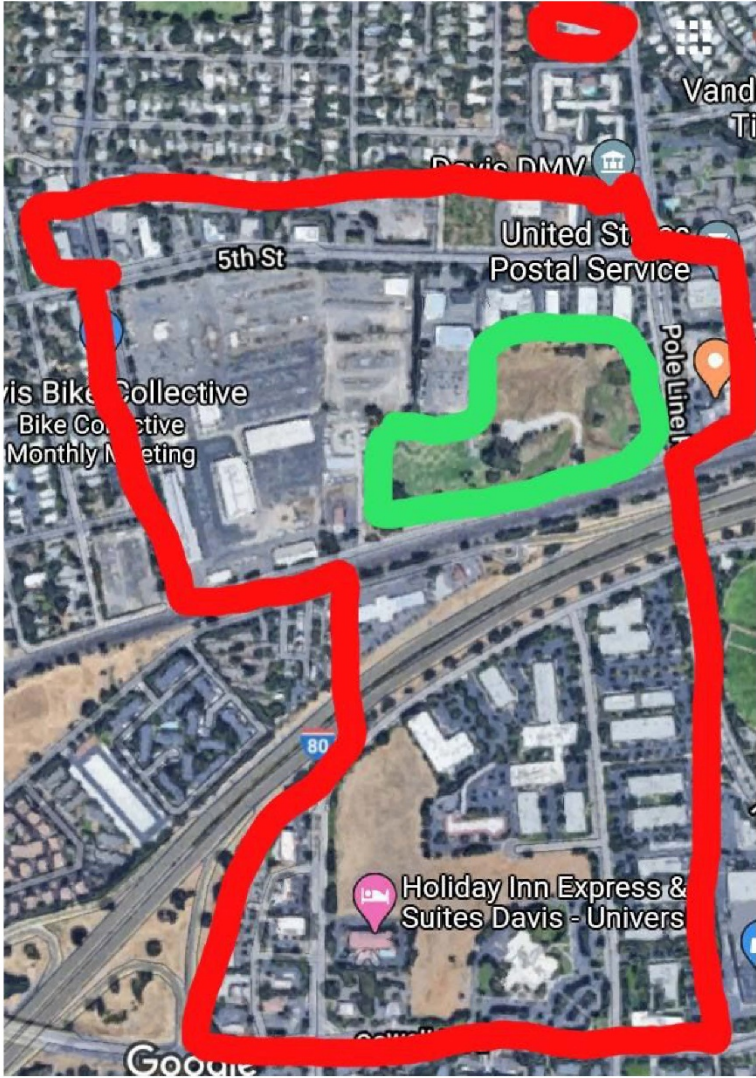
Page 1: **"limited supportive retail" meaning that the closest retail is limited to the Target and its neighbors, the only supermarket across a more or less motor-vehicle only road across I-80. There's no safe and direct way for anyone at ARC to do major supermarket**

22-5 Cont'd	<p>shopping by bicycle, and there are no plans in the works, including of the developer, to change this. During non-congested periods it's actually well-placed for shopping trips by car at the Ikea, Home Depot and Walmart in West Sacramento.</p>
	<p>Page 1: <i>"jobs/housing balance"</i> - <b>This implies a connection between who lives there and who works there, but there's actually no way to know if anyone who works there will want to live there given the peripheral location and self-described "limited supportive retail".</b></p>
	<p>Page 3: <i>"12. Encourage recreation and non-automotive modes of transportation by creating trail connections and safety improvements that enhance and encourage pedestrian/bicycle circulation and connectivity between the project site and surrounding areas."</i> - <b>There's only a concept to have a crossing of Mace to the west. There's no plan for a similar improvement to the supposedly-"adjacent" south. The area is distant from nearly all of Davis, including its two main high schools, post office, City hall, County offices, bikeable supermarkets, public pools, library, farmers market, and so on. It's quite a long journey to UC Davis by ANY means of transportation, especially at night, in the heat or the rain. How will a journey by a promised shuttle from the area of the UC Davis Campus, then to Davis Depot (sometimes waiting for a late train) and on to ARC be competitive with a private car?</b></p>
22-6	<p>Page 9: <i>"For improved safety on the Mace Curve, ARC would extend the existing bike lane around the inside of the Mace Curve, filling a long-derided gap and completing the connection, thereby bringing more employees safely to work and children safely to school."</i> A bike lane here is not enough, not for a 45-50 mph road.</p>
	<p>(A Class 1 facility with no separate sidewalk such as suggested by the applicant after the publication of the DSEIR would not be suited for people travelling longer distances on faster e-bikes as it would conflict with pedestrian uses).</p>
22-7	<p>Page 11: <i>"As a result of user demand-driven build out, parking fields may be converted to parking structures over time to accommodate development at greater densities"</i>. <b>To be clear, parking structures will be built if there's demand for them? How much increased capacity? Is this part of the transportation study?</b></p>
22-8	<p>Page 13: (Phasing): <i>"jobs are created onsite"</i> - well, this is mainly a jobs project, so of course jobs will be onsite. But, more important, this references the <i>"jobs/housing balance"</i> mentioned earlier in this document. The intention here is that people will find jobs at ARC and then get settled at ARC, but in the end the results will likely be somewhere between a miracle and this illusion. If everyone who gets a job at ARC lives off-site and if everyone who lives at ARC doesn't work there, the City of Davis has no right to require different results. The applicant confirms that housing here <i>"will be available to the community at large"</i>, and this definition of community can mean anyone within the greater region, resulting in high VMT. The very long phasing can also mean a</p>

22-8 Cont'd	<p>construction site that to some will forever seem unfinished. On one hand perhaps never a basic feeling of calm, and on the other I-80 noise starting at one end and construction noise at the other, early in the morning. And the sometimes ungainly vehicles of construction companies, just one innocent, yet blind corner away from a child who, not surprisingly, ventures into the off-limits construction areas. I get some of this feeling when visiting the Cannery.</p>
22-9	<p>Page 15: (Sustainability Features): <i>"Transit Plaza"</i>: One major access point for transit means long journeys by foot for many visitors, and on the other hand many "dedicated stops" across the site significantly increase the total journey times for any existing transit routes that already serve the area. Further, the value of any Transit Plaza or bus stop is determined in part by its relative distance to the final destination compared to car parking.</p>
22-10	<p>Page 15: (Sustainability Features): <i>"...help establish the use of bicycles as a predominant mode of transportation to the site"</i>. Not even junior high schools do so well. The only local destination that has a majority bicycle mode share is UC Davis, and based on everything from location, to parking costs and regulations to users it's completely different than anything possible with ARC.</p>
22-11	<p><b>Part Four:</b> <b>Executive Summary of the ARC DSEIR</b></p> <p><a href="https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/aggie-research-campus/mace-ranch-innovation-center/environmental-review">https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/aggie-research-campus/mace-ranch-innovation-center/environmental-review</a></p> <p>Re: Page 2-4: Comments: I doubt that the <i>"Infill Alternative"</i> was as carefully considered as it should be. First of all it mentions that a re-development of the PG&amp;E Corp Yard was not considered, but doesn't explain why. It mentions "closer proximity to existing residential neighborhoods" seemingly as a bad thing, when it actually mirrors the design for ARC, where places of work and residences are close to each other. The PG&amp;E yard is actually adjacent to rail, unlike the Mace Curve, and closer to Downtown. Everyone at the PG&amp;E yard would be less than five minutes from the train station and all of Downtown by bike or automated shuttle, and less than ten minutes from campus. The analysis of the Infill Alternative does not consider the possibility of re-zoning and in addition to excluding City-owned properties, it refuses to get creative about construction of buildings on parking lots, which is of course a main feature of the Downtown plan. Sure, the biggest waste of space in Davis is all the huge parking lots of private shopping centers, but somehow these are less attainable than a huge area of agricultural land on</p>

the City’s periphery. All of the supposedly disconnected properties are on - or could easily be on - existing transit routes.

Further, the planned project area including what’s suitable for housing is similar to the following rough concept, “Infill ARC”:



22-11  
Cont'd



22-11  
Cont'd

**"Infill ARC" - Concept:**

1. Can have direct I-80 access on both sides with new ped, bike, light autonomous shuttle bridge over I80 and rail
2. Two blocks from SW corner to Amtrak
3. Existing hotel on-site
4. Re-develop industrial park for higher density on south side.
5. Build on top of PG&E, Post Office, build up north side and have some re-located businesses services move back in, DMV, City Corp yard, DJUSD corp yard, light industrial on south side 5th.
6. Sudwerk can be its eastern existing established pub.
7. Buildings taper low to Davis Manor side
8. New services for Old East Davis
9. Move PG&E facility to part of area planned for ARC - better freeway access, removed from residential proximity, etc.

22-12

**Part Five:  
Traffic and Circulation**

**Referencing: Appendix F – Transportation Impact Analysis**

**Comments: Intersections studied/counted did not include the two most impactful "choke point" intersections**

The intersection of southbound Mace Boulevard with the I-80 eastbound loop on-ramp was omitted. That uncounted intersection is physically between Intersection 13 and Intersection 14.

I looked at the Final EIR for MRIC - See 4.14.3 and 4.15.54 [at this link](#) - and, for example, both EB ramps were counted together -- I looked there to see if that could be the reason for this error. The missing intersection was counted for MRIC, though the earlier counts are not more than guessable as the methodology is different.

Intersection 14 Mace Boulevard/Chiles Road was reported as a 4-way intersection rather than a 5-way intersection. The fifth "way" of that intersection is the I-80 eastbound slip on-ramp. Especially during the PM Peak Hour that I-80 slip on-ramp off northbound Mace is the single biggest "choke" point in the existing traffic in the 22-intersection study area. If Fehr & Peers and the City want to avoid including 5-way intersections, that I-80 slip on ramp should be included as an intersection of its own.

How is this reported as a 4-way intersection? Does their count actually include the I-80 EB slip on ramp? Even if was counted in no. 14, it should really have its own count.

22-12 Cont'd	<p>The failure to include the two most impactful intersections in the 22-intersection transportation analysis means that analysis, and the SEIR is not adequate or complete.</p>
22-13	<p>The intersections studied/counted do not adequately report the impact of traffic (Vehicle Miles Traveled) on adjacent residential neighborhoods. The following two additional intersections should be added to the analysis:</p> <ul style="list-style-type: none"><li>a) Alhambra Drive/5 th Street;</li><li>b) Alhambra Drive/Loyola Drive;</li><li>c) Monarch and E. Covell;</li><li>d) Montgomery and Mace;</li><li>e) Tremont and 104 (Mace).</li></ul> <p>Because of all the above examples where the SEIR Appendix F – Transportation Impact Analysis is neither adequate nor complete, it is clear that the ARC DSEIR is not complete nor accurate.</p> <p>The ARC DSEIR will not be complete or accurate until the substantial discrepancies and omissions identified in Appendix F – Transportation Impact Analysis are remedied.</p>
22-14	<p><b>Part Six:</b> <b>ARC DSEIR TDM Plan</b></p> <p><b>Referencing:</b> <a href="http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Bicycling-Transportation-Street-Safety-Commission/General-Documents/2020/April%209/ARC%20-%20Transportation%20Demand%20Management%20Plan_04082020.pdf">http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Bicycling-Transportation-Street-Safety-Commission/General-Documents/2020/April%209/ARC%20-%20Transportation%20Demand%20Management%20Plan_04082020.pdf</a></p> <p>First, the TDM Plan was provided to the BTSSC only approximately 30 hours before their review and only added to the City website - for public access - about 8 hours before their review. This is a clear violation of State and City policy. When the applicant for the Davis Live project did similar for a review by the Planning Commission, the only review was delayed and the materials re-submitted.</p> <p>Pages 20, 21 - Bike and walk distances based on trip duration projected without regard to significant physical barriers, which to the credit of their authors are mentioned elsewhere. This suggests a lack of coordination amongst all the consultants.</p>

**Letter 21**

22-14  
Cont'd



What is the basis for the 10 min scale? Google Maps shows a 13 min duration for what your information shows as a 10 min journey, but it's on 2nd St. which is considered by many a very dangerous route. The safer routes partly on greenbelts take closer to 18 minutes, based on Google Maps. It's 25 minutes from ARC to ARC.

<https://goo.gl/maps/mrc447iWqiSsopCd9>

**LETTER 22: TODD EDELMAN**

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**Response to Comment 22-1**

Because the Draft SEIR was released prior to July 1, 2020, determination of traffic impact significance was based on both level of service (LOS) and vehicle miles travelled (VMT). If the Draft SEIR had been released after July 1, 2020, the City of Davis, as the CEQA lead agency, could have determined traffic impact significance solely using the VMT metric, in accordance with CEQA Guidelines Section 15064.3. However, even in such a case, the City would still have evaluated LOS to determine consistency of the proposed project with its General Plan LOS standards. Further, because the previously certified EIR for the MRIC project utilized LOS, and the SEIR analyzes the change in impacts, it is necessary and appropriate to analyze the impacts in terms of LOS.

The proposed ARC Project is anticipated to be heard by Davis City Council shortly after the July 1, 2020 date, by which the provisions of Section 15064.3 regarding VMT analysis under CEQA shall apply statewide. Because of the fact that the Draft SEIR was prepared and released prior to the July 1, 2020 date, the City believes it is appropriate for the decision-makers to consider both the significant LOS and VMT impacts identified in the SEIR, when deliberating on the project. As such, the findings of fact and statement of overriding considerations, which must be adopted by the City Council if they should decide to certify the SEIR (Guidelines Section 15091 and 15093), will address significant traffic LOS and VMT impacts identified in the SEIR.

**Response to Comment 22-2**

Please see Response to Comment 22-1. The comment has been forwarded to the decision-makers for their consideration.

**Response to Comment 22-3**

The comment expresses several concerns related to project documentation but does not specifically address the adequacy of the Draft SEIR. In keeping with CEQA Guidelines Section 15088(c), as recently amended by the State, the level of detail contained in a response may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). The comment has been forwarded to the decision-makers for their consideration.

**Response to Comment 22-4**

The link provided by the commenter opens up the project description narrative provided by the applicant early in the process. The comment does not reflect the project description of the Draft SEIR, and therefore, requires no response.

**Response to Comment 22-5**

Please see Response to Comment 22-4. In addition, the planned grade-separated crossing of Mace to the west is not “only a concept”. The grade-separated crossing at Mace Boulevard is an applicant



commitment that will be a baseline feature of the project. Regarding the last part of the comment, the electric shuttle included in the applicant's Sustainability Guiding Principles will include a few targeted pick-up and drop-off locations. This will minimize shuttle travel time and further incentivize ARC employee use of the shuttle rather than private car, which would incur additional expenses related to fuel.

### **Response to Comment 22-6**

The commenter is referring to language in the applicant's preliminary TDM, not the Draft SEIR. The bicycle and pedestrian impact analysis described in Impact 3-75 of the Draft SEIR correctly assumed that the above-referenced proposed Mace Curve bicycle facility would be a Class I shared-use path, not a Class II bike lane. Thus, changes to the bicycle and pedestrian impact analysis are not required.

The shared-use path would be designed to the satisfaction of the City of Davis Public Works Department. The current *City of Davis Public Works Department 2016 Street Standards* identify a minimum shared-use path paved width of 12-feet with 2-foot all-weather shoulders on either side. This configuration would allow for bidirectional use by bicyclists and pedestrians in accordance with City expectations for shared-use path operations.

The commenter correctly states that the proposed shared-use path on the Mace Curve would not be suitable for use by pedestrians as well as faster electric bicycles. State law and local ordinance would prohibit the use of faster electric bicycles on the proposed Mace Curve shared-use path. California Vehicle Code Section 312.5 establishes three types of electric bicycles. Class 1 and Class 2 electric bicycles are pedal- or throttle-assisted bicycles equipped with a motor with a top assist speed of 20 miles per hour. Class 3 electric bicycles are pedal-assisted bicycles equipped with a motor with a top assist speed of 28 miles per hour. California Vehicle Code Section 21207.5 permits the use of Class 1 and Class 2 electric bicycles on bicycle paths, but prohibits the higher speed Class 3 electric bicycles from operating on bicycle paths separated from the roadway. Moreover, the City of Davis has not adopted an ordinance explicitly approving the use of Class 3 electric bicycles on bicycle paths; currently, the City's bike paths have a speed limit of 10 miles per hour, with only Class 1 and Class II electric bicycles allowed. Therefore, the commenter's concern regarding the potential incompatibility of pedestrians and faster electric bicycles on the Mace Curve shared-use path would be addressed with the enforcement of State law and local ordinance. People utilizing faster electric bicycles would be able to use the existing Class II bike lanes on Mace Boulevard or alternative routes on the surrounding local bicycle network.

This comment has been forwarded to the decision-makers for their review and consideration.

### **Response to Comment 22-7**

The maximum amount of nonresidential parking contemplated on the site is 4,772 nonresidential parking stalls and that maximum will not change regardless of whether or not parking structures are developed. Please see also Response to Comment 11-20.

**Response to Comment 22-8**

Please refer to Master Response #1. Issues related to construction noise are evaluated under Impact 3-56 of the Draft SEIR. As noted therein, given the requirement for the ARC Project and potential future Mace Triangle development to comply with existing law, including Article 24.02.040 of the Davis Municipal Code, the ARC Project's construction noise impacts would be less-than-significant. The commenter's concerns regarding trespass into on-site construction areas are speculative, and do not address the adequacy of the Draft SEIR.

**Response to Comment 22-9**

Please see Response to Comment 15-3.

**Response to Comment 22-10**

Please see Response to Comment 22-4.

**Response to Comment 22-11**

Please see Master Response #4.

**Response to Comment 22-12**

Please refer to Response to Comment 81-13 for a description of how the eastbound I-80 on-ramps at Mace Boulevard were incorporated into the Draft SEIR transportation impact analysis. For the reasons described in the aforementioned response, both of the eastbound I-80 on-ramps at Mace Boulevard were correctly incorporated into the Draft SEIR intersection operations analysis. The commenter's assertion that the Draft SEIR intersection impact analysis errantly omitted the eastbound I-80 on-ramps at Mace Boulevard is not accurate. No changes to the Draft SEIR are required in response to this comment.

**Response to Comment 22-13**

Please refer to Response to Comment 81-23 for a description of the Draft SEIR VMT impact analysis. As described in the aforementioned response, the commenter's assertion that the Draft SEIR did not adequately address impacts to VMT is false. In fact, the Draft SEIR correctly analyzes impacts to VMT in accordance with OPR recommended practice. Moreover, the commenter's suggestion that VMT impacts be analyzed at the intersection- or neighborhood-level is not supported by OPR recommended practice, nor does the commenter provide evidence to substantiate why or how an intersection- or neighborhood-level VMT impact analysis is required per CEQA. No changes to the Draft SEIR are required in response to this comment.

**Response to Comment 22-14**

The proposed TDM plan submitted by the applicant was intended for informational purposes and was not intended to be used to obtain building permits for the project. Therefore, no further analysis

of the draft TDM plan is required at this time. If and when a future development proposal on the project site requires its initial building permits, the applicant would submit a TDM program for the project or a portion thereof, which would then be reviewed by City staff for consistency with Mitigation Measures 3-72(a) and (b). It warrants noting that several subsequent discretionary entitlements are required prior to such time.

Letter 23

**From:** [Doby Fleeman](#)  
**To:** [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)  
**Subject:** Aggie Research Center - SEIR Discussions  
**Date:** Tuesday, April 21, 2020 8:50:34 AM

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

I realize the Commission is stuck dealing with the contents of the mandatory SEIR. Not only exhausting, but also the most negative way of approaching discussion of any project.

Given that reality, is it still somehow possible to revisit the framing of the evening's discussion - to emphasize the reason we are here talking about the project and its importance to the long term stability of the local Davis economy? I believe it is not only necessary, but incumbent for each commission to acknowledge this point at the beginning of each meeting.

*Otherwise, we have a conversation, discussion and debate without a context.....*

*"Do we need more commercial development? Isn't that the first question?"*

Taking a step back, where have all the Commission's been as pertains to our community's "need" or "lack of need" for additional acreage devoted to "commercial employment uses". I could have missed it, but I don't recall having ever seen an affirmation or declaration – together with an explanation - that we actually "need" additional commercial development in the City. Am I wrong?

*To your credit, the Planning Commission has tried to bring context to the conversation.....*

23-1

To it's credit, the Planning Commission did commission Bay Area Economics to perform a multiple city comparisons as background to the City's "State of the City Report" in 2017. A critically important reason for requesting this comparison was to provide the Planning Commission and the City with some basis of comparison for how Davis stacked up with a cluster of similar communities. From my viewpoint, this study followed logically after listening to meeting after meeting of the Commission, between 2014 and 2017, in which there were on the record requests by multiple Commissioners for some further assistance, background data and guidance to allow them to better "contextualize" and "prioritize" the many competing elements and goals which go into community planning – be it the Downtown Plan or Innovation Center proposals solicited under the RFEI process.

Based on subsequent events, it appears the report was summarily dismissed by the then City Council and the Planning Commission was actively discouraged from any further pursuit or discussion of its findings.

*Why do I bring this up now? Because without some agreement and consensus on the "need" and "priority" for such a project, it's damn difficult to "contextualize and capsulize" why this particular project deserves support of the city. Simply reiterating that "economic development" is a good thing just doesn't cut it here in Davis.*

The developer is kind of left out there in breeze to justify and explain to entire community why its project is such a benefit, how it addresses the "needs" and "priorities" identified by the City. More challenging yet, the developer and its consultants appear to be left largely on their own to explain how their development plans will "dovetail into the City's larger plans to accommodate the inevitable transportation impacts" resulting from additional development (of any kind) within the City.

**Letter 23**

**23-1  
Cont'd**

Presumably, there should also be a long-range County element to this aspect of transportation planning and investment. Whether it was Wildhorse 1, 2, Lake Alhambra, Mace Ranch, Target Center, Spring Lake, Cannery, Cousteau Place, DG Mori – you simply cannot keep dumping 20 plus years of new development onto the map without corresponding planning for and investment in strengthening of arterial transportation, alternate routes and alternate modes.

*Comparison with Nishi*

I bring this up as a reminder that the City, with support from City Council, invested significant staff time and resources over multiple years “setting the table” for the eventual “tight diamond” redesign for Richards Boulevard exit off I-80 – a necessary pre-condition for future development of the Nishi property.

I confess to not having studied the ARC SEIR in great detail. My questions are at more of a general level. Using the recent Nishi applications as a comparison, what has the City (on its own) done in terms of advance planning and investment to accommodate the inevitable increased traffic flow resulting from any combination of projects that could add 10,000 or more new jobs to the community? That’s the part of the report I would like to see addressed in greater detail at this week’s meeting. That’s the part of the Planning Commission’s recommendations to City Council that I will find of most interest.

*Bottom line, even without any discussion of the 2017 State of the City Report, it’s a no brainer that the City is facing increasingly challenging financial headwinds – and that’s before any resulting consequences from the Covid-19 pandemic. Now is no time to pause the process.*

*Please stay focused on the task at hand and move your recommendations on to the City Council for approval.*

Thank you for your service.

Doby Fleeman

**LETTER 23: DOBY FLEEMAN**

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**Response to Comment 23-1**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. With respect to issues related to demand for commercial employment uses, see Master Response #5.

**Letter 24**

**From:** [Connor Gorman](#)  
**To:** [PlanningCommission@cityofdavis.org](mailto:PlanningCommission@cityofdavis.org)  
**Cc:** [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)  
**Subject:** Comments for Tonight's Meeting  
**Date:** Wednesday, April 22, 2020 4:53:30 PM

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24-1

Item 6A (ARC DSEIR): Since I haven't followed recent city developments as much as I used to, I don't know much about this project proposal so I was wondering what percentage of the housing components' bedrooms will be Affordable and what the anticipated rents for the market-rate units will be (also, if there's questions about relevance here I will note that, as I've mentioned in the past, I consider "environmental impact" to include impacts on the social environment, whether or not CA lawmakers agree).

On a related note, I think there should be incentives for worker cooperatives and similar models to take up residence in this project rather than standard companies.

Finally, on the topic of more conventional environmental impacts, along with worker co-ops I also think this project should be geared toward organizations that focus on environmental sustainability and/or creating a more just world.

Connor

**LETTER 24: CONNOR GORMAN**

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**Response to Comment 24-1**

Please see Response to Comment 9-12. The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.



**Letter 25**

**From:** [Sue Greenwald](#)  
**To:** [PlanningCommission@cityofdavis.org](mailto:PlanningCommission@cityofdavis.org)  
**Subject:** Comment ARC business park proposal  
**Date:** Wednesday, April 22, 2020 6:50:02 PM

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

This is a written copy of the public comment for the ARC business park proposal that I left on the phone:

To: Planning Commission

From: Sue Greenwald

Former Mayor

Davis, CA

25-1

I'd just like to express my general reservations concerning approving a large new business park at this point in time. Due to the pandemic, many economists fear we will be entering the worst economic recession or depression of our lifetimes. This is no time to approve a huge peripheral business park. The danger of entitling peripheral land that is unlikely to be filled is that we risk losing all control of the planning. The state is putting huge pressure on cities for unfettered housing growth, and it is quite likely that we will lose the ability to enforce our requirements on entitled land if it can't be developed according to our intended parameters.

In the best of times, large peripheral business parks are very hard to fill. They are passe from a planning perspective, they constitute poor environmental planning and they are unlikely to bring net new revenue to a city since they are likely to cost as much or more to service as they bring in tax

**Letter 25**

**25-1  
Cont'd**

revenue.

To go forward with planning a large peripheral business park today is doubly unwise. High tech companies these days tend to want to locate in town, near train stations and in environments where their workers are within walking distance of urban restaurants amenities. As we face tough economic times, more of this preferred space is going to open up, making it even harder to fill peripheral business parks.

According to many economists, we are facing a potential depression of a magnitude not seen in our lifetimes. Far from expanding, businesses are contracting. High tech companies, who tend to gravitate towards existing high-tech hubs anyway, are unlikely to be making major expansion plans in today's environment.

By the time cities make the tax concessions necessary to attract high-tech businesses, the business park will be likely to end up revenue neutral or revenue negative because we still have to provide services for it and the revenue is invariably disappointing. We've seen too many overly-optimistic economic analyses from consulting firms; we must enforce realism. From so many perspectives, this is the wrong project at the wrong time.

Thank you,

Sue Greenwald

Former Mayor, Davis, California

**LETTER 25: SUE GREENWALD**

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**Response to Comment 25-1**

Please refer to Master Response #5.

ARC DSEIR COMMENTS

2/27/2020

- 26-1 1. The ARC DSEIR Background section states, *“As part of the applicant’s current proposal, referred to as ‘Aggie Research Campus’, minor changes to the Mixed-Use Alternative have been proposed. “ I believe that the decoupling of onsite employee housing from the business park is a major difference and needs to be identified as such. The ARC DSEIR should add language in the Comparison Section 1.3 that makes it explicit and upfront that, unlike the Mixed Used Alternative, there is no assumption that ARC employees will occupy a certain percentage of ARC housing. It is not until much later in the document that the reader finds out that “this analysis does not establish any explicit association between ARC Project dwelling units and ARC Project employees”.*
- 26-2 2. The ARC DSEIR Background section states, *“As part of the applicant’s current proposal, referred to as ‘Aggie Research Campus’, minor changes to the Mixed-Use Alternative have been proposed.”* The change allowing housing in Phase 1 for ARC is a major change compared to the Mixed Use Alternative and language should be added to the DSEIR Comparison section 1.3 to make this explicit. The 270 units to be built in Phase 1 represent 30% of the total housing proposed. If added to the 340 units proposed in Phase 2, this represents 73% of the total housing. That nearly 75% of the housing will be built by the end of Phase 2 is not a minor change, but a major change from the Mixed Used Alternative.
- 26-3 3. The ARC DSEIR should add language to The Superior Alternative section (2-10) that makes it clear that while the Mixed Use Alternative was the superior alternative in the Final EIR, the ARC, although similar, is not a superior alternative because of significant changes namely **a.** increased background traffic and **b.** the removal of onsite housing assumptions. Inexplicably, the Superior Alternative discussion in the DSEIR does not mention anywhere the city resolution certifying the Final EIR (17-125) that stipulated *“the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 on-site units; “*. The fact that the ARC, which is being billed as the Mixed Use Alternative with only minor changes, is not now the superior alternative begs the question why, and should be addressed head on.
- 26-4 4. The land to be used as a 100-acre retention pond for flood mitigation by the ARC is not owned by the applicant, but rather the city (3-168). The ARC DSEIR needs to address the fact that this mitigation may not be feasible because the applicant does not own the land and use of it would constitute a gift of public funds. Also because the land slated for the retention pond is owned by the city, the city would be bearing all of the liability for its use as flood control. The DSEIR should address **a.** what type of arrangement would be needed for use of city owned property for a flood easement and **b.** an alternative retention pond location on the applicant’s property.

**Letter 26**

**26-5**

5. The DSEIR assumes that soil from city property excavated from the retention basin will be used as fill at the ARC site to improve soil structure. With respect to this soil, estimated at 130,000 cubic yards, the DSEIR needs to address **a.** the fact the soil has value but is not owned by the ARC applicant, and therefore, they may not be able to use it and **b.** mitigation needed to protect or repair County Rd. 32 A from damages caused by the hundred of trips needed to haul the soil (3-24).

**26-6**

6. The creation of a 100-acre retention basin for flood mitigation (3-168) requires significant excavation. In the DSEIR there is no analysis of what effects this large-scale excavation would have on wildlife, plant life, habitat, soil compaction, and subsequent agricultural use and value. It is worthy to note that the proposed retention pond is nearly 50% of the size of the ARC itself at build out (228 acres).

Sincerely,

Pamela Gunnell  
Davis, CA

**LETTER 26: PAMELA GUNNELL – APRIL 27, 2020**

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**Response to Comment 26-1**

In response to the comment, page 1-3 of the Draft SEIR, under Section 1.3 entitled, Comparison of ARC Project and Mixed-Use Alternative, is hereby revised as follows:

**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. 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 Final EIR assumed that on average, one MRIC employee would reside within each MRIC dwelling unit. This SEIR 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.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions presented within the Draft SEIR.

**Response to Comment 26-2**

The phasing information referenced by the commenter is already presented in Section 1.3 of the Draft SEIR on page 1-3 as follows:

**Phasing**

The phasing plan has been modified to more clearly tie the construction of housing to the creation of jobs. The ARC 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, for ARC 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.

**Response to Comment 26-3**

It is clearly stated on page 3-3 of the Draft SEIR that the Aggie Research Campus is now the proposed project. Therefore, the Draft SEIR does not need to be revised to add language that makes it clear that the ARC is not a superior alternative. Please see also Master Response #1.

**Response to Comment 26-4**

Please see Master Response #3. The concerns regarding the applicant's potential use of soil from a city-owned property and the need for compensation is an economic issue outside the purview of CEQA, which will be addressed in the staff report.

**Response to Comment 26-5**

Issues related to compensation for soil is an economic issue outside the purview of CEQA, and will be addressed in the staff report. Draft SEIR Mitigation Measure 3-74 requires the project applicant to prepare a detailed Construction Traffic Control Plan, subject to review and approval by the City Department of Public Works. Per Mitigation Measure 3-74, the Construction Traffic Control Plan requires that 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.

**Response to Comment 26-6**

Please refer to Master Response #3.

Letter 27

Comments for The Planning Commission  
4/22/20

Dear Planning Commission,

27-1

I am writing to express concerns I have regarding the ARC project.

My overarching concern is the location of this project on the periphery of Davis goes against the city's best land use guiding principles and seems to contradict best practices with respect to maximizing infill opportunities. With the recent process of creating the Downtown Davis Plan that calls for significant densification of business and residential downtown, and the recognition of downtown as a transportation hub, it seems that the ARC is a planning outlier.

I think that the city has not adequately identified and seized on infill opportunities. Infill maximizes city resources by using existing infrastructure and it meets the goal of creating a compact urban form with a strong downtown that is less reliant on the automobile. The ARC is a car centric project with acres of parking. Additionally, it calls for dense housing (median 30 dwelling units/acre) in a location that is not in walking distance to downtown, has poor transit connections, and is far from the train station.

If Davis does need a business park space larger than the size available in the city that is one thing. But to couple a business park to 850 units of housing is very different. Initially, the ARC housing was touted to be for employees and that employees would live and work at the ARC. However, no identified mechanism to restrict housing to employees has been identified and, therefore, the housing will be market rate and available to anyone under Fair Housing Practices. It is notable that the SEIR traffic study no longer assumes employees will live on site unlike the original project EIR.

27-2

Lastly, the inclusion of 100,000 sq. ft. of retail as well as significant office space brings to light the question of whether or not this project will cannibalize or destabilize existing retail and office especially in light of the probable economic fallout from Covid-19.

**SEIR Comments:**

27-3

1. **Traffic:** According to the SEIR, the ARC project will add an additional 24,650 car trips to an already impacted Mace Blvd. corridor, reducing levels of service at some intersections to F. The SEIR identifies significant and unavoidable impacts to local streets including the very sensitive intersection at the corner of Loyola and Alhambra next to Korematsu Elementary School. (p. 3-247-249). The SEIR stipulates that the developer would need to make a traffic calming plan for local streets, but that there is no assurance that the plan would be implemented and so the impacts are unavoidable.

Please consider recommending as a baseline feature a traffic calming plan for local streets be implemented, not simply planned, by the developer, especially for streets next to schools.

27-4

2. **Drainage Mitigation:**

The applicant is proposing to use city owned ag land as a flood easement as well as the soil excavated from the land. The 3 parcels identified that could be used for a retention pond are referenced on page 3-168 of the SEIR. "The applicant has identified a potential off-site location, which is the easternmost parcel owned by the City of Davis, adjacent to the MDC and Yolo Bypass levee (APN 033-300-015; 204 acres). " Alternatively, the applicant identified parcels APN 033-300-001: 248 acres and 300-650- 006: 327 acres, also owned by the city.



Letter 27

27-4  
Cont'd

[From what I can determine, these 3 parcels, totaling 770 acres, were purchased by the city in 2002 after the build out of Mace Ranch, because the owners of the parcels sued the city claiming the city was flooding their land. The parcels were purchased by the city for \$ 1.77 million. ]

There is no mention of any environmental study to assess the impacts of the creation of the 100-acre retention pond nor is there mention of its monetary value and compensation to the city. To create the retention pond 1 foot of topsoil would be removed from the 100 acres, the 100 acres would be excavated to a depth of up to 2.5 feet, and then the topsoil would be returned creating a lowered field (p. 3-168 of the SEIR). There is no mention of what effects this large-scale excavation would have on wildlife, plant life, habitat, soil compaction, and subsequent agricultural use. It is worthy to note that the proposed retention pond is nearly 50% of the size of the ARC itself at build out (228 acres).

27-5

3. **Damage to County Road 32A.** The SEIR identifies that there will be heavy truck traffic on County Road 32A during the first phase of construction when dirt excavated from the retention pond is trucked to the ARC site (p. 3-24). There is no mention of repairing any damage to the road from hauling the dirt.

27-6

4. **Apparent Policy of Using City Owned land for Project Mitigation.** The use of 6.2 acres of Open Space Land from Mace 25 for an open space buffer as well as 100- acres of city owned ag land for a flood easement needs to be addressed in terms of legality and policy consequences as they are city owned.

27-7

5. **Phasing.** In comments to the Rec. and Park Commission and Tree Commission, I pointed out that the park and East-West Greenway are not scheduled until Phase 2 (p. 3-23). Since 270 units are proposed for Phase 1 and 350 units in Phase 2, I think it is imperative that the major green spaces are established and ready for use considering the housing is dense and will not have yards. The earlier in time trees and green areas are planted and established, the better for the residents and employees in terms of park needs, cooling, and aesthetics.

Thank you for your consideration of these comments.

Pamela Gunnell  
Davis, CA

27-8

P/S Why is the ARC showing only surface parking over many acres? They need soil, why not excavate on site and do underground parking and shrink the project footprint?

**LETTER 27: PAMELA GUNNELL – APRIL 22, 2020**

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**Response to Comment 27-1**

Please refer to Master Responses #1 and #4. Regarding the portion of the comment about being far from the train station, it is noted that since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station.

**Response to Comment 27-2**

Please refer to Master Response #5.

**Response to Comment 27-3**

It is important to make the distinction between the feasibility of developing the actual neighborhood traffic calming plan, required in Mitigation Measure 3-71 of the Draft SEIR, and the feasibility of ultimately implementing the range of measures identified therein. The applicant is committed to, and in fact, legally bound to, fund the neighborhood traffic calming plan. The Plan will identify prospective measures intended to minimize peak hour traffic volumes on local streets and speeds on collector and minor arterial streets. These measures will need to be studied by a qualified consultant to determine their actual effectiveness towards achieving the Plan's goals. The measures identified in the Plan must be acceptable to the City, which will be responsible for approving the Plan. For these reasons, the efficacy of the Plan cannot be known at this time.

**Response to Comment 27-4**

Please refer to Master Response #3. The concerns regarding the applicant's potential use of soil from a city-owned property and the need for compensation is an economic issue outside the purview of CEQA, which will be addressed in the staff report.

**Response to Comment 27-5**

Please refer to Response to Comment 26-5.

**Response to Comment 27-6**

Please refer to Master Response #2.

**Response to Comment 27-7**

The commenter's recommendations do not address the adequacy of the Draft SEIR and have been forwarded to the decision-makers for their consideration.

**Response to Comment 27-8**

As stated on page 3-17 of the Draft SEIR, parking areas may be converted to above-ground parking structures over time to accommodate buildout of the allowed densities. Such parking structures are shown in Figure 3-3 of the Draft SEIR.

**Letter 28**

**From:** [Alisha Hacker](#)  
**To:** [PlanningCommission@cityofdavis.org](mailto:PlanningCommission@cityofdavis.org)  
**Subject:** SUPPORT Aggie Research Campus  
**Date:** Wednesday, April 22, 2020 5:12:21 PM

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

Hello Members of the Planning Commission,

28-1

Thank you for staying on schedule and considering the fate of the Aggie Research Campus (ARC). It's an important project for Davis.

I've looked through the SEIR and other documentation that's come before the city and have come to the conclusion that the positives far outweigh the negatives with ARC.

It's simple. Locking Davis in amber hurts students, hurts researchers, hurts the university, and hurts the city. Supporting a project that supports Aggie research helps us all. The tremendous economic impact from ARC uplifts Davis and Yolo County. The jobs created by ARC will be a godsend to a lot of students I know. And as a city that takes the climate crisis seriously, we should be united in supporting a project that is committed to clean energy.

Please vote "YES" on ARC.

Thank you,  
Alisha Hacker

--  
Alisha Hacker  
University of California, Davis c/o 2021  
Political Science- Public Service

**LETTER 28: ALISHA HACKER**

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**Response to Comment 28-1**

The comment expresses general support for the project, does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Letter 29**

**From:** [Samanth Hilborn](#)  
**To:** [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)  
**Subject:** Public Comment on Aggie Research Campus  
**Date:** Wednesday, April 22, 2020 1:26:58 PM

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

29-1

Dear Sherri Metzker,

I am a graduate student at UC Davis and my partner and I are both residents of Davis. We would like to make a general comment in favor of the Aggie Research Campus. It will provide high tech jobs for recently graduated students of UC Davis and for partners/spouses of students who go to UC Davis, as is our case. It will also provide critically important affordable housing to Davis.

My partner and I are alumni of New Mexico State University, which has a similar Research and Innovation center, that is very successful in supporting start-up and high-tech businesses. The Aggie Research Campus has the potential to be a similar center for professionals and students alike.

Best,

Samantha Hilborn and Pololu Silva

**LETTER 29: SAMANTHA HILBORN AND POLOLU SILVA**

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**Response to Comment 29-1**

The comment expresses general support for the project, does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Letter 30**

April 22, 2020

Subject: Grad Student In Support of ARC & Reduced VMT Projection Comment

Dear Planning Commissioners,

My name is Thomas Hintze, and I am the Northern Vice President of UAW 2865, the union that represents Academic Student Workers such as teaching assistants across the University of California. I want to offer my personal support for Aggie Research Campus because it meets the needs of our members in Davis by creating highly skilled jobs, providing start-up space for our researchers, and creating new workforce housing.

The most significant contribution I would want to highlight is the ability to reduce VMT for our member and their partners. There is a lack of jobs in Davis outside of the University, forcing many of us to have long commutes, in a car, to find employment for our high skill sets. Aggie Research Campus would be a site of significant job opportunities for our members, reducing the need to commute outside of Davis to find work.

30-1

A few members of our community have expressed concern that ARC would increase VMT and not help the climate goals. I am very skeptical of this assumption. In addition to the people I know who are forced to commute, the SEIR shows a reduction in VMT compared to Davis. Specifically, Figure 3-19 shows that those living in East Davis have longer commutes than those in the SACOG region. Additionally, Table 3-39 shows the ARC Site projected VMT is below that over the City of Davis and UC Davis.

The Aggie Research Campus provides many needs to our community, innovation, jobs, and on-site housing and affordable housing. Please continue the process to advance the Aggie Research Campus to have it in the next election.

Sincerely,



Thomas Hintze



**LETTER 30: THOMAS HINTZE**

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**Response to Comment 30-1**

The comment expresses general support for the project, does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**AHirsch**

To: AHirsch  
Subject: 10th Hour on ARC

Mike, Ash

31-1 As I said in public comments last night at council there are some major unaddressed issue re: ARC project.

- > Trees enforcement
- > Land Use Plan (is it TOD? Why one big park vs smaller parks? Could this be the sport complex?)  
(What will each phase look like if the development is stalled 1/3 or 2/3 way through?)

31-2 I want nothing more than to:  
> Endorse this project,  
> Reward the courage of the developer for keeping it advancing in a recession  
> Acknowledge the can-do spirit of city staff

I have worked with Ramos team to this end since late last fall. And even made positive comment on the project before commission. Note that event though I know my last week Vanguard piece on ARC Tree stung a bit, it did said ARC was potential breakthrough project.

BUT, at this late date ARC it seem very incomplete....  
I writing as maybe you have solutions to what i'm asking for, or maybe I don't understand.

But as we are just weeks away from presenting base line conditions to the Planning commission.  
I am reaching out as don't have visibility to what staff will recommend in these two area as well as others...and what will be left to round two when voters won't have a say.

Time is Short.

I will be very open with you: I believe it would be pretty easy to paint ARC and city's process in a way to motivate the same grass roots folks who have turned out on the solar farm deal and south Mace road design. Easy to argue staff is over reaching during the shutdown. We have not even closed comments on S-EIR.

Win or lose on ARC, this is a dark vision of a future community **conflict I want us to avoid.**

So, please give a call so we can talk about ARC. 916 717 9682

I have expressed the same urgency with the developer's team, who I think are willing to flex, if they were just given some direction by staff.

Time is short.

  
Alan Hirsch  
916 717 9682

p.s. I believe this project is both needed and can be a great one, which is why I am reaching out. Maybe you just have to explain it to me?

**LETTER 31: ALAN HIRSCH**

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**Response to Comment 31-1**

The comments appear to relate to project design rather than the adequacy of the Draft SEIR. Without provision of more specific details, a further response is not required.

**Response to Comment 31-2**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

Letter 32

**From:** [AHirsch](#)  
**To:** [City of Davis Tree Commission](#); [NRC@cityofdavis.org](mailto:NRC@cityofdavis.org); [BTSSC@cityofdavis.org](mailto:BTSSC@cityofdavis.org)  
**Cc:** ["Sherri Metzker"](#); [Chris granger](#)  
**Subject:** ARC: Trees as Transportation Mitigation Measure/Climate Adaptability  
**Date:** Monday, April 27, 2020 11:01:53 AM  
**Attachments:** [ARC Bike Routes between ARC and Downtown Davis.pdf](#)

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

32-1

Temperatures in Davis are already hot and city is marginally bikeable on many summer days. This will grow worse: Forecast with climate change is temperatures will become similar to Tucson in future.

i.e. Temperature exceed 100 degrees for 5 month of the year (May> September)

The solution is to make bike path/bike lanes cooler by shading them with street trees.

IMPLICATIONS:

- Tree are part of infrastructure for bike path/lanes that need upgrading for ARC & other places to be commutable by active mode.
- Tree Planting should be focus strategically be planting tree on Bike/Ped corridors and not randomly on side streets, etc.
- More shade trees and better maintenance needs to be part of Climate Adaptability Plan for Davis.
- The new "minimalist" bus shelter being install around town need reconsideration: they provide little shade if Sun is not directly overhead
- More trees need to be planted around bus stops.
- Shade needs to be strategically provided to encourage walking to/from bus stops.

Attached is aerial photo showing lack of tree on all three major bike corridors connecting ARC to downtown Davis & UC.

Bike Paths without shade canopy are much less useful.

Alan Hirsch

Letter 32

All three Bike routes between ARC and Downtown Davis/UC Davis Campus are largely unshaded.



Davis Temperatures are forecasted to match Tucson in future with climate change: i.e. mean hi temperatures over 100 degrees for 5 months of the year. To make ARC a bikeable commute to downtown or the university we need to initiating a program to plant & maintain trees to shade bike lanes & bike paths. (sources: Wikipedia)

Climate data for Tucson, Arizona (Tucson Int'l), 1981–2010 normals <sup>[a]</sup> extremes 1894–present <sup>[b]</sup> <span style="float:right">[hide]</span>													
Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
Record high °F (°C)	89 (31)	92 (35)	98 (37)	104 (40)	111 (44)	117 (47)	114 (46)	112 (44)	107 (42)	102 (39)	94 (34)	85 (29)	117 (47)
Mean maximum °F (°C)	79.8 (26.0)	82.7 (28.2)	88.1 (31.2)	94.7 (34.8)	102.4 (38.1)	108.7 (42.6)	108.1 (42.8)	106.1 (41.2)	103.1 (39.5)	96.6 (35.9)	86.7 (30.4)	79.3 (25.7)	110.3 (43.5)
Average high °F (°C)	65.5 (18.5)	68.5 (20.3)	74.1 (23.4)	82.1 (27.8)	91.6 (33.1)	100.3 (37.9)	99.7 (37.6)	97.4 (36.3)	94.5 (34.7)	84.8 (29.3)	73.5 (23.1)	64.8 (18.2)	83.1 (28.4)
Average low °F (°C)	39.8 (4.3)	42.2 (5.7)	46.2 (7.9)	52.0 (11.1)	60.5 (15.8)	69.3 (20.7)	74.4 (23.6)	73.3 (22.9)	68.6 (20.3)	57.3 (14.1)	46.1 (7.8)	39.1 (3.9)	55.8 (13.2)
Mean minimum °F (°C)	28.7 (−1.8)	31.3 (−0.4)	34.3 (1.3)	40.4 (4.7)	48.2 (9.6)	59.0 (15.0)	66.9 (19.4)	67.1 (19.5)	59.8 (15.4)	44.8 (7.1)	31.6 (−0.2)	26.9 (−2.8)	25.4 (−3.7)
Record low °F (°C)	6 (−14)	17 (−8)	20 (−7)	27 (−3)	32 (0)	43 (6)	49 (9)	55 (13)	43 (6)	26 (−3)	19 (−7)	10 (−12)	6 (−14)

ARC Bike Routes between ARC and Downtown Davis 4/27/2020 10:22:00 AM 1

**LETTER 32: ALAN HIRSCH – APRIL 27, 2020**

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**Response to Comment 32-1**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

Letter 33

4/27/2020

Dear Ms. Metzker  
Department of Community Development.  
City of Davis

33-1

I would like to submit the following comments on the Draft Subsequent Environmental Impact Report (SEIR) (SCH # 2014112012) for the Aggie Research Campus (ARC) to assure it fully assesses the project and consider the best alternatives and mitigations.

I write having 10 year of transit experience including founder and later Executive Director of Peninsula Rail 2000 for 3 years, being on the board of Train Riders Association of California. Peninsula Rail 2000 (now friends of CalTrain) received an MTC Award of Merit for its effectiveness. I also served on the CalTrain Citizen Advisory Board for 5 years and organized SACTEN, the Sacramento Transportation Equity network in Sacramento that lobbied for better, fairer regional transit. from 2000 to 2003 before SACOG and RT.

33-2

Comments:

The Plan need to consider at least one Transit Oriented Development (TOD) Land layout mitigate the impact of the 24,000 external trips being forecast it will create. TOD would encourage shifting travelers from automobile mode. Exclusive reliance on road work and "after the fact" TDM carrot and stick approach to achieve mode shift will not be as effective as designed-in incentives to use transit that save users travel.

These Transit Oriented Alternative would have the following feature:

1. Putting greatest workplace density near existing Transit Corridor on MACE, preferably near Alhambra intersection so as to not require lengthening and slowing existing bus routes

33-2  
Cont'd

2. Not require slowing intercity bus service for rest of Davis bus rider by requiring all Yolobus to be diverted into the development.
3. Create a transit center that can be interface between local collector routes (internal to ARC and external to ARC) with fast intercity (BRT) bus service on Mace. These bus line will use proposed HOT-Bus lane on I80.between Fairfield and in West Sacramento making them faster than an auto commute. While these express services are not yet in operation, they are readily foreseeable in the future with State Climate Adaption Plan calling for 25% reduction in auto VMT and need to link housing in Solano County with jobs in ARC and the rest of Davis.
4. Land use design need to encompass a grid patten to facilitate flexible routing of internal circulator bus service and door to door closeness for other "last mile" service like Lyft and Uber. Current street plans have cul-de-sacs and hi density housing that are surrounded by parking but have no street frontage for bus/taxi service.
5. All buildings need street frontage by potential bus stop/ring road/ Uber-Lyft-taxi stop. This is both to reduce walking to bus, but also so the structures can provide air conditioned/heated waiting space for transit users: climate change indicate Davis temperatures will exceed 100 degree for 5 months of the year. Apartment building and commercial / industrial buildings should not be in a "sea of parking" Current alternative as portrayed in diagrams has many building with no street frontage.
6. Consideration should be given to workplace of new Nugget HQ complex at Alhambra x Mace on west side of Mace. Bus Commuters attracted from this complex would mitigate ARC impact.
7. Consideration should also be given to how we will providing potential transit

D SEIR comments 3 4/27/2020 4:57:00 PM 1

Letter 33

33-2  
Cont'd

service to the 100 plus acres undeveloped land inside (w) of Mace curve that is likely to be annexed into Davis and developed in the 25 year life space on the ARC project. More lands will be needed not just for legislative required housing needs but also for economic development needs in the community. Build out of this area would have been consider if the ARC project had been studied in context of a full General Plan update. The current Davis General plan is now nearly 20 years old and it is widely agreed has been outgrown and is inadequate to meet housing and economic needs for Davis. The ARC's one project will add 30% to the Job in Davis that will shift the center of gravity in town to NE Davis, so makes sense to optimize transit infrastructure investment along Mace for a time when this land is annexed & built out.

33-2  
Cont'd

8. The transit-oriented alternative should work at all phase of project, i.e. density near the key Mace bus stop should occur at phase I and just be enhance at subsequent phases. Circulator road/grid should work in all phases.

9. Parking lot acreage should be clearly called out at each phase in the document, and parking lots located so they are less convenient than access to transit. Parking structure to conserve land should be built incrementally and not just in phase III. This project may be frozen at one phase, so each phase needs to stand alone as TOD vs any having an oversupply parking and/or land use dominate by level parking lots.

33-4

Why Transit Orient Development?  
 To reduce the impacts on Air Quality, Greenhouse Gas Emissions, VMT and local auto congestion on Mace Blvd and I-80. it will be important that the project be designed to maximize the attractiveness of transit use by workers and residents. This means

- Minimizing walking distance between bus stops and home and places of employment.
- Designing travel pattern for bus to minimize their travel times for entire system, not just for trip that begin and end in ARC but for traveler on bus who has beginning and end points are up and down stream of ARC in the rest of Davis and Woodland.
- Use Bus Rapid Transit concepts wherever possible to give highest priority to rider travel time on intercity commutes.

**This could be accomplished primarily by putting more job density closer to where the transit service currently runs and is likely to operate in the future; Mace Blvd.** The area along Mace Boulevard is currently served by Unitrans (A, P, Q, O, Z lines) and Intercity Yolobus (42A, 42B, 43, 232). Soon, the jointly operated by Yolobus and Sacramento RT 138 Causeway Connection.

These routes generally have good ridership and/or tight schedules. It will be unlikely that they could be re-routed into the ARC development without negatively impacting current ridership and operating costs.

Solano Transit will likely extend service here beyond the service it now provides to UC Davis as build out occurs. And Bonus Bus and other independent intercity city bus services now operating on the I80 corridor could also service a convenient bus terminal here.

**Research consistently shows that transit is most attractive to riders live or work within 0.25 mile walk of stop and can avoid transfer.** Thus, a major stop (and local to express bus transfer point) along Mace near Alhambra should be the core of where the highest density of development should be. This alternative would not add any cost to the project, is incommensurable and complement TDM proposals. It should be studies to verify how much it help ARC maximize transit use and therefore minimize

D SEIR comments 3 4/27/2020 4:57:00 PM 2



Letter 33

33-4  
Cont'd

33-4 impacts on AQ, GHG, and VMT and traffic congestion.

Cont'd

The current plan alternative shows a large 7.5-acre park at the corner of Mace and Alhambra. While that may be a wonderful amenity and attractive entrance to development, it is not a land use that takes advantage of the transit service along Mace. The presence of the park in that location pushes the denser office and residential uses further from transit service, increasing walk distances (or requiring a transfer to an internal circulator). That, in turn, reduces potential transit ridership. The project will be required to mitigate AQ, VTM, GHG and congestion impacts in numerous ways, many of which will be quite costly and marginally effective. Re-configuring the land use a lower cost way to mitigate these impacts than virtually any comparable measure. It needs to be studied.

33-5

ALSO, given the severity of the impacts in the areas related to transportation, transit-supportive infrastructure and on-going funding support for operations are appropriate and should be considered as part of the project and mitigation measures. Infrastructure would include bus lanes along Mace and traffic signal priority (or exclusive transit phases) at the Mace/2nd and Mace/Alhambra intersections. Funding support would include participation in the partnership funding the Causeway Connection, which will initially be funded by a Congestion Mitigation and Air Quality (CMAQ) grant which will run out after 3 years of operation.

33-6

\* \* \*

I also believe the Transit-ridership impact of Having and Not having proposed HOT-Bus lanes on I-80 on transits should be studied. The city should have these facts when considering if it will hold up phase II or Phase III of the project until the potential mitigation of Fast Bus commute service is available to reduce auto-commuting along I-80.

\* \* \* \*

I also ask that impact of dedicate Bus Lanes along Mace be study in an alternative to make buses faster than car caught in traffic, encouraging transit use.

\* \* \*

There has been a consistent failure in the past City of Davis for commercial development to attain their landscape plan due to ineffective enforcement mechanism. The impact of failure to meet tree growth and shade standard in city code needs to be considered as well as implications. This is documented in my article in the Davis Vanguard 4/17/20:

Will ARC Be an Urban Forest Breakthrough or Another Self-Regulatory Failure?

<https://www.davisvanguard.org/2020/04/guest-commentary-will-arc-be-an-urban-forest-breakthrough-or-another-proven-self-regulatory-failure/>

\* \* \*

The impact of climate change, specifically dramatic impact in ambient air temperature to rival that of Tucson should be considered in assessing impacts. This include not just energy by mode shift (transit and active modes).

\* \* \* \*

Parking Lot sizes and land coverages are not defined in the plan. Illustration of land coverage by parking lots do not match that of maps. The coverage in acreage and to correct and errors corrected as current documents out for public comment and disclosure are misleading.,

\* \* \* \*

Thank you for the opportunity to comment on this project.

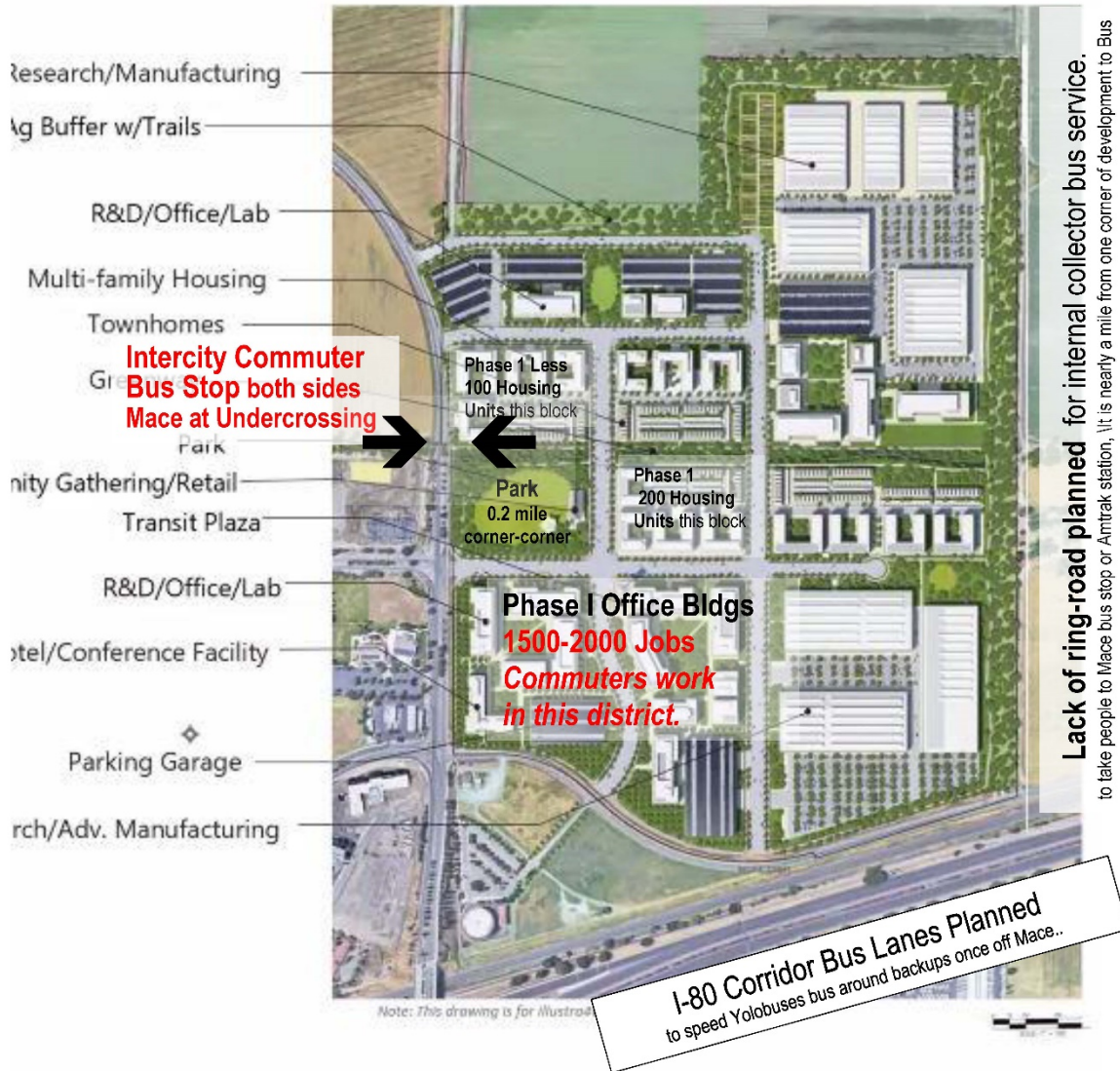
Alan Hirsch

**See Attached Map/Diagram on TOD.**

## Why is the bus stop not located near the commuters?

**This is the Proposal layout of the Aggie Research Campus in Davis on Mace Blvd, north of I-80. Is this should be a Transit-Oriented-Development that is designed from the make bus use as convenient to the work places as possible and not require a bus users to hike back and forth across a park every day.**

This development will create 24,000 trips a day that must flow onto already congested north Mace Blvd. The only way Mace can handle is to "bundle" as many of trips as possible on one vehicle; buses who can then use the proposed express bus lane on I-80 to get to housing in Sacramento or Dixon/Fairfield/Vacaville as Davis already has a housing shortage as this project will only provide 850 housing units for its 5000 plus workers.



map illustration current plan TOD Notes 2 4/26/2020 9:39:00 PM 1

**LETTER 33: ALAN HIRSCH – APRIL 27, 2020**

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**Response to Comment 33-1**

The comment is an introductory statement and does not address the adequacy of the Draft SEIR.

**Response to Comment 33-2**

The MRIC EIR considered six alternatives. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Notably, the ARC SEIR compares the proposed ARC Project to such alternatives, with recognition of changes in circumstances, as is appropriate for a subsequent EIR. This discussion is provided in Chapter 2 of the SEIR.

In addition, it is noted that several of the commenter's recommendations are already addressed through mitigation requirements of the ARC project. For example, regarding placing bus facilities closer to Mace Boulevard, Mitigation Measure 3-76(a) requires the following:

*3-76(a) Prior to the issuance of the first certificate of occupancy 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.*

The commenter's recommendation to provide bus lines that use proposed HOT-Bus lane on I-80 between Fairfield and West Sacramento is not feasible as such an auxiliary lane does not yet exist. While such an auxiliary lane is planned, designing an alternative around future improvements poses questions regarding the feasibility of the alternative. Nevertheless, it is noted that Mitigation Measure 3-72(a) of the Draft SEIR requires the applicant to implement a TDM Program, the measures of which may include enhancements to Unitrans, Yolobus, or other regional bus service, and enhancements to Capitol Corridor or other regional rail service, though it recognizes the interagency involvement needed to accomplish such measures. For example, the applicant's Sustainability Guiding Principles indicates that the project's TDM will include participation in Caltrans led efforts to add HOV lanes on I-80 from West Sacramento to Davis.

### **Response to Comment 33-3**

Please see Response to Comment 78-23. The recommendation to provide more job density closer to where the transit service currently runs is noted for the record. However, it is noted that the project includes a series of greenways that are designed to facilitate comfortable pedestrian/bicycle access throughout the campus environment, such that even the employment areas on the outer portions of the campus will be accessible to transit riders willing to walk a relatively short distance or take advantage of on-site bikeshare opportunities.

### **Response to Comment 33-4**

Please see Responses to Comments 78-23 and 33-3.

### **Response to Comment 33-5**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. The landscaping will be determined by the Department of Community Development and Sustainability during each final planned development, and the on-site Master Owner's Association will be responsible for ensuring successful completion of the landscape plan and ongoing maintenance.

### **Response to Comment 33-6**

It is unclear why hot ambient air temperatures, the likes of Tucson, need to be addressed in assessing impacts related to mode shifts. For example, according to Tucson's Bicycle Boulevard Master Plan,<sup>30</sup> Tucson has a long history of supporting bicycling. With a network of over 1,000 miles of bikeways, above-average bicycle commuting rates, and a vibrant bicycling culture, Tucson has earned a gold-level Bicycle Friendly Community designation by the League of American Bicyclists. According to the Master Plan, the City of Tucson is committed to investing approximately \$37,000,000 into additional bicycle facilities.

In addition, the commenter appears to refer to effects of climate change on the project, which would be considered an effect of the environment on the project that is outside the purview of CEQA, and would not be exacerbated by the project.

### **Response to Comment 33-7**

The dimensions of parking lot sizes have not been determined at this stage of program level entitlements. These details will be more appropriately determined for each phase of development during future final planned development approvals. Please also see Response to Comment 11-20.

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<sup>30</sup> City of Tucson. *Bicycle Boulevard Master Plan*. Adopted February 22, 2017.

**Letter 34**

**From:** [AHirsch](#)  
**To:** "Sherri Metzker"  
**Subject:** Last S EIR comment  
**Date:** Monday, April 27, 2020 5:00:38 PM

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S EIR comment

**34-1**

Sea level rise is forecast to impact Bypass.  
What impact will this have on ARC?  
Alan Hirsch

**LETTER 34: ALAN HIRSCH – APRIL 27, 2020**

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**Response to Comment 34-1**

The commenter does not provide any evidence to support the claim that sea level rise is forecast to impact the Bypass. Furthermore, sea level rise does not directly relate to any environmental thresholds established by the City of Davis and is not required to be evaluated pursuant to CEQA. According to the California Supreme Court’s decision in *California Building Industry Association v Bay Area Air Quality Management District* (S213478, December 17, 2015) and further supported in case law (*Ballona Wetlands Land Trust et al. v. City of Los Angeles* [2011] 201 Cal.App.4th 455), CEQA generally does not require that public agencies analyze impacts that existing (or potential future) environmental conditions might have on a project’s future users or residents. An agency must analyze how environmental conditions might adversely affect a project’s residents or users only where the project itself might worsen existing environmental hazards in a way that will adversely affect them. There is no evidence to suggest that the ARC project will result in or exacerbate sea level rise.



Letter 35

**From:** [Francesca Infantozzi](#)  
**To:** [smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org); [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)  
**Subject:** City of Davis public comment  
**Date:** Wednesday, April 22, 2020 10:47:11 AM

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Hello Commissioners,

35-1

I know many people have lost their jobs and businesses thanks to the COVID-19 crisis. I support efforts to protect public health, but we need to be realistic about the long-lasting economic effects we face – and do something about it.

Essential city business must continue with a renewed eye on ways to improve our city and regional economy. We are very fortunate that the Aggie Research Campus is this far along in its approval process, and I urge you to vote to bring it to council without delay.

The Supplemental Environmental Impact Report tells us what we always expected: ARC is a major boon to Davis, and while every sufficiently large project requires careful planning around environmental impacts, traffic, and the like, ARC is ready to meet the challenge.

I've heard that the Davis Chamber of Commerce supports ARC, and I want to echo their sentiments. At this critical time in this critical moment, we need to take "yes" for an answer and embrace a project that will help our city better weather the storm that is already at our doorstep.

Thank you as always for your public service on such an important commission.

With gratitude,

Francesca Infantozzi

**LETTER 35: FRANCESCA INFANTOZZI**

---

**Response to Comment 35-1**

The comment expresses general support for the project, does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.



Letter 36

**From:** [Francois Kaepelin](#)  
**To:** [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)  
**Subject:** UC Davis Student in Support of the Aggie Research Campus  
**Date:** Wednesday, April 22, 2020 12:39:20 PM

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

Dear Planning Commissioners,

My name is Francois Kaepelin, and I'm a 3rd year UC Davis undergraduate student. Although I'm the Chair of the Unitrans Advisory Board, I'm writing here as a member of the public who is in support of the Aggie Research Campus (ARC). I support the ARC because it would provide job and internship opportunities for students in an area that is close to where they live and is convenient to get to as Unitrans provides direct access to the ARC from campus. It would also provide much-needed housing to Davis since many students, some of whom are my friends, are increasingly having a harder time trying to find housing.

The current economic downturn, caused by COVID-19, makes it even more critical that Davis has job opportunities that are close to UC Davis. Currently, Davis has a lot of service and retail jobs that are available to students, but for those of us who want STEM internships, we have to drive to Sacramento or the Bay Area to get those internships. For students who don't own a car, like me, we have to spend hours on public transportation just to get to their internship.

Right now, the ARC is well suited to minimize the use of cars. It's located right next to existing (and planned) Unitrans/Yolobus bus stops with direct access to the Amtrak station, downtown Davis, and the UCD campus; bike usage in the area may rise with the safety upgrades to the bike routes along 2nd St, which will help reduce the number of cars on the road; and their unbundled parking proposal helps to discourage automobile use to and from the ARC. Additionally, the extra revenue from the "free" transit passes they will give out to people who live and work there will help Unitrans fund more bus service to the area as a result of more people using Unitrans buses.

Finally, 850 units of housing on-site would give us—as students and as community members—a chance to live and work in the same town that we also go to class in. This, in the larger scheme of things, helps to lessen the need to commute far away from Davis and therefore reduces traffic in the region.

Please consider supporting the Aggie Research Campus so it can be put on the ballot in November.

Thank you,  
Francois Kaepelin

**Francois Kaepelin** | Assistant to the Controller  
Associated Students of UC Davis  
Tel: (206) 430-9679

36-1

**LETTER 36: FRANCOIS KAEPPELIN**

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**Response to Comment 36-1**

The comment expresses general support for the project, does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Letter 37**

**From:** [Matt Keasling](#)  
**To:** [Sherri A. Metzker \(SMetzker@cityofdavis.org\)](mailto:SMetzker@cityofdavis.org)  
**Cc:** [Ashley Feeney; danramos@ramco-ent.com](mailto:danramos@ramco-ent.com); [Nick Pappani](#)  
**Subject:** Comments on Draft SEIR for ARC  
**Date:** Monday, April 27, 2020 4:55:04 PM  
**Attachments:** [T&W Letter re ARC Draft SEIR\\_04272020.pdf](#)  
[Sustainability Guiding Principles ARC 02102020.pdf](#)  
[ARC TDM 4.8.2020.pdf](#)  
[Kimley-Horn Davis ARC Traffic Memo\\_042720.pdf](#)

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Dear Ms. Metzker:

Attached please find a cover letter and three attachments from the applicant team. These documents are offered for inclusion in the Final SEIR but are not a critique of any of the analysis in the Draft SEIR which we believe to be thorough. Rather, these materials are provided only for informational purposes. Please let us know if you have any trouble opening the materials.

Thank you,  
Matt

Matthew S. Keasling  
TAYLOR & WILEY  
500 Capitol Mall, Suite 1150  
Sacramento, CA 95814  
916.929.5545

CAUTION: THE INFORMATION CONTAINED IN THIS ELECTRONIC E-MAIL AND ANY ACCOMPANYING DOCUMENT(S) IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE AND MAY BE CONFIDENTIAL, MAY BE PRIVILEGED (ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT, RIGHT TO PRIVACY) AND MAY CONSTITUTE INSIDE INFORMATION. IF ANY READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT THAT IS RESPONSIBLE FOR DELIVERING THE COMMUNICATION TO THE INTENDED RECIPIENT, UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED, AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US AT (916) 929-5545, AND DELETE THE ORIGINAL MESSAGE FROM YOUR ELECTRONIC MAIL BOX.

37-1

**Letter 37**

JOHN M. TAYLOR  
JAMES B. WILEY  
JESSE J. YANG  
KATE A. WHEATLEY  
MATTHEW S. KEASLING

TAYLOR & WILEY  
A PROFESSIONAL CORPORATION  
ATTORNEYS  
500 CAPITOL MALL, SUITE 1150  
SACRAMENTO, CALIFORNIA 95814  
TELEPHONE: (916) 929-5545  
TELEFAX: (916) 929-0283

April 27, 2020

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

Re: Comments on the Subsequent Environmental Impact Report for the Aggie  
Research Campus (SCH # 2014112012)

Dear Ms. Metzker:

The law firm of Taylor & Wiley represents the Aggie Research Campus (Project) owners, Ramco Enterprises, Buzz Oates, and Reynolds & Brown, and has been working with the City to further Project entitlements at this site since our response to the City's Request for Expressions of Interest in 2014. The draft subsequent environmental impact report (SEIR) for the Project presents a thorough analysis of the potential environmental impacts of the revised Innovation Center in its current setting. From our perspective, having reviewed the document, the SEIR provides the decision-makers with ample information from which to fully understand the potential environmental effects of approving the Project. As such, this letter does not identify any deficiencies with the document as we believe that it—particularly when coupled with the prior, voluminous analysis on which it builds—is thorough and complete.

The SEIR identifies several mitigation measures designed to minimize the impacts of the Project; many of these mitigations mirror comments that we have heard from the City, its Commissions and the community. Therefore, we have been taking steps to further explore the mitigations and identify means through which the Project may implement these measures and achieve the environmental benefits associated with each as the Project moves forward. In particular, Mitigation Measure 3-38(a) identifies the need to incorporate sustainability features to mitigate climate change impacts and demonstrate consistency with the City's Climate Action and Adaptation Plan.

**Letter 37**

Additionally, the traffic analysis and Mitigation Measure 3-72 impose a requirement to adopt and implement a transportation demand management plan to reduce vehicle trips as well as reduce vehicle miles traveled.

Although these mitigation measures will not be implemented until the applicant applies for, obtains and proceeds with subsequent entitlements,<sup>1</sup> in the interest of demonstrating our commitment to reducing the environmental impacts of this Project, we have prepared sustainability guiding principles, and have commissioned a transportation demand management plan, both of which are attached for informational purposes. To be clear, these documents do not modify the Project, but have been created in an effort to demonstrate the manner in which we intend to implement the mitigations identified in SEIR. We are submitting these documents to add to the City Council's comprehensive understanding of the Project, its environmental impacts, and the tangible ways in which those impacts might be mitigated.

We are not seeking to have the adequacy or effectiveness of these mitigations evaluated in the Final EIR. In fact, doing so at this time would be speculative at best. Rather, the more appropriate time at which to evaluate the effectiveness of any such mitigations is when development proposals at the Aggie Research Campus are brought forward for subsequent discretionary entitlements. Those entitlements will include actual, fully-developed sustainability and TDM implementation plans pertaining to these mitigation measures which will be quantifiable and measurable. To reiterate: we are submitting these programmatic materials at this time to provide a more robust understanding of the likely mitigations that will be utilized at the Project site as the Project builds out to address the significant effects identified in this environment analysis.

In addition to implementation of mitigation measures, we believe that it is indeed possible that there are other factors that could make the Project less impactful. Along those lines, we are submitting for Council's consideration a memorandum prepared by Kimley-Horn that discusses societal variables that could impact Project-related vehicle miles travelled. This memorandum is not submitted as a critique of the SEIR but is strictly for informational purposes. We are not seeking to modify the current traffic analysis nor do we need or expect a response to these materials in the Final EIR.

We appreciate City staff and the consultant time that went in to producing this document. Thank you for all of your work to date.

---

<sup>1</sup> The entitlements being sought are primarily a General Plan designation and Zoning; any development of the site will require the approval of subsequent discretionary entitlement from the City.

**Letter 37**

Very truly yours,

A handwritten signature in blue ink that reads "Matthew Keasling". The signature is written in a cursive style with a large, sweeping initial 'M'.

Matthew Keasling

Cc: Ashley Feeney, Director of Community Development and Sustainability  
Dan Ramos, ARC Project Manager

**LETTER 37: MATTHEW S. KEASLING, TAYLOR & WILEY**

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**Response to Comment 37-1**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. The attachments to Letter 37 are included as Appendix 4 to this Final SEIR.

**Letter 38**

**From:** [Rik Keller](#)  
**To:** [PlanningCommission@cityofdavis.org](mailto:PlanningCommission@cityofdavis.org)  
**Subject:** Greg Behrens false statement just now.  
**Date:** Wednesday, April 22, 2020 9:20:42 PM

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To the PC,

38-1

In response to a question from David Robertson just now , Greg Behrens misrepresented the facts. The SEIR does show a reduction in trips/VMT because of the employees assumed to be living on-site. Furthermore, while the SEIR might not be assuming 60 % of employees live on-site (I haven't confirmed this statement), but the SEIR does assume that there are 1.6 employees per new households that the project generates--whether on-site or off-site!. This assumption clearly has the result of vastly understating residential demand generated by the project, both in Davis and regionally.

Regards,

Rik Keller



**LETTER 38: RIK KELLER – APRIL 22, 2020**

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**Response to Comment 38-1**

Please see Master Response #1.

Letter 39

**From:** [Rik Keller](#)  
**To:** [PlanningCommission@cityofdavis.org](mailto:PlanningCommission@cityofdavis.org)  
**Subject:** City of Davis Planning Commission - ARC project  
**Date:** Wednesday, April 22, 2020 5:05:03 PM

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City of Davis Planning Commissioners:

I am writing as a concerned citizen about the ARC project.

39-1

I will be discussing the inadequacy of the SEIR as well as some general thoughts about the project. Given the unnecessarily accelerated timelines for consideration of the project, if you do not put the brakes on and demand adequate time to evaluate the SEIR, you will find as Planning Commissioners that you will have maybe just one more meeting to discuss the project before it goes to City Council for a vote on possible inclusion on a November ballot.

I along with many other commenters provided hundreds of pages of comments on the scoping process for the SIR based on inadequacies of the previous EIR for the MRIC project. While I have not been provided adequate time to review all of the revisions because of the rush to push this through by City staff, it appear that most have not been addressed. I don't have the time to get into the details in this comment, so I will talk about the big picture.

39-2

First, infill development is a central adopted City of Davis planning and economic development strategy. But the SEIR does not treat it as such. It briefly discusses and then dismisses an "Infill Alternative" (IA) based on outdated data, faulty assumptions, and backwards logic. The consultants need to be directed to work with City staff to thoroughly develop and analyze an actual infill alternative that looks at the ability of the large amount of vacant, underutilized, and redevelopable properties already within the city to meet substantial objectives of the ARC project.

The EIR defines the City's economic development goals far too narrowly and does not consider that the same types of uses could be provided for on scattered sites with sufficient development capacity to meet 20-25 year needs. When objectives are defined too narrowly, an EIR's treatment of alternatives is inadequate, because they unreasonably limit alternatives analyses. See *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059

39-3

Second, in January 2019, the City of Davis released an updated commercial land inventory. However, this inventory does not address "city owned property, commercially viable property outside of the city limits, or those properties that may be zoned commercially but underutilized and therefore pose potential redevelopment opportunities like the PG&E corporation yard for example." It also doesn't address the actual development potential of these properties. The City stated that this initial inventory was "the **starting point** for preparing analysis of what vacant commercially designated lands offer in potential commercial square footage available for economic development. Staff would like to return to Council with an in-depth discussion of this vacant commercial land inventory in the context of the City and the region, the potential uses and theoretic commercial square footage capacity of the undeveloped land, and recommendations for next steps on using this and other key

Letter 39

39-3  
Cont'd

information to build an economic development strategy that aligns with the goals of the Council.”

However, this had not been done, and staff keeps delaying it. It is impossible to conduct an actual analysis of an infill alternative without this information, and the Planning Commission should insist that this study be completed before the EIR can be deemed adequate.

39-4

Finally, the Planning Commission should keep in mind overarching General Plan policy. This is the "Constitution" for local land use decisions. Despite what some claim (including the EIR), a 200-acre site for a business/research park is not an adopted City objective nor is it adopted City policy. In fact, General Plan Chapter 5. Economic and Business Development Economic Development Element states under Action "F" under Policy ED 3.2: "**Designation of a peripherally sited URRP shall only occur after: a) It is determined that lands within the City limits would not meet the needs for "research-oriented" Business Park uses. b) Specific guidelines for development projects on the periphery of the City are adopted.**"

**The City has not conducted the studies to make the determinations of required by (a), nor has it produced policy to fulfill (b). Consideration of such a proposal as ARC is premature and violates the City's own General Plan.**

**Furthermore, the SEIR is required to discuss consistency of the project with the General Plan, yet it never discusses this violation of the specific policy that addresses this type of project.**

**The Planning Commission needs to recommend that the SEIR is inadequate and it also needs to insist that the City follow its own procedures and policy and set forth in the General Plan and other adopted policy guidance.**

Regards,  
Rik

**LETTER 39: RIK KELLER – APRIL 22, 2020**

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**Response to Comment 39-1**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 39-2**

Please refer to Master Response #4 and Response to Comment 40-2.

**Response to Comment 39-3**

Please refer to Master Response #4.

**Response to Comment 39-4**

Please refer to Response to Comment 40-3.

**Letter 40**

1

**ARC SEIR comments**

**Rik Keller**  
**4/27/2020**

*Background: I provided over 15 pages of scoping comments for the ARC SEIR. A review of these demon analysis in the MRIC EIR. strates that--contrary to the assertions in the SEIR--most of these have not been addressed at all, and the SEIR repeats the same inadequate language and*

This SEIR is legally inadequate in multiple ways. The following is the contents of my comments.

<b>40-1</b>	<b>I. The City's Objectives and Project Objectives Need To Be Revised for Accuracy</b>	<b>2</b>
	The Project Violates General Plan Policy	3
	<b>II. Inadequate and Insufficient Analysis of Alternatives, Including Infill</b>	<b>5</b>
	Inadequate Analysis of Development Capacity Within City	9
	<b>III. Inadequate Analysis of Jobs/Housing Balance</b>	<b>10</b>
	<b>IV. Unrealistic Assumptions for Employee/Residents and Employees/Households</b>	<b>10</b>
	<b>V. Parking Issues</b>	<b>11</b>
	<b>VI. Urban Decay</b>	<b>11</b>

40-2

### I. The City's Objectives and Project Objectives Need To Be Revised for Accuracy

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

P. 2-11 of the SEIR states:

*"the fundamental objectives of the City or the applicant [is] to develop an integrated innovation center campus of approximately 200 acres in size, with sufficient land to meet demand over a 20- to 25-year period, and a critical mass of users of various sizes sufficient to support the necessary infrastructure and amenities to allow for a full range of research and market uses."*

This is not valid. It produces a tautology wherein the goals of the City are to do the project, and therefore any alternative that does not do the project does not meet the goals. And a 200-acre site is not a City objective in the first place.

- The text under "City Objectives for Innovation Centers" on pp. 3-26 to 3-29 falsely conflates a number of documents and has the effect of stating that some documents are adopted City policy when they are not. The SEIR states:

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

And then the #1 objective the SEIR lists references the 2012 Studio 30-produced "Davis Innovation Center Report" regarding a site "200 acres in size" and then later states "the fundamental objectives of the City... to develop an integrated innovation center campus of approximately 200 acres in size..." **However, a 200-acre site is not an adopted City objective. The information from Studio 30 was done for a UC Davis class and is not a City document, nor is it City policy.** The actual City Council-adopted "2014 Guiding Principles for Davis Innovation Center(s)" are listed starting with #2 in the SEIR list ("Density"). **It should be**

40-2  
Cont'd

noted that the City's Guiding Principles do not include a description of a target size of a potential "innovation center."

- The SEIR defines the City's economic development goals far too narrowly and does not consider that the same types of uses could be provided for on scattered sites with sufficient development capacity to meet 20-25 year needs.
  - When objectives are defined too narrowly, an EIR's treatment of alternatives is inadequate, because they unreasonably limit alternatives analyses.
  - See *Watsonville Pilots Association v. City of Watsonville (2010) 183 Cal.App.4th 1059* where an EIR for update of City's General Plan did not consider "reduced development alternative," even though approved General Plan would have significant impacts on agricultural land. City argued EIR did not need to consider such an alternative if it would be inconsistent with the City's objective to accommodate future demand for housing and employment. The decision held the EIR inadequate because a "reduced development alternative" would meet most of the City's other objectives.

40-3

**The Project Violates General Plan Policy**

- Numerous adopted City policies and guidance emphasize the City's strategy to develop and redevelop land within city limits and only look at peripheral land outside of city limits when the land within the city has been found to be inadequate.
  - The 2010 Business Park Land Strategy states "When community priorities for existing vacant land are established, it may then be appropriate to explore the subject of whether Davis should pursue additional commercial land to support business growth."
  - The "Working Draft Comprehensive Economic Development Strategy 2011-2016" adopted by City Council in 2011 states merely that "Form a task force to explore research park options and space suitable for start-ups and medium size businesses that are beyond the start-up phase within the city limits and in areas immediately outside current city boundaries."
  - The City of Davis General Plan Chapter 5. Economic and Business Development Economic Development Element states under Action "f" under Policy ED 3.2 [my emphasis]:

*Study opportunities to designate lands for "green" technology, high technology and University related research uses within or adjacent to the City. Work closely with the local business community, community leaders and U.C. Davis officials in determining when and where such uses can best be accommodated in addition to the 25-acre enterprise site planned on the UC*

40-3  
Cont'd

*Davis campus. Preference should be given to sites that are viable economically and consistent with compact City form principles. As part of this study:*

- **Consider re-designating or rezoning land(s) within the City limits (as of January 1, 2001) from Industrial, Business Park or General Commercial to research-oriented Business Park uses** (that is, uses which allow a wider range of high technology, research and development uses than a URRP and which are complementary to UC Davis);
- **Encourage second floor and underground building construction to maximize the space available to accommodate URRP needs within the City limits;**
- **Key considerations in such re-designation or rezoning shall include the timing of these potential development(s) and impacts and demands caused by these potential developments on the City and the Davis community. Impacts to address include, but are not limited to: traffic, water, housing (for example, growth demand), schools, effects on neighborhoods, and economics (for example, cost benefits and cost generation to the City); and**
- **Designation of a peripherally sited URRP shall only occur after:**
  - a) **It is determined that lands within the City limits would not meet the needs for "research-oriented" Business Park uses.**
  - b) **Specific guidelines for development projects on the periphery of the City are adopted.**

This is overarching General Plan policy. The General Plan is the "Constitution" for local land use decisions. Despite what the SEIR claims, a 200-acre site for a business/research park is not an adopted City objective nor is it adopted City policy. The City has not conducted the studies to make the determinations of required by (a) under General Plan Economic Development Element under Policy ED 3.2, Action "f" ; nor has it produced policy to fulfill (b). Consideration of such a proposal as ARC is premature and violates the City's own General Plan.

**Furthermore, the SEIR is required to discuss consistency of the project with the General Plan. Yet it never discusses the specific policy that addresses this exact type of project, not does it discuss other City policies on infill development.**



40-4

## II. Inadequate and Insufficient Analysis of Alternatives, Including Infill

Infill development is a central adopted City of Davis planning and economic development strategy. But the SEIR does not treat it as such. It briefly discusses and then dismisses an “Infill Alternative” (IA) based on outdated data, faulty assumptions, and backwards logic. The consultants need to be directed to work with City staff to thoroughly develop and analyze an actual infill alternative that looks at the ability of the large amount of vacant, underutilized, and redevelopable properties already within the city to meet substantial objectives of the ARC project.

The SEIR does not even discuss existing City General Plan and other adopted policy relating to infill development. The word “infill” only occurs in the entire SEIR a total of 7 times.

Second, in January 2019, the City of Davis released an updated commercial land inventory. However, this inventory does not address “city owned property, commercially viable property outside of the city limits, or those properties that may be zoned commercially but underutilized and therefore pose potential redevelopment opportunities like the PG&E corporation yard for example.” It also doesn’t address the actual development potential of these properties. The City stated that this initial inventory was “the starting point for preparing analysis of what vacant commercially designated lands offer in potential commercial square footage available for economic development. Staff would like to return to Council with an in-depth discussion of this vacant commercial land inventory in the context of the City and the region, the potential uses and theoretic commercial square footage capacity of the undeveloped land, and recommendations for next steps on using this and other key information to build an economic development strategy that aligns with the goals of the Council.”

However, this had not been done, and staff keeps delaying it. It is impossible to conduct an actual analysis of an infill alternative without this information, and the Planning Commission should insist that this study be completed before the EIR can be deemed adequate.

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

40-5

Pp. 2-4 & 2-6 of the SEIR inadequately discuss the “infill alternative” (IA). This discussion references the analysis in the MRCI EIR and does not add any new information. It concludes with this statement:

“While other underutilized sites not accounted for in the 124-acre vacant land inventory could be considered, these sites are located in closer proximity to existing residential

40-5 Cont'd	<p>neighborhoods, as compared to the ARC Site. Thus, placing the proposed residential and non-residential uses within these locations could reasonably be expected to have greater noise and local traffic impacts to these communities. While the extent of some project impacts could be reduced (e.g., agricultural land conversion), the Infill Alternative would be expected to have greater environmental impacts overall, as discussed in the Certified Final EIR (pp. 7-17 to 7-19)."</p> <p>There was not actual evidence presented or analysis done to support this "would be expected" assumption. The pages referenced in the MRIC EIR state:</p> <p><i>"Depending on the location and development on each site, impacts related to noise and vibration could potentially be greater than the proposed project based on the location of the nearest sensitive receptor and/or nearest high-traffic roadway. Similarly, impacts related to transportation and circulation could potentially be greater than the proposed project based on the consideration that all of the sites making up the Infill Alternative would not have easy access to I-80; therefore, trips would be distributed throughout the City, sometimes along local collectors."</i></p>
40-6	<p><b>It should be emphasized that the SEIR is mistaken and nowhere on those pages does the MRIC EIR state that the Infill Alternative would have "greater environmental impacts overall." Nor does it provide evidence or analysis for the impacts it does identify.</b></p> <p>Because the SEIR relies on the MRIC EIR for its discussion of alternatives, my comments below refer to that document.</p> <ul style="list-style-type: none"><li>• The SEIR needs to look at potentially viable alternatives for the land uses it contains over the next 20-25 years. For example, with the large amount of the site devoted to residential uses and open space requirements for those uses, 200 acres of commercial/industrial property elsewhere in the city is no longer needed as a 1:1 comparison--the amount provided by the ARC proposal is much less--and a much-reduced amount of land could be considered sufficient. The alternatives should all be reexamined and reevaluated in the context of land that would potentially be available within city limits for the commercial/industrial/retail/residential uses.</li></ul>
40-7	<ul style="list-style-type: none"><li>• The Reduced Project Alternative analysis states among other things that "it fails to achieve the fundamental objectives of the City or the applicant to develop an integrated innovation center campus of approximately 200 acres in size, with sufficient land to meet demand over a 20 to 25 year period."<ul style="list-style-type: none"><li>◦ Again, this is not an actual City objective. This entire analysis needs to be redone</li><li>◦ The SEIR needs to examine capacity on existing city land that could meet a 20-25 year demand</li></ul></li></ul>
40-8	<ul style="list-style-type: none"><li>• The Reduced Site Size Alternative (RSSA) states that it has an "overall FAR of 0.77" which is more than the 0.49 FAR of the MRIC proposed project.</li></ul>

40-8  
Cont'd

- However, it is substantially less than the 0.92 FAR of the proposed ARC project, therefore the findings regarding the Reduced Site Size Alternative such as “design challenges and may be too dense to attract some desirable R&D users” in the MRIC EIR need to be discarded and reevaluated in the ARC SEIR.
- Furthermore, the be restructured so that it does not merely place the same amount of square footage on a reduced site area. If the SEIR wants to consider placement of all of the proposed project square footage, it needs to look at capacity on existing city land.

40-9

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

- As the EIR text states “As the infill alternative would involve multiple small locations throughout the City, it does not meet the fundamental objectives of the City or the applicant to develop an integrated innovation center campus of approximately 200 acres in size, with sufficient land to meet demand over a 20 to 25 year period, and a critical mass of users of various sizes sufficient to support the necessary infrastructure and amenities to allow for a full range of research and market uses.”
  - This is not valid. It produces a tautology wherein the goals of the City are to do the project, and therefore any alternative that does not do the project does not meet the goals.
  - A 200-acre site is not a City objective in the first place
- The text states that “According to the vacant land information, out of the 32 properties, only 24 vacant sites, totaling approximately 82 acres, are currently available for development, meaning these 24 vacant sites are appropriately zoned for office and industrial building types, are available on the market, and do not currently have development plans.”
  - Since the MRIC/ARC proposals are scheduled for phasing over 20-25 years, discarding large amounts of vacant land because it is not *immediately* available does not apply the same standards to the IA as to the proposed project that is phased and is not planned to be built out for 20-25 years.
  - For land use planning purposes, a vacant/ buildable/ underdeveloped is intended to provide a summary of land designated/zoned for certain uses over a long time period: 20-30 years. Whether all of that land is immediately available (“shovel-ready”) is generally not an important consideration as long as it is available in a long-term perspective.
- The text also states that “In addition, other vacant parcels in the City or vicinity are not currently owned by the project applicant, and acquisition of the number of parcels sufficient to develop the proposed project would be difficult.

40-9  
Cont'd

- The fact that the current proposed developers of the ARC project do not currently own these other parcels is not a valid reason to dismiss this alternative out of hand:
  - A valid test is not whether an alternative costs more, or whether proponents can afford it, but whether cost is so much greater that a reasonably prudent proponent would not proceed (see *Uphold Our Heritage v. Town of Woodside [2007]*).
  - Substantial evidence of economic infeasibility is required. In order to demonstrate this, the SEIR should prepare and include an economic report in the record (see *The Flanders Foundation v. City of Carmel-by-the-Sea [2012]*).
- The text also states “Overall, undeveloped parcels of similar size to the proposed project site, which are designated and zoned appropriately for the project, do not exist in the City.”
  - This is also not a valid reason. Infill parcels are, by their nature, smaller and more scattered than a contiguous 200-acre site
- The text states: “Additionally, the ability of one centrally developed and managed center to produce net community benefits in the form of fiscal benefits, economic multiplier effects, and surplus annual revenue is greater than that of many individual small users/sites.”
  - This is vague and not supported by any evidence whatsoever. The central economic literature in the field actually states the opposite regarding these supposed effects.
    - For example see ***The False Promise of the Entrepreneurial University (2009)*** Marc V. Levine, Center for Economic Development, University of Wisconsin Milwaukee
  - The EIR needs to conduct an analysis of these differences or delete these unsupported assertions
- The text states: “Similarly, impacts related to transportation and circulation could potentially be greater than the proposed project based on the consideration that all of the sites making up the Infill Alternative would not have easy access to I-80; therefore, trips would be distributed throughout the City, sometimes along local collectors.”
  - This suggestion ignores the potential reductions to automobile trips from infill sites, and also does not provide any data to support it.
  - The EIR needs to conduct an analysis of these differences or delete these unsupported assertions

40-9  
Cont'd

↑ **Inadequate Analysis of Development Capacity Within City**

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

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

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

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

40-10

### III. Inadequate Analysis of Jobs/Housing Balance

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

- The EIR uses outdated and wrong figures for the jobs/housing ratio for Davis (e.g. jobs-housing balance on p. 4.12-6)
  - Because of this, the EIR wrongly describes Davis as having a housing/jobs balance tilted heavily toward housing because it ignores UC Davis employment.
  - It also describes the proposed project as “improving the jobs/housing balance because it will add jobs, when it will actually exacerbate the existing jobs/housing imbalance
    - See p.. 4.12-19: [my emphasis] “Using the methodology presented above, with full buildout of the MRIC and the addition of 5,882 jobs, the jobs/housing balance in the City of Davis would **improve** to 0.55 (25,739/[28,683 x 1.62] = 0.55).19”
- The EIR needs to be updated with jobs/housing balance figures from the most recent SACOG MTP for Davis area. It should also reference the jobs/housing balance data that is contained in the Fiscal Analysis done by EPS for the MRIC project
  - Any analysis that is based on jobs/housing balance in the rest of the EIR needs to be updated to reflect these updated and accurate numbers.
- Additionally, the following portions of the EIR use SACOG regional targets for employment growth targets (e.g. see p. 5-47 [my emphasis] “According to SACOG, the entire proposed project and Davis IC Project (comprising the MRIC and Mace Triangle) would not exceed SACOG’s **regional** employment projections
  - However, this is inadequate. The SEIR should be updated to include a comparison of project growth against the SACOG’S most recent growth targets for population/housing/jobs growth within the SACOG-defined Davis “Employment Center”

40-11

### IV. Unrealistic Assumptions for Employee/Residents and Employees/Households

- The SEIR needs to provide realistic assumptions regarding residents of the proposed project who projected to be employees

40-11 Cont'd	<ul style="list-style-type: none"><li>• The SEIR also needs to provide realistic assumption regarding the number of employees per household</li><li>• There is also no justification to assume that each household within the project itself, within Davis, or within the region what is occupied by an employee would have more than one employee (1.57 in each according to the MU Alt)</li></ul>
40-12	<p><b>V. Parking Issues</b></p> <p>There is not a description of the total parking area of the project. This looks like an effort by the developer to try to keep the acreages/floor area the same of the developed numbers the same as the MRIC MUAAlst while the site size was reduced by 25 acres, rather than a realistic assessment of parking needs.</p> <p>The EIR states on p. 3-16 that "The parking ratios for the office/commercial components of the ARC Project would be a considerable reduction from the ratios required by the City's Municipal Code. Similarly, at a ratio of 1:0.8, the ARC Project's residential units are proposed to be parked at a standard less than the City average." However, there is no information provided about what the City's required parking amount actually would be. There is no analysis provided about whether proposed parking figures are adequate based on projected generated traffic.</p>
40-13	<p><b>VI. Urban Decay</b></p> <p>P. 3-182 of the SEIR states "regardless of the amount of space, some increment of existing office and industrial space is at risk of sustained vacancy following development of the ARC Project. The vacancies would remain sustained until such time as yet additional demand was generated due to economic growth and expansion.... many of the office and industrial properties in Davis are owned by major institutional and private real estate companies, with the financial wherewithal to provide them with the option of withstanding prolonged vacancy and funding the maintenance necessary for upkeep even during times of vacancy."</p> <p>This analysis regarding impact on existing businesses is already outdated given the current economic recession. This analysis needs to be re-done to take into account the even greater impact the project could have on existing developed properties and cause urban decay.</p>

**LETTER 40: RIK KELLER – APRIL 27, 2020**

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**Response to Comment 40-1**

The comment is introductory and is addressed in the responses below.

**Response to Comment 40-2**

The objectives developed by the City of Davis 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).

The Business Park Land Strategy was an outcome of the Council appointed Innovation Park Task Force. The Business Park Land Strategy outlined the need for land to accommodate 25 years of business park growth. As noted in the Davis Innovation Center Report (Studio 30), approximately 200 acres is needed to accommodate 25 years of business park growth. The City Council adopted the 2014 Guiding Principles for the review of the two innovation center proposals submitted in 2014.

CEQA does not require EIR objectives to be formally adopted City policy, and they can be formulated on a project by project basis. The City developed the objectives with the backdrop of the extensive research and outreach surrounding economic development efforts related to business parks and innovation centers. Further, the objectives are not so narrowly defined as to preclude consideration of reasonable alternatives, as demonstrated by the range of alternatives studied in the SEIR, which include not only two off site alternatives, but also a Reduced Size Alternative, a Reduced Project Alternative, and a Mixed-Use Alternative.

As noted in Master Response #4 regarding the dismissal of the Infill Alternative, the largest site or combination of contiguous sites is 27 acres. The lack of large, contiguous parcels of land would not provide sufficient flexibility for an “infill” alternative to accommodate businesses that need a large space initially, or prefer to have access to adjacent property for future growth.

**Response to Comment 40-3**

The comment notes that the City’s overarching General Plan strategy is to promote infill development first and asserts that the City has not complied with Policy ED 3.2 regarding looking for opportunities to locate technology and research uses within the City and only on the periphery if it is determined infeasible. The General Plan was adopted in May 2001 and incorporates amendments through January 2007. Since that time, several reports have been prepared, including 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). These studies were prepared to address Policy ED 3.2. As noted in Master Response #4 regarding the dismissal of the Infill Alternative, the largest site or combination of contiguous sites is 27 acres. The lack of large, contiguous parcels of land would not provide



sufficient flexibility for an “infill” alternative to accommodate businesses that need a large space initially, or prefer to have access to adjacent property for future growth. It is also important to note that a large portion of the ARC site itself was identified as a “Potential External Business Park Location” in the 2010 Business Park Land Strategy.

In addition, the project entitlement requests include a General Plan Amendment to create a new City of Davis land use designation of Innovation Center, relocate the Urban Agricultural Transition Area along the eastern boundary of the ARC Site, and assign City land use designations to the ARC Site and the 25-acre City Parcel, as follows (see Figure 3-7 of the Draft SEIR and p. 3-30):

- i. ARC Site + City Parcel: Agriculture (City Parcel), new Innovation Center designation (171.2 acres), and Urban Agricultural Transition Area (15.8 acres); and
- ii. Mace Triangle Site: General Commercial and Public/Semi-Public.

The City Council makes the ultimate determination related to consistency with the General Plan. As part of the project entitlements, the City Council will consider the proposed project with the background of the General Plan, all the reports prepared related to innovation centers, and the proposed General Plan Amendment proposed as part of the project in order to determine consistency. The General Plan Amendment, which must be approved by the City Council in order to allow the project to proceed, would address any alleged inconsistency issues.

#### **Response to Comment 40-4**

Please refer to Master Response #4.

#### **Response to Comment 40-5**

Please refer to Master Response #4 regarding the environmental issues associated with the PG&E Corporation Yard site. The largest contiguous sites total approximately 27-acres and would only be able to accommodate about 26 percent of the proposed project square footage. These contiguous infill sites along Second Street have known contamination issues from previous pesticide disposal associated with the former Frontier Fertilizer business. The Frontier Fertilizer property is a USEPA Superfund site.

#### **Response to Comment 40-6**

As noted in Master Response #4, and shown in Figure 3-2 of the ARC Draft SEIR, the research and development and manufacturing uses encompass approximately 101.9 acres of the 194-acre development site. The largest vacant infill site or contiguous sites total 27-acre sites and 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 accommodate businesses that need a large space initially, or prefer to have access to adjacent property for future growth.

### **Response to Comment 40-7**

Please refer to Response to Comment 40-2 regarding the project objectives and Master Response #4 regrading capacity on existing City land.

### **Response to Comment 40-8**

The MRIC EIR considered six alternatives. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. A variation on the Reduced Site Size Alternative as suggested by the comment would not provide the City Council any more meaningful information than provided in the ARC SEIR. Notably, the ARC SEIR compares the proposed ARC Project to these alternatives, with recognition of changes in circumstances, as is appropriate for a subsequent EIR. This discussion is provided in Chapter 2 of the SEIR.

### **Response to Comment 40-9**

Please refer to Master Response #4.

### **Response to Comment 40-10**

Page 3-199 of the SEIR states:

According to the Population and Housing chapter of the Certified Final EIR, the non-residential portion of the ARC Project would generate approximately 5,882 employees, which correlates to an additional 815 housing units within the City needed to serve the projected employee population. This is explained in the EIR as follows. The estimated employee housing demand at buildout of the ARC is 3,763 (5,882 employees divided by 1.62 employed residents per household). Assuming that 45.4 percent of new ARC employees would seek housing outside of the City of Davis, which implies 54.6 percent of new ARC employees would live in Davis, similar to the inference made for existing Davis area employees based upon empirical commute patterns, the ARC Project would result in an employee housing demand of 2,053 units within the City of Davis. The remaining housing units (1,710) needed to meet the ARC Project employee housing demand would be met outside of the City of Davis, within the six-county SACOG region. After accounting for City of Davis residential unit capacity, it was determined that of the 2,053 units demanded by ARC Project employees within the City of Davis, the ARC Project would need to provide approximately 815 units.

Environmental impacts associated with a jobs/housing imbalance are primarily manifested in air quality/greenhouse gases and transportation, which are analyzed in the SEIR. The specifics related to the job/housing ratio is not an environmental impact, in and of itself. The secondary effects of

air quality/greenhouse gases and transportation, including the VMT analysis provided in the SEIR, are adequate to determine the extent of environmental impacts per CEQA.

**Response to Comment 40-11**

Please refer to Master Response #1.

**Response to Comment 40-12**

Parking is not a direct environmental concern under CEQA. Nevertheless, it is noted that the proposed amount of parking is adequate for the ARC Project. As shown in Table 3-2 of the Draft SEIR, the total amount of parking spaces for the ARC Project is based on the industry standard Institute of Transportation Engineers *Parking Generation Manual*, 5<sup>th</sup> Edition (2019), as calculated by Fehr & Peers. The comment has been forwarded to the decision-makers for their consideration.

**Response to Comment 40-13**

Please refer to Master Response #5.

**Letter 41**

**From:** [Luca Kessler](#)  
**To:** [PlanningCommission@cityofdavis.org](mailto:PlanningCommission@cityofdavis.org)  
**Subject:** Aggie Research Campus - Davis Planning Commission Comment  
**Date:** Wednesday, April 22, 2020 10:26:01 AM

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

Dear Members of the City of Davis Planning Commission,

After reviewing the SEIR for the Aggie Research Campus, I am convinced that the project proponents are taking mitigations seriously and providing our City with a project worthy of support. I urge you to vote to affirm the Aggie Research Campus and let it proceed through the remaining community process.

I was especially pleased to see the pledge that the Aggie Research Campus will source from 100% clean energy sources, including solar generation at the property. This is in keeping with the Climate Action and Adaptation Plan.

**41-1**

The report also identifies solutions to mitigate almost every major traffic concern near the property. Given the location of the project, easy access to downtown, bus lines, and Amtrak is already within reach, and the additional mitigations outlined in the SEIR will help reduce peak congestion at intersections that have long been hot spots in Davis.

The Aggie Research Campus is needed in Davis, and its proponents are doing all the right things to earn our support. Thank you for your careful consideration.

Sincerely,

Luca

**LETTER 41: LUCA KESSLER**

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**Response to Comment 41-1**

The comment expresses general support for the project, does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

Letter 42

**To:** Sherri Metzker  
City of Davis Community Development and Sustainability Department

**From:** Mick Klasson  
Davis resident

**Date:** May 5, 2020

**Subject:** Comments on Aggie Research Campus Project Draft Subsequent Environmental Impact Report

42-1

Thank you for the opportunity to review the Aggie Research Campus (ARC) Project Draft Subsequent Environmental Impact Report (SEIR). The ARC Project was conceived in response to a City Request for Expressions of Interest in business park development that could, among other things, provide economic benefits to the City. The SEIR clearly indicates that a cost of the desired benefits is the creation of numerous significant and unavoidable environmental impacts. These impacts should be fully considered by the City Council when it considers approval of the project. Below I provide comments on the SEIR and on the Transportation Demand Management (TDM) Plan that responds to some of the impacts in the SEIR. My purpose in making these comments is not to fault the documents but to focus on a clear presentation of the project's effects and especially to ensure that, if the Council chooses to approve the project, the adverse effects are mitigated to the maximum extent feasible in a concrete and enforceable way. My comments are solely the opinions of one citizen and do not represent any group.

**Comments on the SEIR**

42-2

Pages 2-9 "Noise and Vibration", "Population and Housing", and "Public Services and Recreation" – please cite the CEQA section or case law that supports the statement that a lack of significant impact in the proposed project means that a comparative analysis of alternatives is not required for a particular issue. An alternative may have significant impacts that the proposed project does not, and this must be analyzed. See, for instance, CEQA Guidelines Section 15126.6(d).

42-3

Page 2-9 Transportation and Circulation – the first sentence says "The ARC Project would have greater operational traffic impacts . . . due to the substantially reduced scale of operations." Please consider rewriting the sentence more clearly if this is not as intended.

42-4

Page 3-1 and subsequent: The SEIR's description of the project is unclear, and makes it difficult to understand whether subsequent impact analysis sections address the whole of the project as required by CEQA Guidelines 15378(a). In general, it would be easier to understand if the word "project" were only used in a context that is consistent with CEQA.

- Chapter 3 is entitled "Aggie Research Campus Analysis" and section 3.1 says the chapter addresses the impacts of the ARC Project. However, Section 3.2 points out that the totality of the contemplated actions includes annexation of 41.5 acres in addition to the ARC site. A proposed General Plan Amendment on the Mace Triangle Site would allow General Commercial and Public/Semi-Public Uses.
  - Section 3.3 is called ARC Project Description, but it also describes, in places, development of the Mace Triangle activities. Examples include Table 3-1 and the infrastructure discussion near the end of the Section.

5/5/2020 Page 1 of 5

<b>42-4</b> <b>Cont'd</b>	<ul style="list-style-type: none"><li>○ Figure 3-2 on the lower right has a legend that refers to Project Data, Project Areas Acreage, and Project Boundary in reference to (but without specifying) the ARC element of the overall project.</li><li>○ Figures 3-3 and 3-4 reference the “ARC Project” but illustrate new tree plantings in the Mace Triangle.</li><li>○ Figure 3-5 has a legend in the lower right that references the Project Boundary without limiting it to the ARC element, although that is all that is shown on the map.</li><li>○ Figure 3-6 calls out the “project site” to include the Mace Triangle.</li><li>○ Figures 3-6 and 3-7 both have “ARC Project” in the title but include the City Parcel and Mace Triangle in the illustration.</li><li>○ Page 3.3 - Section 3.3 first line says the ARC “is now the proposed project.” Last line on this same page says “the ARC Project is one part of the overall Project.”</li></ul>
<b>42-5</b>	<p>Page 3-15 – the grade-separated bike/ped crossing of Mace Blvd. is an important feature for reducing motor vehicle trips from the project. It should be shown and called out on the appropriate figures in the project description. If there is a firm commitment to a Class I bike path around the Mace Curve, that should be included in the project description and figures too. Does the applicant control the land, or should additional lead agency approvals be listed on Page 3-30?</p>
<b>42-6</b>	<p>Page 3-30 -- Lead Agency Approvals – City of Davis – this should include encumbering City land with a 6.8-acre conservation easement for the benefit of the applicant.</p>
<b>42-7</b>	<p>Page 3-222 2<sup>nd</sup> paragraph – the accounting is unclear. If you divide the VMT by service population, you get VMT per capita, which is different than VMT. And if you’re comparing it to the existing VMT, what is that? Existing VMT for the site is insignificant in comparison to urban development.</p>
<b>42-8</b>	<p>Page 3-242 through 3-245, Indirect Effects of Traffic Mitigation Measures – this is a welcome discussion.</p>
<b>42-9</b>	<p>Page 3-245. Conclusion – the statement that “the aforementioned enhancements identified in the TIA would serve to improve operations at all of the impacted intersections and CR 32 interchange” is unclear without identifying the condition to which the improvement applies. Is this relative to baseline conditions? project conditions without mitigation? There are clearly cases where intersection LOS or travel speed deteriorates with the project as mitigated.</p>
<b>42-10</b>	<p>Page 3-246 and 3-247 - mitigation 3-70(a)</p> <ol style="list-style-type: none"><li>1. first paragraph - This division of traffic studies may allow some impacts to never cross a threshold of significance. For example, some impacts are based on a contribution to a percentage of traffic. If total trips in the annexation area are divided into enough maps, no single map would exceed the threshold. I recommend re-wording this paragraph to ensure that the threshold of impact is always based on total trips to date within the annexation area. In addition, some thought needs to be given so that the last area developed (e.g. the Mace Triangle) doesn't bear an undue portion of the mitigation cost or that mitigation is not stalled until the end.</li></ol>

Letter 42

- 42-11 2. Intersection improvements first paragraph - "good faith effort to work with" sounds removed from physical improvements. Even if the City and the applicant cannot control the acts of other agencies, can this at least specify an arbiter of "good faith" (I suggest the City) and an action such as "applicant will fund its fair share of those projects that are approved or otherwise committed to by Caltrans or Yolo County"? This guarantee of funding should be sustained, maybe through bonding, for a long time, perhaps ten years, after building the phase for which the approval is being sought.
- 42-12 3. Page 3-247 #6 – a firm commitment to the grade-separated crossing of Mace Blvd. would help offset the concern that this project will "diminish the bicycle and pedestrian environment." It would also be helpful for the Mace Boulevard/Alhambra Drive/South ARC Driveway Intersection to be welcoming to cyclists and pedestrians. If a westbound through bicycle lane isn't built, the through/right lane should be marked with sharrows in the through direction. All signalized intersections on the project perimeter should sense cyclists in through- and left-turn lanes without the use of push-button actuators.
- 42-13 4. Page 3-247 #9 This needs more emphasis than saying this "could" be done. Better emphasis is provided in mitigation measure 3-75.
- 42-14 Page 3-248; Mitigation 3-70(b)  
1. the third trip count location needs to be divided into two segments "Mace Boulevard to County Road 32A/B interchanges" and "County Road 32A/B interchanges to Enterprise Boulevard, West Sacramento".  
2. How is the TDM mitigation enforceable into the future after the development is built?
- 42-15 Page 3-249 - Mitigation 3-71 -- there is no way to tell how useful this traffic calming plan is without parameters such as success criteria, amount of investment, or what degree of local traffic minimization is "the extent feasible."
- 42-16 Pages 3-260 through 3-267 – I applaud this discussion of impacts to pedestrian and bike facilities, the change in the significance assessment to "significant and unavoidable," and the reasoning for that change. The issues related to additional congestion on County Road 32A are of great importance for bicycle commuters. It would be helpful to know how many of those riders there are, but regardless the SEIR's conclusions are sound. Because of the importance of this route for bike commuters and the project's "substantially increasing hazards due to a geometric design feature," it is not a far reach to say that these hazards may result in severe injury or death, or a reduction in bicycle commuting as the vehicle congestion worsens. Possibly both effects will occur. Though the acceptability of design improvements to the railroad and the County are outside of the City's and the applicant's control, I implore the City to consider all possible means to craft and implement or enforce mitigation for this impact that does result in physical change on the ground to protect and encourage cyclists using this route.
- 42-17 Page 3-260 - Impact 3-75 last paragraph "In addition, the ARC Project includes a proposed off-site bike path on the west side of Mace Boulevard, just north of Alhambra Drive, to the existing path along the frontage of Harper Junior High School". The project description on page 3-16 says "In addition, the ARC Project would extend the existing bike lane around the Mace Curve." The project description needs to be clear as to whether this is a separated Class I lane or an on-



Letter 42

42-17 Cont'd	street lane, which appears to already exist. Ideally, the project description would identify the width and material (concrete or asphalt) and timing of construction relative to project phases.
42-18	Page 3-268 (c) the "otherwise anticipated adverse effects to emergency vehicle response times" are not disclosed above.
42-19	Page 3-15; 3-268; 3-269 – Impact 3-76 <ul style="list-style-type: none"><li>The transit impact section seems to use average passengers per revenue hour as a threshold for impacts to Unitrans. This may or may not be an appropriate CEQA threshold. However, it is likely that if a bus has 40 passengers per hour on average it exceeds 60 passengers on its peak trips and in fact has to turn riders away. The separate TDM document says on page 20 that the project will generate 860 new transit boardings per day. Some of these are likely not to be served during the peak load, or will displace other riders later on the route, or will cause Unitrans to need to add another bus. Whether this is a CEQA issue or a separate fiscal impact, it should be addressed and mitigated by the project.</li></ul>
42-20	<ul style="list-style-type: none"><li>The project description falls short of making a commitment to the UCD/Amtrak/ARC shuttle. This should be a firm commitment.</li></ul>
42-21	<ul style="list-style-type: none"><li>Diverting Unitrans and Yolobus buses onto the site is contrary to streamlining already underway by Yolobus. The Yolo County Transit District (YCTD) 2020 Comprehensive Operational Analysis (COA) discusses streamlining the routes for Yolobus 42A/42B "to serve the Anderson corridor, UC Davis Memorial Union, and B/1st/Richards only", thus eliminating service on this route in the vicinity of the site. The purpose of this streamlining is to increase reliability and reduce transit time, which features would be at odds with routing the buses through the site (i.e. would conflict with a "[not yet adopted] policy addressing the circulation system, including transit" per the CEQA Appendix G checklist). Elimination of Bus 44, as Yolobus is considering, will add to congestion on roadways, but probably not to a degree that is relevant to this analysis.</li></ul>
42-22	<b>Comments on ARC TDM Plan</b>  Page 5 - The discussion of Route 138 service to the site is misleading. The last two sentence of this discussion should be deleted and replaced with a statement that is more accurate and relevant to the site, like "As currently planned, route 138 will service the site weekdays with 4 morning trips to UC Davis Medical Center and 3 return trips in the afternoon. The trip duration will be roughly 30 minutes." None of the trips that serve the Mace Blvd. Park and Ride serve downtown Sacramento.  Page 7 - The TDM discussion of the 2020 Comprehensive Operational Analysis (COA) of YCTD (Yolo County Transit District) needs to be corrected. Specifically: <ol style="list-style-type: none"><li>The second bullet states that "streamlining of 42A/B maintains its current Mace Boulevard services." This is incorrect. The discussion of streamlining begins on Page 7-5 of the 2020 COA, and describes streamlining "to serve the Anderson corridor, UC Davis Memorial Union, and B/1st/Richards only." This completely eliminates service to Mace</li></ol>

Letter 42

42-22  
Cont'd

Boulevard, as shown in Alternative 1 at <http://yolobusgo.com/wp-content/uploads/2020/02/Davis-Proposed-Midday-Network2.png>. Although the 2020 COA does discuss (Page 7-6) a “streamlined option from UC Davis Memorial Union via Russell-Fifth-Alhambra, then south on Mace to I-80” which could serve the ARC, the report concludes that it “would not reduce operating costs.”

2. The third bullet talks about discontinuing express routes but does not identify them. The TDM report did identify some of them as serving the site on pages 3-5. Table 7-1 on page 7-4 of the 2020 COA identifies routes 44 and 232 for elimination. This is carried forward in tables 7-2 and 7-3 of the COA. Table 7-4 would bring back Route 44 if there were a 10 percent budget increase, but that seems unlikely given the current transit and economic environment.

Page 17- the Future Transit Accessibility section should name the “inter-regional commuter” as Route 138 or the Causeway Connection to maintain consistency with the earlier discussion.

Page 18 – second bullet – strike the reference to the Causeway Connection serving downtown Sacramento, which it will not do from this site.

Page 19 – why is a 5% transit mode split used for ARC residents when page 18 said a more reasonable mode split for Davis was 3.5%?

Page 20 – total transit demand – creating a new transit hub central to the site may be useful for the site, but that needs to be resolved against the 2020 COA and the SEIR-reported Unitrans delay issues that both speak towards keeping routes streamlined.

Page 20 – Micromobility - the last sentence is incomplete.

Figure 4 – this is very optimistic travel time by bicycle. The fact that the distance between the site (0-minute) and the 10-minute isopleth is different than between the 10- and 20-minute isopleths suggests that there is a mapping error.

Page 23 – Action 1.2 – free local (Unitrans) transit passes for those working and living on the site would be great. Free regional (Yolobus or Amtrak) passes would subsidize people who don’t both live and work in Davis.

Page 24 Action 2.1 – what about subsidizing commute bike purchases at local shops? JUMP is great, but it better serves occasional use than daily use.

Page 25 Action 2.5 last bullet – based on the SEIR discussion, this is out of the applicant’s control, so that should be pointed out here.

Page 25 Parking Pricing and Supply Management – Employers should give a bonus to employees who agree not to drive.

In general, the TDM lists many good actions, but does not provide specifics or assurances that the actions will be implemented or any means to measure success.

**LETTER 42: MICK KLASSON**

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**Response to Comment 42-1**

The comment is an introductory statement and does not address the adequacy of the Draft SEIR. The comment has been forwarded to the decision-makers for their consideration.

**Response to Comment 42-2**

The purpose of an alternative is to avoid or substantially lessen any of the significant effects of the project (15126.6(a)). Therefore, the focus of the analysis should be on those significant project impacts that the alternative is intended to avoid. Nevertheless, in recognition of the comment and informational value regarding an alternative's overall effects, page 2-9 of the Draft SEIR is hereby revised as follows:

**Noise and Vibration**

This SEIR did not identify any significant noise effects resulting from the ARC Project, given required compliance with the City's Noise Ordinance, and the fact that traffic noise level increases would be below applicable thresholds; thus, a comparative analysis of alternatives is not required. Similar conclusions could be reached for those alternatives at the ARC Site, including the Reduced Project Alternative and the Reduced Site Size Alternative. However, with respect to Off-Site Alternatives A and B, traffic noise level increases could result in greater impacts at nearby receptors given the closer proximity of sensitive receptors to those roadways anticipated to carry heavy amounts of traffic. In contrast, for the ARC Project, the roadways that would carry the heaviest amount of project traffic near the ARC Site generally have sensitive receptors located farther away.

**Population and Housing**

This SEIR did not identify any significant population and housing effects resulting from the ARC Project; ~~thus, a comparative analysis of alternatives is not required.~~ A similar conclusion was reached in the Certified Final EIR for the Reduced Project Alternative, as its fair share of employee housing demand could be met within the City. However, given that the Reduced Site Size Alternative and Off-Site Alternatives A and B would include the same amount of non-residential space as the ARC Project, without providing any on-site housing, these alternatives would have a greater impact related to population and housing (i.e., they would not provide their fair share of employee housing demand within the City of Davis).

**Public Services and Recreation**

This SEIR did not identify any significant public services and recreation effects resulting from the ARC Project, given required compliance with the City's Municipal Code and other regulations, and for fire protection services, proximity to the nearest fire station; thus, a comparative analysis of alternatives is not required. Similar conclusions could be reasonably anticipated for the Reduced Project Alternative and Reduced Site Size Alternative given that they would result in reduced or equivalent demand on public services and are similarly situated near public services (e.g., fire stations). Off-Site Alternative B, however, is located farther away from the nearest fire station, than the ARC Project, thus

increasing response times, as discussed on page 7-187 of the Certified Final EIR. This results in the alternative exacerbating an existing deficiency in north Davis.

The foregoing amplifications to the Draft SEIR provide additional comparative information of the alternatives, which does not alter the conclusions of the Draft SEIR.

### **Response to Comment 42-3**

In response to the comment, page 2-9 of the Draft SEIR is hereby revised as follows:

The ARC Project would have greater operational traffic impacts compared to the No Project (No Build) Alternative and the Reduced Project Alternative, due to the substantially reduced scale of operations associated with those alternatives.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions presented within the Draft SEIR.

### **Response to Comment 42-4**

The proposed project evaluated in the CEQA document must consist of the whole of the action, which is defined by the requested entitlements/approvals. Section 3.4 of the Draft SEIR describes the public approvals, clearly indicating that the whole of the action being evaluated in the Draft SEIR consists of a General Plan Amendment, rezoning, and annexation of the ARC Site, City Parcel, and the Mace Triangle Site. The specific development assumptions for two of the three components, ARC Site and Mace Triangle Site, are clearly shown in Table 3-1 of the Draft SEIR.

### **Response to Comment 42-5**

Please see Response to Comment 71-3 where a new figure is included in the SEIR, illustrating these facilities. The right-of-way for the Mace Curve is owned by the City of Davis; therefore, the Class 1 shared-use path would not require additional lead agency approvals.

### **Response to Comment 42-6**

Please refer to Master Response #2.

### **Response to Comment 42-7**

Impact 3-72 of the Draft SEIR provides a thorough analysis of project impacts to vehicle miles traveled (VMT). Project impacts to VMT are identified based on significance thresholds that utilize weekday VMT per service population (residential population plus employment population) as the primary metric. As described on Draft SEIR pages 3-250 and 3-251, project impacts to VMT are identified by comparing project-generated VMT per service population to existing local and regional VMT per service population averages. This methodology is consistent with guidance provided in the Governor's Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

Project-generated VMT per service population is not compared to VMT per service population generated by the ARC project site under existing conditions for VMT impact analysis purposes, given that the ARC project site is currently vacant (does not generate VMT and does not include any housing).

#### **Response to Comment 42-8**

The comment is noted.

#### **Response to Comment 42-9**

The implementation of the operational enhancements identified in Mitigation Measure 3-70(a) would improve study intersection operations relative to Existing Plus Project conditions. Page 3-245 of the Draft SEIR is hereby revised as follows:

Based on the above, the aforementioned enhancements identified in the TIA would serve to improve operations at all of the impacted intersections and CR 32 interchange relative to Existing Plus Project conditions.

The above change is simply made for clarification purposes and no further changes to the Draft SEIR are required in response to this comment.

#### **Response to Comment 42-10**

The commenter misinterprets the timing and performance requirements set forth in Mitigation Measure 3-70(a). The subsequent traffic studies would be required in conjunction with the submittal of a final planned development, or tentative map, whichever occurs first, for each phase of development. The subsequent traffic studies would be required to analyze the impact of adding the individual phase of development to existing plus other approved/pending development projects at the time of each study. In other words, “existing” conditions would represent conditions at the time of each study, not conditions present at the time of the Draft SEIR. Project impacts would be identified using the analysis methods and delay/LOS thresholds utilized in the Draft SEIR. If the study finds that with the addition of the proposed ARC Project phase of development, intersection operations would decline to unacceptable levels based on the relevant intersection delay/LOS thresholds set forth in the Draft SEIR, the project applicant would construct physical improvements or pay its fair share towards physical improvements prior to the issuance of the first certificate of occupancy for the first building in that phase.

Page 3-246 of the Draft SEIR is hereby revised as follows to clarify any potential misinterpretation regarding the requirements set forth in Mitigation Measure 3-70(a):

*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.*

The change is for clarification purposes and does not affect the adequacy of the Draft SEIR analysis.

### **Response to Comment 42-11**

Mitigation Measure 3-70(a) requires the applicant to 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 to peak hour traffic operations. This language is appropriate given that Caltrans and Yolo County have separate review and approval processes beyond the control of the applicant and the City of Davis.

As suggested by the commenter, Mitigation Measure 3-70(a) already includes language regarding the applicant's responsibility to study, identify, and implement (i.e., either construct or pay a fair share contribution towards an improvement) roadway improvements to lessen the project's impact to peak hour traffic operations.

The commenter's statement regarding the funding of roadway improvements described in Mitigation Measure 3-70(a) through potential bonding has been forwarded to the decision-makers for their review and consideration.

### **Response to Comment 42-12**

The proposed grade-separated bicycle and pedestrian crossing of Mace Boulevard near the Mace Drainage Channel is included as a project baseline feature.

Regarding Mace Boulevard/Alhambra Drive/South ARC Driveway intersection bicycle and pedestrian facilities suggested by the commenter, Mitigation Measure 3-75(c) requires the project applicant to plan and implement multi-modal transportation improvements along the Mace Boulevard corridor. These include crossing improvements at the Mace Boulevard/Alhambra Drive/South ARC Driveway intersection in order to reduce the potential for bicycle-vehicle and pedestrian-vehicle conflicts and to provide for safe and comfortable access for pedestrians and bicyclists.

The commenter suggests the installation of bicycle loop detectors at signalized intersections serving the project site. While these features would facilitate bicycle travel to and from the project site, they are not necessary in order to address project impacts to bicycle facilities.

This comment has been forwarded to the decision-makers for their review and consideration.

### **Response to Comment 42-13**

Pages 3-246 and 3-247 of the Draft SEIR are hereby revised as follows for clarification purposes:

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 CR 32A/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.

The revisions are made to better mirror language elsewhere in the Draft SEIR, and thus, do not affect the adequacy of the Draft SEIR.

### **Response to Comment 42-14**

Page 3-248 of the Draft SEIR, Mitigation Measure 3-70(b), is hereby revised as follows for clarification purposes:

*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.*

The foregoing revision resolves an inadvertent omission from Mitigation Measure 3-70(b) of the Draft SEIR and does not affect its adequacy.

Please refer to Response to Comment 67-91 for a discussion of the implementation and enforcement of the ARC TDM program mitigation measures.

### **Response to Comment 42-15**

Mitigation Measure 3-71 requires the ARC Project applicant to plan and implement traffic calming strategies to minimize, to the extent feasible, the potential for the ARC Project to increase peak hour traffic volumes on local streets and 85<sup>th</sup> percentile speeds on collector and minor arterial streets. The extent to which traffic calming strategies are necessary to reduce project-related changes to peak hour traffic volumes on local streets and 85<sup>th</sup> percentile speeds on collector and minor arterial streets would vary by location and are subject to the recommendations of the plan. As described in the Draft SEIR, due to these uncertainties, Impact 3-71 (impacts to local neighborhood street traffic) is determined to be significant and unavoidable.

The phrase “to the extent feasible” is commonly used in CEQA documents. For instance, the introductory sentence in the Governor’s Office of Planning and Research website (<http://opr.ca.gov/ceqa/>) uses this term when describing how CEQA requires reduction of identified environmental impacts to the extent feasible. Additionally, CEQA Guidelines Section 15364 defines feasible as “being capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

### **Response to Comment 42-16**

This comment does not pertain to the adequacy of the Draft SEIR. Therefore, no response is required. This comment has been forwarded to the decision-makers for their review and consideration.

### **Response to Comment 42-17**

In response to the comment, page 3-16 of the Draft SEIR is hereby clarified as follows:

*Bicycle and Pedestrian Paths*



The ARC Project would include on-site bicycle and pedestrian features, implementation of off-site safety improvements, and new connections to existing pedestrian trails systems and regional bike trails. For example, the ARC Project would provide a grade-separated bike/ped crossing of Mace Boulevard, to be located near the MDC alignment, and feeding into the East/West Greenway on the ARC Site. The ARC Project includes a 2.25-mile bike path and adjacent pedestrian trail within the 50-foot transition zone of the agricultural buffer along the northern and eastern site boundary, which would connect to the existing Class II bike lane on CR 32A at the project's southeastern corner. The Class II bike lane on CR 32A provides connectivity to the following: 1) Old Lincoln Highway Class I (separated) bike path along I-80 via the UPRR train tracks at-grade crossing; 2) Class II (striped) bicycle lanes on CR 32A east of CR 105 and the UPRR crossing; and 3) Class I bicycle path on the Yolo Causeway. In addition, the ARC Project would ~~extend the existing~~ construct a Class I off-street bike lane path around the Mace Curve, completing the connection and bringing more employees to the site or children safely to school.

The above revision is made for clarification purposes to establish consistency with the wording in the traffic section of the Draft SEIR.

The shared-use path would be designed to the satisfaction of the City of Davis Public Works Department. The current *City of Davis Public Works Department 2016 Street Standards* identify a minimum shared-use path paved width of 12-feet with 2-foot all-weather shoulders on either side. This configuration would allow for bidirectional use by bicyclists and pedestrians in accordance with City expectations for shared-use path operations.

#### **Response to Comment 42-18**

The performance measure referred to by the commenter is intended to ensure that the future focused traffic studies performed for each phase of ARC development do not identify an improvement that would be counter to the goal of eliminating conflicts/adverse effects to emergency vehicle response times that could otherwise be caused by ARC project traffic. By adverse effects, the SEIR means to refer to further increasing emergency vehicle response times. Please also see Response to Comment 67-60.

#### **Response to Comment 42-19**

Impact 3-76 of the Draft SEIR provides a thorough analysis of the anticipated ARC Project impacts to transit services and facilities. One element of the transit impact analysis is an evaluation of the current passengers per revenue hour generated by each Unitrans bus route serving the project site relative to Unitrans' policy for service level increases (i.e., service warrants). Currently, Unitrans' policy is to increase peak hour headways from 30 minutes to 15 minutes on routes generating more than 60 passengers per hour. Use of this policy is appropriate for environmental review purposes because it is a published standard utilized by the entity responsible for delivering transit service within the study area (i.e., Unitrans). As described in Impact 3-76, none of the five Unitrans routes that currently serve the ARC Project site vicinity generate anywhere near the 60 passengers per hour threshold (the closest is Route A, which generates 41.1 passengers per revenue hour). While the project is expected to increase transit ridership on Unitrans, given the expected number of

project transit riders and existing transit patronage, the project would not cause a demand above that which is provided or planned.

The commenter does not provide evidence to support their opinion that “it is likely that if a bus has 40 passengers per hour on average it exceeds 60 passengers on its peak trips and in fact has to turn riders away.” Moreover, this statement is not relevant to the Unitrans policy described above, which evaluates route-level passengers per hour on a daily basis, not a peak trip basis, when considering potential frequency increases.

Table 3-29 of the Draft SEIR indicates that approximately 200 daily ARC Project vehicle trips would shift to transit under Existing Plus Project conditions. This figure was derived from existing local and regional transit serving the project site, the land use characteristics of the ARC Project, existing transit utilization throughout the City of Davis and within the vicinity of the project site, and the anticipated ARC Project residential and employee travel patterns under Existing Plus Project conditions. As described in the Draft SEIR, the vast majority of ARC Project employees would be expected to reside outside of Davis under Existing Plus Project conditions. Moreover, viable transit options that would accommodate ARC Project employee commute travel to/from outside of Davis are very limited. Typically, average vehicle occupancy for office vehicle trips is approximately 1.2 persons per vehicle. Therefore, using the data presented in Table 3-29 of the Draft SEIR, the ARC Project would generate approximately 240 weekday transit passenger boardings under Existing Plus Project conditions.

The *ARC Transportation Demand Management Plan* prepared by the project applicant estimates that the project would generate approximately 860 weekday transit passenger boardings. However, this figure was derived based upon several assumptions for which Fehr & Peers’ finds a lack of supporting evidence, and additional review is required. For example, the transit ridership estimates presented in this plan are generally based on existing transit serving the ARC site and transit mode split for the City of Davis as a whole. However, the plan does not describe how the anticipated residential locations of ARC employees and the available transit services that could be used for their commute to and from the ARC site would influence transit ridership. Such a review is beyond the scope of this Final SEIR, given that it has been shown that the Draft SEIR analysis of transit impacts is adequate.

Regarding the applicant’s’ recently submitted TDM, it is generally noted that the proposed TDM plan submitted by the applicant was intended for informational purposes and was not intended to be used to obtain building permits for the project. Therefore, no further analysis of the draft TDM plan is required at this time. If and when a future development proposal on the project site requires its initial building permits, the applicant would submit a TDM program for the project or a portion thereof, which would then be reviewed by City staff for consistency with Mitigation Measures 3-72(a) and (b).

The commenter does not provide evidence to substantiate the statement that ARC project transit demand “will displace other riders later on the route, or will cause Unitrans to need to add another bus.” Given the speculative nature of this comment, and in light of the discussion provided above, no changes to the Draft EIR are required in response to this comment.

**Response to Comment 42-20**

Since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station. This commitment will be included in the project's Development Agreement between the City and the applicant.

**Response to Comment 42-21**

Please see Response to Comment 15-3.

**Response to Comment 42-22**

The proposed TDM plan submitted by the applicant was intended for informational purposes and was not intended to be used to obtain building permits for the project. Therefore, no further analysis of the draft TDM plan is required at this time. If and when a future development proposal on the project site requires its initial building permits, the applicant would submit a TDM program for the project or a portion thereof, which would then be reviewed by City staff for consistency with Mitigation Measures 3-72(a) and (b). It warrants noting that several subsequent discretionary entitlements are required prior to such time.

**Letter 43**

**To:** DSEIR  
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**Subject:** Aggie Research Center (ARC) Draft Subsequent Environmental Impact Report (DSEIR)

43-1

**Comments:** My name is Billie Bensen Martin. I am a Veterinarian and Certified Organic Farmer. Since 1999 I have been one of the four Organic Farmers in Yolo County whom have been raising organic alfalfa and grains for organic dairies in the Petaluma area that supply milk and other dairy products to our local stores. My 160-acre farm is located at the corner of County Roads 105 and 30, in close proximity to the proposed ARC project. This letter will address four of my main concerns regarding the Mace project. I am requesting a written response from the City of Davis to all of my comments.

1.) I am highly concerned that the drainage proposal for the ARC is going to result increased flooding, the destruction of 100 acres of farmable land (the Howett Ranch) and will increase drainage and contamination problems for the surrounding farm land including my own during and after construction.

The agricultural area that is proposed as a temporary water storage area which holding capacity as apparently not been fully evaluated in the DSEIR with respect to potential offsite flooding to the north and east - p. 3-168 of the DSEIR discloses that the developer is proposing to use that already narrowed agricultural buffer for temporary water drainage storage. "The applicant intends to remove the existing on-site detention basin, and reconfigure it with varied side-slopes and a more rectangular shape. It would be an offline storage facility and only fill during extreme storm events. This could severely exacerbate flooding issues periodically experienced by properties to the north and east of the property.

Letter 43

43-1  
Cont'd

↑ It is my understanding that the plan is to excavate an undetermined depth of top soil from the Howett Ranch site and to temporarily set it aside. Then the plan is to mine up to 2 feet of the exposed hard pan soil to build the ARC site up 1.25 feet. Then finally, replace the top soil temporarily set aside, back to the Howett Ranch site and to try and call it reconstituted farm-able land.

I request that qualified experts certify the immediate and long lasting impacts of such a plan on the ARC project site itself, the impact on the Howett Ranch property and ultimately on the surrounding farmland to the north and east of the ARC. The results of the qualified experts' findings should then be made available to the public, and evaluated. Corrections then should be made to the DSEIR to address the issues and problems discovered by the study.

The Aggie Research Center effectively eliminates 300 acres of farm-able agricultural land into perpetuity from Yolo County.

43-2

2.) To provide water for the ARC project, a well is going to be drilled on the 200 acre ARC project site. The increased water usage can result in an Aquifer/Water table drop. Subsidence can then occur further exacerbating the existing drainage and flooding problem in the immediate and surrounding farm land areas. Detailed studies by qualified experts need to be conducted to reveal the true impact of the increased demand on the fragile and limited water source the ARC plans to tap into. The results of these studies should be made available to the public and be further evaluated so changes and mitigation plans are implemented before the ARC project moves forward.

43-3

3.) The water quality of the Well and Aquifer as a whole will be negatively impacted by the high demand the ARC project will put on the Aquifer during construction as well as the ever-increasing usage the ARC project will put on the Aquifer now and into the future

43-4

The polluted drainage from the ARC project could potentially contaminate my organic alfalfa farm. The DSEIR plans to initially handle this as runoff as opposed to dealing with it "if it occurs". The problem already exists and will most certainly get worse if the ARC project moves forward without addressing these potential problems directly.

43-5

The compromised water quality due to the higher demand of water from the Aquifer will potentially have a detrimental effect on my crop yields. Studies must be done by qualified experts to address the impact these changes will have on the farms and properties located adjacent to the ARC project as well as on my organic farm. The results of these studies should be made available to the public and be further evaluated so that changes and mitigation plans are implemented before the ARC project moves forward.

**Letter 43**

**43-6**

**4.)** The County Sewer System may not be capable of handling the increased load and usage from the ARC project. Sewage problems and organic farming don't mix. I believe the ARC project may compromise my ability to maintain my organic certification which is required if I want to continue my organic farming practices.

I am including these photos of flooding in recent years on my farm property.



Southwest corner of 44560 country road 30 Davis CA 95618 Dec 14 2014, during our current drought.

**Letter 43**



Northwest Corner of Road 105 and Road 30 December 2014, during the current drought

Thank you for considering my concerns and for your written response.

Dr. Billie Bensen Martin, DVM  
44794 County Rd. 30  
Davis, CA 95618

[drbilliemartin@yahoo.com](mailto:drbilliemartin@yahoo.com)

(530) 304-5693

**LETTER 43: DR. BILLIE BENSEN MARTIN, DVM**

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**Response to Comment 43-1**

Please see Responses to Comments 49-6 and 49-7.

**Response to Comment 43-2**

Please see Response to Comment 11-7.

**Response to Comment 43-3**

Please see Response to Comment 11-7.

**Response to Comment 43-4**

Please see Responses to Comments 49-6 and 49-13.

**Response to Comment 43-5**

Please see Response to Comment 11-7.

**Response to Comment 43-6**

The County will not be providing sewer service to the ARC site. Upon annexation, the project would be served by the City of Davis. As noted on page 3-281 of the Draft SEIR, with implementation of Mitigation Measures 3-80(a) through (c), impacts related to wastewater collection and treatment would be reduced to a less-than-significant level.



Letter 44

**From:** Roberta L Millstein <roberta.millstein@rlm.net>  
**Date:** April 12, 2020 at 8:12:20 PM PDT  
**To:** Finance and Budget Commission <FBC@cityofdavis.org>  
**Subject:** Item 6B, Aggie Research Campus

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

Dear Finance and Budget Commission,

- 44-1 I am the Chair of the Open Space and Habitat Commission (although speaking for myself alone). As I have been going through the ARC SEIR, I have come across a few issues that I thought might better fall under the purview of your commission. I urge you to discuss these questions at your April 13 meeting and consider whether they need additional follow-up.
- 44-2 **1.** Is the proposed use of part of the "Mace 25" (northwest corner of the ARC site) to satisfy the City's agricultural buffer ordinance a legal use of funds? The city-owned Mace 25 was purchased with the Measure O (open space) tax fund. By my read, there are a limited number of uses to which those funds can be put (see relevant part of the ordinance at [http://qcode.us/codes/davis/view.php?topic=15-15\\_17-15\\_17\\_070](http://qcode.us/codes/davis/view.php?topic=15-15_17-15_17_070)), and they do not seem to include the satisfaction a required agricultural buffer for a development project.
- 44-3 **2.** If the use in #1 is a legal use of citizen tax dollars, how much money does the developer propose to pay the City for the use of (or purchase of?) part of the Mace 25 to satisfy the City's own ordinance?
- 44-4 **3.** There is another City-owned parcel of land, the Howatt/Clayton Ranch, to the east of the ARC site. As the SEIR describes, this land is being considered as a site for drainage from the ARC Project during flooding periods. There are actually three sites that could be used, APN 033-300-015: 204 acres, APN 033-300-001: 248 acres, and 300-650-006: 327 acres. How much money does the developer propose to pay the City for the use of (or purchase of?) this land?
- 44-4 **4.** To use one of the three sites mentioned in #3, the developer would remove some of the soil (lowering the site for water storage) and then transport the soil to the ARC site, where it is needed to help stabilize some of the ARC buildings. Soil being quite expensive, again it is important to ask, how much money does the developer propose to pay the City?
- With regard to 2-4, it would of course be important to further discuss whether the proposed dollar amounts are sufficient payments to the City for the value of the resources provided.

Thank you in advance for your attention to these issues.

Sincerely,

Roberta Millstein

**LETTER 44: MILLSTEIN, ROBERTA L. – APRIL 12, 2020**

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**Response to Comment 44-1**

Please refer to Master Response #2.

**Response to Comment 44-2**

Please refer to Master Response #2.

**Response to Comment 44-3**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 44-4**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Letter 45**

**From:** Roberta L Millstein <roberta.millstein@rlm.net>  
**Sent:** Saturday, April 18, 2020 2:21 PM  
**To:** PlanningCommission@cityofdavis.org  
**Subject:** Comments on draft ARC SEIR  
**Attachments:** Millstein Comments to ARC SEIR April 2020.xlsx; Millstein Comments to ARC SEIR April 2020.pdf

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

Dear Planning Commission,

**45-1**

I am the Chair of the Open Space and Habitat Commission (OSHC), although in this email I am just speaking for myself. The OSHC will be having a Zoom meeting this Thursday to vote on recommendations for the draft ARC SEIR, and each commissioner has been tasked with bringing comments to the meeting for discussion and vote. Attached please find my personal comments, which of course may or may not be accepted by the OSHC in their current form. They are in the form requested by staff -- an Excel sheet with four tabs. I have also attached a PDF of that document in case it is easier.

Please consider my comments in your own deliberations about the draft ARC SEIR during your Wednesday meeting.

I am happy to try clarify anything that is unclear.

Sincerely,

Roberta Millstein

Letter 45

DRAFT  
 Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/18/20

General Comments

General Comments	COMMENT	COMMENTER
<p>Satisfaction of City's ag buffer ordinance</p>	<p><b>Issue:</b> The ARC project proposes to use 6.8-acres of the City parcel just to the northwest of the project, often called the "Mace 25," to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. This proposal calls for the City to provide a buffer (part of the Mace 25) for its own land (the remainder of the Mace 25). However, it is not clear that this use satisfies the spirit or the letter of the municipal code, which states "all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required to provide an agricultural buffer/agricultural transition area" (emphasis added), and "the land shall be dedicated to the city," implying that the land for the buffer is not already owned by the City.</p> <p><b>Importance:</b> The ARC proposal should not be in violation of the City's ordinance.</p> <p><b>Recommendation:</b> The SEIR needs to clearly state this potential conflict between the City's ordinance and the ARC's proposed agricultural buffer. The SEIR also needs to state that a change will need to be made to the ARC proposal -- to use the developer's land rather than the City's land to satisfy the ag buffer requirement -- if it is found to be in violation of the City's ordinance. Finally, on p. 3-14 the SEIR implies that the ag buffer proposal is "consistent" with the City's ordinance. This should be corrected since the proposal may not in fact be consistent with the ordinance.</p>	<p>Roberta Millstein</p>
<p>Use of Open Space Protection Tax money to satisfy ag buffer ordinance</p>	<p><b>Issue:</b> The ARC project proposes to use 6.8-acres of the City parcel just to the northwest of the project, often called the "Mace 25," to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. However, given that the City's parcel was purchased with money from the Open Space Protection Tax, it is not clear that this use is legal: City-required ag buffers are not on the list of approved uses for this money (see <a href="http://qcode.us/codes/davis/view.php?topic=15-15_17-15_17_070">http://qcode.us/codes/davis/view.php?topic=15-15_17-15_17_070</a>).</p> <p><b>Importance:</b> The ARC proposal should not be in violation of the City's ordinance.</p> <p><b>Recommendation:</b> The SEIR needs to clearly state this potential conflict between the City's ordinance and the ARC's proposed agricultural buffer. The SEIR also needs to state that a change will need to be made to the ARC proposal -- to use the developer's land rather than the land purchased with money from the Open Space Protection Tax to satisfy the ag buffer requirement -- if it is found to be in violation of the City's ordinance.</p>	<p>Roberta Millstein</p>

45-2

Letter 45

**DRAFT**  
 Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/18/20

**General Comments**

45-3

Size of ag buffer

**COMMENT**

**COMMENTS**

**Issue:** The adequacy of the 150-wide agriculture buffer was challenged in an ARC SEIR scoping comment letter from the Director of the County of Yolo Department of Community Services ("County Director Letter"). The letter encouraged the City to "...refer to policies in the Countywide General Plan that seek to protect existing farm operations from impacts related to the encroachment of urban uses through use of an increased minimum buffer, as opposed to the City's minimum standard." Policy LU-2.1 in the County's Land Use and Community Character Element "...recommends a minimum 300-foot setback for ensuring the proposed development will not adversely affect the economic viability or constrain the farming practices of agricultural operations" (emphasis in County Director Letter). Further, "County staff concur with Yolo County Local Agency Formation Commission (LAFCo) that provision of a 'minimum' agricultural buffer as proscribed by the City's Municipal Code "...may be insufficient for the significance of the proposed project." Even the City's Code states, "Optimally, to achieve a maximum separation and to comply with the five-hundred-foot aerial spray setback established by the counties of Yolo and Solano, a buffer wider than one hundred fifty feet is encouraged" (Davis Municipal Code 40A.01.050 Agricultural buffer requirement).

Robert Millstein

**Importance:** The agricultural buffer needs to be wide enough to do its intended job, i.e.: "To minimize future potential conflicts between agricultural and nonagricultural land uses and to protect the public health" (Davis Municipal Code 40A.01.050 Agricultural buffer requirement). The SEIR's analysis of potential impacts on surrounding farmland is insufficient.

**Recommendation:** Either the ag buffer needs to be widened from the current proposed 150 feet or the SEIR needs to be amended to acknowledge greater impacts on surrounding farmland than the SEIR currently describes.

45-4

Annexation of 25 acre City owned parcel

**Issue:** It is clear that the ARC project proposes *annexing to the City* the City-owned 25 acres (Mace 25) at the northwest of the project. However, in some places the SEIR reads as if it is proposing to annex the entire Mace 25 to the project. For example, p. 2-1 refers to "annexation of the entire 229-acre project site, including the Mace Triangle Site, into the City of Davis," where just above it is clearly stated that the Mace 25 is part of the 229 acres. Similarly, p. 2-13 states, "The project annexation area includes a 25-acre parcel owned by the City, a portion of which is being proposed to serve as the City-required agricultural buffer along the project's northern boundary." See also pages 3-1, 3-4, and 3-30.

Robert Millstein

**Importance:** Other places in the SEIR state that only 6.8 acres of the Mace 25 would be part of the ARC Project, not the entire 25 acres, so there is a contradiction.

**Recommendation:** The SEIR needs to clearly state that the entire Mace 25 is not proposed as a part of the ARC Project. Language that suggests that the entire parcel would be annexed to the project on the above identified pages should be removed or modified.

Letter 45

DRAFT  
 Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/18/20

General Comments

45-5

Description of project size

COMMENT

COMMENTER

**Background:** Page 3-1 states, "For CEQA purposes, the "ARC Site" is comprised of approximately 194 acres, and defined as the 187-acre, privately-owned property containing the Aggie Research Campus development footprint, and a proposed 6.8-acre easement on the City Parcel to satisfy the City's 150-foot Agricultural Buffer requirements along a portion of the project's northern boundary."

Page 3-2 states: "The ARC Site, as depicted above, and described on the preceding page, includes the 187-acre privately-owned Aggie Research Campus development footprint, as well as a 6.8-acre easement on the City Parcel to satisfy the City's 150-foot Agricultural Buffer requirements. The Agricultural Buffer area represented in the figure includes a total of 22.6 acres. Of the 22.6 acres, 15.8 acres are located within the privately-owned property containing the ARC development footprint and an additional 6.8 acres of easement area is located within the City Parcel. All 22.6 acres are considered to be part of the ARC Site for the purposes of this analysis."

**Issue:** Several places in the SEIR refer to the size of the ARC project as 187 acres, instead of 194 acres, and compare it to the Mixed-Use Alternative of 229 acres. However, as p. 2-5 shows, the size of the Mixed-Use Alternative is 212 acres, not 229 (229 includes the 16.5 acre Mace Triangle, which is not part of either project proposal, but it is part of both annexation proposals). The 212 acres includes all of the required agricultural buffer (see p. 8-119 of the Mixed-Use Alternative). **An apple to apples comparison, including the complete ag buffer in both projects, is 194 acre ARC to 212 acre Mixed-Use Alternative.**

Roberta Millstein

**Importance:** The mistake has the effect of making ARC look smaller than it is and the Mixed-Use Alternative look bigger than it is, exaggerating the difference between them. The actual difference in acreage is 212 acres - 194 acres = 18 acres (not 42 acres).

**Recommendation:** Every page where the complete size of the ARC project is referred to as 187 acres should be corrected to 194 acres. Every page where the complete size of the Mixed-Use Alternative is referred to as 229 acres should be corrected to 212 acres (especially pages 2-5, 2-6, 2-7, 2-8 (two places), 2-9).

45-6

Conclusions based on project size comparisons

**Issue:** In several places in the Executive Summary – Aesthetics; Biological Resources; Cultural Resources; Geology, Soils, and Mineral Resources; Hydrology and Water Quality – the SEIR claims that there is a reduced impact due to the reduced footprint of ARC as compared to the Mixed-Use Alternative. However, as described in the previous point, that difference in footprint has been exaggerated by using mistaken numbers for both ARC and Mixed-Use Alternative. Furthermore, the more detailed discussions in Chapter 3 of each of the issue areas do not make the argument for the small change in footprint to have a detectable or noteworthy change in impact (thus, those claims are not "summaries").

Roberta Millstein

**Importance:** The claims for reduced impact made in the Executive Summary are based on false numbers, unjustified, and questionable.

**Recommendation:** The claims for a reduced impact based on a reduced footprint in the Executive Summary should be deleted for the following areas: Aesthetics; Biological Resources; Cultural Resources; Geology, Soils, and Mineral Resources; Hydrology and Water Quality. (Not all of these fall within the purview of the OSHC, but for consistency's sake they should all be changed).

Letter 45

DRAFT  
Consolidated Comments -- Open Space and Habitat Commission  
Aggie Research Campus SEIR

4/18/20

General Comments

45-7

Total green space (on p. 1-3 but connected to other general issues).

COMMENT

COMMENTS

**Issue:** On p. 1-3, the SEIR states, "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 nearly entirely offset by the removal of the City's 25-acre property from the development footprint." However, as noted above, an apples-to-apples comparison between the Mixed-Use Alternative and ARC should include the 6.8 acres of fig buffer as part of ARC. Only approximately 18 acres (25 minus 7) of the City's land has been "removed" from the project.

Roberta Millstein

**Importance:** The SEIR incorrectly states that the reduction of green space in the project is "nearly offset" by the removal of Mace 25 from the proposal.

**Recommendation:** Page 1-3 should be corrected to state that 18 acres, not 25 acres, would be part of the ARC project, and the false claim about the loss of green space being "nearly entirely offset" should be deleted. Also, the SEIR should show how 49.2 acres of green space is part of the proposal, since earlier ARC documents stated there would be 37.7 acres of green space.



Letter 45

**DRAFT**  
 Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/18/20

**Chapter 3.5 -- ARC Project Analysis**  
 Aesthetics & Visual Resources

General Comments	COMMENT	COMMENTER
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45-8

<p><b>p. 3-36</b></p>	<p><b>Issue:</b> The SEIR states, “officially designated scenic highways, corridors, vistas, or viewing areas do not exist within the City’s planning area and established scenic vistas are not located on or adjacent to the ARC Site” (p. 3-36). This is incorrect. The City’s document, “Open Space Priorities with Public Lands as of 2013,” appearing on the City’s website at <a href="https://www.cityofdavis.org/home/showdocument?id=2854">https://www.cityofdavis.org/home/showdocument?id=2854</a>, depicts views of the Sierra Nevada and the Sacramento skyline looking east from the City.</p> <p><b>Importance:</b> Aesthetic values, including scenic vistas, are one of the five values used to evaluate open space areas in the City.</p> <p><b>Recommendation:</b> The SEIR should state, and factor in, that the ARC Project would entail the loss of the views of the Sierra Nevada and the Sacramento skyline that citizens have when looking east from Mace Boulevard and the Mace curve, increasing the significance of the negative aesthetic impact of the project.</p>	<p>Roberta Millstein</p>
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<p><b>Identify Page #</b>  <b>Identify Subsection/Table/Figure</b></p>	<p>Add comment here (Comments that are about a specific paragraph or table or figure in the Aesthetics and Visual Resources section)</p>	<p>Add name here</p>
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<p><b>Identify Page #</b>  <b>Identify Subsection/Table/Figure</b></p>	<p>Add comment here (Comments that are about a specific paragraph or table or figure in the Aesthetics and Visual Resources section)</p>	<p>Add name here</p>
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Letter 45

**DRAFT**  
 Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/18/20

**Chapter 3.5 -- ARC Project Analysis**  
 Agriculture & Forest Resources

	COMMENT	COMMENTER
<b>General Comments</b>	Add comment here (Comments that are about the Agriculture & Forest Resources section in general and aren't related to a specific subsection)	Add name here

45-9

<p><b>Page 3-44</b></p>	<p><b>Issue:</b> The SEIR states, "Specifically, the MRIC Site includes approximately 159 acres of Prime Farmland and 39 acres of Farmland of Statewide Importance, a substantial portion of which the EIR concluded would be converted to urban uses with buildout of the MRIC Project," noting that ARC would use somewhat less because not all of the Mace 25 is included in the project. Nonetheless, the ARC SEIR concludes that even with mitigation "the impact would remain significant and unavoidable" because "active agricultural land would still be permanently converted to urban uses" (p. 3-44). However, the impact of the loss of agricultural land in the context of climate change is not discussed. The IPCC has stated that "climate change has already affected food security due to warming, changing precipitation patterns, and greater frequency of some extreme events" (<a href="https://www.ipcc.ch/srocl/chapter/summary-for-policy-makers/">https://www.ipcc.ch/srocl/chapter/summary-for-policy-makers/</a>). New studies suggest that agriculture can help reduce climate change through carbon sequestration (<a href="https://www3.arb.ca.gov/cc/natandworkinglands/draft-nw1-1.7.19.pdf">https://www3.arb.ca.gov/cc/natandworkinglands/draft-nw1-1.7.19.pdf</a>).</p> <p><b>Importance:</b> New facts about climate change increase the significance of the loss of agricultural lands because usable farmland is reduced with climate change, yet certain farming practices can help to mitigate the effects of climate change.</p> <p><b>Recommendation:</b> The SEIR should factor in a discussion of climate change when evaluating the significance of the loss of Prime Farmland and Farmland of Statewide Importance that the ARC Project would bring.</p>	<p>Roberta Millstein</p>
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<p><b>Identify Page #</b>  <b>Identify Subsection/Table/Figure</b></p>	<p>Add comment here (Comments that are about a specific paragraph or table or figure in the Agriculture &amp; Forest Resources section)</p>	<p>Add name here</p>
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Letter 45

**DRAFT**  
**Consolidated Comments -- Open Space and Habitat Commission**  
**Aggie Research Campus SEIR**

4/18/20

**Chapter 3.5 -- ARC Project Analysis**  
**Agriculture & Forest Resources**

<u>Identify Page #</u>	COMMENT	COMMENTER
<u>Identify Subsection/Table/Figure</u>	Add comment here (Comments that are about a specific paragraph or table or figure in the Agriculture & Forest Resources section)	Add name here

Letter 45

**DRAFT**  
**Consolidated Comments -- Open Space and Habitat Commission**  
**Aggie Research Campus SEIR**

4/18/20

**Chapter 3.5 -- ARC Project Analysis**  
**Biological Resources**

	COMMENT	COMMENTER
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<u>General Comments</u>		Add name here
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45-10

**Page 3-100**

**Issue:** Since the Mixed-Use Alternative was evaluated, a number of factors have changed or been recognized. There is much more burrowing owl activity on the ARC site and vicinity, as the SEIR and related documents describe. Other Davis sites where burrowing owls can be found are now seen as being flawed for burrowing owls, e.g., because of an orchard adjacent to the Wildhorse Ag Buffer. With respect to the Mace 25, the City now has a policy of preventing the owls from using the site, e.g., by not mowing and by leaving the vegetation as tall and dense as possible. The limited burrowing owl habitat in the Davis area makes the situation for burrowing owls all the more precarious. Yet on p. 3-100 the SEIR states, "Overall, impacts related to burrowing owl under the ARC Project would be less-than-significant with mitigation."

**Importance:** Burrowing owls are designated as a Species of Special Concern in California. In recent years their numbers have plummeted in the Davis area, as documented by the Burrowing Owl Preservation Society. Mitigation can sometimes reduce harms but it does not eliminate them, especially when habitat alternatives are simply not available. Analogous to the loss of farmland described in the SEIR, where even with mitigation "the impact would remain significant and unavoidable" because "active agricultural land would still be permanently converted to urban uses" (p. 3-44) the loss of burrowing owl habitat and thus the impacts to burrowing owls would remain significant and unavoidable because their habitat would be permanently converted to urban uses.

Roberta Millstein

**Recommendation:** The SEIR should take into account the loss of burrowing owl habitat in the Davis area and acknowledge that the ARC Project would bring significant and unavoidable to the burrowing owl.

**Page 3-78**

Letter 45

DRAFT

4/18/20

Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

Chapter 3.5 -- ARC Project Analysis  
 Biological Resources

44-11

COMMENT

COMMENTS

**Issue:** On p. 3-78, the SEIR states that because only 6.8 acres of the City's open space parcel is part of the ARC Project, instead of the entire 25 acres that was included in the Mixed-Use Alternative, "this results in a reduced amount of disturbance to burrowing owl habitat and Swainson's hawk foraging habitat." However, in a Davis Vanguard article, Assistant City Manager Ash Feeney wrote concerning a new City policy discouraging owls from using that land by, e.g., letting grass grow long. He stated: "It would be irresponsible to promote a sensitive wildlife species to use a site where they could potentially be placed in harm's way (i.e., because "an adjacent development application is under review where, though not agreed to, a portion of the property is being sought for an ag buffer." <https://www.davisvanguard.org/2020/03/brief-response-from-city-staff-on-the-owl-issue/> This is clearly referring to the ARC Project.

Roberta Millstein

**Importance:** Burrowing owls are designated as a Species of Special Concern in California. Even prior to the approval of the ARC Project, the Project is already having a negative impact on burrowing owls that were found on the parcel.

**Recommendation:** The claim that only using 6.8 acres of the City's 25 acre open space parcel would result in a reduced amount of disturbance to burrowing owls needs to be deleted, since the owls on the western portion of the site have already been negatively impacted, and, according to the Assistant City Manager, would continue to be negatively impacted by the project.

Page 3-78

Letter 45

**DRAFT**  
 Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/18/20

**Chapter 3.5 -- ARC Project Analysis**  
 Biological Resources

45-12

**COMMENT**

**COMMENTER**

**Issue:** On p. 3-78, the SEIR states, "Of the four bat species mentioned above, only the pallid bat (*Antrozous pallidus*) is designated as a Species of Special Concern by the CDFW (2019a)." That is incorrect. The hoary bat (*Lasiurus cinereus*) is also listed as a Species of Special Concern. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>

Roberta Millstein

**Importance:** Species of Special Concern should get greater attention in the SEIR.

**Recommendation:** Page 3-78 of the SEIR needs to be corrected to acknowledge that the hoary bat is a California Species of Special Concern and it should get additional evaluation as a result, as was done for the pallid bat.

Page 3-79

45-13

**Issue:** Concerning bats, on p. 3-79, the SEIR states, "The foraging habitat in the Study Area is marginal and of minor extent when compared to the quality and extent of foraging habitat available in the greater region in and surrounding the Yolo Bypass." However, this claim is unsupported by evidence. As the SEIR itself admits, "Bats known to occur in the region would be expected to forage in and over the Study Area during summer evenings, when conditions are appropriate (i.e., warm and calm)." Yet bats were not studied during these months, only in the winter months, and they were not studied during the evenings. There could be greater use of this area for foraging by bats than expected. Without study, this is unknown, and the claim is unsupported.

Roberta Millstein

**Importance:** There are at least four bat species that frequent this area, as the SEIR acknowledges, and two of them are Species of Special Concern: the pallid bat (*Antrozous pallidus*) and the hoary bat (*Lasiurus cinereus*).

**Recommendation:** Bat presence needs to be studied in the summer months and during the evenings. The unsupported claims about the lack of importance of the ARC Site for bat habitat

Letter 45

**DRAFT**  
**Consolidated Comments -- Open Space and Habitat Commission**  
**Aggie Research Campus SEIR**

4/18/20

**Chapter 3.5 -- ARC Project Analysis**  
**Hydrology & Water Quality**

	COMMENT	COMMENTS
<b>General Comments</b>		
	Add comment here (Comments that are about the Hydrology & Water Quality section in general and aren't related to a specific subsection)	Add name here

**Pages 3-38 and 3-69**

45-14

	<p><b>Issue:</b> On pages 3-168 and 3-169, an alternative is described for storing water runoff from the ARC Site on the easternmost parcel owned by the City of Davis, adjacent to the MDC and Yolo Bypass levee (APN 033-300-015: 204 acres). The SEIR states that two other sites could alternatively provide the necessary storage (APN 033-300-001: 248 acres and 300-650-006: 327 acres). To provide storage for increased volume from ARC Site and the Mace Triangle Site during major storm events, 100 acres of topsoil would be removed and stockpiled, the selected area excavated to the design depth, and the topsoil then spread back over the lowered field. Excavated materials, not including the temporarily removed topsoil, would be imported to the ARC Site. The impact of the excavation, the impact on the ability to farm or have viable habitat on the chosen site, and other possible impacts are not discussed in the SEIR.</p> <p><b>Importance:</b> The Replacement Storage Alternative would increase by approximately 50% the acreage that is impacted by the ARC project – possibly more if the "unused" parts of the chosen parcel were impacted. It would also be a substantial use of City-owned land, in addition to the proposed use of the City's 6.8 acres for a required ag buffer.</p> <p><b>Recommendation:</b> The environmental impacts of the Replacement Storage Alternative need to be studied and described for each of the three proposed City-owned areas, as separate EIRs or as part of the main EIR (with alternative uses considered), including but not limited to effects that this large-scale excavation would have on wildlife, plant life, habitat, soil compaction, and</p>	Roberta Millstein
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**Identify Page #**

<b>Identify Subsection/Table/Figure</b>		
	Add comment here (Comments that are about a specific paragraph or table or figure in the Hydrology & Water Quality section)	Add name here

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Letter 45

**DRAFT**  
**Consolidated Comments -- Open Space and Habitat Commission**  
**Aggie Research Campus SEIR**

4/18/20

**Chapter 3.5 -- ARC Project Analysis**  
**Hydrology & Water Quality**

<u>COMMENT</u>	<u>COMMENTER</u>
Add comment here (Comments that are about a specific paragraph or table or figure in the Hydrology & Water Quality section)	Add name here

**LETTER 45: MILLSTEIN, ROBERTA – APRIL 18, 2020**

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**Response to Comment 45-1**

The comment is an introductory statement that does not address the adequacy of the Draft SEIR. Please refer to the responses to comments provided below, which are nearly equivalent with the comments provided by the Open Space and Habitat Commission, included as Letter 12 of this Final SEIR. As a result, this section will be replete with references to Letter 12.

**Response to Comment 45-2**

Please refer to Master Response #2.

**Response to Comment 45-3**

Please refer to Response to Comment 12-2.

**Response to Comment 45-4**

Please refer to Response to Comment 12-3.

**Response to Comment 45-5**

Please refer to Response to Comment 12-4.

**Response to Comment 45-6**

Please refer to Response to Comment 12-5.

**Response to Comment 45-7**

Please refer to Response to Comment 12-6.

**Response to Comment 45-8**

Please refer to Response to Comment 12-7.

**Response to Comment 45-9**

Please refer to Response to Comment 12-8.

**Response to Comment 45-10**

Please refer to Response to Comment 11-9.



**Response to Comment 45-11**

Please refer to Responses to Comments 50-4 and 67-14.

**Response to Comment 45-12**

Please refer to Response to Comment 12-10.

**Response to Comment 45-13**

Please refer to Response to Comment 12-11.

**Response to Comment 45-14**

Please refer to Response to Comment 12-15.

**Letter 46**

From: Sherri Metzker <SMetzker@cityofdavis.org>  
Sent: Tuesday, April 21, 2020 8:27 AM  
To: Nick Pappani <npappani@raneymanagement.com>  
Subject: FW: Response to OSHC questions

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

From: Roberta L. Millstein <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_roberta.millstein-40rlm.net&d=1Dw1fAg&c=euG/zsteaT1DlIvml:N8b7jXrwqOf-v5A\\_CdpnVfiiMM&r=\\_NinuXms0Ubv0QxOUqQsMuGVEYKblvASEJyuUGAB0Ao&m=h9MtZ4ukfsmQixlAyakA-teqcX6FBnLoIcE5iB4RedU&s=kRHxRYhcSuBV-WCf2zEhXvem2Y3IUH2RJohq-qFuhQQ&c=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__roberta.millstein-40rlm.net&d=1Dw1fAg&c=euG/zsteaT1DlIvml:N8b7jXrwqOf-v5A_CdpnVfiiMM&r=_NinuXms0Ubv0QxOUqQsMuGVEYKblvASEJyuUGAB0Ao&m=h9MtZ4ukfsmQixlAyakA-teqcX6FBnLoIcE5iB4RedU&s=kRHxRYhcSuBV-WCf2zEhXvem2Y3IUH2RJohq-qFuhQQ&c=>)>  
Sent: Monday, April 20, 2020 5:46 PM  
To: Planning Commission <PlanningCommission@cityofdavis.org>  
Subject: Response to OSHC questions

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

**46-1**

Dear Planning Commission,

At the most recent meeting of the Open Space and Habitat Commission, we voted to ask several questions about the ARC project. The attached questions and answers are part of our meeting packet for our upcoming meeting this Thursday. I thought you might find this relevant for your upcoming meeting on Wednesday.

Sincerely,

Roberta Millstein  
Chair, Open Space and Habitat Commission, but speaking for myself

-----

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[https://us3.proofpointessentials.com/index01.php?mod\\_id=11&mod\\_option=logitem&mail\\_id=1587482823-91IASI-](https://us3.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1587482823-91IASI-)

**City response to motions approved at the April 6, 2020  
Open Space and Habitat Commission meeting**

46-2

**Motion #1**

*As the Open Space and Habitat Commission stated in its January 2019 motion, the Commission requests information from the City and/or the developer about what the compensation will be for the portion of the ag buffer proposed to be located on the City's Mace 25. Also, the Commission would like to know more details about what the developer is going to do in the ag buffer.*

**City Response:** If the City Council chooses to accept the applicant's proposal to use a portion of the City's Mace 25 for the Aggie Research Campus's ("ARC's") ag buffer, then compensation for that portion of the City's property will be described in the project Development Agreement. The Development Agreement will go before the Planning Commission and the City Council as part of the land use applications before the Measure R/J vote in November 2020 (should the City Council ultimately approve the project and refer it to the November ballot). The details that staff has regarding the improvements proposed to be in the ag buffer can be found on Page 3-14 of the ARC SEIR.

46-3

**Motion #2**

*The Open Space and Habitat Commission requests a review by the City's legal counsel to determine whether the proposed ag buffer in the Aggie Research Campus project lives up to the spirit and intent of Ordinance 40A.01.050.*

**City Response:** The City Attorney will review all comments submitted at the close of the ARC SEIR review period. If the Commission would like the City Attorney to make a determination on this issue, the Commission should submit a comment about it during the ARC SEIR review period. Though the question may be more related to planning and zoning, the City Attorney will review SEIR comments in a comprehensive manner prior to the project going before the Planning Commission and City Council as part of the staff reports that will go before the Planning Commission and City Council. Ultimately, it will be up to the City Council to determine if the ag buffer component of the ARC complies with the City's ag buffer ordinance.

**LETTER 46: MILLSTEIN, ROBERTA – APRIL 20, 2020**

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**Response to Comment 46-1**

The comment is an introductory statement that does not address the adequacy of the Draft SEIR. Please refer to the responses to comments provided below.

**Response to Comment 46-2**

Please refer to Master Response #2. The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 46-3**

Please refer to Master Response #2. The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. As noted in the comment, the City Attorney's office has reviewed all comments submitted on the Draft SEIR, and the ultimate determination with regard to the use of a portion of the 25-acre City Parcel to provide some of the project-related agricultural buffer area will be the responsibility of the City Council.

**Letter 47**

**From:** Roberta L Millstein <roberta.millstein@rlm.net>  
**Sent:** Monday, April 27, 2020 4:42 PM  
**To:** smetzker@cityofdavis.org  
**Subject:** Re: Comments for draft ARC SEIR  
**Attachments:** Millstein Comments for ARC SEIR April 2020 v2 - submitted.pdf; Consolidated Commissioner Comments - ARC SEIR (FINAL) 04.23.20.pdf; Millstein-Questions-for-ARC-scoping-2.pdf

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

Dear Ms. Metzker,

Please accept my apologies. One of the documents I sent you earlier, containing my personal comments on the draft SEIR, had an incorrect header on it. Please accept the corrected version. I have attached all three documents again for your convenience.

Sincerely,

Roberta Millstein

On 4/27/20 at 4:16 PM -0700, Roberta L Millstein wrote:

> Dear Ms. Metzker,  
>  
> Attached please find my comments on the draft SEIR for the Aggie  
> Research Campus proposal. These are submitted in addition to the Open  
> Space and Habitat Commission comments (attached for your convenience)  
> that Tracie Reynolds has already submitted on behalf of the OSHC.  
>  
> Please also find my original scoping comments attached. As not all of  
> these were addressed in the draft SEIR, I would like them to be  
> considered as comments on the SEIR as well, indicating areas that need  
> further analysis.  
>  
> There were a number of areas of the draft SEIR that I did not have  
> time to review in detail. The SEIR, which was much longer than the  
> City or anyone expected -- a Subsequent EIR rather than a Supplemental  
> EIR -- and which was released just as stay-at-home orders were being  
> given by the County, caused me (and others) significant life  
> disruption. Thus, I request you extend the deadline for comments on the draft ARC SEIR.  
>  
> Please let me know if you experience any difficulties with the attachments.  
>  
> Sincerely,  
>  
> Roberta Millstein  
> Davis citizen

47-1

Letter 47

Roberta Millstein  
Comments on Aggie Research Campus Draft SEIR  
4/27/2020  
1 of 2

47-2

**Issue:** Since the Mixed-Use Alternative was evaluated, a number of factors have changed or been recognized. There is much more burrowing owl activity on the ARC site and vicinity, as the SEIR and related documents describe. Other Davis sites where burrowing owls can be found are now seen by the City as being problematic for burrowing owls, e.g., because of an orchard adjacent to the Wildhorse Ag Buffer. With respect to the Mace 25, the City now has a policy of preventing the owls from using the site, e.g., by not mowing and by leaving the vegetation as tall and dense as possible. The limited burrowing owl habitat in the Davis area makes the situation for burrowing owls all the more precarious. Yet on p. 3-100 the SEIR states, "Overall, impacts related to burrowing owl under the ARC Project would be less-than-significant with mitigation."

**Importance:** Burrowing owls are a designated as a Species of Special Concern in California. In recent years their numbers have plummeted in the Davis area, as documented by the Burrowing Owl Preservation Society. Mitigation can sometimes reduce harms but it does not eliminate them, especially when habitat alternatives are simply not available. Analogous to the loss of farmland described in the SEIR, where even with mitigation "the impact would remain significant and unavoidable" because "active agricultural land would still be permanently converted to urban uses" (p. 3-44) the loss of burrowing owl habitat and thus the impacts to burrowing owls would remain significant and unavoidable because their habitat would be permanently converted to urban uses.

**Recommendation:** The SEIR should take into account the loss of burrowing owl habitat in the Davis area and acknowledge that the ARC Project would bring significant and unavoidable impacts to the burrowing owl.

47-3

**Issue:** On p. 3-78, the SEIR states that because only 6.8 acres of the City's open space parcel is part of the ARC Project, instead of the entire 25 acres that was included in the Mixed-Use Alternative, "this results in a reduced amount of disturbance to burrowing owl habitat and Swainson's hawk foraging habitat." However, in a Davis Vanguard article, Assistant City Manager Ash Feeney wrote concerning a new City policy discouraging owls from using that land by, e.g., letting grass grow long. He stated: "It would be irresponsible to promote a sensitive wildlife species to use a site where they could potentially be placed in harm's way (i.e., because "an adjacent development application is under review where, though not agreed to, a portion of the property is being sought for an ag buffer." <https://www.davisvanguard.org/2020/03/brief-response-from-city-staff-on-the-owl-issue/> This is clearly referring to the ARC Project. Assistant City Manager Feeney made similar remarks to the Davis City Council on March 10, 2020.

**Importance:** Burrowing owls are a designated as a Species of Special Concern in California. Even prior to the approval of the ARC Project, the Project is already having a negative impact on burrowing owls that were found on the parcel.

**Recommendation:** The claim that only using 6.8 acres of the City's 25 acre open space parcel would result in a reduced amount of disturbance to burrowing owls needs to be deleted, since the owls on the western portion of the site have already been negatively impacted by the project, and, according to the Assistant City Manager, would continue to be negatively impacted by the project.

**Letter 47**

Roberta Millstein  
Comments on Aggie Research Campus Draft SEIR  
4/27/2020  
2 of 2

47-4

**Issue:** Concerning bats, on p. 3-79, the SEIR states, "The foraging habitat in the Study Area is marginal and of minor extent when compared to the quality and extent of foraging habitat available in the greater region in and surrounding the Yolo Bypass." However, this claim is unsupported by evidence. As the SEIR itself admits, "Bats known to occur in the region would be expected to forage in and over the Study Area during summer evenings, when conditions are appropriate (i.e., warm and calm)." Yet bats were not studied during these months, only in the winter months, and they were not studied during the evenings. There could be greater use of this area for foraging by bats than expected. Without study, this is unknown, and the claim is unsupported. Similar conclusions are made about birds on p. 3-111.

**Importance:** There are at least four bat species that frequent this area, as the SEIR acknowledges. The pallid bat (*Antrozous pallidus*) is a Species of Special Concern and the hoary bat (*Lasiurus cinereus*) is on the CDFW's Special Animals List. Also, the site is very close to the Yolo Bypass Wildlife Area, which is in the heart of the Pacific Flyway.

**Recommendation:** Bat and bird presence needs to be studied in the summer months and during the evenings. The amount of study that has been done thus far is insufficient. If additional study is not done, the unsupported claims about the lack of importance of the ARC Site for bat and bird habitat need to be amended.

Consolidated Comments -- Open Space and Habitat Commission  
Aggie Research Campus SEIR

4/23/20

General Comments

COMMENT

General Comments

Satisfaction of City's ag buffer ordinance

**Issue:** The ARC project proposes to use 6.8-acres of the City parcel just to the northwest of the project, often called the "Mace 25," to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. This proposal calls for the City to provide a buffer (part of the Mace 25) for its own land (the remainder of the Mace 25). However, it is not clear that this use satisfies the spirit or the letter of the municipal code, which states "all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required to provide an agricultural buffer/agricultural transition area" [emphasis added], and "the land shall be dedicated to the city," implying that the land for the buffer is not already owned by the City.

**Importance:** The ARC proposal should not be in violation of the City's ordinance.

**Recommendation:** The SEIR needs to clearly state this potential conflict between the City's ordinance and the ARC's proposed agricultural buffer. The SEIR also needs to state that a change will need to be made to the ARC proposal – to use the developer's land rather than the City's land to satisfy the ag buffer requirement – if it is found to be in violation of the City's ordinance. Finally, on p. 3-14 the SEIR implies that the ag buffer proposal is "consistent" with the City's ordinance. This should be corrected since the proposal may not in fact be consistent with the ordinance.

General Comments

Use of Open Space Protection Tax money to satisfy ag buffer ordinance

**Issue:** The ARC project proposes to use 6.8-acres of the City parcel just to the northwest of the project, often called the "Mace 25," to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. However, given that the City's parcel was purchased with money from the Open Space Protection Tax, it is not clear that this use is legal; City-required ag buffers are not on the list of approved uses for this money (see [http://qcode.us/codes/davis/view.php?topic=15-15\\_17-15\\_17\\_070](http://qcode.us/codes/davis/view.php?topic=15-15_17-15_17_070)).

**Importance:** The ARC proposal should not be in violation of the City's ordinance.

**Recommendation:** The SEIR needs to clearly state this potential conflict between the City's ordinance and the ARC's proposed agricultural buffer. The SEIR also needs to state that a change will need to be made to the ARC proposal – to use the developer's land rather than the land purchased with money from the Open Space Protection Tax to satisfy the ag buffer requirement – if it is found to be in violation of the City's ordinance.

47-5



Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20

General Comments

COMMENT

General Comments

Size of ag buffer

**Issue:** The adequacy of the 150-wide agriculture buffer was challenged in an ARC SEIR scoping comment letter from the Director of the County of Yolo Department of Community Services ("County Director Letter"). The letter encouraged the City to "...refer to policies in the Countywide General Plan that seek to protect existing farm operations from impacts related to the encroachment of urban uses through use of an increased minimum buffer, as opposed to the City's minimum standard..." Policy LU-2.1 in the County's Land Use and Community Character Element "...recommends a minimum 300-foot setback for ensuring the proposed development will not adversely affect the economic viability or constrain the farming practices of agricultural operations" (emphasis in County Director Letter). Further, "County staff concur with Yolo County Local Agency Formation Commission (LAFCo) that provision of a 'minimum' agricultural buffer as prescribed by the City's Municipal Code "...may be insufficient for the significance of the proposed project." Even the City's Code states, "Optimally, to achieve a maximum separation and to comply with the five-hundred-foot aerial spray setback established by the counties of Yolo and Solano, a buffer wider than one hundred fifty feet is encouraged" (Davis Municipal Code 40A.01.050 Agricultural buffer requirement).

**Importance:** The agricultural buffer needs to be wide enough to do its intended job, i.e.: "To minimize future potential conflicts between agricultural and nonagricultural land uses and to protect the public health" (Davis Municipal Code 40A.01.050 Agricultural buffer requirement). The SEIR's analysis of potential impacts on surrounding farmland is insufficient.

**Recommendation:** Either the ag buffer needs to be widened from the current proposed 150 feet or the SEIR needs to be amended to acknowledge greater impacts on surrounding farmland than the SEIR currently describes.

General Comments

Annexation of 25 acre City-owned parcel

**Issue:** It is clear that the ARC project proposes *annexing to the City* the City-owned 25 acres (Mace 25) at the northwest of the project. However, in some places the SEIR reads as it is proposing to annex the entire Mace 25 *to the project*. For example, p. 2-1 refers to "annexation of the entire 229-acre project site, including the Mace Triangle Site, into the City of Davis," where just above it is clearly stated that the Mace 25 is part of the 229 acres. Similarly, p. 2-13 states, "The project annexation area includes a 25-acre parcel owned by the City, a portion of which is being proposed to serve as the City-required agricultural buffer along the project's northern boundary." See also pages 3-1, 3-4, and 3-30.

**Importance:** Other places in the SEIR state that only 6.8 acres of the Mace 25 would be part of the ARC Project, not the entire 25 acres, so there is a contradiction.

**Recommendation:** The SEIR needs to clearly state that the entire Mace 25 is not proposed as a part of the ARC Project. Language that suggests that the entire parcel would be annexed to the project on the above identified pages should be removed or modified.

47-5  
 Cont'd

Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20

General Comments

COMMENT

General Comments

Description of project size

**Background:** Page 3-1 states, "For CEQA purposes, the "ARC Site" is comprised of approximately 194 acres, and defined as the 187- acre, privately-owned property containing the Aggie Research Campus development footprint, and a proposed 6.8-acre easement on the City Parcel to satisfy the City's 150-foot Agricultural Buffer requirements along a portion of the project's northern boundary."

Page 3-2 states: "The ARC Site, as depicted above, and described on the preceding page, includes the 187-acre privately-owned Aggie Research Campus development footprint, as well as a 6.8-acre easement on the City Parcel to satisfy the City's 150-foot Agricultural Buffer requirements. The Agricultural Buffer area represented in the figure includes a total of 22.6 acres. Of the 22.6 acres, 15.8 acres are located within the privately-owned property containing the ARC development footprint and an additional 6.8 acres of easement area is located within the City Parcel. All 22.6 acres are considered to be part of the ARC Site for the purposes of this analysis."

**Issue:** Several places in the SEIR refer to the size of the ARC project as **187 acres**, instead of **194 acres**, and compare it to the Mixed-Use Alternative at **229 acres**. However, as p. 2-5 shows, the size of the Mixed-Use Alternative is **212 acres**, not 229 (229 includes the 16.5 acre Mace Triangle, which is not part of either project proposal, but it is part of both annexation proposals). The 212 acres includes all of the required agricultural buffer (see p. 8-110 of the Mixed-Used Alternative). **An apple-to-apples comparison, including the complete ag buffer in both projects, is 194 acre ARC to 212 acre Mixed-Use Alternative.**

**Importance:** The mistake has the effect of making ARC look smaller than it is and the Mixed-Use Alternative look bigger than it is, exaggerating the difference between them. The actual difference in acreage is 212 acres - 194 acres = 18 acres (not 42 acres).

**Recommendation:** Every page where the complete size of the ARC project is referred to as 187 acres should be corrected to 194 acres. Every page where the complete size of the Mixed-Use Alternative is referred to as 229 acres should be corrected to 212 acres (especially pages 2-5, 2-6, 2-7, 2-8 (two places), 2-9).

47-5  
 Cont'd

Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20

General Comments

COMMENT

General Comments

Conclusions based on project size comparisons

**Issue:** In several places in the Executive Summary – Aesthetics; Biological Resources; Cultural Resources; Geology, Soils, and Mineral Resources; Hydrology and Water Quality – the SEIR claims that there is a reduced impact due to the reduced footprint of ARC as compared to the Mixed-Use Alternative. However, as described in the previous point, that difference in footprint has been exaggerated by using mistaken numbers for both ARC and Mixed-Use Alternative. Furthermore, the more detailed discussions in Chapter 3 of each of the issue areas do not make the argument for the small change in footprint to have a detectable or noteworthy change in impact (thus, those claims are not “summaries”).

**Importance:** The claims for reduced impact made in the Executive Summary are based on false numbers, unjustified, and questionable.

**Recommendation:** The claims for a reduced impact based on a reduced footprint in the Executive Summary should be changed to reflect the actual differential in project footprints for the following areas: Aesthetics; Biological Resources; Cultural Resources; Geology, Soils, and Mineral Resources; Hydrology and Water Quality. (Not all of these fall within the purview of the OSHC, but for consistency’s sake they should all be changed).

General Comments

Total green space (on p. 1-3 but connected to other general issues).

**Issue:** On p. 1-3, the SEIR states, “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 nearly entirely offset by the removal of the City’s 25-acre property from the development footprint.” However, as noted above, an apples-to-apples comparison between the Mixed-Use Alternative and ARC should include the 6.8 acres of ag buffer as part of ARC. Only approximately 18 acres (25 minus 7) of the City’s land has been “removed” from the project.

**Importance:** The SEIR incorrectly states that the reduction of green space in the project is “nearly offset” by the removal of Mace 25 from the proposal.

**Recommendation:** Page 1-3 should be corrected to state that 18 acres, not 25 acres, would not be part of the ARC project, and the inaccurate claim about the loss of green space being “nearly entirely offset” should be deleted. Also, the SEIR should show how 49.2 acres of green space is part of the proposal, since earlier ARC documents stated there would be 37.7 acres of green space.

47-5  
 Cont’d

Consolidated Comments -- Open Space and Habitat Commission  
Aggie Research Campus SEIR

4/23/20

47-5  
Cont'd

Chapter 3.5 -- ARC Project Analysis  
Aesthetics & Visual Resources

COMMENT

p. 3-36

**Issue:** The SEIR states, “officially designated scenic highways, corridors, vistas, or viewing areas do not exist within the City’s planning area and established scenic vistas are not located on or adjacent to the ARC Site” (p. 3-36). This is incorrect. The City’s document, “Open Space Priorities with Public Lands as of 2013,” appearing on the City’s website at <https://www.cityofdavis.org/home/showdocument?id=2854>, depicts views of the Sierra Nevada and the Sacramento skyline looking east from the City.

**Importance:** Aesthetic values, including scenic vistas, are one of the five values used to evaluate open space areas in the City.

**Recommendation:** The SEIR should state, and factor in, that the ARC Project would entail a significant impact to a priority open space viewshed (the Sierra Nevada and the Sacramento skyline) identified by the City of Davis’s Open Space Program.

**Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR**

4/23/20

47-5  
 Cont'd

**Chapter 3.5 -- ARC Project Analysis  
 Agriculture & Forest Resources**

**COMMENT**

**Page 3-44**

**Issue:** The SEIR states, "Specifically, the MRIC Site includes approximately 159 acres of Prime Farmland and 39 acres of Farmland of Statewide Importance, a substantial portion of which the EIR concluded would be converted to urban uses with buildout of the MRIC Project," noting that ARC would use somewhat less because not all of the Mace 25 is included in the project. Nonetheless, the ARC SEIR concludes that even with mitigation "the impact would remain significant and unavoidable" because "active agricultural land would still be permanently converted to urban uses" (p. 3-44). However, the impact of the loss of agricultural land in the context of climate change is not discussed. The IPCC has stated that "climate change has already affected food security due to warming, changing precipitation patterns, and greater frequency of some extreme events" (<https://www.ipcc.ch/srccl/chapter/summary-for-policy-makers/>). New studies suggest that agriculture can help reduce climate change through carbon sequestration (<https://ww3.arb.ca.gov/cc/natandworkinglands/draft-nwl-ip-1.7.19.pdf>).

**Importance:** New facts about climate change increase the significance of the loss of agricultural lands because usable farmland is reduced with climate change, yet certain farming practices can help to mitigate the effects of climate change.

**Recommendation:** The SEIR should factor in a discussion of climate change when evaluating the significance of the loss of Prime Farmland and Farmland of Statewide Importance that the ARC Project would bring.

**Page 3-43 and 3-45**

**Mitigation Measures 3-5(a) and 3-7(b)**

The SEIR requires that the form of easement used for the agricultural mitigation land is the form used by the Yolo Habitat Conservancy. This effectively excludes the Yolo Land Trust from being involved in the acquisition of an easement. The requirement that the form of easement used must be the form of easement approved by the Yolo Habitat Conservancy should be removed.

Consolidated Comments -- Open Space and Habitat Commission  
Aggie Research Campus SEIR

4/23/20

47-5  
Cont'd

Chapter 3.5 -- ARC Project Analysis  
Biological Resources

COMMENT

Page 3-78

**Issue:** On p. 3-78, the SEIR states, "Of the four bat species mentioned above, only the pallid bat (*Antrozous pallidus*) is designated as a Species of Special Concern by the CDFW (2019a)." That is incorrect. The hoary bat (*Lasiurus cinereus*) is also listed as a Species of Special Concern.  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>

**Importance:** Species of Special Concern should get greater attention in the SEIR.

**Recommendation:** Page 3-78 of the SEIR needs to be corrected to acknowledge that the hoary bat is a California Species of Special Concern and it should get additional evaluation as a result, as was done for the pallid bat.

Page 3-79

**Issue:** Concerning bats, on p. 3-79, the SEIR states, "The foraging habitat in the Study Area is marginal and of minor extent when compared to the quality and extent of foraging habitat available in the greater region in and surrounding the Yolo Bypass." However, this claim is unsupported by evidence. As the SEIR itself admits, "Bats known to occur in the region would be expected to forage in and over the Study Area during summer evenings, when conditions are appropriate (i.e., warm and calm)." Yet bats were not studied during these months, only in the winter months, and they were not studied during the evenings. There could be greater use of this area for foraging by bats than expected. Without study, this is unknown, and the claim is unsupported.

**Importance:** There are at least four bat species that frequent this area, as the SEIR acknowledges, and two of them are Species of Special Concern: the pallid bat (*Antrozous pallidus*) and the hoary bat (*Lasiurus cinereus*).

**Recommendation:** The SEIR should acknowledge that the project will result in the permanent loss of potential bat foraging habitat. Greater justification for the conclusions need to be provided.

Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20

47-5  
 Cont'd

Chapter 3.5 -- ARC Project Analysis  
 Biological Resources

COMMENT

Page # 2-39 - Impact 3-18  
 Impacts to burrowing owls

As written, the avoidance and minimization measures in the SEIR for impacts to burrowing owls do not reduce potential impacts to a level of less than significant, in the event that an active burrowing owl burrow is discovered within the proposed development limits of the Aggie Research Campus (Project) site. If the Project will result in the permanent loss of active burrowing owl burrows, a qualified biologist should prepare a mitigation and monitoring plan in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation* (2012). The Mitigation and Monitoring Plan should be submitted for CDFW review and approval prior to the start of Project activities. The Mitigation and Monitoring Plan should include the permanent protection of occupied burrowing owl habitat, at a mitigation to impacts ratio acceptable to CDFW, through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. Habitat should not be altered or destroyed on the Project site, and burrowing owls should not be excluded from burrows until mitigation lands have been legally secured and are managed for the benefit of burrowing owls according to Department-approved management, monitoring and reporting plans; and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.

Consolidated Comments -- Open Space and Habitat Commission  
Aggie Research Campus SEIR

4/23/20

47-5  
Cont'd

Chapter 3.5 -- ARC Project Analysis  
Biological Resources

COMMENT

Page # 2-39 - Impact 3-18

Impacts to burrowing owls

I believe it is important that the EIR include an avoidance and minimization measure requiring that either a qualified biologist or a trained biological monitor perform a daily inspection of the areas where construction activities are planned for that day, prior to starting project construction each day. Burrowing owls can be attracted to minor amounts of land disturbance, associated with construction sites (e.g. dirt mounds, mounds of concrete rubble). This includes equipment staging and soil stockpile areas outside of the active construction sites. Once the site has been deemed clear of burrowing owls by a qualified biologist or trained biological monitor, construction activities can begin for the day. It looks like the EIR already has a measure giving a qualified biologist the authority to stop work in order to avoid harming wildlife, but this same authority should be extended to biological monitors, if used.

Page # 2-39 - Impact 3-18

Impacts to burrowing owls

If the project is proposing to construct artificial burrows within the agricultural buffer surrounding the ARC development site, the artificial burrows should be monitored and maintained yearly to ensure they function as intended (i.e. the project proponent should develop a monitoring and maintenance plan that specifies criteria for when and how artificial burrows will be cleaned out of debris in order to continue their function as being suitable nest burrows. Without this maintenance, artificial burrows are not likely to be successful in the long term.



Consolidated Comments -- Open Space and Habitat Commission  
 Aggie Research Campus SEIR

4/23/20

Chapter 3.5 -- ARC Project Analysis  
 Hydrology & Water Quality

47-5  
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	COMMENT
<p>Pages 3-38 and 3-69</p>	<p><b>Issue:</b> On pages 3-168 and 3-169, an alternative is described for storing water runoff from the ARC Site on the easternmost parcel owned by the City of Davis, adjacent to the MDC and Yolo Bypass levee (APN 033-300-015: 204 acres). The SEIR states that two other sites could alternatively provide the necessary storage (APN 033-300-001: 248 acres and 300-650-006: 327 acres). To provide storage for increased volume from ARC Site and the Mace Triangle Site during major storm events, 100 acres of topsoil would be removed and stockpiled, the selected area excavated to the design depth, and the topsoil then spread back over the lowered field. Excavated materials, not including the temporarily removed topsoil, would be imported to the ARC Site. The impact of the excavation, the impact on the ability to farm or have viable habitat on the chosen site, and other possible impacts are not discussed in the SEIR.</p> <p><b>Importance:</b> The Replacement Storage Alternative would increase by approximately 50% the acreage that is impacted by the ARC project – possibly more if the "unused" parts of the chosen parcel were impacted. It would also be a substantial use of City-owned land, in addition to the proposed use of the City's 6.8 acres for a required ag buffer.</p> <p><b>Recommendation:</b> The environmental impacts of the Replacement Storage Alternative need to be studied and described for each of the three proposed City-owned areas, as separate EIRs or as part of the main EIR (with alternative uses considered), including but not limited to effects that this large-scale excavation would have on wildlife, plant life, habitat, soil compaction, and subsequent agricultural use. We further recommend that an alternative be assessed for the creation of a seasonal wetland habitat area on the site of the soil removal.</p>

**Comments for scoping of the SEIR for the Aggie Research Campus (ARC)**

**Roberta L. Millstein, Davis citizen**

**December 6, 2019**

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

**Use of land at the site:**

**47-6** What will happen if the expected demand for office/R&D *or* manufacturing *or* onsite hotel does not materialize? Will the developer come back to the City and ask to build housing instead on these parts of the site? What would the impacts of an “all housing” project be, or various possible combinations of increased housing with decreased use in one or more of the other three categories? These scenarios need to be described and analyzed.

**47-7** What if it turns out that the amount of parking planned is not sufficient to attract office/R&D or manufacturing or housing uses? Will the developer come back to the City and ask for more parking spaces? What would the impacts of, say, double the number of parking spaces be? Is the amount of parking specified in the Project Description actually consistent with the projected amount of car traffic to/from the site?

**47-8** Single-family homes were not part of the Mixed-Use MRIC proposal, so this is a project change whose impacts need to be analyzed. It’s not clear why single-family homes are part of the ARC proposal at all. Are they an efficient use of limited space? What would the impacts be without any single-family homes? Conversely, what if the developer asks the City for more single-family homes – what would the impacts be?

Here it must be noted that Ramco Enterprises has a history of saying that it will do one thing and then later doing another, documented on the City’s own website:

<https://www.cityofdavis.org/about-davis/history-symbols/davis-history-books/growing-pains-chapter-6> . So these questions about the developer coming back for changes that could have environmental impacts are realistic questions, not just speculative, especially since housing has now been moved to phase 1 of the project (whereas it was in phase 2 for the MRIC Mixed-Use Alternative).

**47-9** **Agricultural buffer, parks and greenways:**

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

47-9  
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Documents submitted to the City and posted on its website on the evening of November 27, 2019 (the night before Thanksgiving and four nights before the December 2 scoping meeting) state that when comparing the MRIC Mixed-Use Alternative to the ARC proposal, the “agricultural buffer” (subject to Davis Municipal Code 40A.01.050) has been increased from 20.1 acres to 22.6 acres while “parks and greenways” have been reduced from 18.6 acres to 15.1 acres. This implies that the MRIC Mixed-Use Alternative had a combined parks/greenways and open space of  $20.1 + 18.6 = 38.7$  acres. However, on p. 8-11 of the Mixed-Used MRIC DEIR, a table shows a total of 75.8 acres.<sup>1</sup> So, if the ARC proposal has a combined parks/greenways and open space total of  $22.6 + 15.1$  acres = 37.7 acres (including the easement on the Mace 25),<sup>2</sup> then the amount of combined parks/greenways and open space in the ARC proposal is less than half of what it was in the Mixed-Use MRIC proposal. **This is a substantial change in project that the Supplemental EIR must analyze.** What are the impacts of the loss of the combined parks/greenways and open space, on environmental factors including but not limited to the urban heat island effect, drainage and infiltration to the underlying aquifer, and habitat for species, including the species noted above but also other species (including insect species) as well? Does the current ARC proposal satisfy the City’s standards for parks, greenways, open space, and agricultural buffers, given that the 75.8 acres of the Mixed-Use MRIC was deemed to be insufficient (see 8 - 134 of the DEIR), and the ARC proposal has less than half of that?

47-10

The ARC project proposes to use 6.8-acres<sup>3</sup> of the City parcel just to the northwest of the project, often called the “Mace 25,” to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. This proposal calls for the City to provide a buffer (part of the Mace 25) for its own land (the remainder of the Mace 25). However, it is not clear that this use satisfies the spirit or the letter of the municipal code, which states “all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required to provide an agricultural buffer/agricultural transition area” [my emphasis], and “the land shall be dedicated to the city,” implying that the land for the buffer is not already owned by the City. With this use, instead of the developer providing all of the land for the required agricultural buffer, as the Code seems to imply, the City is providing 6.8 acres of land (a portion of Mace 25) that was purchased with funds from Davis’s open space tax. In effect, this represents a reduction of 6.8 acres of open space within the City, since Mace 25 should already be open space anyway, and since the developer is not adding the full amount of the agricultural buffer to the total amount of open space in the City. What is the impact of this loss, especially considering the adjacent burrowing owls? Is this use even in compliance with the ordinance? This needs to be determined. What would the impact of the project be if the developer provided that 6.8 acres instead of the City providing it?

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

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

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

47-11

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

47-12

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

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

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

**Traffic/transportation:**

47-13

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

47-14

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



47-14 Cont'd ↑ should be taken into account). This area is already experiencing significant traffic backups, but probable growth must also be taken into account.

47-15 How will traffic on 32A be affected, and how will that in turn affect cyclists, farm machinery, refuse trucks, and the railroad crossing? How will it affect the drainage at 32 A and Chiles north of the railroad? How can all of this be determined when the fate of 32A is in limbo while under discussion? (See <https://www.davisenterprise.com/local-news/consultant-to-look-at-options-for-relocating-road-32a-railroad-crossing/> ).

47-16 How will *realistic* use of on-site housing by employees, commuting to the site, and parking needs at the site be determined? To give a personal example, as a professor at UC Davis I know that many of my colleagues, especially younger colleagues or colleagues without children, *choose* to live in Sacramento because they prefer a more urban environment. Instead, they drive to Davis to work. Similarly, those who work at ARC may not choose to live there, or may not be able to afford to live there (e.g., clerical staff, janitorial staff) and so may be driving in. Conversely, we already know that many people choose to commute from the Sacramento area to the Bay Area (see, e.g., <https://www.sacbee.com/news/local/article190050994.html>). We have to expect that this freeway-adjacent location will be attractive to commuters, since housing prices in this area are less than in the Bay Area. Finally, even if some ARC workers do live onsite, how do we take into account partners and adult children who may need to drive to jobs offsite? How do we take into account parents who drive their children to school, something that is on the increase in Davis? (e.g., Davis High School is not nearby). In short, it's not realistic to assume that most people living onsite will be working onsite and vice versa, and other regular driving is likely to be involved, so more realistic numbers need to be developed based on available information to account for the amount of driving that housing will generate.

**Area impacts:**

47-17 How will the environmental analysis take into account all of the changes – *in aggregate* – since 2015 when the MRIC EIR was first drafted, including an increase in students, faculty, and staff on the UC Davis campus as well as the approval of various housing and hotel projects throughout the City, some of which are not yet online? This is essential for a thorough environmental analysis, not just of increased traffic, but also on our limited water supply and the increased production of waste. (See <https://www.cityofdavis.org/home/showdocument?id=10493> for a map of new projects that should be taken into account as well as <http://www.cityofwoodland.org/1021/Development-Projects> for Woodland projects on or near CR 102 that will impact Davis).

47-18 Will the proposed project make it more difficult for farmers to the east of the project (“Leland Ranch”) to farm effectively and efficiently? Will they be able to access their land and be able to efficiently transport seasonally-required equipment to and from their property?

47-19 **Climate change impacts/interactions:**

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

47-19  
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an IPCC report: “Climate change can exacerbate land degradation processes (*high confidence*) including through **increases in rainfall intensity, flooding**, drought frequency and severity, heat stress, dry spells, wind, sea-level rise and wave action, and permafrost thaw with outcomes being modulated by land management... Climate change has already **affected food security** due to warming, changing precipitation patterns, and greater frequency of some extreme events (*high confidence*).” <https://www.ipcc.ch/srecl/chapter/summary-for-policymakers/> [my bolding]. This is true not only globally, but for California as well. A recent UCLA study “found that over the next 40 years, the state will be 300 to 400 percent more likely to have a prolonged storm sequence as severe as the one that caused a now-legendary California flood more than 150 years ago.” <http://newsroom.ucla.edu/releases/california-extreme-climate-future-ucla-study>

With respect to flooding, “the City [of Davis] does have concerns about potential adverse effects to its facilities and infrastructure resulting from a high water event which causes flooding in the Yolo Bypass. Specifically, the City is concerned about effects to its existing wastewater treatment facility [north of the proposed project] as well as its planned municipal water intake and conveyance system. Besides being subject to flooding by a failure of the Willow Slough Bypass left levee, the wastewater treatment facility and the Yolo County landfill are subject to flooding from breaches in the CCSB west and south levees, the abandoned south levee of the pre-1992 CCSB, and the Yolo Bypass west levee.” <https://www.yolocounty.org/home/showdocument?id=28753>

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

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

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

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

**LETTER 47: MILLSTEIN, ROBERTA – APRIL 27, 2020**

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**Response to Comment 47-1**

The comment serves as an introductory statement to the comments that follow. Detailed responses are provided in the following responses.

**Response to Comment 47-2**

Please refer to Responses to Comments 11-9, 49-9 through 49-11, and 50-4.

**Response to Comment 47-3**

Please refer to Response to Comment 50-4.

**Response to Comment 47-4**

Please refer to Response to Comment 12-10 and 12-11.

As shown in Table 3-14 of the Draft SEIR, the ARC site as well as the Stormwater BSA were surveyed during the winter, spring, summer, and fall intermittently since 2014. Impacts to biological resources, including special-status bat and bird species are analyzed in detail on pages 3-69 through 3-120 as well as pages 3-297 through 3-301 of the Draft SEIR, and further information is provided in Appendix C of the Draft SEIR. The analysis and conclusions presented in the Draft SEIR are detailed, thorough, and based on a preponderance of evidence.

**Response to Comment 47-5**

Please refer to Responses to Comments 12-1 through 12-15.

**Response to Comment 47-6**

Please see Master Response #5 regarding concerns about competition with other similar uses in the region. Regarding the aspect of the comment about whether more housing would be substituted for unmet business park demand, the total number of housing units evaluated in the Draft SEIR (850) will be a baseline feature for the ballot. No increase in residential units would be allowed for the project unless a separate Measure R vote is subsequently held for the project after additional environmental review. An “all housing” project/alternative does not require analysis as it would not meet the basic objectives of the project, as expressed by both the City and the applicant (see pp. 3-25 to 3-29). As noted in CEQA Guidelines Section 15126.6(c), “Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives...” In addition, as noted under Master Response #4, Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every

conceivable alternative to a project. Rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Notably, the ARC SEIR compares the proposed ARC Project to six alternatives, with recognition of changes in circumstances, as is appropriate for a subsequent EIR. This discussion is provided in Chapter 2 of the SEIR.

### **Response to Comment 47-7**

Please refer to Response to Comment 11-20 with regard to the provision of a maximum number of parking spaces on-site. In addition, the amount of proposed parking is based upon an industry standard Parking Generation Manual (Institute of Transportation Engineers, 2019), as stated on page 3-16 of the Draft SEIR. As discussed in Response to Comment 11-20, Mitigation Measure 3-72(a) includes parking management strategies as a key means of accomplishing increased average vehicle ridership and decreased project-related VMT. Parking management would ensure that on-site parking would be provided specifically to meet the anticipated demand generated by the project. In addition, please refer to Response to Comment 40-12 regarding the applicability of concerns regarding parking under CEQA.

### **Response to Comment 47-8**

As described on page 3-4 of the Draft SEIR, “The ARC Project also incorporates up to 850 workforce housing units on-site. The housing would consist of 570 multi-family units within multi-story buildings, as well as 280 units of single-family attached product.” Thus, the single-family units would be provided in an attached design, such as townhomes, that would provide a more efficient use of space than a detached single-family home, while also providing a range of on-site housing options for future residents. As stated on page 3-23 of the Draft SEIR:

Construction of residential units would not be allowed until a minimum of 200,000 sf of employment generating space is developed at the ARC Site.” The goal, if possible, is to time the availability of the homes to be concurrent with the creation of the jobs so that the likelihood that employees at the proposed project will occupy the units is maximized, thereby maximizing the environmental benefits of including housing at the ARC Site.

As noted in the Draft SEIR, despite the inclusion of residential uses in the ARC Project, construction of the residential uses would be timed to support the development of non-residential uses, and would only occur following development of a sufficient amount of non-residential space.

Please refer to Response to Comment 47-6.

The project developers will be legally bound by the Development Agreement sought as part of the project entitlements, as well as the mitigation measures and conditions of approval imposed on the project. Therefore, the City will have a mechanism to enforce all of the development requirements placed on the project.



### **Response to Comment 47-9**

Impacts to farmland conversion are addressed in Impacts 3-5 and 3-7 of the Draft SEIR. Impacts related to burrowing owl and Swainson's hawk are addressed in Impacts 3-18 and 2-19, respectively. Regarding the concern about the need for the Draft SEIR to analyze the amount of reduced green space included in the project, and the resultant indirect effects, such effects are evaluated in the Draft SEIR.

Regarding the urban heat island effect, the following is offered. As stated on page 3-15 of the Draft SEIR, "All off-street parking areas would be designed to incorporate shade orchards and solar arrays to the maximum extent feasible. Where possible, permeable surfaces would be utilized to assist in drainage and groundwater recharge." Mitigation Measure 3-4 of the Draft SEIR requires "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." In addition, the California Building Standards Code includes requirements for cool roofing materials in new structures. Since release of the Draft SEIR, the applicant has also submitted Sustainability Guiding Principles, which specifically addressed heat island effect, as follows:

- All parking surfaces or street-adjacent sidewalks utilizing tree shading shall use structured soil or suspended substrate to allow successful tree root development. Developer shall size pavement treatment area to accommodate the tree varietal's intended tree size.
- Landscaping shall provide 80% shading of pedestrian walkways and off-street Class I bike paths. 50% parking lot shading shall be achieved through either shade trees or photovoltaic arrays. These requirements shall be demonstrated at building permit for PV or shall be achieved within 15 years of planting for areas shaded by trees. Failure to meet shading requirements shall be considered a code violation and subject to penalty until remedied.

These commitments will be included in the Development Agreement for the project between the City and the applicant. With respect to drainage and infiltration to the underlying aquifer, it is noted that page 3-164 states, with respect to the MRIC Project, the ARC Project would result in an estimated four percent increase in imperviousness. This slight increase in imperviousness, compared to the MRIC, would not substantially adversely affect infiltration into the underlying aquifer. The applicant's Sustainability Guiding Principles also commit to utilizing low-impact development (LID) features for all streets and surface-level parking such as bioswales to capture and filter runoff and to maximize groundwater recharge. Piping of runoff will be discouraged and only utilized when necessary.

In general, with respect to on-site impacts to wildlife habitats, this is addressed through the project's compliance with the Yolo HCP/NCCP, as required in the Draft SEIR mitigation measures, which will require the applicant to pay land cover fees that will be used to help establish the conservation reserve system identified in the Yolo HCP/NCCP.

The proposed project meets the City's standards for parks, greenways, open space, and agricultural buffers, as demonstrated in Impact 3-67 of the Draft SEIR, and slightly modified in this Final SEIR (see Chapter 3).

### **Response to Comment 47-10**

Please refer to Master Response #2.

### **Response to Comment 47-11**

First, it is generally noted that the allocation of land uses shown in Table 3-1 of the Draft SEIR will be baseline features (i.e., included on ballot and subject to voter approval). Any future increase in development intensity would trigger further environmental review. Second, the drainage system analysis accounts for the maximum amount of on-site impervious surface, which is a function of the minimum amount of greenspace incorporated into the project (Table 3-1), which is a baseline project feature that must be adhered to.

Regarding heat island effect, see Response to Comment 47-9.

As discussed in Response to Comment 47-9, impacts to on-site habitat is addressed through payment of Yolo HCP/NCCP land cover fees prior to grading of each phase of the project.

### **Response to Comment 47-12**

The commenter references recommendations from the Open Space and Habitat Commission (November 4, 2019). These recommendations do not address the adequacy of the Draft SEIR and have been forwarded to the decision-makers for their consideration. It is noted that the applicant's Sustainability Guiding Principles indicates the applicant's commitment to provide a plant pallet predominantly consisting of native and drought tolerant plants, with a diversity of native habitats disbursed and managed throughout the site, primarily within the agricultural buffer and along the channel, including but not limited to riparian and California oak savanna.

### **Response to Comment 47-13**

One means of addressing the potential use of active transportation is the proposed inclusion of pedestrian, bicycle, and transit facilities throughout the ARC Project site. For example, the ARC project would include provision of a transit plaza, 2.25-mile bike path and adjacent pedestrian trail within portions of the agricultural buffer, as well as Class II bike lane connections and bicycle parking infrastructure. In addition to the on-site amenities, the project would include provision of a grade-separated bicycle/pedestrian crossing of Mace Boulevard, as well as other off-site safety improvements.

It is noteworthy that since publication of the Draft SEIR, the applicant has released its Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station. The shuttle service demonstrates the commitment of the project applicant to encouraging alternative modes of transportation.

To ensure that project implementation encourages reductions in VMT, which generally equates to reductions in vehicle usage, Mitigation Measure 3-72(a) requires specific measures to discourage single-passenger automobile usage and encourage the use of high occupancy vehicles, public transit, and active transportation. However, given the nature of the proposed non-residential usage, some level of vehicle usage is necessary to support commerce. For instance, the movement of goods often requires on-road freight vehicles for at least portions of the trips. Therefore, convenient access to I-80 is anticipated to remain important for the project. Considering that some level of vehicle usage is unavoidable, the project site's close proximity to I-80 would allow for reduced VMT from project operations relative to another site located more distant from I-80, as any vehicles accessing the project site from I-80 would have a comparatively shorter distance to travel on local roadways.

### **Response to Comment 47-14**

Impact 3-104 of the Draft SEIR provides a thorough analysis of cumulative transportation impacts during a 2036 future year analysis scenario. The cumulative transportation impact analysis considers reasonably foreseeable land use and transportation system changes expected to occur by the 2036 analysis year, including the completion of the proposed ARC Project. These include planned and approved land use development throughout the City of Davis and on the UC Davis campus, as well as future changes to land use throughout the greater Sacramento region (e.g., Sacramento, West Sacramento, Woodland, etc.) as identified by SACOG in the adopted *2016 Metropolitan Transportation Plan/Sustainable Communities Strategy*. Pages 3-319 and 3-320 of the Draft SEIR provide additional information regarding the land use and transportation system changes contemplated in the cumulative transportation impact analysis.

The cumulative conditions analysis described in Impact 3-104 of the Draft SEIR includes a peak hour traffic operations analysis for intersections and roadway segments surrounding the project site during a 2036 future year analysis scenario using accepted traffic engineering models. Similar to other rapidly-evolving transportation trends and technologies, the use of navigation apps (e.g., WAZE) and their influence on traveler behavior have not reached a level of maturity to accurately predict their potential effect on future travel. Given this uncertainty, attempting to quantify the future effects of navigation apps would be speculative for the purposes of the Draft SEIR. CEQA (refer to Section 15384 of the State CEQA Guidelines) does not require that an EIR speculate regarding conditions that cannot be determined with reasonable certainty at this time, in light of evidence.

It is worth noting that the cumulative traffic operations analysis utilizes future traffic volume forecasts derived from the City of Davis travel demand model. This model forecasts future traffic volumes based on a variety of transportation system characteristics, including roadway capacity, speed, and route directness. These factors influence traveler behavior and route selection, akin to the information provided by navigation apps. While the travel demand model cannot be used to accurately predict the future effects of navigation apps, it is still a useful tool in estimating future travel behavior and route selection, including the likelihood of diverted traffic due to roadway demand and capacity constraints. Moreover, as described on page 3-224 of the Draft SEIR, future traffic volume forecasts were derived by isolating the incremental change in volume between the base year model and the future year model and adding that difference to the baseline (2019) traffic

counts. Therefore, the existing conditions traffic operations analysis accounts for the effects of navigation apps and related diverted regional traffic onto study roadway facilities to the extent they were present on the two traffic count days in 2019.

### **Response to Comment 47-15**

Impacts to peak hour traffic operations (i.e., delay and LOS) on study roadway facilities on County Road 32A are addressed in Impact 3-70 and Impact 3-104 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively. Farm machinery and refuse vehicles mix with private automobiles on County Road 32A. Hence, the Draft SEIR analyzes the extent to which the project would affect peak hour delay and LOS for farm machinery and refuse vehicles that utilize study roadway facilities on County Road 32A during peak hours. Mitigation Measure 3-70(a) and Mitigation Measure 3-104(a) describe operational enhancements necessary to ameliorate project impacts to peak hour traffic operations on County Road 32A under Existing Plus Project and Cumulative Plus Project conditions, respectively. Note that the traffic operations analysis in the Draft SEIR reflects the busiest 15 minutes of each peak hour as experienced by private vehicles during a typical weekday. During the remaining 23.75 hours of each weekday and on weekends, conditions would be less busy, and project-related effects on refuse vehicle and farm machinery operations on County Road 32A would be less pronounced.

Impacts to bicycle facilities on County Road 32A are addressed in Impact 3-75 and Impact 3-106 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively. Mitigation Measure 3-75(b) and Mitigation Measure 3-106 describe bicycle facility enhancements necessary to ameliorate project impacts to bicycle facilities on County Road 32A under Existing Plus Project and Cumulative Plus Project conditions, respectively.

Impacts to the at-grade Union Pacific Railroad (UPRR) rail crossing of County 32A immediately south of the County Road 32A/County Road 105 are addressed in Impact 3-70 of the Draft SEIR. Mitigation Measure 3-70(a) describes modifications necessary to ameliorate project impacts to the at-grade rail crossing on County Road 32A. As described in the Draft SEIR, Yolo County, together with UPRR and the City of Davis, is currently evaluating potential modifications to this at-grade crossing to reduce the potential for conflicts with rail operations while still maintaining a crossing.

The aspect of the comment regarding drainage is unclear. Project-related vehicles on CR 32A will not adversely affect drainage on this facility.

### **Response to Comment 47-16**

Please refer to Master Response #1.

### **Response to Comment 47-17**

Please refer to Response to Comment 69-3. The Draft SEIR includes analyses of project-level and cumulative impacts, both of which take into account other recently approved projects and growth within the City. For instance, the analysis of water supply on page 3-276 of the Draft SEIR states the following:

It should be noted that since the certification of the Final MRIC EIR, new General Plan Amendments (GPA) have been approved by the City for recent development projects, the larger projects of which include Sterling Apartments, Lincoln40, 3820 Chiles Road, Davis Live, and West Davis Active Adult. The increased water demands associated with these GPA projects, which were not accounted for in the 2015 WSA prepared by Brown and Caldwell, are offset by the fact that the Davis Innovation Center project is no longer an active project (i.e., the Davis Innovation Center Project became the site of the approved West Davis Active Adult Community Project). Importantly, the projected water demand for the Davis Innovation Center project was estimated by Brown and Caldwell (2015 WSA) to be 619 acre-feet per year (average annual demand). The projected annual water demand for the West Davis Active Adult project is 234 acre-feet per year.<sup>58</sup> The 2015 WSA also included water demand from “Nishi 1.0”, which was larger than the ultimately approved “Nishi 2.0” (e.g., Nishi 2.0 eliminated 325,000 sf of R&D).

If we just more narrowly focus on net change in water demand between the Davis Innovation Center project and the West Davis Active Adult project, it can be seen that the 2015 WSA overestimates total buildout water demand by 385 acre-feet per year. Thus, the water demand figures presented in the tables above are conservative. The 385 acre-feet per year is more than sufficient to account for the increased water demands resulting from larger GPA projects approved since preparation of the Certified Final EIR. For example, the University Commons project would result in a net increase of approximately 62.9 gpd; Lincoln40 = 45.2 ac-ft/yr; Davis Live = 28.09 ac-ft/yr; and Sterling Apartments = 25.9 ac-ft/yr. This increased water demand associated with GPA projects totals 162.09 ac-ft/yr, which is well under the 385 ac-ft/yr unaccounted for water in the 2015 WSA due to the elimination of the Davis Innovation Center project. Furthermore, as shown in the below tables, even with the conservative assumptions inherent in the 2015 WSA, the City has supplies to meet buildout demand in normal, single- and multiple-dry years.

As illustrated in the text above, the effect of other approved projects since the certification of the Final MRIC EIR has been fully analyzed within the Draft SEIR. The comment regarding increased production of waste is not clear as to whether waste water or solid waste is being referred to. Both are adequately addressed on a cumulative basis within the Draft SEIR (see Impacts 3-108 and 3-109).

The Transportation and Circulation section of the Draft SEIR (beginning on page 3-212) provides a thorough analysis of potential project impacts to transportation and circulation under Existing Plus Project conditions. This analysis evaluates potential impacts to traffic operations, vehicle miles traveled (VMT), and transit, bicycle, and pedestrian components of the transportation system that may result from the proposed project, as well as impacts during project construction. The baseline transportation system setting utilized as the basis for the transportation impact analysis was established in 2019. Peak period traffic volume data on study roadway facilities was collected on Thursday, May 30, 2019 and Thursday, October 16, 2019 for the purposes of establishing the baseline transportation system setting. Therefore, the baseline transportation system setting in the Draft SEIR has been entirely updated from that analyzed in the MRIC EIR.

Impact 3-104 of the Draft SEIR provides a thorough analysis of cumulative transportation during a 2036 future year analysis scenario. The cumulative transportation impact analysis considers

reasonably foreseeable land use and transportation system changes expected to occur by the 2036 analysis year, including the completion of the proposed ARC Project. These include planned and approved land use development throughout the City of Davis and on the UC Davis campus, as well as future changes to land use throughout the greater Sacramento region (e.g., Sacramento, West Sacramento, Woodland, etc.) as identified by SACOG in the adopted *2016 Metropolitan Transportation Plan/Sustainable Communities Strategy*. Pages 3-319 and 3-320 of the Draft SEIR provide additional information regarding the land use and transportation system changes contemplated in the cumulative transportation impact analysis.

#### **Response to Comment 47-18**

The ARC Project would not physically alter public access points to and from “Leland Ranch” (i.e., Mace 390 agricultural easement east of the ARC project site) on roadways abutting the property. The ARC Project would not cause peak hour traffic operations to physically preclude vehicle ingress or egress at Leland Ranch public access points on roadways abutting the property (e.g., by causing peak hour vehicle queuing that would physically block public access points).

Project impacts to peak hour vehicle delay and LOS on study roadway facilities are analyzed in Impact 3-70 and Impact 3-104 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively. Hence, the Draft SEIR analyzes the extent to which the project would affect peak hour delay and LOS for Leland Ranch-affiliated vehicles and equipment that utilize study roadway facilities (e.g., County Road 32A, Mace Boulevard, etc.). Note that the traffic operations analysis in the Draft SEIR reflects the busiest 15 minutes of each peak hour as experienced by private vehicles during a typical weekday. During the remaining 23.75 hours of each weekday and on weekends, conditions would be less busy, and project-related effects on Leland Ranch-affiliated vehicles and equipment that utilize study roadway facilities would be less pronounced.

#### **Response to Comment 47-19**

Please see Response to Comment 34-1 regarding climate change effects related to flooding being outside of the purview of CEQA, given that this is a potential effect of the environment on the project. Please refer to Response to Comment 9-7 regarding design of the project drainage facilities and Response to Comment 12-8 related to farmland and GHG emissions.

**Letter 48**

April 21, 2020

Dear Davis Planning Commissioners,

I am Jonathan Minnick, the President of the Graduate Student Association (GSA) at UC Davis and am writing in support of the Aggie Research Campus. Graduate students and the greater UC Davis community would significantly benefit from this project if approved in multiple ways.

First, UC Davis graduate students, researchers, and facility members often bring their partners when they move to Davis. They usually are also highly skilled; however, Davis lacks a high-tech job base to match these people with positions outside of the university leading many couples to make arduous commutes to and from the Bay Area. Providing high-quality jobs in Davis would reduce the climate impact from these commuters and make Davis a more desirable place to live.

Secondly, Davis still faces a significant housing shortage, and Aggie Research Campus would provide 850 units of workforce housing on site. The housing would be perfect for young professionals such as graduate students; this in contrast to other recently approved projects that are designed for undergraduates. We all know that our housing problems will not be fixed overnight, but this project is another step in the right direction toward a more sustainable housing market.

Lastly, if we want to solve global issues such as the climate crisis, UC Davis labs need private commercial space where a graduate student and their professor can turn their ideas from the lab book into a product. Currently, the commercialization of these products cannot happen on campus, and Davis lacks an incubation area where a small local company can revolutionize a field such as in food tech.

Our external relations vice president, Gwen Chodur, wrote an op-ed on this issue more in-depth linked here: <https://www.davisvanguard.org/2020/02/guest-commentary-why-davis-needs-more-jobs-a-graduate-student-perspective/>

Please consider supporting Aggie Research Campus to be placed on the November ballot.

Sincerely,  
Jonathan Minnick

48-1

**LETTER 48: JONATHAN MINNICK**

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**Response to Comment 48-1**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.



**LAW OFFICE OF DONALD B. MOONEY**

417 Mace Boulevard, Suite J-334  
Davis, CA 95618  
530-304-2424  
dbmooney@dcn.org

April 27, 2020

**VIA ELECTRONIC MAIL**

smetzker@cityofdavis.org

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

**Re: Comments on Draft Subsequent Environmental Impact Report  
for the Aggie Research Center**

Dear Ms. Metzker:

49-1

This office represents Dr. Billie Bensen Martin, DVM, regarding the Aggie Research Campus ("ARC") Project. Dr. Martin owns a 160-acre farm located at the corner of Roads 105 and 30 in close proximity to the proposed ARC. Since 1999, Dr. Martin has been one of the 4 organic farmers in Yolo County that raise organic alfalfa and grains for organic dairies in the Petaluma area that supply milk and other dairy products to local stores. Dr. Martin submitted comments on the Draft Environmental Impact Report ("EIR") of the Mace Ranch Innovation Center ("MRIC") and the Final EIR for the MRIC. Dr. Martin's comments addressed concerns regarding MRIC's impacts to burrowing owls and polluted drainage from the Project that would negatively impact her 160-acre organic farm. Those concerns remain with the ARC. In addition to those concerns, the Project proposal for the City to grant a 6.8 acre easement to the developer violates the Davis Municipal Code.

49-2

The Project provides for the City to grant the developer a 6.8 acre easement on open space land owned by the City in order to allow the developer to satisfy the required 150-foot agricultural buffer zone. (See Draft EIR at 3-1.; Davis Municipal Code ("DMC"), § 40A.01.050.) The 6.8 acres is part of the Mace 25 land owned by the City that was purchased with funds from the Davis open space tax (Measure O). (See DMC, § 5.17.070.) Use of the 6.8 acre easement violates the Agricultural Buffer requirement (DMC, § 40A.01.050) and the Open Space Protection Tax (DMC, § 5.17.070.).

Davis Municipal Code section 40A.01.050 requires that "all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/ agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps *shall be required* to provide an agricultural buffer/agricultural transition area." The Code clearly provides that it is the developer's mandatory obligation to provide the lands for the agricultural buffer. The use of the term "shall" imposes a mandatory obligation. (See Gov't Code, § 14 ["Shall" is mandatory and "may" is permissive.] ) Nothing in

Ms. Sherri Metzker  
Principal Planner  
April 27, 2020  
Page 2

49-2  
Cont'd

code allows for the City to provide the land, whether through an easement or other means. The obligation to provide the land for the agricultural buffer rests solely with the developer.

This is further confirmed in by subsection (c) and (d) in the section 40A.01.050. The Ag Buffer Requirement states that the one-hundred foot ag buffer zone *shall be dedicated* to the City in fee title, or, at the discretion of the city, an easement in favor of the City shall be recorded against the property, which shall include the requirements of this article. (DMC, § 40A.01.05(c) [emphasis added].) The developer cannot dedicate to the City that which the City already owns. Thus, the City's plan to grant an easement in favor of the developer, is the exact opposite of what the code mandates. This Code section mandates that the developer dedicate the easement back to the City.

The Agricultural Buffer requirement also requires that once the fifty-foot agricultural transition area "is improved, approved, and accepted by the community services department, the land *shall be dedicated to the city.*" (DMC, § 40A.01.050(d) [emphasis added].) As the Code specifically requires the land be dedicated to the City, the developer must dedicate the easement back to the City. Again, this is the exact opposite of what the Code mandates.

As the code mandates that the developer dedicate the land to the City, the developer will be required to reconvey its interest (the 6.8 acre easement) back to the City. (DMC § 40A.01.050(c), (d).) That means the City will then be the holder of the easement on the City's property. Under California's doctrine of merger, a person cannot have an easement on his or her own land. (See Civ. Code §§ 805, 811.)<sup>1</sup> Therefore, the easement is extinguished as a matter of law when the same person acquires the fee title to both dominant and servient tenements. (See *Beyer v. Tahoe Sands Resort* (2005) 129 Cal.App.4th 1458, 881.) This clearly is not what is required by the Ag Buffer requirement.

49-3

The City's granting a 6.8 acre easement to the developer from lands that were purchased by Measure O funds also violates the Open Space Protection Tax. Davis Municipal Code section 15.17.070 sets forth how Measure O funds can be used.<sup>2</sup> Nothing in section 15.17.070 allows for

1 Civil Code section 811 provides in relevant part that "A servitude is extinguished: 1. By the vesting of the right to servitude and the right to the servient tenement in the same person...."

2 Section 15.17.070 sets forth the limitations on how Measure O funds may be uses: Revenues collected under the provisions of this article shall be deposited in a special fund called the open space preservation special tax fund. The special tax fund shall be used only for the following purposes:

- (a) Acquisition in fee or easement of open space lands within the Davis planning area;
- (b) For the improvement, operation, maintenance and/or monitoring of open space lands currently owned by the city in fee or easement of acquired by the city in the

Ms. Sherri Metzker  
Principal Planner  
April 27, 2020  
Page 3

49-3  
Cont'd

the City to use Measure O funds to grant an easement for a developer to meet its mandatory obligations for the 150 foot agriculture buffer zone. While time has passed since the City purchased the Mace 25, such passage of time does not grant the City to use the land purchased with Measure O funds for something not authorized under the section 15.17.070.<sup>3</sup>

**II. Comments on the Draft Subsequent EIR.**

**A. Project Setting and ARC Project Description (§§ 3.2 & 3.3)**

49-4

Figure 3.1 fails to identify the exact location of the 6.8 acres easement the City intends to grant to the developer. Also, the discussion of the 6.8 acre easement fails to state whether the City intends to give that easement to the developer or whether the developer will be paying fair-market value for the easement.

49-5

The Project Description discusses the 850 workforce housing units on-site. The Draft SEIR, however, acknowledges that the housing is not restricted to employees only but is available to the community at large. Thus, the Draft SEIR must assume that overtime the housing will serve more and more non-employees, thus increasing the amount of traffic and other related impacts.

future, including, but not limited to, the restoration, enhancement and preservation of habitat areas, maintenance of open space lands, and monitoring of habitat and agricultural conservation easements;

- (c) For the acquisition, improvement, and operation of only those bicycle trails designed to connect Davis to open space areas outside the city and with other regional bicycle facilities;
- (d) For the construction and maintenance of facilities necessary to preserve or enhance open space properties for open space purposes (i.e., the construction of maintenance of water wells and irrigation systems to serve the property and land uses, the creation and/or maintenance of access facilities where appropriate to promote public education and enjoyment of the open space, etc.); and
- (e) For the incidental expenses incurred in the administration of this tax, including, but not limited to, the cost of elections, and the cost of collection. Revenues may be used to operate, maintain and monitor properties owned in fee or easement jointly by the city and other public agencies and/or land trusts whose mission includes the preservation of open space lands within the Davis planning area. (Ord. 2033 § 1, 2000)

<sup>3</sup> The City's intention to grant the developer a 6.8 acre easement for land that the developer is required to provide under section 40A.01.050 also may constitute a "gift of public funds" under the California Constitution, Article XVI, § 6.

Letter 49

Ms. Sherri Metzker  
Principal Planner  
April 27, 2020  
Page 4

49-6

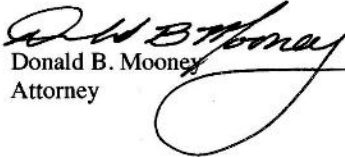
**B. Drainage**

In a letter dated November 11, 2015, Ms. Martin provided comments on the Draft Environmental Impact Report for the Mace Ranch Innovation Center ("MRIC") regarding polluted drainage from the Project site, which could potentially contaminate her organic alfalfa farm. A copy of the November 11, 2015 is attached this letter. The Final EIR for the MRIC failed to adequately address those comments or provide assurances that the drainage will not impact nearby agriculture. As for the Draft SEIR, the drainage discussion finds that the waste discharge from the Project will be less than significant, but nothing in the discussion or analysis states that all stormwater discharge from the Project site will be captured and treated. (See Draft SEIR – 3-175 to 3-176.) Thus, the concern remains that polluted drainage from the Project could potentially contaminate Ms. Martin's organic alfalfa farm.

49-7

The proposed Project also provides for the excavation of nearby farmland and the importation of that soil to the Project site. The Draft SEIR, however, fails to address the flooding and drainage issues associated with the removal of dirt from that farm. Nor does the Draft SEIR properly disclose the impacts associated with raising the elevation of the Project site.

Sincerely,

  
Donald B. Mooney  
Attorney

cc: Client

Letter 49

Nov. 11, 2015

**To:** MRIC Project Planner  
City of Davis Department of community Development and Sustainability  
23 Russell Boulevard Suite 2  
Davis, CA 95616  
[maceranchinctr@cityofdavis.org](mailto:maceranchinctr@cityofdavis.org)

**From:** Dr. Billie Bensen Martin, DVM  
44794 County Rd. 30  
Davis, CA 95618  
[drbilliemartin@yahoo.com](mailto:drbilliemartin@yahoo.com)  
(530) 304-5693

**Subject:** Mace Ranch Innovation Center (MRIC) Draft Environmental Impact Report (DEIR)

49-8

**Comments:** My name is Billie Bensen Martin. I am a veterinarian and an organic farmer. Since 1999 I have been 1 of the 4 organic farmers in Yolo County whom have been raising organic alfalfa and grains for organic dairies in the Petaluma area that supply milk and other dairy products to our local stores. My 160-acre farm is located at the corner of roads 105 and 30, in close proximity to the proposed MRIC. This letter will address 2 of my concerns about the Mace project. I am requesting a written response from the City of Davis to my comments.

49-9

My first concern is to address the threat that the Mace project brings to the burrowing owls, which inhabit the area of the proposed innovation center. I have personally witnessed 2 burrowing owl families, which reside on road 104, in close proximity to the proposed project (included photos on pages 4 and 5). The DEIR does not adequately address the impact that the project will have on the habitat of these burrowing owls as well as other birds and wild life in the area. If the project goes through it will most certainly kill these 2 owl families as well as the others that occupy the land.

The Mace site should be preserved and protected as the habitat of some of the few remaining known burrowing owls in Davis.

49-10

For the purposes of this DEIR, Sycamore Environmental Consultants, Incorporated prepared a Biological Resources Evaluation which consists of a review of the California Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS) Rare Plant Inventory, and United States Geological Survey (USGS) data for the area to determine what species might occur in the Study Area (project site). Sycamore also consulted the United States Fish and Wildlife Service Special Status Species Database website. Sycamore conducted field surveys of the site on October 7 and December 10, 2014. Based on this information, Sycamore developed an idea as to which special status species might occur within the Study Area.

Letter 49

Nov. 11, 2015

49-10  
Cont'd

↑ Unfortunately, many species expected to occur on the site would not have been present during the fall and winter surveys when many species migrate out of the area or are much less active than in the spring and summer. In order to determine what species actually occupy the site, surveys should be done at appropriate times of the year. Ideally, these surveys would be done in the spring-early summer in addition to the fall/winter. Since they were not, Sycamore was not able to document many of the special status species expected to occur on the site, so they assume that they either are or are not there based on other documents which may or may not reflect conditions at the Study Site at this time. The DEIR states that surveys will be done prior to beginning of grading/construction, but this does not allow for public review of mitigation and any necessary monitoring measures to ensure that they are adequate for protection of the species.

49-11

In the case of burrowing owls, two CNDDDB records indicate that burrowing owl/s were observed near Mace and Road 104. They were not observed during the surveys done by Sycamore, since burrowing owls are most active and most likely expected to be seen between February and September, their mating, breeding and nesting season, which is when burrowing owl surveys should have been done. In fact, burrowing owls have been observed for some time in this area. This year there were four owls sighted in one burrow, and two adults and two young were documented by a local resident. This burrow is very near the footprint of the proposed project. There may be other active burrows on the project site as well, but the surveys conducted in October and December did not detect them. In addition, some burrowing owls are migratory, and would be gone from this area from October through January.

Mitigation measures to avoid or minimize impacts to burrowing owls will first consist of preconstruction surveys of the project area. If active burrows are found during nesting season, mitigation measures would consist of avoidance buffers. If owls are present outside the nesting season, passive exclusion of the burrows could be utilized with approval of CDFW. If burrowing owls are found on the site and the project would impact active burrows, the applicant would also provide compensatory mitigation which could include permanent protection of land elsewhere, deemed suitable for burrowing owl habitat, or purchase of burrowing owl conservation bank credits from a CDFW approved burrowing owl conservation bank.

These mitigation measures are not adequate for protection of the owl. First, avoidance of active burrows during construction would likely only continue until the young have left the nest, and then passive relocation utilized. Passive relocation is also recommended when owls are present outside the nesting season. Passive relocation consists of destroying the burrow entrance once the owls are out of the burrow and assuming they will find another suitable burrow near-by. Passive relocation can only work if there are suitable, unoccupied burrows near-by, outside of the construction area. This is generally not the case, and before the owl can find suitable shelter, it will likely fall prey to a hawk, dog, cat or other predator. Passive relocation, in general, does not work. There will be a permanent loss of burrowing owl habitat and of the owls that had occupied the site. Acquiring land elsewhere does not make up for the loss on site. There will be a net loss of burrowing owl habitat in the region.

↓

Letter 49

Nov. 11, 2015

49-11  
Cont'd

Mitigation for owl and habitat loss in terms of acreage set aside elsewhere or number of credits required to compensate for the loss of owl habitat depends on the number of owls present on the site. The requirement is 6.5 acres of owl habitat for each pair or single owl. In this case, since one pair and two young have been identified, is the mitigation to be 19.5 acres? Since inadequate surveys were conducted, the actual number of owls on this site is not known. If more owls are found on the site in subsequent surveys, will the acreage preserved elsewhere be increased to compensate for the loss of the actual number of owls? How is the public to know if mitigation will be adequate when the proper surveys were not conducted for the DEIR?

49-12

Burrowing owls have been extirpated from much of their historic range throughout the state. The population from the 80's through the 90's declined 60%, and more recent data indicates that this trend continues. The burrowing owl is a species of special concern and deserves protection. Davis has already allowed the complete extirpation of the owls on the University campus, as in other areas of the city. There was once a large colony on the Mace Ranch park, school and retail site which has completely disappeared. There were also colonies at Grassland Park and the Wild Horse golf course are also gone or struggling.

A burrowing owl census done in Yolo County through the joint efforts of the Woodland-Davis-based Burrowing Owl Preservation Society and the Institute for Bird Populations indicated a steep decline of the burrowing owl population in the County and in Davis. In 2007, the Institute and Fish and Game did a state-wide survey and this was used as a comparison. In 2007, there were 51 total burrowing owl breeding sites in Yolo County. In 2014 there were 15—a drop of 75%. In Davis, the 2014 census showed a drop from 32 pair to 2 pair of burrowing owls, all on the Wild Horse golf course.

California does not allow the methods of active relocation that are utilized in other states and are somewhat effective in preserving the owls and their habitat. Passive relocation, the only method of moving the birds permitted in California at this time, will almost certainly result in the death of the burrowing owl families that currently reside on and in the vicinity of the Mace project.

The Mace site should be preserved and protected as the habitat of some of the few remaining known burrowing owls in Davis.



**Letter 49**

Nov. 11, 2015

**49-12  
Contd'd**



Burrowing owl on post along road 104, Davis CA taken July 13<sup>th</sup> 2015



Nov. 11, 2015

49-12  
Cont'd



Burrowing owls road 104 Davis CA Oct 7<sup>th</sup> 2015

49-13

My second concern is polluted drainage from the Mace project, which could potentially contaminate my organic alfalfa farm. The DEIR does not adequately address the initial magnitude of toxic drainage from the MRIC. The drainage ditches already flood the farms that they parameter, and the innovation center will only add to the substantial problem that already exists.

At the present time, any drainage from Roads 30A, 30B and 104 are directed to the southeast ditch along road 30 which borders the south end of my farm. This ditch is inadequate and often floods the south end of my farm. The culvert that passes from south to north under road 30, just before it intersects with road 105 does not accommodate the water produced at this time and is often the cause of the flooding on my farm. The Mace project propriety runoff if not captured on site will most certainly contribute to the already over loaded drainage ditches to the east.

**Letter 49**

Nov. 11, 2015

The Ramos team acknowledges that their property receives significant runoff from the west and will pass through their property and impact the farmers to the east of the project, one of which is my farm. This will significantly impact me and should be addressed in the EIR with plans to initially handle this runoff as opposed to dealing with it "if it occurs". The problem already exists and will most certainly get worse if the project moves forward.

This runoff is deserving of preventative measures and mitigation efforts to prevent that polluted runoff from contaminating my organic farm to the east.

The following photos show the severity of the problem even in the drought.

**49-13  
Cont'd**



Southwest corner of 44560 country road 30 Davis CA 95618 Dec 14 2014, during our current drought.

**Letter 49**

Nov. 11, 2015

**49-13  
Cont'd**



Northwest Corner of Road 105 and Road 30 December 2014, during the current drought  
Thank you for considering my concerns and for your written response.

Dr. Billie Bensen Martin, DVM  
44794 County Rd. 30  
Davis, CA 95618  
[drbilliemartin@yahoo.com](mailto:drbilliemartin@yahoo.com)  
(530) 304-5693

**LETTER 49: DONALD B. MOONEY, LAW OFFICE OF DONALD B. MOONEY**

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**Response to Comment 49-1**

With respect to the commenter's statement that the project proposal for the City to grant a 6.8-acre easement to the developer violates the Davis Municipal Code, please see Master Response #2.

With respect to the reference to Dr. Martin's comments on the Draft EIR for MRIC, please see Responses to Comments 49-8 through 49-13 below.

**Response to Comment 49-2**

Please refer to Master Response #2.

**Response to Comment 49-3**

Please refer to Master Response #2.

**Response to Comment 49-4**

The location of the 6.8-acre easement being requested by the applicant is conceptually shown on Figure 3-1 (see green area with blue hash marks) and is adequate for purposes of the Draft SEIR analysis. Please see Master Response #2.

**Response to Comment 49-5**

Please refer to Master Response #1.

**Response to Comment 49-6**

The following measures will be taken during construction and long-term operation of the project to ensure that impacts to water quality are less-than-significant. In terms of construction, because the project will involve more than one acre of land disturbance, all applicants will be required to obtain coverage under the State's General Construction Permit (see also Impact 3-48 of the Draft SEIR, pg. 3-174). This will require the applicants to prepare, and implement, a Stormwater Pollution Prevention Plan (SWPPP) to minimize adverse impacts to water quality from erosion and sedimentation. With respect to long-term operations, the project will be designed to provide water quality treatment to stormwater runoff, as required by the City's Municipal Code and the State's Phase II Small MS4 General Permit. To meet these operational standards, the applicant has conceptually proposed that all of the stormwater from the project site will pass through a series of grassy swales and detention areas that provide water quality treatment and ensure that stormwater will also be attenuated to reduce the peak flow rate leaving the site. The detention basins provide very low flow velocities, which in turn, allows sediment to settle and not be carried downstream along the outfall channel. After stormwater is treated via these measures, only clean surface water will be allowed to flow into the MDC.

The commenter also asks whether "... all stormwater discharge from the Project will be captured..." onsite. There will be a natural amount of initial infiltration of rainfall runoff during any storm event. The amount of runoff is dependent on the storm rainfall and rainfall distribution over time. Mild low intensity rainstorms generate less runoff compared to high intensity storms, even when the total rainfall is similar. The drainage facilities are designed for the 100-year storm, a very severe event. The runoff that does not infiltrate or is not lost through evapotranspiration will be directed to the project's drainage facilities, which have been designed to safely manage and attenuate the 100-year, 24-hour standardized storm. This capture is temporary and specifically designed to ensure that flows can ultimately be conveyed downstream at flow levels consistent with pre-project conditions per the Mace Ranch Drainage Study. The facilities are also designed to be close to empty within 24 hours so that there is temporary storage available for the next storm. The design of this system will ensure that the volumes of runoff leaving the project site are not increased from the existing condition.

#### **Response to Comment 49-7**

The drainage study included calculations to determine the volume of incremental increased stormwater runoff from the project that would be expected during the design storm. As noted in the Draft SEIR, during most rainstorms the increased volume would be unnoticeable as the MDC is able to convey all collected runoff into the Yolo Bypass. The excavation on farmland to the east of the project site has been proposed as an option to provide additional floodwater storage in the event water from a storm event cannot pass into the Yolo Bypass due to unusual/high flows in the Bypass. The area to be excavated under this alternative is approximately equal to the computed additional runoff, and therefore, can adequately store the increased incremental volume. Moreover, the excavation would not alter existing drainage patterns in that field or the surrounding areas (see Master Response #3 to this effect).

The excavated soil would be exported to the existing detention basin located near the eastern boundary of the ARC Site. The existing on-site detention basin would be reconfigured with varied side-slopes and a more rectangular shape. Therefore, the importation and use of this soil or any other to the project site, if such an approach is chosen by the project applicant, would have no impact on the downstream water level.

#### **Response to Comment 49-8**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

#### **Response to Comment 49-9**

The Draft SEIR includes a detailed analysis of burrowing owl, as well as the results of four sets of recent (2020) protocol-level CDFW (2012) surveys for burrowing owl within the project site and surrounding 500-foot buffer. According to Figure 3-13 of the Draft SEIR, burrowing owl detections along County Road 104 are noted ("Site B"). The commenter speculates that "If the project goes through it will most certainly kill these 2 owl families as well as the others that occupy

the land.”<sup>24</sup> As clearly stated in the Draft SEIR, the project will be required to comply with the Yolo HCP/NCCP and all avoidance and minimization measures (AMMs) set forth in the Plan. For example, Mitigation Measure 3-18 of the Draft SEIR requires the applicant to obtain coverage under the Yolo HCP/NCCP and implement AMM-18 regarding burrowing owl. Generally, AMM-18 requires that a qualified biologist conduct a survey prior to any phase of construction to determine presence/absence of burrowing owl within 500 feet of all covered activities. If burrowing owl are detected, setback distances from occupied burrows must be implemented in accordance with Table 3-17 of the Draft SEIR, consistent with the Yolo HCP/NCCP requirements.

With respect to project impacts on habitat, the project applicant is required by the Yolo HCP/NCCP and Mitigation Measure 3-18 of the Draft SEIR to pay HCP/NCCP land cover fees, which are used by the Yolo Habitat Conservancy to purchase habitat suitable for covered species, including burrowing owl. As discussed in Impact 3-89, as a result of the regional conservation strategy included in the adopted Yolo HCP/NCCP, the Yolo HCP/NCCP EIS/EIR concluded that the impact from future development anticipated in the Plan, which includes the ARC Project and the undeveloped portions of the Mace Triangle (see Table 3-1 of Yolo HCP/NCCP), would have a less-than-significant impact on western burrowing owl (Yolo HCP/NCCP EIS/EIR, pg. 4-61).

The comment also states that the Draft EIR (i.e., 2015) did not adequately address the impact that the project will have on the habitat of other birds and wildlife in the area. Both the 2015 MRIC Draft EIR and 2020 Draft SEIR contained a detailed literature and field assessment of the project site by a professional biological consulting firm, in an effort to determine whether the project site could support habitat for special-status species. Both the 2015 and 2020 EIR documents included mitigation measures based upon the results of the biological analysis. As noted on page 3-70 of the Draft SEIR, a substantive change in circumstances since the certification of the MRIC EIR is the adoption of the Yolo HCP/NCCP. According to page 3-70 of the Draft SEIR:

The goal of the Yolo HCP/NCCP is to conserve natural open space and agricultural areas that provide habitat for special status and at-risk species found within the habitats and natural communities in Yolo County. The Yolo HCP/NCCP provides permits and associated mitigation pursuant to the Federal and State Endangered Species Acts for a variety of development activities and infrastructure improvements identified for construction over the next 50 years in Yolo County. All activities associated with the Yolo HCP/NCCP are conducted under the oversight of the Yolo Habitat Conservancy (YHC), a joint powers authority comprised of the County of Yolo and the cities of Davis, West Sacramento, Winters, and Woodland.

The Yolo HCP/NCCP requires the YHC to protect approximately 33,300 acres over 50 years, primarily through the acquisition of habitat conservation easements on agricultural land funded with development fees paid to the YHC by project proponents. The Yolo HCP/NCCP coordinates these conservation efforts to ensure that the lands are selected consistent with a conservation strategy based on biological criteria, including the selection

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<sup>24</sup> Sycamore Consultants, in reviewing these comments, has noted that the owls along Road CR104 in commenter’s page 4 and page 5 photos appear to be associated with CNDDDB Record #994 (CNDDDB notes the pole shown in the picture; two such poles are visible in Google Street view photos at this location; the tilled rows and landfill in background are also consistent with this location). This portion of Road 104 is slightly over 500 ft (150 m) north of the northern boundary of the ARC Project site and will not be affected by the Project.

of lands that provide habitat to multiple species and which are located near existing protected lands and riparian areas. The YHC consults regularly with the CDFW and the U.S. Fish & Wildlife Service (USFWS) to ensure that the Yolo HCP/NCCP is successfully and sustainably implemented.

The Yolo HCP/NCCP provides coverage for impacts associated with the proposed ARC Site, which is consistent with the former MRIC Site (See Yolo HCP/NCCP, Section 3.5.1.3.1.) The impact analysis and required mitigation in this Section are consistent with the requirements of the Yolo HCP/NCCP.

The above portion of the Draft SEIR demonstrates that the Yolo HCP/NCCP is designed to provide and protect habitat for covered species, and that the MRIC Site is specifically included in the Yolo HCP/NCCP, such that the regional conservation strategy set forth in the HCP/NCCP is intended to address habitat impacts from anticipated development within the HCP/NCCP areas of coverage, which includes the project site. The project is required to pay land cover fees to the Yolo Habitat Conservancy for each phase of development, which will be used to help fund the purchase of valuable wildlife habitats throughout the Plan area.

#### **Response to Comment 49-10**

The 2015 FEIR responded to this comment via FEIR Response to Comment 35-2. As this comment noted, surveys and site visits conducted by Sycamore Environmental prior to certification of the FEIR were conducted in every month of the year (see list of surveys conducted in Response to Comment 33-17). Similarly, surveys conducted since the FEIR was certified in 2015 occurred during the appropriate seasons to identify special-status species, consistent with guidance issued by the United States Fish & Wildlife Service (FWS) and California Department of Fish & Wildlife (CDFW). Specifically, species surveys have been – and will continue to be - conducted consistent with the requirements of the Yolo HCP/NCCP. Surveys conducted by Sycamore Environmental in support of the 4 February 2020 Biological Resources Evaluation were therefore adequate to describe and quantify habitat for all special-status species with potential to occur.

#### **Response to Comment 49-11**

The 2015 FEIR responded to this comment via FEIR Responses to Comments 33-17, 35-2 and 35-4, describing the number and type of surveys conducted prior to certification of the FEIR. Since certification of the FEIR, the Yolo HCP/NCCP was adopted and implementation of the Plan began in early 2019. The Project will be covered by the HCP/NCCP. (See Draft SEIR, p. 3-70.) Consistent with the requirements of AMM-18 of the HCP/NCCP, Sycamore Environmental has conducted surveys consistent with 2012 CDFW guidelines, as noted on Table 3-16 of the Draft SEIR. A final survey in June/July 2020 will complete the full set of breeding season surveys required by the 2012 CDFW guidelines.

Moreover, consistent with CDFW's 2012 guidance, AMM-18 requires the protection of any occupied burrowing owl burrows. 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). In response to the commenter's statement that "passive relocation"

is an inadequate method of minimizing effects to burrowing owls, it should be noted that AMM-18 does not unconditionally allow passive relocation. Rather, that measure provides that passive relocation may only be considered in a circumstance where the Yolo Habitat Conservancy (the entity charged with implementation of the Yolo HCP/NCCP) determines it to be necessary, and only upon preparation of a burrowing owl exclusion plan in consultation with CDFW biologists. The methods in any such plan must be consistent with CDFW 2012 guidelines as well as the most up-to-date passive relocation techniques.

Finally, in response to the commenter's statement that "acquiring land elsewhere does not make up for" any permanent loss of burrowing owl habitat that might occur, CEQA clearly allows for the preservation of off-site lands as mitigation for impacts to protected species. (See, e.g., *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 614-626; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1038.) Implementation of the Yolo HCP/NCCP will result in preservation of 5,500 acres of primary habitat and 2,500 acres of secondary habitat for burrowing owl in addition to an existing 330 acres of primary habitat and 770 acres of secondary habitat. In issuing its incidental take permit associated with the Yolo HCP/NCCP, CDFW found that 1) the development of a Reserve by the Yolo HCP will provide a net benefit to burrowing owl via habitat acquisition, management, and enhancement in the Reserve, and 2) the Reserve System in the Plan Area protects and maintains habitat areas that are large enough to support sustainable populations of western burrowing owl (CDFW Findings of Fact of under the California Environmental Quality Act and the Natural Community Conservation Planning Act and Natural Community Conservation Plan Permit (2835-2019-001-02) for the Yolo Natural Community Conservation Plan, January 2019).

#### **Response to Comment 49-12**

Please refer to Response to Comment 49-11.

#### **Response to Comment 49-13**

Under existing conditions, the agricultural land adjacent to the bypass levee ponds as a result of heavy and sustained rainfall. Consequently, there is currently a flood easement over the affected lands and no building is allowed in those areas.

When Mace Ranch was developed, one of the mitigating measures was to replace a relatively small pipe with a large box culvert through the Yolo Bypass levee, just north of the railroad embankment. As noted in other documents, the improved outflow ordinarily reduces both the ponding and duration of ponding west of the Yolo Bypass levee. The exception to this benefit is when the water level in the Bypass is higher than the water level on the west side of the levee. During those times, the flap gate prevents bypass water from flowing onto the fields to the west.

The project will add a very small amount of additional runoff to the farmland adjacent to the Bypass. The planned mitigation is to provide additional storage by lowering a field as described earlier, or other methods such as the use of a pump station. These measures would ensure that the increased runoff volumes can be retained until Bypass flows recede and the MDC and Railroad drain flows can enter the Bypass.



As discussed previously, the project will adhere to both construction and operational permits and mitigation measures to ensure that no polluted runoff leaves the project site. The outfall channel downstream of the project has the capacity to convey the design storm west without overtopping. It is also worth noting that runoff from agricultural lands, such as the ARC site may contain herbicides, pesticides, or fertilizers, which could pose a greater risk to downstream waters. Again, the project will be required to comply with water quality permits and to incorporate on-site stormwater management and retention measures to ensure that the project's impacts to water quality are less than significant, as determined in the Draft SEIR (see Impact 3-49).

For example, page 3-175 of the Draft SEIR states the following regarding the proposed drainage improvements:

The ARC Project would be designed to provide water quality treatment to storm runoff as required by the City Municipal Code. With respect to water quality effects from operation of the proposed project, permanent stormwater quality treatment control measures (TCMs) for development in the City of Davis must be designed in accordance with the State's Phase II Small MS4 General Permit, the development standards of which have been adopted by reference in Chapter 30 of the City's Municipal Code. The Phase II Small MS4 General Permit requires that permanent stormwater control measures be incorporated into the proposed project to ensure that new development does not result in the discharge of polluted water or the increase in sources of polluted runoff. Regulated Projects, under the Phase II Small MS4 General Permit, are required to divide the project area into Drainage Management Areas (DMAs) and implement and direct water to appropriately-sized TCMs consistent with the sizing standards in Section E.12.e.(ii)(c). TCMs are designed after the inclusion of Site Design Measures (SDMs) consistent with the standards of Section E.12.b. and E.12.e.(ii)(d). Baseline Hydromodification Measures are implemented consistent with the prescriptive standards of Section E.12.e.(ii)(f). Regulated Projects must additionally include Source Control Best Management Practices (BMPs) where possible. The City requires preliminary Stormwater Quality Plans at the discretionary phase to ensure that DMAs, TCMs and hydromodification measures are adequately designed into the conceptual development plan, demonstrating full compliance of the project's drainage system with the Phase II Small MS4 General Permit. Each phase of the project would be required, as conditions of approval, to provide stormwater system sizing information, a Stormwater Quality Plan, stormwater calculations, a Stormwater Quality Maintenance Plan, and a Drainage Plan.

As demonstrated in this section of the Draft SEIR, at the subsequent discretionary phases for the ARC project (e.g., tentative maps, final planned development), the applicant will be required to submit a preliminary Stormwater Quality Plan to the City for review and approval to ensure that drainage management areas, treatment control measures, and hydromodification measures are adequately designed for each phase of development to ensure that no phase of development would result in discharge of polluted water downstream.

**From:** Pam Nieberg <pnieberg@dcn.davis.ca.us>  
**Sent:** Wednesday, April 22, 2020 3:38 PM  
**To:** PlanningCommission@cityofdavis.org  
**Subject:** SEIR comments on ARC proposal  
**Attachments:** SEIR-ARC-commentsto Planning Commission april22,2020-3.doc

**Letter 50**

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

**50-1**

Hello Planning Commissioners:

I am attaching some comments I would like considered regarding the SEIR for the ARC proposal that I would like considered for your meeting discussion tonight. I am particularly interested in biological issues, burrowing owls in particular, so my comments tend in that direction.

Thank you for your consideration.

Pam Nieberg, Davis Resident, 530-756-6856

Letter 50

From: Pam Nieberg, Davis resident  
3010 Loyola Drive  
Davis, CA 95618

April 22, 2020

To: Planning Commission  
Re: Comments to Commission on the SEIR for the ARC project.

Dear Commission members:

50-2

I understand that the Commission will be discussing the Draft Subsequent Environmental Impact Report for the proposed Aggie Research Campus development at your meeting tonight with the intent to provide comments on the draft SEIR to the City Council and staff for consideration of the project. I cannot attend tonight's meeting, but I would also like to make a few comments now on the project, so that the Commission has an opportunity to review my concerns before the meeting.

I have not had time to review much of the document, but I would like to focus on biological impacts and burrowing owls in particular. Following are my comments.

50-3

Comments on Subsequent EIR for the Aggie Research Campus, March 2020

**I. 25 Acres of Public Land Still in Danger?** In the first iteration of this project, the 25 acres of city-owned land north of the project site was to be sold to the developer and annexed into the project. This parcel and land adjacent and to the northwest is and has been for many years, home to a colony of burrowing owls. The owls have successfully reproduced on this parcel into the present. The 25 acres was purchased (as part of a larger parcel) with Measure O funds and meant to be retained in perpetuity as open space and habitat. At that time, a small group of us, concerned with both the intent of Measure O and burrowing owls, met with the council members individually, asking that the property be removed from the footprint of the project and that the city place a permanent easement on the property to protect it from development in perpetuity. We received, in general, a positive response from the council. At about the same time, the Open Space and Habitat Commission also unanimously agreed that the Mace-25 parcel should be kept as open space for burrowing owl habitat, farming, passive recreation, or a combination.

Now, despite assurances that the 25 acres would be removed from consideration as part of that project, we now find in the new SEIR that the 25 acres is still being proposed for annexation as part of the ARC project.

**I cite below, from three sections of the SEIR that refer to this annexation. The highlighted areas are the relevant areas cited.**

▼ **First Section.**

DRAFT SUBSEQUENT EIR

CHAPTER 1. INTRODUCTION, PAGE 1-2

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 Agricultural 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."

**Second Section.**

EXECUTIVE SUMMARY, Page 2-1

2.2 SUMMARY DESCRIPTION OF THE ARC PROJECT

"The proposed annexation area includes the 187-acre privately-owned Aggie Research Campus site, 25-acre City parcel, and the 16.5 acre Mace Triangle Site, which are collectively the 228.5 acres proposed for annexation. The ARC Project is anticipated to include up to approximately 2,654,000 square feet (sf) of innovation center/business uses, of which up to 260,000 sf may be developed with supportive commercial uses. The ARC Project also incorporates up to 850 work-force housing units on site."

**Third Section.**

EXECUTIVE SUMMARY.

PAGE 2-12 to 1-13

2.8 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED The CEQA Guidelines,

"The CEQA Guidelines, Section 15123(b), require that this EIR consider areas of controversy known to the lead agency, including issues raised by agencies and the public. The discussion below goes beyond identification of impacts expected to result from implementation of the project, and identifies issues to be resolved known from workshops and other public discussion of the project. At this time, these known areas include the following (in no order):"

50-3  
Cont'd

50-3  
Cont'd

“ Section 15123(b), require that this EIR consider areas of controversy known to the lead agency, including issues raised by agencies and the public. The discussion below goes beyond identification of impacts expected to result from implementation of the project, and identifies issues to be resolved known from workshops and other public discussion of the project. At this time, these known areas include the following (in no order):”

**(I have deleted the list except for the relevant item highlighted just below.) This is an acknowledged area of controversy.)**

City-owned 25 acres – The project annexation area includes a 25-acre parcel owned by the City, a portion of which is being proposed to serve as the City-required agricultural buffer along the project's northern boundary.

This language is very problematic, and needs clarification. Is the 25 acres to be sold to the developer as part of the annexation and if so, why? To reiterate, the 25 acres was purchased with Measure O funds, and should not be sold for development.

**Potential Commission Action:**

1. Ask for clarification from staff/council. If the intent is to use the parcel in future for part of the development, make a recommendation to exclude this property from annexation to the project. Or
2. Choose to make a recommendation to exclude this 25 acre property from annexation to the project. (See below for comments on the 6.8 acres to go toward the agricultural buffer.)

**II. Agricultural Buffer Requirement.** The developer is required to provide an agricultural buffer to separate his project from surrounding uses. The intent of this developer is to use part of the adjacent 25 acres of land purchased with Measure O funds to go toward this requirement.

“The applicant proposes to establish a 6.8 acre easement on this property (referring to the 25 acres) to go toward satisfying the City's 150-foot Agricultural Buffer requirements along a portion of the project's northern boundary.”

Property purchased with Measure O funds was meant to remain open space, and while technically this would be the case if this were part of an ag buffer, it would be a breach of public trust to sell land purchased with O funds to a developer. The city has no obligation to help this developer fulfill his requirement to provide an ag buffer. This developer should be required to provide the entire required agricultural buffer for this project without use of public land.

50-3  
Cont'd

↑ This 25 acre parcel was purchased with Measure O funds as part of a larger 390 acre parcel, to be retained in perpetuity as open space and habitat, not sold in any part to a developer for a business park. Why is the city considering this? The city should not be making any deals with this or any developer regarding use of any land purchased with Measure O funds, our tax dollars, unless there is a full public discussion.

**Possible Commission Action:**

Make a recommendation to deny the use of the 6.8 acres of Davis citizen-owned open space as part of the ag buffer for the ARC project.

50-4

**III. City Staff's New Burrowing Owl Policy.** This new policy, proposed by city staff, was apparently adopted without formal presentation to any of the Commissions or the City Council. The policy consists of allowing the grass/weeds to grow on the 25-acre (Mace 25), city-owned parcel of land adjacent to the property proposed for the ARC development. This will "encourage" the burrowing owls that have resided in the area of the 25 acres and CR104 for at least a decade to leave the area. Burrowing owls require short vegetation for foraging for prey and to see predators approaching their burrows. So, the city has decided to let the vegetation grow on the Mace 25 property so that the owls are forced to leave. Apparently, the city's own wildlife biologist concurs that until the site is protected with an easement or other habitat-use policy, it would be best to not make improvements that will attract or retain burrowing owls! This is outrageous!

It is also obvious that this is being done to help the project proponents. With no burrowing owls to be impacted by their project, costs for mitigation and timing for construction would be vastly improved for them.

Burrowing owls know what they are doing. If there were better or even good burrowing owl habitat near-by, they would be there! As it is, they are being forced into smaller and smaller areas by development, and will soon be completely gone in Davis, as elsewhere.

This is one of the few areas left in Davis where there are any burrowing owls left. Burrowing owls were once common in the city of Davis, university property and throughout Yolo County. However, data from several sources indicates that the burrowing owl population in Davis and its vicinity is declining significantly. In 2014, a Yolo County burrowing owl census showed that the population had declined 76% in the seven years since an earlier 2007 census. A survey comparing owl pairs between 2006-2007 and 2014 showed an 80% decline. Data gathered between 1980-2007 and 2014 showed a 93% decline in burrowing owls in Davis. Preserving and protecting

↓



50-4  
Cont'd

▲ existing habitat such as that at CR 104 and Mace 25 will help us toward saving the remaining burrowing owls in Davis.

There has been no public discussion of this policy. Until such a time and until there is (unlikely) public agreement that the owls should be dissuaded from nesting in this area, city staff should be directed to continue whatever passes as current policy for maintenance of the 25 acre parcel (I believe it is at least partially farmed.) and to do whatever it takes to encourage the continued burrowing owl presence in the area.

**Possible Commission Action.**

Make a recommendation to request that council direct staff to cease any attempts to "encourage" burrowing owls to relocate and continue/see to continuance of maintenance in that area to encourage presence of burrowing owls. I am sure the Burrowing Owl Preservation Society, of which I am a member, would be more than happy to assist in this maintenance/protection.

If the Commission feels that there should be a public discussion on whether or not to encourage burrowing owls in this area, then also make a recommendation/motion that council schedule a public meeting for full discussion of this issue before any action is taken by staff to dissuade burrowing owls in the area of Mace 25.

50-5

**IV. Timing.** Why is there such a rush to get this on the November ballot? We are in the midst of a pandemic. We are under orders to shelter in place. There are no public meetings, no public gatherings, schools are closed, most non-essential businesses and services are closed, many people have lost their jobs, shopping is kept to a minimum, restaurants and other businesses are closing and many businesses, shuttered now, will not survive. Our economy is in trouble, and no one knows how or when or to what level it will recover.

How many of us are able to participate in the type of "meetings" the city is now holding for discussions of this important issue? It would be best if the city could halt this process until such a time when the crisis is past and some normalcy returns. At that time, too, we could re-evaluate this project in light of the economic conditions at that time and weigh whether there is actually a demand for this type of development in

Thank you for your consideration of these comments. If there are any questions, please contact me at the above address; phone at 530-756-6856 or email at [pnieberg@dcn.davis.ca.us](mailto:pnieberg@dcn.davis.ca.us).

Pamela S. Nieberg

**LETTER 50: PAM NIEBERG**

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**Response to Comment 50-1**

The comment is an introductory statement and does not address the adequacy of the Draft SEIR. Specific issues raised by the commenter are addressed in the responses below.

**Response to Comment 50-2**

The comment is an introductory statement and does not address the adequacy of the Draft SEIR. Specific issues raised by the commenter are addressed in the responses below.

**Response to Comment 50-3**

Please refer to Master Response #2.

**Response to Comment 50-4**

The comment incorrectly refers to a new City policy, ostensibly related to discouraging burrowing owl use of the 25-acre City Parcel. Such a policy does not exist. Further, the recent decision by the City to reduce mowing on the City Parcel is not a result of the ARC Project, and while it would discourage nesting and roosting on the property, it does not prevent owls from foraging over the tall grass. A mosaic of grassland habitats is important for burrowing owl.<sup>2</sup>

The concerns related to regional burrowing owl populations are addressed in the cumulative effects analysis of the Draft SEIR. Cumulative impacts to the regional burrowing owl population are addressed in detail in Impact 3-89 of the Draft SEIR. In short, as a result of the regional conservation strategy included in the adopted Yolo HCP/NCCP, the Yolo HCP/NCCP EIS/EIR concluded that the impact from future development anticipated in the Plan, which includes the ARC Project and the undeveloped portions of the Mace Triangle (see Table 3-1 of Yolo HCP/NCCP), would have a less-than-significant impact on western burrowing owl (Yolo HCP/NCCP EIS/EIR, pg. 4-61).

The comments have been forwarded to the decision-makers for their consideration.

**Response to Comment 50-5**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

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<sup>2</sup> U.S. Fish and Wildlife Service. *Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States* [pg. 25]. Biological Technical Publication BTP-R6001-2003.



Letter 51

**From:** Ron O <ROertel@msn.com>  
**Sent:** Wednesday, April 22, 2020 3:56 PM  
**To:** planningcommission@cityofdavis.org  
**Subject:** Please reject ARC

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

To Davis Planning Commission:

- 51-1** We strongly recommend that the planning commission reject the proposed ARC development. At a minimum, more time is needed to thoroughly analyze this massive proposal.
- Let's start with the (approximately) 6,000 parking spaces, for a freeway-oriented development. How (in any way, shape, or form) does this meet the city's goals of reducing greenhouse gasses? (Not to mention traffic congestion on already-impacted roadways, as noted throughout the traffic study.)
- Davis already experiences a net inflow of commuters, due to an abundance of jobs at UCD. This proposal would increase that net inflow.
- Then, there's the 850 residential units, which are not even related to the city's supposed (initial) goal, regarding "innovation centers". This is more units than are contained in The Cannery.
- 51-2** I understand that the EIR notes that ARC would create a need for an additional (approximately) 1,200 units (in Davis), without specifying how that would be achieved. (A total of 850 units on-site, plus 1,200 units off-site in Davis.) Of course, this doesn't even include the additional housing that would be needed outside of Davis, to accommodate the proposal.
- 51-3** Then, there's the lack of a defined Affordable housing plan.
- 51-4** The proposal also includes plans to exploit two city-owned (supposedly "preserved") sites, for its own purposes. Including a portion of the adjacent 25-acre site, and a larger site near the causeway for drainage. (The latter would require removal and partial replacement of topsoil.) Why would the city even consider supporting this plan?
- 51-5** Although there's still no fiscal analysis at this point, the total cost of serving the development (including *both* on-site and off-site housing) would reduce any claimed "fiscal profit" resulting from this proposal. Since a "fiscal profit" is supposedly the primary justification of the proposal, why would the city shortchange the fiscal (or any other) review process, for the sole purpose of satisfying the developers' goal of placing this proposal on the November ballot (during a time of unprecedented emergency, no less).

Sincerely,  
Ron Oertel & Som Ashton

Letter 51

Subsequent EIR Comments for ARC

(Submitted by Ron Oertel)

Scoping Comments Not Addressed

51-6

I have attached the comments that I previously submitted regarding the scope of the SEIR for ARC. I have not seen where each of these points was subsequently addressed in the draft SEIR. Nor do I see where other scoping comments (from other individuals) have been addressed.

Therefore, I am resubmitting the attachment as part of my “comments” regarding the draft SEIR, in reference to the issues discussed. (For example, the cumulative impacts from all new proposals and recent construction in Davis - as well as those in nearby communities.)

This should include the “innovation center” planned for Woodland. The Woodland proposal would impact traffic, but would also impact the stated “objective” of ARC, since it would provide direct competition within a limited commercial market (further exacerbated by the coronavirus shutdown). Having two nearby innovation centers could also contribute to “urban decay” (cannibalization of existing businesses, and vacating of existing commercial sites). Again, not seeing where this is addressed in the SEIR.

The fact that 2-3 other proposed “innovation center” sites have been converted entirely to housing should provide a clue regarding the feasibility and actual need for additional commercial space within Davis. Especially since UCD had no direct involvement in any of the proposals.

51-7

The same issue (regarding “cannibalization” of existing businesses and “project objective”) would apply regarding the proposed on-site hotel, given that the city has recently approved other hotels (including a new Residence Inn directly across the street from the proposal).

In addition, there are other issues which have since come to my attention.

1,200 units “not accounted for” in SEIR

51-8

The SEIR claims that 3,763 units will be needed to house ARC workers, and would create a demand for 2,053 units within Davis. Since the proposal only includes 850 units, it is unclear how the difference (1,203 units) would be accounted for, or the impacts that this would have.

Of course, this relies upon the assumptions (e.g., “1.62 employed residents per household”) is accurate in the first place. It is also unclear if this 1.62 number refers to residents expected to be employed at the site, vs. residents employed elsewhere. Nor is the basis for this assumption supported.

51-9

Timing of Residential Unit Construction



Subsequent EIR Comments for ARC

(Submitted by Ron Oertel)

51-9  
Cont'd

There is simply no way to ensure that residential units are completed at the same time that new job opportunities are created, at the site. More likely, new workers would already have a home in the area, and may not move to the site when new residential units are built. Conversely, new residents would not necessarily move in to coincide with job availability at the site (making it more likely that they would commute to their existing jobs, elsewhere).

Nor is there any way to ensure that businesses would remain indefinitely at the site, meaning that existing resident workers may ultimately lose their jobs as businesses close or relocate, forcing them to commute elsewhere for employment.

Nor is Davis a community that is necessarily comparable to other, nearby communities regarding market demand, cost and availability of housing – even without an “innovation center”.

New workers would likely seek cheaper, available housing in nearby communities, as well. With their commute to the site accommodated by the (approximately) 6,000 proposed parking spaces.

All of this calls into question the assumption that “1.62” (on-site?) workers would live in the residential units.

Any incorrect assumption regarding the number of on-site workers occupying the residences would also impact any dependent analyses (such as traffic patterns). These dependent analyses would also be impacted by the final phase of projected commercial development, which I understand would occur after all of the residential units have been constructed.

51-10

Undefined Affordable Housing

The amount of, type, and location of Affordable housing has not been defined for ARC. If located off-site (and in addition to the 850 units), additional (unexamined) impacts would occur, as a result of the ARC proposal. If located on-site, it's unclear if the residents of the Affordable housing would be expected to be employed on-site. Thereby calling into question the “1.62 workers per household” figure, again.

51-11

Impact of Cell-Phone Applications

Cell phone applications (such as “WAZE”) have made it increasingly difficult to accurately predict traffic patterns, as demonstrated by the project informally referred to as the “Mace Mess”. How these cell phone applications are fully accounted for in the SEIR and accompanying traffic study is unclear.

**Letter 51**

Subsequent EIR Comments for ARC

(Submitted by Ron Oertel)

51-12	<p><u>Park Space</u></p> <p>The reduction in the amount of space allocated for parks at the site (compared to the MRIC proposal) has not been adequately justified or studied, nor has its impact (e.g., increased demand at other nearby parks, etc.). Workers also use parks to take lunch breaks, etc.</p> <p>Also, I understand that a staff report <u>incorrectly</u> included the agricultural buffer (including a portion of the city-owned site discussed below) as “park” area, created by the development.</p>
51-13	<p><u>Open Space</u></p> <p>The impact of using approximately 7 acres of the 25-acre city-owned, already-preserved site (versus requiring the development to address the need for its own buffer) has not been adequately examined. Using existing, preserved space does not address an additional need/requirement <u>arising from the proposal, itself</u>. In fact, using existing, preserved, city-owned land to meet these requirements results in a shortchanging of the responsibility of the development to address the need it creates. (And, which would otherwise/normally occur.)</p>
51-14	<p><u>Off-Site Drainage</u></p> <p>Much like the use of the 25-acre, city-owned site (described above), the developer is also proposing to use an additional (larger) preserved, city-owned site for the development’s drainage (and topsoil removal/reconfiguration). It is unclear regarding the reason that the city is entertaining this proposal (which again comprises city-owned, already-preserved land), rather than requiring the developer to find their own solutions (thereby preserving existing city-owned agricultural land, intact).</p> <p>The environmental impact of requiring the developer to find their own solutions should be compared to the developer’s proposed alternative - in which city-owned, preserved land (at two separate sites) would be sacrificed to meet the additional need created by the proposed development.</p>

Letter 51

Comments for ARC Scoping Process

Submitted by Ron Oertel

*Note: I am emailing these comments again today (4/27/20), as referenced in the other document (SEIR comments) that I'm sending, today.*

51-15

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

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

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

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

51-16

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

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

51-17

Impacts on streets and freeway access points on (both) the north side of I-80, as well as the south side must be examined. This would include all freeway access points within the vicinity, including those shared by those negotiating what has commonly been referred to as the “Mace Mess” traffic-calming project that the city recently constructed. (It’s likely that ARC commuters would share the freeway



Letter 51

Comments for ARC Scoping Process

Submitted by Ron Oertel

- 51-17 Cont'd** ↑ access point that's located near the causeway – which is also used by those negotiating the “Mace Mess”.) As one freeway access point is impacted, drivers will likely use others, instead – either on their own accord, or via “suggestion” from cell-phone applications. The same is true via ever-changing routes suggested by cell-phone applications.
- 51-18** The impact of increased traffic on I-80 (now, and in the future) should also be examined. Including traffic generated by regional growth, as well as the traffic contribution of ARC, itself. This would also further impact local freeway access points and streets.
- 51-19** ARC would create both inbound and outbound commuters, since there is no way to determine if the planned occupants would actually work at the site. Any estimates regarding the percentage or number of residents who are expected to actually work at the site should be thoroughly examined and supported. Already, Davis has an excess of inbound commuters passing through town, due to employment opportunities at UCD.
- 51-20** Regarding parking, the EIR should address whether or not the planned parking spaces will be sufficient to support the development, and whether or not drivers would end up parking outside the development (e.g., in Mace Ranch). This might be even more of a concern if a pedestrian/bicycle connection is provided over Mace Boulevard, thereby providing a convenient path for commuters (or residents of ARC) to park their cars outside of the development.
- 51-21** The EIR should also determine potential impacts if students (or others connected to UCD) comprise a significant portion of the residents or workers at ARC, as they would likely commute through town – further impacting local traffic.
- 51-22** Also, since ARC doesn't even fully address the new housing need it would create, the EIR should examine the likely impact this would ultimately have on roads and the city itself. The result would be an increase in commuters, as well as increased pressure to develop even more peripheral lands and dense infill within the city – with all of the resulting traffic.

**LETTER 51: RON OERTEL & SOM ASHTON**

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**Response to Comment 51-1**

Consistency with the City's greenhouse gas (GHG) reduction goals are evaluated in Impact 3-38 of the Draft SEIR. As noted therein, a significant impact could occur related to conflicts with the adopted thresholds for operational emissions. However, Mitigation Measures 3-38(a) and (b) have been included in the SEIR to reduce the identified impacts to the maximum extent feasible.

The anticipated trips from regional employees is evaluated in the traffic analysis performed by Fehr & Peers.

**Response to Comment 51-2**

Page 3-199 of the Draft SEIR states the following regarding housing demand associated with the ARC Project relative to the MRIC Project:

Impacts related to substantial population growth were determined to be significant and unavoidable for the MRIC Project due to the fact that the City of Davis would not be able to accommodate its fair share of employee housing demand generated by the MRIC. The ARC Project would consist of the same amount of sf (square feet) of office, R&D, ancillary retail, and hotel uses (2,654,000 sf). According to the Population and Housing chapter of the Certified Final EIR, the non-residential portion of the ARC Project would generate approximately 5,882 employees, which correlates to an additional 815 housing units within the City needed to serve the projected employee population. This is explained in the EIR as follows. The estimated employee housing demand at buildout of the ARC is 3,763 (5,882 employees divided by 1.62 employed residents per household). Assuming that 45.4 percent of new ARC employees would seek housing outside of the City of Davis, which implies 54.6 percent of new ARC employees would live in Davis, similar to the inference made for existing Davis area employees based upon empirical commute patterns, the ARC Project would result in an employee housing demand of 2,053 units within the City of Davis. The remaining housing units (1,710) needed to meet the ARC Project employee housing demand would be met outside of the City of Davis, within the six-county SACOG region. After accounting for City of Davis residential unit capacity, it was determined that of the 2,053 units demanded by ARC Project employees within the City of Davis, the ARC Project would need to provide approximately 815 units.

Based on the above, the Draft SEIR concludes that unlike the MRIC Project, the ARC Project would meet its housing need within the City by providing up to 850 residential, workforce units. As a result, the increase in housing demand associated with the ARC Project could be met within the City rather than the surrounding SACOG region, as would be required for the MRIC Project. Overall, unlike the significant and unavoidable impact of the MRIC Project, impacts related to population growth as a result of the ARC Project were determined to be less than significant in the Draft SEIR. Please see also Response to Comment 51-8.

### **Response to Comment 51-3**

As stated on page 3-201 of the Draft SEIR, the ARC Project would include up to 850 residential units and, thus, be required to comply with applicable affordable housing requirements established in the City’s Municipal Code, including Section 18.05, Affordable Housing. The Ordinance, under Section 18.05.060(b), which was recently extended by City Council to November 30, 2021, allows more than one avenue to meet the City’s alternative affordability requirements, including on-site construction of affordable housing, off-site land dedication, or pledging to the City a continuing payment of funds to be submitted to the city at least annually for the purpose of furthering the City’s affordable housing goals and objectives, in an amount as deemed appropriate by the City Council.

Consistent with the City’s ordinance, the applicant may choose to construct all of the required affordable units on-site, construct a portion of those units on-site and dedicate sufficient land to meet the rest of the requirement elsewhere in the City, or fully meet the City’s affordable housing requirements by off-site land dedication. The ultimate plan for complying with the City’s affordable housing obligations will be subject to City approval.

### **Response to Comment 51-4**

Please refer to Master Responses #2 and #3.

### **Response to Comment 51-5**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. It is noted, however, that the fiscal analysis for the project has been released by the City and is available at the following web address: <https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/aggie-research-campus/project-documents>.

### **Response to Comment 51-6**

The commenter’s scoping comments were evaluated in the Draft SEIR, as appropriate, as will be demonstrated in Responses to Comments 51-15 through -22. Generally, regarding competition with other “innovation centers” see Master Response #5. Regarding cumulative traffic effects, please see Response to Comment 47-14.

### **Response to Comment 51-7**

Please see Master Response #5.

### **Response to Comment 51-8**

Availability of 1,203 units within the City of Davis over the next 20 years, the approximate buildout period of ARC, to meet the remainder of ARC’s employee-generated housing demand within the City can reasonably be expected to occur. For example, SACOG’s 2020 MTP/SCS



estimates that between 2016 and 2040, the City of Davis will add 3,800 housing units, inclusive of Nishi and the “Core Area Specific Plan”, and 1,630 new employees.<sup>3</sup> Also contributing to the 3,800 new housing units estimated by SACOG are accessory dwelling units on mid-sized lots, small-scale infill throughout the City, and the Cannery site. Using 1.62 employed residents per household, the estimated employee growth within the City over the next 20 years equates to a demand for 1,006 units to meet expected employee growth within the City of Davis, not including the ARC Project.

The 1.62 employed residents per household metric used to calculate the ARC employee-generated housing demand does not factor where those residents will be working. The metric is simply used to determine how many housing units are needed to meet employee housing demand. The metric is sourced from American Community Survey data.<sup>4</sup>

### **Response to Comment 51-9**

The analysis within the Draft SEIR, (e.g., travel patterns, mentioned by the commenter), is unaffected by the commenter’s concerns, which in general, regard the unlikely ability of ensuring residential units are completed at the same time that new job opportunities are created. Please see Master Response #1 regarding the fact that trip generation/traffic pattern assumptions made by Fehr & Peers for the ARC Project are based on empirical data collected from other similar mixed-use centers, rather than any assumptions regarding the number of on-site workers occupying the residences.

The following general response is also offered regarding the speculative concerns raised in the comment. During the first three phases of the project, at which time both residential and employment uses can be developed, it is not unreasonable to assume that the property owner could establish a partnership with a team seeking to develop research, office, and/or R&D space combined with workforce housing. Such has been done before by a private developer, without a formal university partnership. For example, Tech Center at Oyster Point, located in Virginia, is a collaboration of W.M. Jordan Company, serving as the master developer, with S.J. Collins Enterprises and Ellis-Gibson Development Group participating in the retail and multifamily components, respectively. W.M. Jordan and its development partners made a number of design decisions that demonstrated a commitment to fostering collaboration among those living and working at Tech Center at Oyster Point.<sup>5</sup> For example, a pedestrian spine with multiple activity nodes was incorporated into the project to connect the shopping center with the technology park. Amenities such as high-speed internet access, outdoor “conference rooms” and public event space were included to encourage informal interactions among patrons and to allow common areas to function as an extension of the office environment. Venture Apartments were designed with outdoor balconies and parking oriented to the rear of structures to activate the streetscape and

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<sup>3</sup> See SACOG. *Appendix D: 2020 MTP/SCS Land Use Forecast Documentation* [pg. 52]. November 18, 2019.

<sup>4</sup> BAE Urban Economics. *City of Davis Economic Evaluation of Innovation Park Proposals* [pg. 30]. July 9, 2015.

<sup>5</sup> NAIOP Research Foundation. *Case Studies in Innovation District Planning and Development*. July 2016.

enhance walkability. Many similar intentional decisions can be likened to the ARC Project, even at this conceptual stage.

It is also noted that, as stated on page 3-23 of the Draft SEIR, Phase 1 will include the development of up to 270 residential units, with housing permitted at a ratio of one unit for every 2,000 square feet of non-residential development. The section further states that construction of residential units would not be allowed until a minimum of 200,000 square feet of employment-generating space is developed at the ARC site. Such limitations will be part of the baseline features of the ARC Project, and thus, are limitations that applicant will be committed to.

### **Response to Comment 51-10**

Please refer to Response to Comment 51-3.

### **Response to Comment 51-11**

Page 3-217 of the Draft SEIR describes the current use of navigation apps (e.g., WAZE) and related diverted regional traffic onto study roadway facilities. The traffic operations analysis described in the Transportation and Circulation section of the Draft SEIR (beginning on page 3-212) examines project impacts to peak hour study intersection and study roadway segment operations. The existing conditions traffic operations analysis described in Impact 3-70 of the Draft SEIR utilizes traffic count data collected on Thursday, May 30, 2019 and Thursday, October 16, 2019. The use of navigation apps and related diverted regional traffic onto study roadway facilities were not prevalent prior to 2019. Additionally, the traffic count days were intentionally selected because Thursdays typically experience very high levels of diverted regional traffic onto study roadway facilities. Field observations, including real-time monitoring of navigation app route recommendations, confirmed that these conditions were present on both traffic count days. Therefore, the existing conditions traffic operations analysis accounts for the effects of navigation apps and related diverted regional traffic onto study roadway facilities to the extent they were present on the two traffic count days in 2019.

The cumulative conditions analysis described in Impact 3-104 of the Draft SEIR includes a peak hour traffic operations analysis for intersections and roadway segments surrounding the project site during a 2036 future year analysis scenario. Similar to other rapidly-evolving transportation trends and technologies, the use of navigation apps (e.g., WAZE) and their influence on traveler behavior have not reached a level of maturity to accurately predict their potential effect on future travel. Given this uncertainty, attempting to quantify the future effects of navigation apps would be speculative for the purposes of the Draft SEIR. CEQA (refer to Section 15384 of the State CEQA Guidelines) does not require that an EIR speculate regarding conditions that cannot be determined with reasonable certainty at this time, in light of evidence.

It is worth noting that the cumulative traffic operations analysis utilizes future traffic volume forecasts derived from the City of Davis travel demand model. This model forecasts future traffic volumes based on a variety of transportation system characteristics, including roadway capacity, speed, and route directness. These factors influence traveler behavior and route selection, akin to the information provided by navigation apps. While the travel demand model cannot be used to

accurately predict the future effects of navigation apps, it is still a useful tool in estimating future travel behavior and route selection, including the likelihood of diverted traffic due to roadway demand and capacity constraints.

**Response to Comment 51-12**

Please see Response to Comment 75-1. It should be noted that the agricultural buffer is not factored into the calculation of on-site parkland requirements.

**Response to Comment 51-13**

Please refer to Master Response #2.

**Response to Comment 51-14**

Please refer to Master Response #3.

**Response to Comment 51-15**

The comment regarding a supplemental EIR is no longer relevant. The City prepared a subsequent EIR to analyze the project under CEQA.

The Transportation and Circulation section of the Draft SEIR (beginning on page 3-212) provides a thorough analysis of potential project impacts to transportation and circulation under Existing Plus Project conditions. This analysis evaluates potential impacts to traffic operations, vehicle miles traveled (VMT), and transit, bicycle, and pedestrian components of the transportation system that may result from the proposed project, as well as impacts during project construction. The baseline transportation system setting utilized as the basis for the transportation impact analysis was established in 2019. Peak period traffic volume data on study roadway facilities was collected on Thursday, May 30, 2019 and Thursday, October 16, 2019 for the purposes of establishing the baseline transportation system setting. Therefore, the baseline transportation system setting in the Draft SEIR has been entirely updated from that analyzed in the MRIC EIR.

Impact 3-104 of the Draft SEIR provides a thorough analysis of cumulative transportation impacts during a 2036 future year analysis scenario. The cumulative transportation impact analysis considers reasonably foreseeable land use and transportation system changes expected to occur by the 2036 analysis year, including the completion of the proposed ARC Project. These include planned and approved land use development throughout the City of Davis and on the UC Davis campus, as well as future changes to land use throughout the greater Sacramento region (e.g., Sacramento, West Sacramento, Woodland, etc.) as identified by SACOG in the adopted *2016 Metropolitan Transportation Plan/Sustainable Communities Strategy*. Pages 3-319 and 3-320 of the Draft SEIR provide additional information regarding the land use and transportation system changes contemplated in the cumulative transportation impact analysis.

The cumulative traffic operations analysis includes the roadway facilities referenced by the commenter, including Mace Boulevard north of I-80, East Covell Boulevard east of Pole Line

Road, and Pole Line Road north of East Covell Boulevard. Therefore, the Draft SEIR describes the cumulatively considerable impacts associated with the ARC Project to peak hour traffic operations on the roadway facilities referenced by the commenter.

### **Response to Comment 51-16**

Please refer to Response to Comment 55-11 for a discussion of how the effects of navigation apps (e.g., WAZE) are considered in the Draft SEIR. Please refer to Response to Comment 51-15 for a discussion of how future land use changes, including those in the City of Woodland, were considered in the cumulative impact analysis of the Draft SEIR.

The commenter states an opinion that the combined effects of the ARC Project and navigation apps could cause a need for the signalization of the County Road 102/County Road 29 and/or the County Road 102/County Road 28H intersections. However, the commenter does not provide evidence to establish a nexus between the ARC Project, navigation apps, and project impacts to traffic operations on County Road 102 at County Road 28H and/or County Road 29.

The commenter states an opinion that “the impact of cell phone applications which divert traffic should be examined during various times, days of the week, and even seasons.” As described in the Draft SEIR, the baseline peak period traffic counts conducted for the ARC Project traffic operations analysis were conducted on two Thursdays in 2019 when the effects of navigation apps and related diverted regional traffic onto study roadway facilities were prevalent and typical of weekday peak period operating conditions. Therefore, the Draft SEIR appropriately considers the effects of navigation apps on peak hour traffic operations for the purposes of a CEQA-level transportation impact analysis.

### **Response to Comment 51-17**

Impacts to peak hour traffic operations at the I-80 interchanges at Mace Boulevard and County Road 32A/Chiles Road (the primary freeway access points for ARC Project vehicle trips) are addressed in Impact 3-70 and Impact 3-104 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively. The traffic operations analysis for the I-80 interchange at Mace Boulevard utilized a microsimulation model to account for the operational effects of the interchange on adjacent local study roadway facilities both north and south of the interchange. Please refer to Response 55-11 for a description of how the effects of navigation apps are considered in the Draft SEIR.

### **Response to Comment 51-18**

Impacts to freeway mainline operations on I-80 are addressed in Impact 3-70 and Impact 3-104 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively. Impacts to peak hour traffic operations at the I-80 interchanges at Mace Boulevard and County Road 32A/Chiles Road (the primary freeway access points for ARC Project vehicle trips) are addressed in Impact 3-70 and Impact 3-104 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively.

### **Response to Comment 51-19**

See Master Response #1.

### **Response to Comment 51-20**

As described on Page 3-16 of the Draft SEIR, the ARC Project would provide 5,858 on-site vehicle parking spaces. The proposed on-site parking supply was derived from parking demand rates for comparable land uses published in the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition (2019). The parking demand rates presented in the Parking Generation Manual are derived from empirical data collected at sites across the United States. According to the Parking Generation Manual parking demand rates for comparable land uses, the proposed on-site parking supply would adequately accommodate parking demand generated by the ARC Project and measurable levels of off-site parking activity would not be expected.

### **Response to Comment 51-21**

The ARC Project does not identify specific tenants or occupants for either the residential or commercial components of the project. The commenter does not provide evidence to support the assumption that UC Davis affiliates would comprise a significant portion of ARC Project residents or employees. As a result, this scenario cannot be reasonably analyzed, and CEQA (refer to Section 15384 of the State CEQA Guidelines) does not require that an EIR speculate regarding conditions that cannot be determined with reasonable certainty at this time, in light of available evidence.

### **Response to Comment 51-22**

Refer to the Transportation and Circulation section (beginning on page 3-212) and the cumulative transportation impacts section (beginning on page 3-318) of the Draft SEIR for a thorough analysis of the ARC Project impacts to transportation systems under Existing Plus Project and Cumulative Plus Project conditions, respectively. These impact analyses consider the transportation effects of the ARC Project land uses alongside local and regional land use and transportation system conditions during existing and future year analysis scenarios. These impact analyses consider the proposed ARC Project on-site residential uses, existing and planned residential development available locally within the City of Davis and on the UC Davis campus, and existing and planned residential development available elsewhere in the greater Sacramento region, and the extent to which these factors would influence ARC Project employee travel behavior. Regarding growth-inducement effects, please refer to Response to Comment 64-20.

Letter 52

**From:** Anthony Palmere <ajpalmere@gmail.com>  
**Sent:** Monday, April 27, 2020 4:34 PM  
**To:** smetzker@cityofdavis.org  
**Cc:** Jeff Flynn; tbassett@yctd.org; AHirsch  
**Subject:** Subsequent Environmental Impact Report (SEIR) (SCH # 2014112012) for the Aggie Research Campus (ARC)

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

Dear Ms. Metzker:

I would like to submit the following comments on the Subsequent Environmental Impact Report (SEIR) (SCH # 2014112012) for the Aggie Research Campus (ARC).

Regarding potential impacts on Air Quality, Greenhouse Gas Emissions, and Transportation and Circulation, it will be important that the project be designed to maximize the potential for transit ridership. If transit service is attractive to residents and employees at the ARC, auto trips will be reduced, and that will serve to mitigate the negative impacts in those three important areas.

52-1

In that regard, the project could enhance the attractiveness of transit by putting more density closer to where the transit service currently runs and is likely to operate in the future. The area along Mace Boulevard is served by Unitrans (A, P, Q, O, Z lines) and Yolobus (42A, 42B, 43, 232). These routes generally have good ridership and/or tight schedules. It will be unlikely that they could be re-routed into the ARC development without negatively impacting current ridership and operating costs. Soon, an additional route, jointly operated by Yolobus and Sacramento Regional Transit (138 Causeway Connection) will be serving the Mace Park and Ride just south of the project. That route could conceivably be re-routed to serve the southwestern-most portion of the ARC as long as it has an efficient route to and from I-80.

Research consistently shows that transit is most attractive to riders who can access it within a .25 mile walk without needing to transfer to another mode. With the focus of current and future transit service along Mace, as well as on Alhambra, that is where the highest density of development should be, if the goal is to maximize transit use and therefore minimize impacts on AQ, GHG, and VMT.

The current plan shows a large park at the corner of Mace and Alhambra. While that may be a wonderful amenity and attractive entrance to development, it is not a use that takes advantage of the transit service along Mace. The presence of the park in that location pushes the denser office and residential uses further from transit service, increasing walk distances (or requiring a transfer to an internal circulator). That, in turn, reduces potential transit ridership and thus will result in greater negative impacts on air quality, higher GHG emissions, and higher VMT. The project will be required to mitigate those impacts in numerous ways, many of which will be quite costly and marginally effective. Re-configuring the land use to locate the park away from Mace so that daily commuters have more convenient transit service would result in reduced impacts in these areas at a lower cost to the project than virtually any comparable mitigation measure.

52-2

Given the severity of the impacts in the areas related to transportation, transit-supportive infrastructure and funding support will be appropriate and should be considered as part of the project and mitigation measures. Infrastructure would include bus lanes along Mace and traffic signal priority (or exclusive transit phases) at the Mace/2nd and Mace/Alhambra intersections. Funding support would include participation in the partnership funding the Causeway Connection, which will initially be funded by a Congestion Mitigation and Air Quality (CMAQ) grant which will run out after 3 years of operation.

52-3

The internal circulation pattern in the street design may also result in lower future transit ridership because of the cul de sacs and lack of connectivity. A grid design (or additional bike/ped and transit connections) would allow for shorter walking and biking routes to/from transit, and would provide for a more efficient path for a future internal circulator shuttle.

Thank you for the opportunity to comment on this project.  
Anthony Palmere

**LETTER 52: ANTHONY PALMERE**

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**Response to Comment 52-1**

The commenter suggests alternative site plan configurations for the ARC Project and does not address the adequacy of the Draft SEIR, but has been forwarded to the decision-makers for their consideration. Please refer to Response to Comment 13-42. It should be further noted that approximately half of the ARC project site is located within approximately 0.25-mile of Mace Boulevard.

**Response to Comment 52-2**

Impact 3-76 of the Draft SEIR provides a thorough analysis of project impacts to transit services and facilities. Mitigation Measure 3-76(b) of the Draft SEIR requires the project applicant to study and implement multi-modal transportation improvements for each ARC Project phase of development, including improvements to 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. These improvements could include transit-only lanes and/or transit signal priority on Mace Boulevard, as suggested by the commenter. However, further study is required to understand the feasibility, operational effects, and effects on other modes of these transit improvements on Mace Boulevard.

Impact 3-72 of the Draft SEIR provides a thorough analysis of project impacts to vehicle miles traveled (VMT). Mitigation Measure 3-72(a) of the Draft SEIR requires the project applicant to prepare and implement a transportation demand management (TDM) plan to achieve specific VMT and average vehicle ridership (AVR) targets. This mitigation measure lists numerous potential strategies that could be employed as part of the TDM plan, including enhancements to Unitrans, Yolobus, or other regional bus service. The commenter's suggestion for the project to provide funding support to the Causeway Connection transit service is consistent with the potential TDM strategies set forth in Mitigation Measure 3-72(a).

**Response to Comment 52-3**

The commenter's suggested modifications to the proposed on-site circulation system could provide benefits to ARC Project resident and employee access to transit, as well as benefits to potential future transit service on-site circulation. However, these modifications are not required in order to address project transportation impacts, and thus do not pertain to the adequacy of the Draft SEIR. This comment has been forwarded to the decision-makers for their review and consideration.

**Letter 53**

**ARC Business Park SEIR Comments**

**Submitted April 28, 2020**

**By Nancy Price**

53-1

These comments are based my comments to the City of Davis Natural Resources Commission (NRC) given at the (zoom) meeting held on April 27, 2020 starting at 6:30 pm, and the Commission’s discussion of the same topic.

I regret that these comments could not be submitted prior to the April 27, 5:00 pm deadline. I had intended that these comments would be recorded at the meeting, but at the beginning of that meeting it became clear that my oral comments would not be included in the SEIR consideration.

Further, I have added material to those comments based on the feedback from the commission. I feel that it is only reasonable that the City of Davis accept these comments considering the City scheduled this pertinent meeting after the comment deadline. I have submitted them in as timely a way as was possible given the circumstances.

**SEIR Comments**

53-2

The ARC SEIR never properly considers dispersing the businesses that might be attracted to ARC in available space throughout the City. But a dispersed alternative had been the preference of the City’s earlier studies.

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

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

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

In 2019 Hibbert Lumber Co. went out of business; Hibbert’s Yard between 4<sup>th</sup> and 5<sup>th</sup> right in the downtown is about 1.25 acres and has become available. If the Hibbert site is redeveloped under the new proposed Downtown plan, depending on how parking is



**Letter 53**

**53-2  
Cont'd**

dealt with, the site could yield 200,000-300,000 square feet of office or research space. This is a very significant new development and must be considered. These available spaces favor a dispersed infill alternative.

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

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

Additionally, PG&E entered bankruptcy in 2019, possibly making the PG&E yard available. The PG&E property is about 20 acres and represents a very significant infill opportunity. The availability of this large infill lot so close to downtown needs to be considered in the analysis. This is a significant change since 2015 and needs to be analyzed. This favors a dispersed infill alternative.

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

All of these newly available spaces throughout Davis favor a dispersed infill alternative to the current proposal. A dispersed infill alternative needs to be analyzed in the SEIR as an equal weight alternative.

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

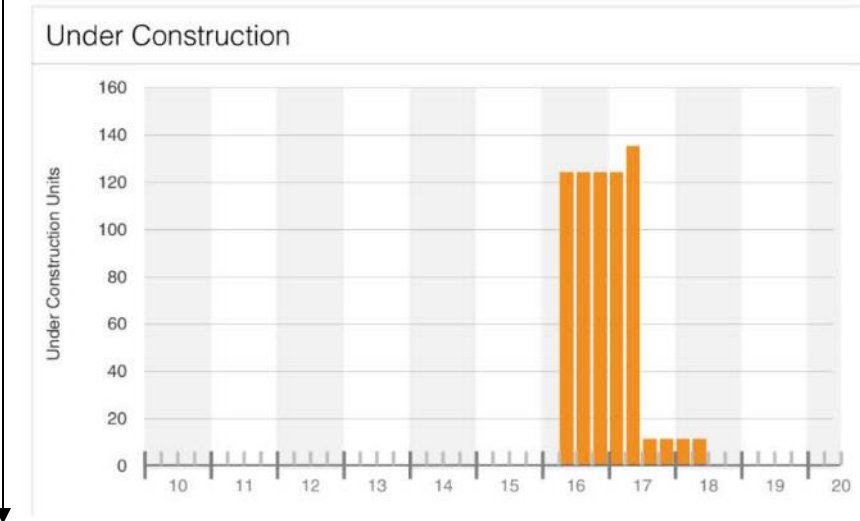


53-2  
Cont'd

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

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

Additionally, there has been considerably more multi-family residential housing approved in Davis and construction has begun since 2015



53-2  
Cont'd

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

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

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

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

**It is likely that a dispersed reduced size project is the environmentally superior option and that this alternative must be analyzed in the SEIR.**

Respectfully submitted,

Nancy Price

1223 Sequoia Place

Davis, CA 95616

758-0726

**LETTER 53: NANCY PRICE**

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**Response to Comment 53-1**

The comment is an introductory statement and does not address the adequacy of the Draft SEIR. The specific comments are addressed below.

**Response to Comment 53-2**

Please refer to Master Response #5 regarding urban decay and Master Response #4 regarding the infill alternative.

**From:** Billie Martin <drbilliemartin@yahoo.com>  
**Sent:** Monday, April 27, 2020 4:50 PM  
**To:** SMetzker@cityofdavis.org  
**Cc:** NRC@cityofdavis.org  
**Subject:** DSEIR - Aggie Research Center - Draft Subsequent Environmental Impact Report

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

To: DSEIR  
City of Davis  
Dept of Community Development and Sustainability  
23 Russell Boulevard  
Davis, CA 95616  
Sheri Metzger  
SMetzker@cityofdavis.org

From: Robert Prindle  
2509 Amapola Drive  
Davis, CA 95616  
rcprindle@sbcglobal.net  
(815) 295-0125

**Subject:** DSEIR - Aggie Research Center - Draft Subsequent Environmental Impact Report

54-1

**Comments:** I understand that the ARC project is introducing 100,000 square feet of Retail Space. The City of Davis has already lost too many locally owned, independent businesses to the two prior big box projects (e.g. Borders, Target) that were implemented hastily without regard to the lasting impact and damage they would have on local businesses. We have very little local Retail talent left in operation in Davis. Remember when the collegiate educated town of Davis practically had a locally owned and operated book store on every downtown block? Thankfully one Davis bookstore owner has survived and continues to try to paint and brighten the dimming true character of what Davis used to be and used to aspire to be as a local business supportive city. Retail Chains are replacing the very character of Davis and it's local businesses. Just look at Downtown Davis. There are few surviving local businesses and all empty storefronts are being filled by corporate chains and franchises.

A study needs to be conducted to determine the impact the different types of businesses being introduced into the ARC project will have on our existing but dwindling local businesses.

Thank you for considering my concerns and for your written response.

Robert Prindle  
2509 Amapola Drive  
Davis, CA 95616  
rcprindle@sbcglobal.net  
(815) 295-0125

**LETTER 54: ROBERT PRINDLE**

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**Response to Comment 54-1**

Please refer to Master Response #5.

Letter 55

From: Alan Pryor  
To: BT&SSC Commissioners  
Date: April 9, 2009  
Re: Comments on ARC Transportation Impact Analysis

Dear Commissioners,

I have read the ARC SEIR including the Transportation Impact Analysis and made the following observations:

55-1

Fehr and Peers, the engineers that studied the impact on traffic as a result of ARC and who prepared the Transportation Impact Analysis, have suggested “*potential operational enhancements*” in their report and infer that they are actual mitigations proposed for the project. In fact, they are totally distinct from the list of those officially identified mitigations in the SEIR. There appears to be no tie-in between actual recommend mitigation measures for the project and these “*potential operational enhancements*”.

It appears that Fehr and Peers otherwise identified this list of “*potential operational enhancements*” in order to present a future scenario that looks more rosy than would otherwise be the case if these “*potential operational enhancements*” were not implemented. The “*potential operational enhancements*” consist of a wish-list of massive roadway construction projects with an unknown price tag and feasibility which may, in fact, never be realized.

55-2

Further, the Transportation Impact Analysis itself recognizes that increasing roadway capacity due to these “*potential operational enhancements*” would have deleterious effects on local traffic and bicycle-pedestrian safety and actually increase roadway congestion if they were, in fact, implemented as noted below.

From p. 26 of the Transportation Impact Analysis:

*“Note that while the improvements listed above provide benefits to peak hour roadway operations for vehicles, they could diminish the bicycle and pedestrian environment by increasing crossing distances and bicycle and pedestrian exposure times at intersections. Moreover, the additional roadway capacity resulting from these improvements could induce additional vehicle miles traveled (VMT) on study area roadways. Existing evidence indicates that Covell Boulevard, Mace Boulevard, and connecting roadways such as Second Street and Chiles Road are utilized as regional cut-through routes when I-80 experiences significant speed reductions and delays during p.m. peak periods. Therefore, improving operations and reducing delays along these local roadways could increase the attractiveness of these routes as alternatives to I-80 and induce additional regional cut-through activity on local roadways. Parallel local routes require longer trip distances than remaining on I-80, therefore, regional travel demand use of local routes would yield more VMT than use of I-80.”*  
**(Emphasis added)**

In other words, the Transportation Impact Analysis otherwise assumes peak hour traffic flow benefits from these “*potential operational enhancements*” but does not factor in any of the suggested negative impacts that the “*potential operational enhancements*” may induce which is a logical flaw in the study

**Letter 55**

**55-3**

As a result, I recommend the BT&SSC focus only on the actual mitigations proposed by the applicant in the SEIR when considering the impact of ARC on local roadway conditions and not consider any of these pi-in-the-sky "*potential operational enhancements*". When considered in this light I believe you will conclude that the traffic impacts of ARC are "Significant and Unavoidable" and would have a very deleterious effect on both roadway congestion and bicycling and pedestrian safety if the ARC project were built out.

Thank you for your consideration of these comments.

Respectfully submitted,

Alan Pryor



**LETTER 55: ALAN PRYOR – APRIL 9, 2020**

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**Response to Comment 55-1**

Pages 25, 26, and 46 of the *Aggie Research Campus Traffic Operations Analysis* (Volume 2 of Appendix F of the Draft SEIR) describe potential operational enhancements that would improve peak hour traffic operations on study roadway facilities relative to Existing Plus Project and Cumulative Plus Project conditions. Impacts to peak hour traffic operations on study roadway facilities are addressed in Impact 3-70 and Impact 3-104 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively. The project applicant's responsibility to implement physical and operational improvements in order to ameliorate project impacts to peak hour traffic operations are described in Mitigation Measure 3-70(a) and Mitigation Measure 3-104(a) of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively. These mitigation measures incorporate in full the physical improvements and signal timing changes described as potential operational enhancements in the *Aggie Research Campus Traffic Operations Analysis*. Thus, the potential operational enhancements identified in the *Aggie Research Campus Traffic Operations Analysis* are implemented by mitigation measures in the Draft SEIR.

**Response to Comment 55-2**

Page 26 of the *Aggie Research Campus Traffic Operations Analysis* (Volume 2 of Appendix F of the Draft SEIR) describes the secondary effects associated with the potential operational enhancements identified to ameliorate project effects on peak hour traffic operations. This discussion focuses on the secondary effects of the proposed roadway modifications with respect to induced vehicle travel demand and the bicycle and pedestrian environment.

Pages 3-242 through 3-246 of the Draft SEIR similarly describe the indirect effects of the roadway modifications included in Mitigation Measures 3-70(a), 3-70(b), and 3-70(c) on induced vehicle travel demand and the bicycle and pedestrian environment.

**Response to Comment 55-3**

Please refer to Response to Comment 55-1 for information regarding the relationship between the proposed operational enhancements identified in the *Aggie Research Campus Traffic Operations Analysis* (Volume 2 of Appendix F of the Draft SEIR) and the mitigation measures related to project impacts to traffic operations described in Impact 3-70 and Impact 3-104 of the Draft SEIR. Note that the potential operational enhancements are not proposed as features of the ARC Project. Instead, the operational enhancements are elements of mitigation measures required to address ARC Project impacts to traffic operations as described in the Draft SEIR.

Letter 56

**From:** Alan Pryor <ozone21@att.net>  
**Sent:** Saturday, April 18, 2020 12:02 AM  
**To:** Kerry Loux; Johnston, John; Hannah Safford  
**Cc:** Sherri Metzker  
**Subject:** Re: SEIR Aggie Research Campus

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All - I do not think any time should be devoted to this upcoming NRC meeting for the applicant to provide an update for the Sustainability Features UNLESS we get through the entire SEIR review which otherwise has an immediate deadline. The Sustainability Features and discussion of the Commissions recommendations for Baseline Features can all occur at our May meeting. Or if we feel that we want input to the Planning Commission for their earlier May meeting, I would suggest we hold a special Commission mtg meeting in early May to consider the Sustainability Features and Baseline Features because that those items are not as time sensitive as completing our SEIR review/comments. I think it would be fine for the applicant to submit the revised Sustainability Features to us but I just don't want to sit and spend valuable time for them to read to us what we can just as easily read ourselves - or we can have them make a presentation at a later May mtg.

Alan

Alan Pryor  
916-996-4811 (cell)

On 4/6/2020 11:14 AM, Kerry Loux wrote:

Additionally, the project applicant has said that they want to return to the NRC at this April meeting to present the final Sustainability Implementation Plan.

56-1

**LETTER 56: ALAN PRYOR – APRIL 18, 2020**

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**Response to Comment 56-1**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

Letter 57

**From:** Alan Pryor <ozone21@att.net>  
**Sent:** Tuesday, April 21, 2020 6:15 PM  
**To:** Planning Commission  
**Subject:** Comments Regarding Traffic Impact Analysis

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

From: Alan Pryor  
To: Planning Commission Members  
Date: April 21, 2009  
Re: Comments on ARC Transportation Impact Analysis

Dear Commissioners,

I have read the ARC SEIR including the Transportation Impact Analysis and made the following observations:

57-1

Fehr and Peers, the engineers that studied the impact on traffic as a result of ARC and who prepared the Transportation Impact Analysis, have suggested *“potential operational enhancements”* in their report and infer that they are actual mitigations proposed for the project. In fact, they are totally distinct from the list of those officially identified mitigations in the SEIR. There appears to be no tie-in between actual recommend mitigation measures for the project and these *“potential operational enhancements”*.

It appears that Fehr and Peers otherwise identified this list of *“potential operational enhancements”* in order to present a future scenario that looks more rosy than would otherwise be the case if these *“potential operational enhancements”* were not implemented. The *“potential operational enhancements”* consist of a wish-list of massive roadway construction projects with an unknown price tag and feasibility which may, in fact, never be realized.

57-2

Further, the Transportation Impact Analysis itself recognizes that increasing roadway capacity due to these *“potential operational enhancements”* would have deleterious effects on local traffic and bicycle-pedestrian safety and actually increase roadway congestion if they were, in fact, ever implemented as noted below.

From p. 26 of the Transportation Impact Analysis:

*“Note that while the improvements listed above provide benefits to peak hour roadway operations for vehicles, **they could diminish the bicycle and pedestrian environment by increasing crossing distances and bicycle and pedestrian exposure times at intersections.** Moreover, the **additional roadway capacity resulting from these improvements could induce additional vehicle miles traveled (VMT) on study area roadways.** Existing evidence indicates that Covell Boulevard, Mace Boulevard, and connecting roadways such as Second Street and Chiles Road are utilized as regional cut-through routes when I-80 experiences significant speed reductions and delays during p.m. peak periods. Therefore, **improving operations and reducing delays along these local roadways could increase the attractiveness of these routes as alternatives to I-80 and induce additional regional cut-through activity on local roadways.** Parallel local routes require longer trip distances than remaining on I-80, therefore, regional travel demand use of local routes would yield more VMT than use of I-80.” (Emphasis added)*

**Letter 57**

**57-3**

In other words, the Transportation Impact Analysis otherwise assumes peak hour traffic flow benefits from these "potential operational enhancements" but does not factor in any of the suggested negative impacts that the "potential operational enhancements" may induce which is a logical flaw in the study

As a result, I recommend the Planning Commission focus only on the actual mitigations proposed by the applicant in the SEIR when considering the impact of ARC on local roadway conditions and not consider any of these pie-in-the-sky "potential operational enhancements". When considered in this light I believe you will conclude that the traffic impacts of ARC are "Significant and Unavoidable" as stated in the DSEIR and would have a very deleterious effect on both roadway congestion and bicycling and pedestrian safety. It would simply add to the already unacceptable roadway delays caused by the still unresolved "Mace Mess" if the ARC project were built out.

Thank you for your consideration of these comments.

Respectfully submitted,

Alan Pryor

--

Alan Pryor  
916-996-4811 (cell)

**LETTER 57: ALAN PRYOR – APRIL 21, 2020**

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**Response to Comment 57-1**

Please refer to Response to Comment 55-1.

**Response to Comment 57-2**

Please refer to Response to Comment 55-2.

**Response to Comment 57-3**

Please refer to Response to Comment 55-3.

Letter 58

**From:** Scott Ragsdale <sdragsdale@comcast.net>  
**Sent:** Monday, April 27, 2020 4:21 PM  
**To:** smetzker@cityofdavis.org  
**Subject:** Thank you for entering my comments to the SEIR for Business Park consideration

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

Dear Ms Metzker and Planning Commission,

Thank you for entering my comments into further EIR consideration

Perspective:

Rational analyses of resource use and business methods would tell you that the majority of our current practices are impractical if not foolhardy – the construction of a conventional business park is part of this legacy.

I concede that the City is left with difficult choices based on other municipalities continued practice to consider business park/innovation a road to civic/economic security and are incented offer “below true cost” office/manufacturing space.

58-1

I do think innovation around business space is necessary for economic security, but further development of open “green/ag” space seems to be a very high price. Re-development of core space should be re-considered. A “walk to work, home and services plan” is not just ideal it will likely become the only reasonable economic “new development” alternative in just a few short years.

For these reasons I would ask that the Planning Commission and relevant City Departments include answers to the following in subsequent evaluations of the proposed project.

- A non ARC plan, the 5<sup>th</sup> street corridor business/research park.
  - Below grade (basement) parking structures to reclaim what is about 40 acres of paved parking lot for 6,000 spaces. That’s a lot of water runoff and heat.
  - A clear commitment from UCD and other research/innovation institutions/companies to take part in the project. It is a misrepresentation to call this proposal Aggie Research Center when neither UCD or other public/private R&D facilities are committed to occupying the proposed business park.
  - “Permitted and conditional use” should reinforce businesses that focus on regenerative products and practices. Conventional agri-chemical companies not willing to commit to building-up diverse indigenous life systems should be discouraged.
- 58-2
- The impact of the Woodland Research and Technology Park on price and occupancy if both projects were to move forward.
- 58-3
- The impact of COVID-19 on research and development work place ergonomics generally. In particular, an estimate of the impact work-in place (home office) trends are likely to have on the perceived need for a multi-faceted business park/light manufacturing campus

Thank you for your time and attention.

Scott Steward Ragsdale  
Davis, CA

**LETTER 58: SCOTT STEWARD RAGSDALE**

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**Response to Comment 58-1**

In general, the comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. Regarding the request for a “non ARC plan, the 5<sup>th</sup> street corridor business/research park”, the commenter is referred to Response to Comment 33-2 regarding the adequacy of the alternatives evaluation. Regarding runoff concerns, please refer to Response to Comment 49-6. Regarding the heat island effect, please refer to Response to Comment 47-9.

**Response to Comment 58-2**

Please refer to Master Response #5.

**Response to Comment 58-3**

Please refer to Master Response #5.



**Letter 59**

----- Original message -----

From: [dan.ravathome@gmail.com](mailto:dan.ravathome@gmail.com)  
Date: 4/20/20 4:08 PM (GMT-08:00)  
To: Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>  
Subject: Aggie Research Center SEIR scoping

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

59-1

I attended the meeting in the city council chambers at the time scoping of the supplemental EIR was begun and submitted written comments at that time on a form provided by the city staff. I see no mention of them in the recently released draft SEIR.

Were comments received at that meeting not considered in scoping the supplemental document?

Sent from Windows Mail

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

**LETTER 59: DAN RAYATHOME**

**Response to Comment 59-1**

The following handwritten comments submitted at the scoping meeting were addressed in the Draft SEIR, but were inadvertently omitted from Appendix A to the Draft SEIR: Appendix A is hereby amended to include the following comments. Following the comments is a discussion of where the environmental topics raised in the letters were addressed in the Draft SEIR.

Aggie Research Campus  
Scoping Mtg. Dec 2, 2019

SIGN UP FOR EMAIL LIST

Name	Email
Roberta Millstem	roberta.millstem@RLM.net
Gayna Lamb-Bang	gayna@dcn.org
BILLIE BRUSEN	drbillie.brusen@gmail.com
Alay Hirsch	AHirsch@dcn.org
Linda Peos	LPeos@yahoo.com
ROBERT PRINDLE	rprindle@sbcglobal.net
Steve Sheeter	stevsheeter@comcast.net
Greg Rowe	gregrowe50@comcast.net
Don Cowden	srcowden@comcast.net
Chris Majestic	Cmajestic@tel.com
Dan Ray	dray@dan.rayathome@gmail.com
Richard Reed	richard.reed@yolo-county.org
Pamela Gunnell	pamgunnell@sbcglobal.net

From: Alan Hirsch

Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT

In Parking Lots

① Trees <sup>in</sup> Never Grow to size shown in Diagram. How will Heat Island effect be mitigated or will tree be planted with structural soil

② Disclose why you can get parking to 1/2 that shown in original EIR

③ Anticipate effect SEA Level rise on drainage & ARE Storms

④ Disclose Acres of Sight dedicated to parking lots.

Submit to

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

Recd 12/2/19

Aggie Research Campus  
Scoping Meeting  
December 2, 2019

From: Alaa C. Miller

COMMENT \_\_\_\_\_

- The bike grade separation should be required to be an under-crossing. Those require less vertical separation and are much preferred by cyclists/pedestrians.
- The housing component should NOT be tied to how much commercial is built. We need housing, and the anti-growth forces will not be quelled by this lame requirement. Just go for it and build the housing first & fully.

Submit to

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

Red 12/2/19



Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT Downtown Davis cannot support this level of development - traffic and housing. Russell/5th has huge new developments (Sterling and the other one), 8th has its own, and of course Cavell has The Cannery.

There should, at the very least, be NO HOUSING in this development. There should be restaurants and shops, since downtown Davis is just too small and crowded, already.

Fifty percent of Earth is now developed by humans. Here we are paving over habitat and fields.

I know this will go through because Davis always gives in to developers. Buzz Oates is a terrible landlord. Ark Get Fit. They're irresponsible, don't fix things, don't upgrade. They just like profits. Shame on city of Davis for letting this project, on prime ag. land, get this far.

Submit to

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

Red 12/2/19



Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT This is a new project with vague details. The city should have required ~~full~~ details and a new, full EIR. Environmental review needs to study traffic (much worse than 2017), flooding issues, habitat loss, farmland loss, greenhouse gas emissions, economic costs of new development. On its face, this looks like a bad, sprawl-inducing project.

Submit to

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

Red 12/2/19

Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT ① SEIR should look at to what extent residential and commercial development at ARC will effect the residential and commercial assumptions in the downtown plan.

② The SEIR should thoroughly examine potential impacts from climate change, in terms of ~~the~~ rising sea levels and whether the project site drainage will be adequate to protect it in the coming decades, i.e. 20-100 years from now.

Submit to

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

Rcd 12/2/19





YOCHA DEHE  
CULTURAL RESOURCES

RECEIVED  
DEC 12 2019  
City of Davis  
Community Development

December 9, 2019

City of Davis - Community Development Dept.  
Attn: Sherry Metzker, Principal Planner  
23 Russell Boulevard, Suite 2  
Davis, CA 95616

RE: Mace Ranch Innovation Center Project

Dear Ms. Metzker:

Thank you for your project notification letter dated, November 15, 2019, regarding cultural information on or near the proposed Mace Ranch Innovation Center Project, Davis, Yolo County. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. Please send us the environmental impact report for this project.

Should you have any questions, please contact the following individual:

Kristin Jensen, CRD Administrative Assistant  
Yocha Dehe Wintun Nation  
Office: (530) 796-0105  
Email: [kjensen@yochadehe-nsn.gov](mailto:kjensen@yochadehe-nsn.gov)

Please refer to identification number YD-05162017-01 in any correspondence concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

Tribal Historic Preservation Officer

Yocha Dehe Wintun Nation  
PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.org

The environmental issues raised in the above typed comment letters have been addressed in the Draft SEIR. For example, regarding the location of the proposed agricultural buffer, see Master Response #2. Issues related to flooding, habitat loss, farmland loss, and GHG emissions are addressed in Impacts 3-47, 3-89, 3-5, and 3-37 of the Draft SEIR, respectively. Issues related to traffic are addressed in Impacts 3-70, 3-71, 3-74, and 3-104 of the Draft SEIR. Issues related to tribal cultural resources are discussed on page 3-123 of the Draft SEIR.

Letter 60

**From:** Elizabeth Reay <ereay@UCDAVIS.EDU>  
**Sent:** Wednesday, April 22, 2020 4:08 PM  
**To:** PlanningCommission@cityofdavis.org  
**Subject:** Proposed New Research Park: ARC Park

**Importance:** High

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

Planning Commission Members;

As a Davis resident since 1977, I have seen massive changes come to this city. Some have been great, some have been awful. This new proposal is awful.

60-1

The proposed new Business Center is far too large and will adversely affect traffic along Covell, Mace and impact the Mace Blvd overpass on a massive scale. There will be 1000s of additional cars and delivery trucks swarming the area, which will make commuting for Davis residents even worse. This road has a junior high school on it...so you are endangering Frankly, in proposing this site, you have, again, overlooked more possibilities along 2<sup>nd</sup> street.

60-2

As for the housing mentioned in the proposal: we have already learned from the most recent development built on the former Hunt Cannery site, that there will be absolutely no "affordable" housing. People will swoop in and then sell said "affordable" housing at massive market markups within 2-3 years. This is exactly what is happening in The Cannery as I write this email to you. As you can easily see on Zillow today... there is no home in the Cannery going for less than \$700K, where we were promised homes in the \$400K range. Again, the developers are raking in millions and leaving the rest of the Davis residents to cope with the fall out of choking traffic. Furthermore...you are once again gobbling up

60-3

prime agricultural land.

Please do not condone this project. It is too big and will further choke traffic in Davis.

Elizabeth Reay, MS, RBP  
Safety Manager/BSL3 Manager/Responsible Official for CAHFS Select Agent Program  
California Animal Health & Food Safety Lab  
University of California Davis  
Ph: 530-752-7508  
Cell: 530-902-3248  
Fax: 530-752 -8299

**LETTER 60: ELIZABETH REAY, MS, RBP**

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**Response to Comment 60-1**

Issues related to traffic congestion at local roadway facilities, including Mace Boulevard, are addressed in Impacts 3-70, 3-71, 3-74, and 3-104 of the Draft SEIR. While the Draft SEIR identifies potential impacts to roadway facilities along Mace Boulevard, mitigation measures are included to reduce the identified impacts to the maximum extent feasible. Regarding consideration of an off-site Infill Alternative, see Master Response #4.

**Response to Comment 60-2**

Please refer to Response to Comment 51-3.

**Response to Comment 60-3**

Issues related to conversion of Prime Farmland are addressed in Impact 3-5 of the Draft SEIR. As noted therein, Mitigation Measure 3-5 sets forth the agricultural land mitigation requirements in Davis Zoning Code, Chapter 40A.03, with which future development of the ARC Project shall be conditioned. While implementation of Mitigation Measure 3-5 would reduce impacts to Prime Farmland and Farmland of Statewide of Importance 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. Therefore, the Draft SEIR concluded that the impact would remain significant and unavoidable.

**From:** GREG ROWE <[gregrowe50@comcast.net](mailto:gregrowe50@comcast.net)>  
**Sent:** Tuesday, March 17, 2020 12:22 PM  
**To:** Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>  
**Subject:** ARC SEIR Question

**Letter 61**

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

Hi, Sherri. Thanks for leaving the SEIR for me in the Will Call box. Hope you're doing well at this difficult time.

61-1 I have a question that's not urgent, but I would like to know if I am interpreting things correctly. It has to do with the field surveys discussion on page 3-80 and the tables that follow. (I should note that I have some familiarity with HCPs/NCCPs through my former job with Sac Co Dept of Airports. Prior to my hiring the County decided to not be part of the Natomas Basin HCP. I later collaborated with a County planner on a white paper that explored whether the County should reconsider that decision. Ultimately the County elected to not join, but I nonetheless had to continually deal with the Natomas Conservancy and the wildlife agencies.)

The section states that the project applicant(s) will need to pay \$14,033/acre in HCP/NCCP Land Cover fees for 4 different land cover types. Table 3-15 on page 3-83, however, lists 5 land cover types with a cumulative total of 815.34 acres. Multiplying \$14,033/acre times this number of acres yields \$11,441,666.

I think this section warrants greater explanation and detail for clarification. For example:

- 61-2
  - Why does the narrative on page 3-80 discuss 4 land cover types, but the table on page 3-83 lists 5 types?
- 61-3
  - I suggest adding a new table that shows the land cover types, the per acre fee for each land cover, and the resulting fee. This could also be achieved by modifying Table 3-15 to add more columns, with the last column (to the right) showing the fee for each land cover type. For example, the field crops row could show 733.86 x \$14,033, with the result of \$10,298,257.
- 61-4
  - I think the narrative needs to be more explicit in explaining that the 815.3 acres is a combination of the 265.09-acre ARC Biological Study Area (BSA), as explained on page 3-79, and the 550.25-acre Stormwater BSA, explained on the top of page 3-80.
- 61-5
  - As you know, some HCPs (such as Natomas) are based on the assumption that every acre developed sustains an impact, and must be mitigated at a given ratio. I believe the Natomas HCP ratio of 0.5 acre of mitigation for each acre developed. Other HCPs, however, require mitigation only for actual habitat impacted. The SEIR should therefore explain how the Yolo HCP/NCCP is structured and its mitigation requirements. I have inferred that it assumes any development has an impact and that the ratio is 1:1, but that is not fully explained.
- 61-6
  - Very Important: The Field Surveys section does not explain when the HCP/NCCP Land Cover mitigation fees will need to be paid by the applicant(s). Will the total amount of \$11,441,666 be due when the project is fully approved (i.e., after voter approval and annexation)? Or, will the fees be due in accordance with the planned phased construction of the project?
  - If payments are to be made in phases, will an inflation accelerator be added to the fees?

Thanks, Greg Rowe

**LETTER 61: GREG ROWE – MARCH 17, 2020**

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**Response to Comment 61-1**

There is no discrepancy between the land cover types listed on page 3-80 and those included in Table 3-15. Both list five cover types. For example, page 3-80 lists: 1) Field Crops/Cultivated Land; 2) Deciduous Fruit/Nut; 3) Semi-agricultural/Incidental to Agriculture; 4) Urban/Ruderal, and 5) MDC (Mace Drainage Channel). Table 3-15 also includes all five of these cover types, as well as the “Urban or Built Up” acreage. The HCP/NCCP land cover fee stated in the comment is incorrect, insofar as it bases the calculation on the entire biological Study Area (defined on p. 3-79 of the Draft SEIR), which includes not only the ARC Site but all three potential off-site detention pond storage locations. If the off-site detention pond alternative is ultimately selected as the means to address the project’s increase in the volume of stormwater runoff, only 100 acres of the Stormwater BSA would be utilized. Furthermore, see Master Response #3 regarding payment of land cover fees for construction of the off-site detention pond.

**Response to Comment 61-2**

Please see Response to Comment 61-1.

**Response to Comment 61-3**

The City appreciates the commenter’s request for additional data, such as modifying Table 3-15 to include the per-acre Yolo HCP/NCCP fee for each habitat type; however, this information is already provided in the text on page 3-80. In addition, the fee amounts are subject to change over time, as evidenced by the commenter’s clarification that the fee for field crops is now higher than identified in the Draft SEIR. For this reason, the applicant will be required to pay the applicable HCP/NCCP land cover fees in effect at the time of application for coverage under the HCP/NCCP.

**Response to Comment 61-4**

The acreages of the Campus Biological Study Area (BSA) and Stormwater BSA that make up the entire 815.34-acre BSA are already explained on pages 3-79 and 3-80 of the Draft SEIR. Generally, the ARC BSA consists of approximately 265 acres and the Stormwater BSA consists of approximately 550 acres.

**Response to Comment 61-5**

Please see Response to Comment 67-44.

**Response to Comment 61-6**

Please see Response to Comment 64-11.

Letter 62

**From:** GREG ROWE <gregrowe50@comcast.net>  
**Sent:** Wednesday, March 18, 2020 4:23 PM  
**To:** smetzker@cityofdavis.org  
**Subject:** Higher Mitigation Fees

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

Hi, Sherri. I wanted to let you know now about a recent change that will require modification of the draft SEIR. As of March 15 the mitigation fee required by the Yolo Conservancy increased from the prior \$14,033/acre referenced in the SEIR to a new fee of \$14,950/acre. This applies to all projects for which applications are received after March 15. This represents an increase of \$917/acre.

62-1

Assuming that I interpreted the field survey section correctly, the applicant will be obligated to pay the Yolo Conservancy for total BSA acreage of 815.34 acres. Based on \$14,033/acre, this would amount to \$11,441,666 due and payable to the Conservancy when grading permits are issued (based on my conversation with Dirk Brazil this morning.)

Because of the mitigation fee adjustment, that amount has now increased to \$12,189,333, an increase of \$747,667.

That's a lot of money, but I can say that based on my experience with the Natomas HCP, the fee-based structure of the Yolo HCP/NCCP appears much easier to administer. -- Greg

**LETTER 62: GREG ROWE – MARCH 18, 2020**

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**Response to Comment 62-1**

The HCP/NCCP land cover fee stated in the comment is incorrect, insofar as it bases the calculation on the entire biological study area, which included all three potential off-site detention pond storage locations. If the off-site detention pond location is ultimately selected, only 100 acres of the Stormwater BSA would be utilized. In addition, the fee amounts are subject to change over time, as evidenced by the commenter's clarification that the fee for field crops is now higher than identified in the Draft SEIR. For this reason, the applicant will be required to pay the applicable HCP/NCCP land cover fees in effect at the time of application for coverage under the HCP/NCCP. Please see Response to Comment 64-11 regarding timing for fee payment.



Letter 63

From: GREG ROWE <[gregrowe50@comcast.net](mailto:gregrowe50@comcast.net)>  
Sent: Tuesday, April 7, 2020 8:34 PM  
To: Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>  
Subject: ARC Soil Excavation Question

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

Hi, Sherri.

This question is in regard to the ARC draft SEIR paragraph on the top of page 3-259. In summary, it says the following:

It is forecast that approximately 10,833 truck trips would be required to transport the excavated soil the 2-mile distance westward from the Howatt Ranch property to the ARC site for stockpiling. This would amount to 720 trucks/day over 30 work day.

So, the number of truck trips is described, but the total volume of soil that would be moved is not revealed. I have been asked if this information appears anywhere else in the draft SEIR and/or in the August 2015 DEIR for the MRIC project. I have not reviewed the entire MRIC EIR, so cannot say for sure if the soil volume is referenced in that document.

Given that, what is the hauling capacity per truckload for the truck trips referenced above? In other words, how many cubic yards of soil would one truck be able to accommodate? Having that information would enable a calculation of the total volume expected to be excavated and then moved to the ARC site.

I did some Google research and found the typical dump truck can carry a maximum 15 cubic yards of topsoil. For the ARC project, that would equal  $10,833 \times 15 = 162,495$  cubic yards. That does not seem like much, in comparison to my experience, i.e., the 4 million cubic yards excavated from about 700 acres of airport land, which was excavated to a depth of about one foot.

Any info you can provide will be helpful. Thanks, Greg

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63-1

**LETTER 63: GREG ROWE – APRIL 7, 2020**

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**Response to Comment 63-1**

Please see Master Response #3.

**Letter 64**

MEMO

**TO:** Sherri Metzker, Principal Planner – Community Development and Sustainability – City of Davis  
**FROM:** Greg Rowe, Planning Commissioner  
**DATE:** April 19, 2020  
**SUBJECT:** SUBJECTS NOT ADDRESSED OR PARTIALLY ADDRESSED IN DRAFT SUBSEQUENT EIR (DSEIR) - PROPOSED AGGIE RESEARCH CAMPUS

This memo has 2 sections. (1) summarizes topics that appear not addressed in the DSEIR. The greatest shortcoming of the DSEIR: it does not address the ramifications if less than 60% of the ARC housing units are occupied by an ARC employee, contrary to Council prior decision; see # 11, 13 and 14. (2) describes topics that have been only partially addressed, and therefore warrant more in-depth analysis.

**TOPICS NOT ADDRESSED OR INADEQUATELY COVERED IN THE DSEIR**

#	Section or Page	Subject	Comments and Recommendations
64-1	1.3, 3-1, 3-41 thru 45.	Development Foot-print and 25-acre City parcel	The ARC would use 6.8 acres (27%) of a 25-acre City-owned open space parcel ("Mace 25") to comply with the City's 150-foot agricultural buffer requirement. The parcel would retain agricultural-intensive (A-N) zoning. <ul style="list-style-type: none"> <li>• DSEIR did not analyze the impact of using City protected open space to meet the buffer requirement.</li> </ul> <b>Recommendations:</b> <ol style="list-style-type: none"> <li>(1) Evaluate ramifications of using City open space to satisfy applicant's ag buffer obligations.</li> <li>(2) Examine the alternative of placing the entire buffer within the applicant's project boundaries.</li> </ol>
64-2	1.2, 3-2, 3-14, 3-47	Adequacy of agricultural buffer (City Zoning Ordinance, 40A.01.050)	The Director of Yolo County Community Services ("County Director Letter") questioned the sufficiency of the City's 150-wide ag buffer. It referenced County Policy LU-2.1, which recommends a minimum 300-foot setback for ag protection. The applicant proposes annexation of County land to the City but the DSEIR does not address the potential impacts of the differences between County and City ag buffer policy. <ul style="list-style-type: none"> <li>• <b>Recommendation:</b> The SEIR should evaluate the potential impacts of the City's 150-foot buffer versus impacts that could be avoided or reduced if the County 300-foot buffer standard were used.</li> </ul>
64-3	3-48	Incompatible Uses in Ag Buffer (Impact 4.2-4)	The County Director Letter contended that designating part of the buffer for recreational uses (biking, pedestrians) could be incompatible near ag parcels that use restricted substances (pesticides, herbicides). <ul style="list-style-type: none"> <li>• <b>Recommendation:</b> The DSEIR should evaluate this potential incompatibility and whether such impacts could be reduced with a wider buffer (at least 300 feet as suggested by the County).</li> </ul>
64-4	3-116	Burrowing Owl Movement Areas	A biking/walking trail within the first 50-foot part of the buffer could impact burrowing owl habitat. The owls may not become accustomed to trail walkers and bikers. <ul style="list-style-type: none"> <li>• <b>Recommendation:</b> Evaluate an alternative that excludes human activity in the first 50 feet.</li> </ul>
64-5	1-8	Competition from Other Innovation Parks	Other regional innovation centers will compete with the ARC, as mentioned at the March 26 ARC Planning Commission workshop. The DSEIR does not identify what would happen if the expected level of industrial/research/office/manufacturing activity does not occur.

**Letter 64**

	No.	Section or Page	Subject	Comments and Recommendations
64-5 Cont'd			Impacts if Proposed Non-Residential Development Does Not Occur	<b>Recommendations:</b> <ul style="list-style-type: none"> <li>Evaluate the potential impact of competition by other regional innovation parks.</li> <li>Evaluate actions that could be implemented if the predicted level of development does not occur.                             <ul style="list-style-type: none"> <li>Would more housing be substituted for unmet business park demand?</li> </ul> </li> <li>Address potential actions if the predicted level of non-residential activity does not occur.</li> <li>The DSEIR should examine an alternative that would include more than 850 on-site housing units.</li> </ul>
64-6	6	1-9	Assumption That Many Employees Will Live On-Site	The assumed number of ARC employees who will live on-site may be overly-optimistic. The DSEIR does not evaluate provisions for ensuring ARC employees will actually live on-site (but the MRIC FEIR lists 4 measures). <sup>1</sup> <b>Recommendation:</b> The DSEIR analysis should explain actions that would be initiated if it turns out over time that fewer than the anticipated number of employees reside on-site.
64-7	7	1-9	Affordable Housing	The County Director Letter expressed concern about whether the ARC project will include adequate low-income housing for people of all income levels, including service workers in the hotel and food industries.  <b>Recommendations:</b> <ul style="list-style-type: none"> <li>The DSEIR should address this concern.</li> <li>Growth Inducement: The SEIR should evaluate potential pressure for more housing elsewhere in Davis if the applicant does not provide sufficient housing to satisfy the needs of ARC employees.</li> </ul>
64-8	8	3-3, 3-21, Fig 3-10, p. 3-81, 2-85	Drainage – Use City Property for Private Project Stormwater Detention and to Improve Soil Conditions at the ARC Site (Impact 4.9-1)	The DSEIR identified 2 ways to handle ARC drainage, off-site replacement storage or a small pump station. The preferred location for the replacement storage area (detention pond) is the easternmost open space parcel owned by the City of Davis, next to the Mace Drainage Channel (MDC). Potential impacts were not evaluated.  <b>Recommendations:</b> <ul style="list-style-type: none"> <li>Analyze the full range of potential impacts associated with removing up to 2.5 feet of topsoil from 100 acres of City open space, including but not limited to potential habitat impacts.</li> <li>Perform air quality analysis of almost 11,000 dump truck trips hauling 130,000 cubic yards of soil two miles westward for stockpiling at the ARC site (720 trips/day for 30 work days).</li> </ul>
64-9	9	p. 3-79 and 3-80	HCP/NCCP Land Cover Mitigation Fees Payable to Yolo Habitat Conservancy	<b>RECOMMENDATIONS:</b> Add a table showing land cover types, the per acre fee for each land cover category, and the resulting total mitigation fee. This could also be done by adding more columns to the table, with the last column showing the fee for each land cover type. For example, the field crops row could show 733.86 x \$14,033, with the result of \$10,298,257. (Note: the fee is now \$14,950/acre, which will produce higher totals.)
64-10		Table 3-15		<ul style="list-style-type: none"> <li>The DSEIR should explain that the 815.34 acres is a combination of the 265.09-acre ARC Biological Study Area (BSA), as explained on p. 3-79, and the 550.25-acre Stormwater BSA (p. 3-80).</li> </ul>

<sup>1</sup> Final EIR for MRIC, January 2016. Chapter 4 – Responses to Comments, p. 4 – 7. Four Development Agreement commitments are listed, but not analyzed.  
 2 – Issues Not Addressed or Inadequately addressed in Draft Environmental Report (DSEIR) for the Aggie Research Campus Project

Letter 64

No.	Section or Page	Subject	Comments and Recommendations
64-11			<ul style="list-style-type: none"> <li>Fee Payment: Identify <i>when</i> the applicant would pay Land Cover mitigation fees to the Conservancy.                             <ul style="list-style-type: none"> <li>Will the total amount be payable when the initial grading permit is issued, or will the fee payment schedule match the construction phasing timetable?</li> </ul> </li> <li>Revise the DSEIR to reflect the new Conservancy fees effective March 2020 (see Conservancy website).</li> </ul>
64-12	10	3-13 Live-Work-Plan Concept  60% of 850 On-Site Housing Units Should Be Occupied by an ARC Employee, as per Council Resolution	<p>In 2017 the Planning Commission and City Council determined that the MRIC EIR's Mixed Use "Equal Weight" Alternative (basis of the ARC) would qualify as the "Environmentally Superior Alternative" <b>only</b> if there is a legally enforceable mechanism for ensuring at least one ARC employee occupies 60 percent of the 850 housing units (or 510 units).<sup>2</sup> The same specification logically applies to the ARC, but <b>this fundamental precept was not studied in the DSEIR</b>. See discussion of Induced Population Growth (#13) and 60% occupancy (#14) below.</p> <p><b>RECOMMENDATION:</b> The DSEIR should examine the full range of potential impacts (circulation, etc.) that would occur if fewer than 60% of the on-site residential units were occupied by at least one ARC employee. Because of changed conditions (navigation apps, more I-80 congestion) the same occupancy proportions studied in the MRIC FEIR should be analyzed again (0, 25, 50, 75, and 100%) to determine any differences.<sup>3</sup></p>
64-13	11	3-13 Traffic: Use of Parks by Non-ARC Residents	<p>ARC is described as a place to "live, work and play." The project will include public parks and recreation areas that could attract residents from elsewhere in Davis and the Sacramento region.</p> <p><b>RECOMMENDATION:</b> Analyze the potential impacts that would result from people driving to the site from elsewhere in Davis and the SACOG region.</p>
64-14	12	3-181 thru 83 Urban Decay Analysis; Office-Industrial Vacancy	<p><u>Competition by UCD Aggie Square and Woodland Tech Park:</u> UCD says Aggie Square will "...create a unique environment for live/learn/work/play to foster collaboration and creativity" ...for entrepreneurs, companies and workers. It will feature state-of-the art research facilities, modern office and mixed-use space, coupled with world-class amenities. <b>Aggie Square will target the same uses sought by the ARC.</b> The Woodland Research and Technology Park project ("Woodland Tech Park") at the intersection of SR 113 and County Road 25A likewise seeks the same tenants and activities. Neither of these projects were on the horizon when the MRIC Mixed Use Alternative was studied in the 2015 EIR for the MRIC.</p> <p><b>Recommendation:</b> The simultaneous regional market demand for these three similar projects should be evaluated in the DSEIR.</p>
64-15	13	Pages 3-199 Induced Population Growth	<p><b>The fundamental issue:</b> The Mixed-Use Alternative for the MRIC assumed 100% of the 850 housing units would be occupied by at least one MRIC worker<sup>4</sup> but it was revealed in the FEIR that significant traffic</p>



<sup>2</sup> The MRIC FEIR MRIC lists 4 potential applicant Commitments in the Development Agreement to ensure a desired proportion of employee occupancy; January 2016, Chapter 4, p. 4-7.  
<sup>3</sup> The MRIC FEIR described a sensitivity analysis that determined the "break point" at which the mixed-use alternative no longer performed better environmentally than the MRIC project in terms of the trip generation variable. It examined traffic impacts for 5 occupancy scenarios (0, 25, 50, 75 and 100%) in which at least one occupant/unit was an ARC employee. The analysis showed that the Mixed-Use Alternative provides traffic, VMT and GHG benefits as long as 60% of the units are occupied by at least 1 ARC employee (Staff report, 9-19-17, p. 30).  
<sup>4</sup> Final EIR (FEIR) for Mace Ranch Innovation Center, Chapter 4 – Responses to Comments, p. 4-6.  
<sup>3</sup> – Issues Not Addressed or Inadequately addressed in Draft Environmental Report (DSEIR) for the Aggie Research Campus Project

64-15

64-16



No.	Section or Page	Subject	Comments and Recommendations
	Thru 3-200  Also see MRIC DEIR p. 8-187 and 5-46	And Resulting Potential Impacts	<p>impacts would occur if fewer than 60% of ARC workers live on-site.<sup>5</sup> Also, this conclusion was based on the much lower trip generation estimated for the MRIC than recently calculated for the ARC<sup>6</sup> due to changes in traffic modeling programs. It is therefore imperative for the ARC environmental analysis to include a robust evaluation of the full range of impacts that would occur if fewer than 60% of the workers live on-site.</p> <p><u>Details:</u> Estimated employee housing demand at ARC buildout is 3,763 units (5,882 employees divided by 1.62 employed residents per household). The analysis assumes 45.4% of ARC employees would live in Davis. This translates to ARC Project employee housing demand for 2,053 units in the City of Davis, and another 1,710 units elsewhere in the SACOG region. After accounting for Davis residential capacity, the ARC would need to provide approximately 815 of the 2,053 needed by ARC employees<sup>7</sup>. The DSEIR posits that the "...increase in housing demand associated with the ARC Project could be met within the City rather than the surrounding SACOG region, as would be required for the MRIC Project." <u>It is unclear, however, whether the DSEIR took into account the potential VMT, traffic congestion and emission impacts of a higher number of ARC employees commuting to the ARC site, especially "drive alone" trips.</u> Although the DSEIR asserts that increased housing demand caused by the ARC could be met in the City of Davis, this does not mean that it will in fact occur.</p> <p><b>RECOMMENDATIONS:</b> The DSEIR should take into account the 60% on-site occupancy assumption made by Planning Commission and Council in 2017. The ARC project is equivalent to the Mixed-Use Equal Weight Alternative analyzed in the certified MRIC EIR, but Council Resolution 17-125 specifies that "...the Mixed-Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically, that at least one employee occupies 60 percent of the 850 on-site units."</p> <ul style="list-style-type: none"> <li>• The DSEIR does not explain how the housing data and calculations for the ARC Project relate to and would attain the Council's expectations relative to the Environmentally Superior Alternative in the MRIC EIR. This relationship must be fully explained, otherwise the DSEIR could be deemed inadequate.</li> <li>• Identify the percentage of employee occupancy of ARC Project housing that would be needed to ensure that significant traffic impacts are not exacerbated.</li> <li>• Disclose how many employees at build out are likely to travel on most days from elsewhere in Davis and throughout the SACOG area.</li> </ul>

<sup>5</sup> The Mixed-Use Alternative "would generate more external daily trips when compared to the MRIC project with no residential units if the percentage of MRIC housing occupied by MRIC employees drops below 60 percent for total daily trips." FEIR for the MRIC, January 2016, Chapter 4 – Responses to Comments, pgs. 9-10.

<sup>6</sup> Due to a required change in traffic modeling software, the ARC is predicted to generate 23,888 new daily external trips compared to 15,550 for the Mixed-Use Alternative in the EIR for the MRIC. This represents an increase of 8,338 daily trips, or an increase of almost 54%.

<sup>7</sup> The MRIC DEIR determined unmet housing needs of the Mixed-Use project would be 815 units; 850 units would satisfy Davis fair share of regional employee housing; p. 8-187 & 188.

4 – Issues Not Addressed or Inadequately addressed in Draft Environmental Report (DSEIR) for the Aggie Research Campus Project

**Letter 64**

No.	Section or Page	Subject	Comments and Recommendations
64-17	14	Pages 3-199 and 200  Impacts of Less Than 60% ARC Employees Living On-Site  Environmentally Superior Alternative in MRIC EIR	<p>The City Council report on September 19, 2017 recommended certification of the FEIR for the Mace Ranch Innovation Center (MRIC). It stated that “The environmentally superior alternative that appears to best meet the project objectives is the Mixed-Use Alternative,” which is the basis for the current ARC project. It further says: “...this alternative will achieve reductions in daily VMT and GHG emissions, lower AM and PM peak vehicle trips, fewer impacts at Mace Boulevard, and elimination of impacts relate to population and housing, assuming the execution of a legally enforceable mechanism to ensure that at least 60 percent of the on-site units would be occupied by at least one MRIC employee” based on sensitivity testing performed by Fehr &amp; Peers (p. 31). <u>The applicant’s project description, however, says ARC housing will not be restricted to employees but will be available to the community at large.</u></p> <p><b>RECOMMENDATIONS:</b> Again, this discussion does not describe how the DSEIR assumptions and conclusions relate to the actions previously recommended by the Planning Commission and approved by Council. The ARC Project proposal is purportedly equivalent to the Mixed-Use Equal Weight Alternative in the MRIC EIR. However, Resolution 17-125 adopted by Council on 9-19-2017 specifies in the 18<sup>th</sup> <i>Whereas</i> that “...the Mixed-Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically, that at least one employee occupies 60 percent of the 850 on-site units.”</p> <p>To reiterate, the certified EIR for MRIC cautions in the Mixed-Use Alternative that significant traffic impacts will occur if employee occupancy of on-site project housing drops below 60%. <b>The potential negative traffic impact of less than 60% employee occupancy is not evaluated in the draft ARC DSEIR. This is a major shortcoming that must be addressed.</b> It is important to identify the percentage of employee occupancy of ARC Project housing that would be needed to ensure that traffic impacts are not exacerbated.</p> <ul style="list-style-type: none"> <li>• The DSEIR does not explain how the ARC housing calculations relate to and would attain Council’s expectations relative to the Environmentally Superior Alternative in the MRIC EIR. This relationship must be fully explained in the final DSEIR; otherwise it could be viewed as not adequate and complete.</li> <li>• The DSEIR notes that 45.4 percent of the 5,882 ARC employees at build out would find housing outside Davis, meaning <b>over 2,670 employees would eventually commute from outside Davis.</b> Most would travel from elsewhere in the SACOG area, but some may commute from more distant locales.                         <ul style="list-style-type: none"> <li>○ <b>The DSEIR should take into account the potential VMT, traffic congestion and emissions impacts of almost 2,700 employees traveling to the ARC Project site from outside Davis.</b></li> </ul> </li> </ul>
	64-18		
64-19	15	3-217 thru 222  Transportation and Circulation (Impacts 4.14-1 and 4.14-2)	<p><b>Impacts if Few Workers Live On-Site:</b> As noted above, an “Off-Site Residential Scenario” must be evaluated.</p> <p><b>RECOMMENDATION:</b> Expand DSEIR analysis to evaluate the potential impacts of a scenario in which few ARC employees live on-site, but instead commute to the ARC. Such an evaluation would be especially pertinent relative to impacts on trip generation, VMT and LOS. What if assumed transit service never starts?</p>

5 – Issues Not Addressed or Inadequately addressed in Draft Environmental Report (DSEIR) for the Aggie Research Campus Project

**Letter 64**

No.	Section or Page	Subject	Comments and Recommendations
64-20	16	Scoping Letter Potential for More Development	The Annexation Policy Framework attachment to the County Director Letter expresses concern about the potential for ARC-related "...infrastructure to ease the path for additional development..." and potential tie-in to the countywide Capital Improvement Plan.  <b>RECOMMENDATION:</b> The DSEIR should address the potential for the ARC to stimulate additional urban development on agricultural and open space land in the unincorporated County, and other impacts on the County.
64-21	17	P 3-319 thru 326 p. 2-201 and 2-205 - 112 Travel Demand and Forecasting	<b>Indeterminate Collaborative Efforts:</b> The Cumulative Impacts section emphasizes that Mitigation Measure 3-70(a) requires the applicant to work with public entities to identify feasible physical roadway network improvements that would achieve improved operational performance. Given the contemplated long-term phased development of the ARC Project, <b>lapses in such collaborative efforts are foreseeable.</b> As with previous sections of the draft DSEIR, the mitigations offered to ameliorate anticipated cumulative effects may rely too much on speculative Transportation Demand Management (TDM) programs.  <b>RECOMMENDATION:</b> Examine mitigation measures that rely less on interagency collaboration and TDM.
64-22	18	p. 3-84 Plant Surveys	USFWS only considers plant surveys valid for 3 years. If construction activity occurs after 3 years, impacts to special-status species that may have colonized the survey area could be impacted.  <b>Recommendation:</b> Include a mitigation measure requiring updated plant and animal surveys throughout the project's phased build-out period if more than 3 years have transpired since the last survey.
64-23	19	p. 3-6 Land Use Allocations	Seven land use types are described. The DSEIR analysis should be expanded to examine scenarios in which different land use allocations occur. For example, what would happen if demand for advanced manufacturing is less than 57 acres, or demand for Research/Office/R&D is less than 1,510,000 square feet?

**TOPICS RECOMMENDED FOR MORE DETAILED ANALYSIS IN THE DSEIR**

#	Section or pg.	Subject	Comments and Recommendations
64-24	1	p. 1-8 Burrowing Owl (BUOW) Surveys	Some commenters contend the MRIC analysis of BUOW impacts is inadequate because surveys for the MRIC were not conducted in accordance with the CDFW Staff Report. They also assert that cumulative impacts to the regional BUOW population were not assessed. Some commenters also maintain that some measures, including preconstruction surveys and passive relocations, do not qualify as mitigation measures.  <b>RECOMMENDATION:</b> Respond to these comments.
64-25	2	p. 3-142, p. 3-143 GHG Emissions (Impact 4.7-1)	<b>NOTE:</b> The top paragraph on page 3-142 tries to explain how ARC Cumulative Conditions Annual GHG Emissions would decrease. I have had difficulty understanding the explanation.

6 – Issues Not Addressed or Inadequately addressed in Draft Environmental Report (DSEIR) for the Aggie Research Campus Project



**Letter 64**

64-25  
 Cont'd

No.	Section or Page	Subject	Comments and Recommendations
			<b>RECOMMENDATION:</b> Explain the top paragraph of this page in more detail and in layman terms. It seems contradictory. Is it due to amortization of construction emissions, as alluded to in Section 3-38, p. 3-143?
64-26	3 p. 3-153 p. 3-25	Transportation Energy	TDM programs are difficult to establish, sustain and monitor. They require dedicated staff (such as Transportation Managers) likely to be curtailed during poor economic conditions, and need ongoing promotion and marketing to retain and bolster participant interest. The benefits of TDM programs are also difficult to quantify. Such speculative programs may make it difficult to achieve meaningful improvements in transportation energy use, emissions, VMT and LOS.
		Effectiveness of TDM Programs	<b>RECOMMENDATION:</b> Conduct a more rigorous evaluation of the potential for TDM programs to result in measurable benefits in terms of reducing VMT and emissions while improving circulation and LOS.
64-27	4 p. 3-13	On-Site Housing Occupancy Scenario	<b>RECOMMENDATION:</b> The Off-Site Residential scenarios in the DSEIR should be expanded to evaluate the potential impacts of a scenario in which few ARC employees live on-site, but instead commute to the worksite.
64-28	5 p. 3-162 p. 3-24	Impair or Interfere with Emergency Response Plans (Impact 4.14-7)  The most concentrated period of heavy truck traffic will occur when soil excavated for the storage pond is transported to the ARC Site	The DSEIR asserts that impacts to emergency response plans would be less-than-significant for the MRIC and likewise for the proposed ARC project. This conclusion is based on the contention that neither project would involve operations or changes to the existing roadway network that would impair implementation of or interfere with emergency response or evaluation plans. This statement overlooks the growing use of traffic navigation apps since the August 2015 EIR for MRIC was released and local street congestion due to I-80 backups.  The ARC Project would generate 23,888 new daily (external) vehicle trips, a net increase of 8,338 daily trips above the 15,550 daily trips estimated for the MRIC project. It is difficult to understand how the congestion resulting from 23,888 daily trips added to the external roadway network near the ARC would not impede the movement of emergency response vehicles, particularly during the AM and PM peak hours.  <b>RECOMMENDATION:</b> Provide documentation on how the “less-than-significant” conclusion was reached.
64-29	5 p. 3-165 thru 179 and p. 3-259	Runoff Volume and Runoff Mitigation Alternatives  Truck Transport of Excavated Soil from Howatt Ranch to ARC Site	The DSEIR air quality impact section discloses that if the off-site detention basin option is selected, approximately 100 acres would be excavated to create the water storage area. Roughly 130,000 cubic yards (CY) would be transported 2 miles westward and used to correct unsuitable topsoils <sup>6</sup> at the ARC site. Approximately 10,833 truck trips would be required to transport the soil from the Howatt/Clayton Ranch to the ARC site, comprised of 720 trucks/day over 30 work days, assuming each dump truck carries 12 CY. As pointed out in the County Director Letter, both temporary and permanent increases in traffic on County Road 32 could interfere with waste collection trucks and agricultural equipment that use that road.  <b>RECOMMENDATION:</b> Explain the potential traffic, circulation and air quality impacts of moving this much soil.

<sup>6</sup> DEIR for MRIC, Chapter 8 “Mixed-Use Alternatives Analysis,” p. 8-70 and p. 8-72. The upper four feet of soil at the ARC site has “medium” to “very high” expansion potential.  
 7 – Issues Not Addressed or Inadequately Addressed in Draft Environmental Report (DSEIR) for the Aggie Research Campus Project

Letter 64

No.	Section or Page	Subject	Comments and Recommendations
64-30	6	p. 217 - 222  Transportation and Circulation  See MRIC DEIR pg. 4.14-6	The DSEIR transportation consultants confirmed that local roadways near the I-80/Mace Blvd interchange already experience considerable delay and queuing during the PM peak hour. Causal factors include diverted local and regional traffic onto area roadways, increased use of navigation apps, and I-80 ramp metering. These conditions are especially prevalent during afternoons and evenings on Wednesdays through Fridays. Trip generation estimates in the MRIC Mixed-Use Alternative assume at least one MRIC employee would reside within each MRIC dwelling unit. It is uncertain what association between on-site dwelling units and residency by ARC employees was assumed in the DSEIR transportation analysis. For modeling purposes, it may have relied on trip generation data collected at other mixed-use projects, but this is unclear.  <b>RECOMMENDATION:</b> More fully explain what assumptions and data sources were used in this analysis.
	64-31	7	p. 249-50 and 3-264  Impacts to Local Neighborhood Traffic (Impact 4.14-5)  Mitigation Measure 3-71  Traffic Calming Measures  P. 2-103  Mitigation Measure 3-75(c), p. 2-121, Cut Thru Traffic

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<sup>9</sup> The DEIR for the MRIC found that the project would have significant and unavoidable impacts to neighborhood street traffic; p. 8-141 and section 4.14-5.  
 8 – Issues Not Addressed or Inadequately addressed in Draft Environmental Report (DSEIR) for the Aggie Research Campus Project

**LETTER 64: ROWE, GREG – APRIL 19, 2020**

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**Response to Comment 64-1**

Please see Master Response #2 regarding use of the City Parcel for the project’s northern agricultural buffer. Placing the entire buffer within the applicant’s privately-owned 187-acre project boundaries would require adjustments to some proposed land uses and the internal roadway layout. The Draft SEIR evaluates potential environmental impacts associated with development of the 187-acre privately-owned ARC site, which could include an agricultural buffer along the project’s northern boundary; thus, additional analysis is not necessary.

**Response to Comment 64-2**

As noted in the County of Yolo’s comments on the Draft SEIR, “The County is pleased to see that the City considered County policies for ensuring adequate separation between proposed development and active farming operations, and that the County Agricultural Commissioner was consulted.” (see Comment Letter 9 of this Final SEIR). In response to the County of Yolo’s earlier December 9, 2019 comment letter regarding the scope of the SEIR, the City evaluated Yolo County General Plan Policy LU-2.1 regarding agricultural buffers. The first directive of Policy LU-2.1 is that the expertise of the County Agricultural Commissioner shall be used in applying this policy. To that end, as recognized by the commenter, the Agricultural Commissioner’s expertise was sought regarding the ARC Project. Appendix 5 to this Final SEIR consists of an email sent on March 12, 2020 by County Agricultural Commissioner John Young to Ashley Feeney, Davis Assistant City Manager. The email includes several important points, the relevant content of which was incorporated into Impact 3-8 of the Draft SEIR, which discusses this issue. As reflected in the Agricultural Commissioner’s email, and Policy LU-2.1 itself, a minimum 300-foot setback would be considered appropriate for the ARC project since the neighboring property is in orchards. However, the Agricultural Commissioner’s email continues by providing his expertise about how a reduced buffer for the ARC Project could be considered acceptable if certain conditions were met.<sup>6</sup> The appropriateness of an agricultural buffer at the ARC Site less than 300 feet is substantiated by the Agricultural Commissioner, as follows:<sup>7</sup>

If housing is proposed within 300-feet, which it appears to be along one portion of the eastern edge of the project, the applicant can mitigate for pesticide drift through barrier plantings utilizing the planting standards established by the Natural Resources Conservation Service. I provided these planting standards to the applicant. Through the use of appropriate planting methods when combined with the 170-foot setback, the potential for pesticide drift can be adequately addressed.

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<sup>6</sup> It is noteworthy that Policy LU-2.1 states that, “Except as noted below where no buffer is required, in no case shall the buffer be reduced to less than 100 feet.” The ARC agricultural buffer would be 150-feet consistent with the City’s Municipal Code.

<sup>7</sup> Personal email communication between John Young, Yolo County Agricultural Commissioner/Sealer, and Ashley Feeney, City of Davis Assistant City Manager, March 12, 2020.

It is precisely because of this direction that Mitigation Measure 3-8(a) was included in the Draft SEIR. This mitigation measure reads as follows:

*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 Services’<sup>8</sup> 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.*

The County Agricultural Commissioner’s email also discusses potential incompatibilities with the proposed recreational trail within the ARC Project’s 150-foot agricultural buffer. He states:<sup>9</sup>

We also discussed the inclusion of a recreational trail within the 150-foot agricultural buffer. The County considers recreational trails incompatible with neighboring agricultural operations when pesticides are being applied (no farmer wants to accidentally spray a cyclist). I suggested that the applicant address this incompatibility by entering into an agreement with the neighboring farmer to provide notice before any pesticide application and the applicant should then close the trail during those times. This approach has proven effective at other locations in the County where recreation abuts ag fields. Alternatively, the applicant could shield the entire trail from pesticide drift through barrier plantings in the same manner discussed previously for the residential uses.

Again, in response to this feedback, the Draft SEIR includes Mitigation Measure 3-8(b), as follows:

*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 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.*

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<sup>8</sup> 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.

<sup>9</sup> Personal email communication between John Young, Yolo County Agricultural Commissioner/Sealer, and Ashley Feeney, City of Davis Assistant City Manager, March 12, 2020.

In summary, the Draft SEIR adequately addresses Yolo County General Plan Policy LU-2.1 by incorporating the expertise of the County Agricultural Commissioner in applying said policy to the ARC project, the expertise of whom has been reflected in Mitigation Measures 3-8(a) and (b) of the Draft SEIR. With implementation of these required mitigation measures, the proposed project, as stated by the Agricultural Commissioner, would not be expected to impede the neighboring farmer's operations in such a manner that mitigation for loss of agriculture would be required.<sup>10</sup>

### **Response to Comment 64-3**

Please see Response to Comment 64-2.

### **Response to Comment 64-4**

Allowing human activity within the first 50 feet of the agricultural buffer is consistent with the City's Municipal Code. Specifically, the project proposes a bike path and adjacent pedestrian trail within the 50-foot transition of the agricultural buffer along the northern and eastern site boundaries. According to Davis Municipal Code Section 40A.01.050(d), Agricultural Buffer Requirement,

(d) The following uses shall be permitted in the fifty foot agricultural transition area: bike paths, community gardens, organic agriculture, native plants, tree and hedge rows, benches, lights, trash enclosures, fencing, and any other use determined by the planning commission to be of the same general character as the foregoing enumerated uses. There shall be public access to the fifty-foot agricultural transition area. The fifty-foot agricultural transition area shall be developed by the developer pursuant to a plan approved by the community services director or designee. Once the area is improved, approved, and accepted by the community services department, the land shall be dedicated to the city.

While allowing such activity may discourage burrowing owl use of the area, the outer 100 feet of the agricultural buffer would be managed in accordance with a burrowing owl site management plan prepared consistent with applicable portions of Appendices E and F of the 2012 CDFW Staff Report on Burrowing Owl Mitigation (see Draft SEIR at pg. 3-14). In addition, as acknowledged on pg. 3-100 of the Draft SEIR, the Yolo Habitat Conservancy may consider a portion of the agricultural buffer to be impacted acreage, in which case the applicant would be required to pay land cover fees per the Yolo HCP/NCCP, pursuant to Mitigation Measure 3-18.

### **Response to Comment 64-5**

Please see Master Response #5 regarding concerns about competition with other similar uses in the region. Regarding the aspect of the comment about whether more housing would be substituted for unmet business park demand, the total number of housing units evaluated in the Draft SEIR (850) will be a baseline feature for the ballot. No increase in residential units would be allowed for

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<sup>10</sup> Personal email communication between John Young, Yolo County Agricultural Commissioner/Sealer, and Ashley Feeney, City of Davis Assistant City Manager, March 12, 2020.

the project unless a separate Measure R vote is subsequently held for the project after additional environmental review.

### **Response to Comment 64-6**

Please see Master Response #1.

### **Response to Comment 64-7**

The County of Yolo’s comment letter on the Draft SEIR commends the ARC project for including workforce housing, and encourages that a relevant portion of the 850 units be restricted to affordable housing. As stated on page 3-201 of the Draft SEIR, the ARC Project would include up to 850 residential units and, thus, be required to comply with applicable affordable housing requirements established in the City’s Municipal Code, including Section 18.05, Affordable Housing. The Ordinance, under Section 18.05.060(b), which was recently extended by City Council to November 30, 2021, allows more than one avenue to meet the City’s alternative affordability requirements, including on-site construction of affordable housing, off-site land dedication, or pledging to the City a continuing payment of funds to be submitted to the City at least annually for the purpose of furthering the City’s affordable housing goals and objectives, in an amount as deemed appropriate by the City Council.

Consistent with the City’s ordinance, the applicant may choose to construct all of the required affordable units on-site, construct a portion of those units on-site and dedicate sufficient land to meet the rest of the requirement elsewhere in the City, or fully meet the City’s affordable housing requirements by off-site land dedication.

Notably, pursuant to 18.05.060(d)(3), if land dedication is selected, the developer shall make an irrevocable offer to the City of sufficient land, without abnormalities (shape and terrain) and with complete environmental review, which can accommodate the land dedication requirement for the development in its entirety. Significantly, the ordinance acknowledges that environmental review must be completed if off-site land dedication is proposed. To enter into discussion at this time regarding future, as yet undetermined, affordable housing projects needed to comply with the City’s affordable housing ordinance would be speculative because the nature and location of such projects is not known. CEQA Guidelines Section 15145 states that, “If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.”<sup>11</sup>

Regarding growth-inducement concerns, please see Response to Comment 64-20.

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<sup>11</sup> See also *Rio Vista Farm Bureau Center v. County of Solano*, 5 Cal.App4th 351, for which the court noted that where an EIR cannot provide meaningful information about a speculative future project, deferral of an environmental assessment does not violate CEQA. This is stated within the context of the fact that the County had not impermissibly approved a project which envisions future action without future environmental review. Instead, the FEIR properly committed the County to future EIR’s in the event a specific facility is proposed. Similarly, the City’s affordable housing ordinance commits the city and applicant to conduct future environmental review should the applicant select, and the City approve, land dedication.

### **Response to Comment 64-8**

Please see Master Response #3.

### **Response to Comment 64-9**

The City appreciates the commenter's request for additional data, such as modifying Table 3-15 to include the per-acre Yolo HCP/NCCP fee for each habitat type; however, this information is already provided in the text on page 3-80. In addition, the fee amounts are subject to change over time, as evidenced by the commenter's clarification that the fee for field crops is now higher than identified in the Draft SEIR. For this reason, the applicant will be required to pay the applicable HCP/NCCP land cover fees in effect at the time of application for coverage under the HCP/NCCP.

### **Response to Comment 64-10**

The acreages of the Campus BSA and Stormwater BSA that make up the entire 815.34-acre BSA are already explained on pages 3-79 and 3-80 of the Draft SEIR.

### **Response to Comment 64-11**

Pursuant to Section 42.01.040 of the City's Municipal Code, Yolo HCP/NCCP compliance is analyzed separately for each application for a "Planning Permit." A "Planning Permit" is defined as "any discretionary permit that authorizes a ground-disturbing activity for a covered activity..." The definition specifically excludes "actions of general application such as general plan amendments, zoning and rezoning, annexation, specific plans, and other area or regional land use actions." Mitigation fees are then due at the time of the City's issuance of the first building or grading permit for each covered activity associated with that Planning Permit (City Code, § 42.01.050, subd. (a)).

The current ARC Project is not considered an application for a Planning Permit. Rather, the applicant is, at this time, only requesting an annexation, General Plan amendment and pre-zoning, all of which are specifically excluded from the definition of a "Planning Permit." If the Project is approved and annexed into the City, as discussed on page 3-31 of the Draft SEIR, the applicant would then seek additional entitlements – including tentative maps and final development/design review – which would be required before any ground-disturbing activity could commence; thus, triggering the HCP/NCCP fees.

### **Response to Comment 64-12**

Please see Master Response #1.

### **Response to Comment 64-13**

As discussed in Impact 3-67, consistent with Chapter 36 of the City Municipal Code and the Quimby Act, the project is required to provide 11.14 acres of parklands. The ARC Project has incorporated 12.1 acres of parks (as well as other green space). The acreage requirement is based

on the anticipated demand from the on-site residents, though, as the commenter notes, these park spaces are intended to serve ARC employees as well. Notwithstanding, given that the amount of parkland is based on the residential ARC population, the on-site park spaces are not intended to serve regional needs. Furthermore, each jurisdiction in the region has its own standards regarding the provision of park acreage to serve the demand of its communities. Thus, there is no demonstrable link between the on-site park spaces and attraction of regional traffic that would require analysis in the Draft SEIR.

**Response to Comment 64-14**

Please see Master Response #5.

**Response to Comment 64-15**

Please see Master Response #1.

**Response to Comment 64-16**

Please see Master Response #1.

**Response to Comment 64-17**

Please see Master Response #1.

**Response to Comment 64-18**

Please refer to the Transportation and Circulation section (beginning on page 3-212) and the cumulative transportation impacts section (beginning on page 3-318) of the Draft SEIR for a thorough analysis of the ARC Project impacts to transportation systems under Existing Plus Project and Cumulative Plus Project conditions, respectively. These impact analyses consider the transportation effects of the ARC Project land uses alongside local and regional land use and transportation system conditions during existing and future year analysis scenarios. These impact analyses consider the proposed ARC Project on-site residential uses, existing and planned residential development available locally within the City of Davis and on the UC Davis campus, and existing and planned residential development available elsewhere in the greater Sacramento region, and the extent to which these factors would influence ARC Project employee travel behavior.

As described in the Draft SEIR, the vast majority of ARC Project employees would be expected to reside outside of Davis under Existing Plus Project conditions. This is primarily due to the current housing supply and demand patterns locally within the City of Davis and on the UC Davis campus. Under Existing Plus Project conditions, this would result in the ARC Project generating a large number of commute vehicle trips from outside of Davis, as suggested by the commenter. In the future, as additional residential development occurs within the City of Davis and at UC Davis, ARC Project employees would experience increased opportunities to reside within Davis. The residential locations of ARC employees would influence the average trip length and walk,



bike, and transit mode split associated with ARC employee commute trips. The effects of these residential trends on the transportation system are reflected in the Draft SEIR transportation impact analysis. For example, the Draft SEIR VMT impact analysis (and related impact analyses, such as GHG emissions), accounts for the residential locations of ARC employees and how they influence the average trip length and, in turn, VMT generated by ARC employee commute travel.

### **Response to Comment 64-19**

Please see Master Response #1. Given the trip generation methodology employed for the traffic analysis, which is based on empirical trip generation data collected from other similarly situated mixed-use centers, evaluation of an “Off-Site Residential Scenario” is not required. The traffic analysis performed for the Draft SEIR does not make any explicit assumptions regarding transit service to the site, such that the environmental analysis could be affected if the service never comes to the site. It is noteworthy that since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station. This would be anticipated to reduce vehicle trips and VMT from the levels anticipated in the Draft SEIR, thus, making the analysis conservative.

### **Response to Comment 64-20**

As noted on page 2-11 of the Draft SEIR,

The analysis of statutory topics required in Section 15126.2 of the CEQA Guidelines was included in Chapter 6 of the Certified Final EIR. The topics include growth-inducement, significant irreversible environmental changes, and significant and unavoidable impacts. The growth-inducement discussion for the MRIC Project remains generally applicable to the ARC Project in that the ARC Project would not eliminate obstacles to growth (see 6.2.2 of Certified Final EIR), affect service levels, facility capacity, or infrastructure demand (see 6.2.3 of Certified Final EIR), with the exception of cumulative fire service impacts, nor encourage or facilitate other activities that could significantly affect the environment (see 6.2.4 of Certified Final EIR). The difference between the MRIC Project and the ARC Project is that, unlike the MRIC Project, as discussed in Section 6.2.1, the ARC Project would be expected to meet its fair share of the employee-generated housing demand created by the project.

As further discussed in Chapter 6 of the Certified Final EIR, the infrastructure improvements that would be built as part of the project would not be oversized, such that the infrastructure could “ease the path for additional development.” In addition, any additional urban development on agricultural lands would require discretionary review and approval by the lead agency and voters, similar to the ARC Project.

### **Response to Comment 64-21**

The City appreciates the commenter’s recommendation to examine mitigation measures that rely less on interagency collaboration and TDM. Given the project’s proximity to County roads and

the state highway system, it is difficult to avoid the need for interagency collaboration regarding the ARC Project's traffic effects. Regarding efficacy of the TDM, please see Responses to Comments 64-26 and 67-91.

### **Response to Comment 64-22**

Mitigation Measure 3-15 of the Draft SEIR addresses the commenter's request in that it requires updated botanical surveys during spring and fall (i.e., identifiable periods) if more than three years have transpired since the last surveys. 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.

### **Response to Comment 64-23**

The allocation of land uses shown in Table 3-1 of the Draft SEIR will be baseline features (i.e., included on the ballot and subject to voter approval). Any future increase in development intensity would trigger further environmental review. Thus, the land use maximums will be set, with the following caveat noted on page 3-5 of the Draft SEIR.

...because the amount of business uses on-site is capped at 2,654,000 sf, the proposed square footage of ancillary retail and research/office/R&D are inversely proportional. For example, if there is less demand for ancillary retail than the allotted 100,000 sf and only 50,000 sf of retail is developed, the square footage of research/office/R&D could increase by 50,000 sf to 1,560,000 sf, thereby filling the available space. This SEIR evaluates a 150 room (160,000 sf.) hotel and up to 100,000 sf of ancillary retail space. If some of this ancillary retail space is ultimately used as research/office/R&D, such uses would be less intensive, and the potential impacts are therefore less impactful and within the scope of the impacts disclosed in this SEIR.

Thus, there is no need to examine scenarios in which different land use allocations occur.

### **Response to Comment 64-24**

As discussed on page 3-97 of the Draft SEIR (see also Table 3-14), at the time of release of the Draft SEIR for public review, four burrowing owl surveys of the ARC Site and the potential off-site stormwater pond locations had been conducted in accordance with CDFW 2012 guidelines, and five more are planned to be conducted through the 2020 burrowing owl breeding season. The results of those surveys are described in Table 3-16 of the Draft SEIR.

Cumulative impacts to the regional burrowing owl population are addressed in detail in Impact 3-89 of the Draft SEIR. In short, as a result of the regional conservation strategy included in the adopted Yolo HCP/NCCP, the Yolo HCP/NCCP EIS/EIR concluded that the impact from future development anticipated in the Plan, which includes the ARC Project and the undeveloped portions

of the Mace Triangle (see Table 3-1 of Yolo HCP/NCCP), would have a less-than-significant impact on western burrowing owl (Yolo HCP/NCCP EIS/EIR, pg. 4-61).

Regarding preconstruction surveys for special-status species, such surveys are only the first step in the mitigation process for any special-status species having the potential to occur within on- or off-site improvement areas. Preconstruction surveys are simply intended to detect whether special-status species are present prior to ground disturbance. If detected during preconstruction surveys, the mitigation measures included in the Draft SEIR specify avoidance and minimization measures that must be subsequently implemented by a qualified biologist to ensure protection of the identified species.

Regarding passive relocation, firstly, it is important to point out that Yolo HCP/NCCP Avoidance and Minimization Measure 18, included as Mitigation Measure 3-18 of the Draft SEIR, allows for passive relocation during the nonbreeding season if the Conservancy determines that passive relocation is necessary, and only then, may it occur subject to a burrowing owl exclusion plan developed in consultation with CDFW. The 2012 CDFW Staff Report recognizes that passive relocation and burrow exclusion is sometimes necessary. Appendix E of the 2012 CDFW Staff Report lists the minimum requirements for an exclusion plan, which are cross-referenced in Avoidance and Minimization Measure 18 (i.e., Mitigation Measure 3-18).

Owls that have been passively excluded have a temporarily increased risk of mortality after exclusion. Suitable nesting habitat occurs in the areas surrounding the project, including, but not limited to, along railroad grade and along the edges of nearby agricultural fields and roads. These areas are suitable because there are existing ground squirrel burrows present, and ample foraging habitat occurs nearby. Thus, any owls passively excluded will have suitable replacement burrows nearby. In addition, as discussed on page 3-14 of the Draft SEIR, the project applicant, in consultation with a biological expert, would build three artificial burrow complexes for burrowing owls within the agricultural buffer along the perimeter of the ARC Site. The burrow complexes would be located within the 150-foot wide agricultural buffer, but not within the drainage swales, or the 50-foot wide agricultural transition area, where bike paths, community gardens, and other potential uses could occur. A burrowing owl site management plan would be prepared consistent with applicable portions of Appendices E and F of the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation.

### **Response to Comment 64-25**

The reductions in GHG emissions between the existing and cumulative project conditions discussed on page 3-142 and shown in tables 3-19 and 3-20 of the Draft SEIR are due to reductions in mobile-sourced emissions. Mobile emissions related to project implementation were calculated based on project-specific trip generation and VMT data provided by Fehr & Peers. The ARC project-specific VMT was estimated to be 309,000 per day under existing conditions and 253,000 per day under the cumulative conditions. For each mile traveled by a vehicle, either traditionally fueled or alternatively fueled, a corresponding unit of GHGs are released. For instance, the nearby Sacramento Metropolitan Air Quality Management District (SMAQMD) has recently estimated that a traditional gasoline or diesel vehicle emits 236 grams of CO<sub>2e</sub> per mile, while an electric

vehicle emits approximately 25 grams of CO<sub>2e</sub> per mile.<sup>12</sup> In both cases, the amount of GHG emissions from a certain mileage of driving can be estimated by multiplying the distance travelled by the emissions rates presented above in grams of CO<sub>2e</sub> per mile. The CalEEMod software applies this methodology by multiplying project-wide VMT by estimated emissions rates for various types of on-road vehicles, including passenger vehicles, heavy duty trucks, buses and utility vehicles.

Considering the above, the estimate of mobile-sourced GHG emissions are directly proportional to, and a product of, estimated VMT. Because project-specific VMT is anticipated to decline by approximately 18 percent between the existing and cumulative conditions, the anticipated GHG emissions show a similar decrease, in this case a decrease in GHG emissions of approximately 17 percent. In general, cumulative VMT is lower than existing plus project VMT because, under the cumulative condition, additional planned residential development within and near Davis (including UC Davis) would increase the proportion of ARC trips that would be completed locally, thereby reducing ARC average trip length and VMT. Importantly, the planned local residential development would further reduce ARC's reliance on "importing" employees living outside of Davis.

#### **Response to Comment 64-26**

Page 3-153 contains a relatively brief description of the TDM program the ARC Project would be required to implement as part of Mitigation Measure 3-72(a). Pages 3-254 through 3-258 of the Draft SEIR provide a much more detailed description of the elements of this program, which is generally designed to reduce vehicle trips and VMT by promoting non-auto modes of travel. While it is acknowledged that TDM programs can be challenging to implement and sustain under certain conditions, it is noted that projects similar in the size of the ARC Project routinely have on-site transportation coordinators/managers who are responsible for implementing and overseeing their TDM programs. It is also acknowledged that the benefits of TDM programs may be difficult to quantify without adequate surveying and data collection. For this very reason, Mitigation Measure 3-72(a) on page 3-257 requires annual monitoring of the TDM program (including employee surveys, traffic counts, and collection of other relevant information to measure progress toward reduced private vehicle travel). Contrary to the commenter's assertion, the monitoring component of the TDM program provides assurances that it will be accountable to the specified objectives. Therefore, it is not accurate to describe the program as being speculative toward achieving improvements in transportation energy use, emissions, and VMT savings. In particular, Mitigation Measure 3-72(a) does not contain aspirational-type language such as 'strive', but rather it clearly lays out (on pages 3-254 and 3-255) the two measurable objectives (i.e., 1.5 average vehicle occupancy and all three VMT metrics achieved) that the TDM program must achieve, requirements for annual TDM performance monitoring, evaluation, and reporting, and the applicant's responsibility to implement and/or make a funding contribution towards additional trip reduction strategies if targets are not met.

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<sup>12</sup> Sacramento Metropolitan Air Quality Management District. *GreenhouseGas Thresholds for Sacramento County*. March 4, 2020.

The recommendation to conduct a more rigorous evaluation of the TDM program achieving measurable benefits in terms of reducing VMT and emissions is noted. While a variety of academic research has been conducted on this important topic, it is nevertheless important to reiterate that the particular tenants that occupy the ARC Project will have a major effect on TDM effectiveness. Some employers may be willing and able to impose more rigorous TDM strategies on their employees than others. Examples of this abound, such as Silicon Valley tech companies offering WiFi-equipped vans to transport their employees between home and work in lieu of driving alone; in contrast, robust transit incentives and free, remote parking programs have shown only modest benefits at certain health care institutions in the Sacramento region. A more rigorous evaluation of the measurable benefits of the TDM program would be beneficial, but without knowing the characteristics of site-specific tenants, such analyses could be speculative.

**Response to Comment 64-27**

Please see Response to Comment 64-19.

**Response to Comment 64-28**

Please see Response to Comment 67-60. It should also be noted that that traffic counts conducted for the existing conditions account for the effects of navigation apps and related diverted regional traffic onto study roadway facilities to the extent they were present on the two traffic count days in 2019.

**Response to Comment 64-29**

Please see Master Response #3.

**Response to Comment 64-30**

Please see Master Response #1.

**Response to Comment 64-31**

Please see Response to Comment 67-88.

Letter 65

**From:** GREG ROWE <gregrowe50@comcast.net>  
**Sent:** Tuesday, April 21, 2020 9:18 PM  
**To:** smetzker@cityofdavis.org  
**Subject:** Detention Basin Excavation

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

Hi, Sherri. You may recall that on Monday we discussed whether the DEIR for the MRIC project evaluated the potential impacts of excavating approximately 100 acres for a detention basin on the Howatt-Clayton property.

Tonight I briefly reviewed at the following sections of that document:

65-1

- 3 - Project Description
- 4.4 - Bio Resources
- 4.9 - Hydrological Resources

In brief, Sec 4.9 does mention that runoff from the project site would be needed to deal with large storm events that could cause the Mace Drainage Canal to back up if the water level in the Bypass was high. It's described on p. 4.4-8 and shown on Fig. 4.4-3 on the following page. The big difference between the MRIC project and the ARC is that the impervious surface would increase by 11%.

65-2

Another difference is that I could not find any reference to transporting some of the soil eastward to the ARC site for soil improvement. That may be addressed in the air quality section of the August 2015 DEIR, but I have not yet looked at it.

65-3

Section 4.4 addresses biological resources throughout the Biological Study Area (BSA), which included the 3 parcels comprising the potential site of the detention basis. It says on p. 4.4-48 that Sycamore Consulting conducted a botanical and biological survey of the area in June 2015. The bottom line:the area appears to provide only marginal habitat for all of the plants. The GGS and SWHA discussion was general to the entire BSA and the typical mitigation measures are discussed.

So, on the one hand the area does not seem to provide distinctive habitat for listed species, but on the other hand there does not appear to have been a detailed analysis of the full range of impacts that could result from excavating to a depth of 2.5 feet over a 100-acre area. Maybe Nick can confirm this conclusion. The only potential argument that could potentially be made is that conditions may have changed since Sycamore did its survey in June 2015--almost 5 years ago.

I'll try to look more at the 2015 DEIR and see what I can find.

**LETTER 65: GREG ROWE – APRIL 21, 2020**

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**Response to Comment 65-1**

As discussed on page 3-165 of the Draft SEIR:

Per a technical memorandum (Drainage Memo) prepared for the ARC Project by Watermark Engineering, Inc. (see Appendix D), compared to the Mixed-Use Alternative, the ARC Project would result in an approximately 12 percent decrease in disturbance area and an estimated 11 percent increase in imperviousness. With respect to the MRIC Project, the ARC Project would result in an estimated four percent increase in imperviousness.

The net effect of the changes in disturbance area and imperviousness is expected to be a small decrease in the overall peak flow and volume relative to the Mixed-Use Alternative. The estimated 100-year peak unit runoff from the ARC Project is approximately 1.8 cubic feet per second (cfs) per acre compared to approximately 1.7 cfs per acre for the Mixed-Use Alternative. The increase over the 187-acre ARC development footprint would be approximately 19 cfs. However, because the ARC development footprint is approximately 25 acres smaller than the Mixed-Use Alternative site, total peak flow would be decreased by approximately 42 cfs (25 acres x 1.7 cfs per acre). The net decrease of peak flow is expected to be between 10 and 30 cfs.

As this section demonstrates, the estimated 11% increase in imperviousness for the ARC Project, as compared to the Mixed-Use Alternative, would be offset by the decrease in disturbance area.

**Response to Comment 65-2**

The effects of exporting soil to the site are addressed in the Draft SEIR, as further discussed in Master Response #3.

**Response to Comment 65-3**

As discussed in Master Response #3, the range of potential biological impacts that could result from excavating the off-site detention pond is addressed in the Draft SEIR.

Letter 66

**From:** GREG ROWE <gregrowe50@comcast.net>  
**Sent:** Monday, April 27, 2020 5:04 PM  
**To:** Sherri Metzker  
**Subject:** Re: Comment letters

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

66-1

Sherri, sure it would be fine to have Raney just review and respond to the April 24 letter. It is more up-to-date. Let's keep it simple. As you know, I spent a number of years having to respond to DEIR comment letters, so I know "the drill."

Here is a scary thought. I noticed the other day that there are new docs in the City's U-Commons folder (added between Feb and April), so I've started to download them for review. I'll endeavor to read them between gargling with a mixture of mouthwash and bleach, as suggested by the Pres. --  
Greg

On April 27, 2020 at 4:49 PM Sherri Metzker wrote:

Greg

I sent your comment letter of March 24, 2020 to Raney to prepare responses. Then you sent another letter on April 24, 2020 which I also sent to Raney to prepare responses. Today, they notified me that there appears to be overlap between the two letters. Would it be ok with you if Raney only responded to the letter of April 24?

Thanks.

*Sherri Metzker*

Principal Planner

City of Davis

23 Russell Blvd

Davis, CA 95616

530.757-5610



**LETTER 66: GREG ROWE – APRIL 27, 2020**

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**Response to Comment 66-1**

The commenter confirms that the following April 27, 2020 comment matrix on the Draft SEIR supersedes the earlier version of the similar memo and can be used for response purposes.

Letter 67

MEMO

TO: Sherri Metzker, Principal Planner – Community Development and Sustainability, City of Davis  
FROM: Greg Rowe, Planning Commissioner  
DATE: Revised April 24, 2020  
SUBJECT: **Comments on Draft Subsequent EIR (DDSEIR) for Proposed Aggie Research Campus Project (March 2020) and the Proposed Project**

67-1

These comments generally follow the order as the DDSEIR, although notes and comments on some subjects are aggregated because related information appears in multiple DSEIR sections. Examples include the 6.8-acre easement discussion; information on off-site stormwater detention excavation is in both the drainage and air quality sections. Comments on TDM programs appear in multiple places. This memo supplements and is in addition to my April 19 memo on DDSEIR subjects. Fully understanding and evaluating the DSEIR requires examining and correlating information in the August 2015 DSEIR for the MRIC project, the January 2016 FEIR for that project, and the report for the September 19, 2017 City Council meeting. **In my opinion, requiring the reader to consult this many other documents renders the DSEIR inadequate and incomplete. All relevant data should be in the SEIR.**

**Structure of the Comments:** (1) Most topics start with text under “Notes,” which summarizes the subject in the DSEIR. (2) “Comments/Recommendations” conveys concerns for which substantive response by the City and/or environmental consultant (Raney) is requested. (3) The “Actions Needed” text conveys recommendations for action the City should consider implementing to protect the interests of the City, the public and/or the environment. Some comments and suggestions are in **bold font** for emphasis. In some case the “Section” column refers to a proposed mitigation measure number.

**Primary Issues of Concern:**

67-2

1. Proposed partial use of a 25-acre City-owned “Measure O” open space parcel to meet the City’s 150-foot agricultural buffer requirement.
2. Proposed uncompensated use of City-owned open space (a public asset) for off-site stormwater detention and to augment topsoil at the ARC site.
3. Vehicle trips for the ARC Project would greatly exceed projections for the previous MRIC project. **VMT impacts will be significant and unavoidable.**
4. Roadway enhancements (lane extensions, more lanes, etc.) that allow more traffic may discourage multimodal commuting (biking and walking).
5. Inability of proposed transportation/circulation enhancements to fully mitigate traffic impacts coupled with indeterminate funding sources.
6. Speculative traffic congestion and air quality benefits of Transportation Demand Management (TDM) programs; (TDM plan not analyzed in DSEIR).
7. Limited control by the City of Davis over the scope, funding and timing of traffic improvements on I-80.
8. The schedule of land cover mitigation payments by the ARC Project to the Yolo Habitat Conservancy is not specified. Will payment occur in phases or all at once when the first grading permits are issued? (Note: The fee was recently increased to \$14,950/acre.)
9. Affordable Housing: The Project lacks a specific commitment to onsite affordable housing for all income levels, as pointed out by the County of Yolo.
10. Potential competition by other Sacramento region innovation/tech centers, including Aggie Square and Woodland Research and Technology Park.
11. Potential urban decay of other commercial sections of Davis, particularly downtown.

Letter 67

Page	Section	Subject	Comments
67-3	1-2 1-7 3-1 3-14	1.3  Development Footprint and 25-acre City open space parcel	<b>NOTES:</b> The DSEIR reveals that the City-owned 25-acre open space parcel ("Mace 25") contiguous to the northwest section of the ARC site is not included in the ARC Project. <sup>1</sup> Under the ARC proposal, the Mace 25 would remain in the City's Agriculture Zone designation. The DSEIR discloses, however, that the applicant wants to designate 6.8 acres of the Mace 25 (27%) for an easement that would comprise a portion of the 150-foot agricultural buffer required by City policy <sup>2</sup> . A footnote on DSEIR p. 3-1 clarifies that the applicant does not have any rights to the City open space property, so <b>the terms of the easement would need to be negotiated with the City.</b> <sup>3</sup> The DSEIR (p. 3-14) indicates that the 150-foot wide ag buffer area on the east and north boundaries of the project site would include bicycle and pedestrian paths within the <i>inner</i> 50 feet of the buffer but there would be restricted public access to the <i>outer</i> 100 feet to minimize conflicts with adjacent agricultural activities and to maximize habitat values. The DSEIR asserts that the 6.8 acres will <i>not</i> count toward the total acreage requiring mitigation. However, the first paragraph under the heading of "Development Footprint" states that the 25-acre City-owned open space parcel would still be included in the applicant's annexation proposal even though no project development is proposed on the parcel.
	1.3	Use of City Open Space for Agricultural Buffer	
67-4	3-41 Thru 3-45	3.5  Deferral of Easement Discussion	<b>Entitlement Discussion at a Future Meeting:</b> The following note on the City's website makes it nebulous as to how and when the easement would be structured: "The placement of the agricultural buffer easement will be considered as part of the larger entitlement application discussion at a future meeting." This statement prompts questions such as "which meetings" and "when"? Just Planning Commission and City Council, or will discussions also occur at other Commissions (Finance and Budget, Natural Resources, Open Space and Habitat?) Input from those commissions could be helpful to the Planning Commission. Given recent public controversy surrounding the sole source solar land lease negotiated by the City, it would seem prudent for the City to quickly make publicly accessible all discussions and negotiations with the applicant regarding use of publicly-owned land.
67-5		Yolo County Recommendations	<b>Yolo County and LAFCo Positions on Adequacy of Agricultural Buffer:</b> The adequacy of the 150-wide agriculture buffer was challenged in an DSEIR scoping comment letter from the Director of the County of Yolo Department of Community Services <sup>4</sup> ("County Director Letter"). The letter encouraged the City to "...refer to policies in the Countywide General Plan that seek to protect existing farm operations from impacts related to the encroachment of urban uses through use of an increased minimum buffer, as opposed to the City's minimum

<sup>1</sup> The *entire* 25 acres comprising the "Mace 25" was part of the previous Mace Ranch Innovation Center (MRIC) proposal.

<sup>2</sup> *Background and Midterm Progress Report on Measure O – The Open Space Protection Special Tax Fund*. City of Davis, 2017. The 150-foot ag buffer requirement has been in effect since 1995, p. 9.

<sup>3</sup> See DSEIR Figure 3-1, page 3-2 and the explanation on DSEIR pages 3-4 and 3-14.

<sup>4</sup> Taro Echiburu, Director – Yolo County Department of Community Services, December 9, 2019. See Appendix A (Public Comment Letters), ARC draft DSEIR.

Letter 67

Page	Section	Subject	Comments
67-5 Cont'd			standard..." Policy LU-2.1 in the County's Land Use and Community Character Element "...recommends a minimum 300-foot setback for ensuring the proposed development will not adversely affect the economic viability or constrain the farming practices of agricultural operations" (emphasis in County Director Letter). Further, "County staff concur with Yolo County Local Agency Formation Commission (LAFCo) that provision of a minimum agricultural buffer as prescribed by the City's Municipal Code "...may be insufficient for the significance of the proposed project."
67-6		Proposed Annexation of 25-acre Open Space Parcel	<p><b>COMMENTS/SUGGESTIONS:</b></p> <ul style="list-style-type: none"> <li>• <b>There appears to be no compelling reason to annex the Mace 25</b> because it is already described in the City's Measure O <i>Midterm Progress Report</i> as "protected" open space within the Davis Planning Area and is owned in fee title by the City of Davis. See attached Figure 17 in the City's <i>Background and Midterm Progress Report on Measure O, 2017</i>. <b>To discourage further interest in the property on the part of the applicant, it would be sufficient to simply retain the parcel within the Davis Planning Area.</b></li> </ul>
67-7		Fair Market Appraisal of Easement Is Needed	<ul style="list-style-type: none"> <li>• <b>Entitlement Negotiations:</b> If the City ultimately allows the applicant to use 6.8 acres of the Mace 25 to meet its agriculture buffer obligations, the value of the easement should be determined through an independent fair market appraisal; i.e., <b>the price paid by the applicant should not be left for negotiation after the ballot vote.</b> The Measure R Ballot Baseline Features document and Development Agreement should both specify that the applicant shall pay the City for the easement before a grading permit is issued. <b>The amount and timing of the applicant's easement payment to the City must be "locked" into the Baseline Features.</b> It should not be deferred for future inclusion in the Development Agreement (DA).</li> </ul>
67-8			<ul style="list-style-type: none"> <li>• <b>Farmer Concerns:</b> The legitimacy of concerns about potential impact on nearby farms expressed in the County Letter is reflected in an email comment submitted to the City of Davis by the owner of an almond orchard adjacent to the ARC site on County Road 32. He emphasized that he uses aerial spraying on the orchard, so the ARC project will make his farming operation more difficult.<sup>5</sup></li> </ul>
67-9			<ul style="list-style-type: none"> <li>• <b>Larger Buffer is Needed:</b> The City should consider requiring the Applicant to revise the project configuration to double the width of the agricultural buffer from 150 feet to a minimum of 300 feet, as proposed by the County of Yolo. This adjustment would make the project consistent with County Policy LU-2. If the Davis City Council desires to annex County land, the City may want to ameliorate County concerns by requiring the applicant to conform to the existing minimum agricultural buffer policy, as recommended in</li> </ul>

<sup>5</sup> Email to Sherri Metzker from Ranjit Dhillon, April 24, 2020.

Letter 67

67-9  
 Cont'd

67-10

Page	Section	Subject	Comments
		Conflict with the Purpose and Intent of Davis Measure O	<p>the County Director Letter and by LAFCo. It seems inconceivable that the applicant and City would ask the County to cede County land to the City while simultaneously exhibiting total disregard for the County's well-placed agricultural buffer policy. Such a move would contradict the City's public policies regarding preservation of ag land.</p> <ul style="list-style-type: none"> <li>• <b>The County Director Letter and LAFCo comments connote that the DSEIR's analysis of potential impacts on surrounding farmland is insufficient.</b></li> <li>• <b>Use of Measure O Open Space:</b> A public comment summarized on DSEIR p. 1-7 suggests the applicant's proposal to designate 6.8 acres of the City open space parcel for agricultural buffer should not be allowed because the 25-acre parcel was acquired with Measure O funds. Twenty years ago, more than 70% of Davis voters approved Measure O, a parcel tax designed to be a long-term, stable funding source to acquire, maintain and improve open space areas. Measure O is described in the City's Open Space Ordinance 2033 (July 19, 2033) and is codified in Davis Municipal Code Section 15.17 – Open Space Protection Tax.</li> <li>• <b>Allowable Uses of Measure O Funds:</b> The 25-acre parcel on the east side of the "Mace Curve" (the "Mace 25") was acquired in fee title by the City in 2011.<sup>6</sup> Pursuant to Municipal Code Section 15.17.070 (Limitations on Disposition of Revenue), Measure O funds may only be used for the following purposes: (1) open space land acquisition; (2) restoration, management, monitoring and enhancement of City open space land; (3) bicycle trail connectors acquisition, improvement and operation; (4) open space facility construction and maintenance; and (5) administrative incidental expenses.<sup>7</sup> See Section 15.17.070 at the end of this memo for the full text of Section 15.17.070 (Attachment 1).</li> </ul> <p>This section of the Municipal Code specifies "...all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required to provide an agricultural buffer/agricultural transition area..." and "...the land shall be dedicated to the city."</p> <ul style="list-style-type: none"> <li>• <b>Inappropriate Use of Measure O Open Space Land:</b> Based on the above information, the City should take into the consideration the purpose of Measure O in negotiating the proposed easement, especially when the purpose of the easement would to facilitate development of private property. <b>The City should</b></li> </ul>

<sup>6</sup> Background and Midterm Progress Report on Measure O – The Open Space Protection Special Tax Fund. City of Davis, 2017 Figure 16, page 20.  
<sup>7</sup> Ibid, Page 4.

4 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

Letter 67

Page	Section	Subject	Comments
67-10 Cont'd		Would Conveying an Easement of Measure O Funds Be Illegal?	<p>consider negotiating an easement price that would enable it to obtain a greater amount of open space/agricultural land elsewhere (i.e., more than 6.8 acres), either through easement or in fee title.</p> <ul style="list-style-type: none"> <li>o Although the applicant has proposed conveyance of a City <i>easement</i> on the 6.8 acres, rather than outright acquisition in fee title, <b>the City should obtain a legal opinion on whether conveying an easement to the applicant for property acquired with Measure O funds could be deemed an in-lieu gift of public funds.</b> Moreover, how can the applicant logically propose to use part of a City-owned agricultural open space parcel as a buffer for the rest of the parcel, when the land is <i>already</i> owned by the City for this purpose?</li> <li>o <b>An objective observer could deem the DSEIR as deficient because it does not point out these discrepancies.</b></li> </ul> <ul style="list-style-type: none"> <li>• <b>Breach of Public Trust:</b> Granting a public property easement to a private entity to facilitate development of the grantee's property seems completely at odds with the intent of Davis voters when they overwhelmingly passed Measure O in 2000. As stated in an DSEIR scoping comment, allocating 6.8 acres of City taxpayer funded open space toward meeting the applicant's agricultural buffer obligations would essentially amount to a net reduction in City open space. The applicant should be held responsible for using its own resources to comply with the City's agricultural buffer requirements. <b>Allowing the ARC Project applicant to use land acquired with Davis property taxpayer funds could be construed as a breach of public trust.</b></li> </ul>
		<p>The Applicant Should Provide All of the 150-foot Buffer</p> <p>A Larger Buffer May be Advisable</p>	<p>A far better approach would be for the agricultural buffer to be included solely within the applicant's property, thereby leaving all of the City's 25 acres intact for the intended purpose of maintaining and preserving open space. Assuming a 150-foot wide buffer (although 300 feet would be preferable), this would result in only a 6.8-acre contraction in the applicant's development proposal. DSEIR Figure 3-1 (Annexation Area Map) on p. 3-2 would need to be modified accordingly to show placement of the entire 150-foot wide buffer on the Applicant's property; plus, Figure 3-5 (ARC Project Open Space Plan), p. 3-13, and Figure 3-9 (Requested Annexation), p. 3-35. As mentioned previously, <b>a minimum 300-foot buffer would provide better long-term assurance to the County of Yolo that farmland bordering the ARC Project would be protected.</b></p> <p><b>SUGGESTION FOR BASELINE FEATURES AND DEVELOPMENT AGREEMENT (DA):</b> If the ARC project proposal is placed on the ballot, verbiage such as the suggestion below should be included in <u>both</u> the DA and project Baseline Features. This is similar to a condition included in the Nishi Gateway baseline features ballot measure. Inserting this verbiage in the baseline features is important because including it solely in the DA would enable a future City Council to amend or eliminate such a restriction.</p>

5 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

67-11  
 Cont'd

67-12

67-13

67-14

Page	Section	Subject	Comments
		Consider Prohibition on Use of City Land for the Project	"City-owned land shall not be utilized in any manner, including but not limited to conveyance of easements or transfer in fee title, to fulfill any component of the project's agricultural, open space and/or potential habitat impact mitigation obligations. City-owned land shall also not be utilized for the purposes of meeting the project's stormwater conveyance and/or storage needs, nor as a source of soil to improve conditions at the ARC project site. This prohibition includes but is not limited to the "Mace 25" parcel and the "Howatt/Clayton Ranch" properties."
1-8	1	Western Burrowing Owl (BUOW) Surveys	<p><b>NOTES:</b> Some commenters contend that the MRC analysis of BUOW impacts is inadequate because surveys for the MRC EIR were not conducted in accordance with the CA Dept of Fish and Wildlife (CDFW) Staff Report. They assert that cumulative impacts to the regional BUOW population were not assessed. The commenters also maintain that mitigation measures including preconstruction surveys and passive relocations, do not qualify as mitigation measures.</p> <p>The first 50 feet of the 150-foot wide Ag buffer would provide BUOW buffer "dually" with bike/ped recreation. The outer 100 feet would be designated BUOW habitat, as discussed in DSEIR section 3-18.</p> <p>Even though no BUOWs have been identified within the proposed 150-foot ag buffer area, BUOWs have been found nearby. It is asserted by commenters that the ARC Project site—including the proposed buffer area—provides suitable BUOW foraging habitat.</p> <p><b>NOTE:</b> Four mitigations are listed for the external 100-foot section of the 150-foot buffer. See DSEIR Fig 3-13. BUOWs were sighted during surveys on February 21 and March 4, 2020, at Sites A, B, C, D and E. (No sightings were at Site F but there were signs of BUOW presence). Table 3-16, p. 98, shows 7 owls seen. See Figure 3-13.</p> <p><b>COMMENT:</b> In light of recent sightings, why has the City specified reduced mowing on the adjacent City-owned mitigation land? Short grass facilitates BUOW foraging. City Measure O area, APN 033-650-26, is within the ARC Biological Study Area, so it would appear this area should adhere to BUOW foraging protocols.</p> <p>"BUOW show high site fidelity." The location of occupied sites within 500 feet of the Study Area are well known. The distribution and abundance of occupied sites is not expected to change substantially as the results of additional BUOW surveys become available. Suitable habitat exists within the ARC BSA and Stormwater BSA. ARC project and Mace Triangle impacts to BUOW habitat would be addressed through the applicant's payment of Land Cover fees for the impacted acreage where suitable habitat exists, as determined by the Yolo HCP/NCCP. (The DSEIR tries to rationalize that because the 25-acre City property is excluded, impacts are less than described for the MRC.) The DSEIR goes on to say, however, that a portion of the 6.8 acres</p>
3-13	3		
3-78	3	BUOW Mitigation	
3-95	3-18	BUOW Setting	
3-96 & 97	3-18	Buffer Mitigation	
3-96 & 98	3-18	BUOW Field Survey Results	
3-100	3-26	Impacted Area - Conclusion	

6 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

**Letter 67**

67-14  
 Cont'd

67-15

67-16

67-17

67-18

Page	Section	Subject	Comments
3-116		BUOW Movement Areas	<p>could be considered impacted acreage, thereby requiring land cover fees per the Yolo HCP/NCCP in order to protect burrowing owl. <b>Payment of the Yolo HCP/NCCP land cover fees should be required prior to issuance of grading permits.</b></p> <p><b>COMMENT:</b> Creation of the bike/walking trail within the first 50-foot part of the ag buffer could result in permanent impacts to burrowing owl habitat. The applicant's proposal to obtain "dual" BUOW habitat and bicycle/recreation benefits from the same set-aside area appears to be "double dipping." In my 13 years of professional experience as an environmental planner for 5 airports in Sacramento County, I observed that BUOWs on airport property became readily habituated to vehicles driving on airfield maintenance and security patrol roads, but would quickly retreat to burrows (culverts, etc.) when people got out of the vehicles. It would seem, therefore, that owls may not readily become accustomed to trail walkers and bikers.</p> <p><b>COMMENTS/QUESTIONS:</b> When would the impact fees be paid? Would the fees be paid at the start of each of the four buildout phases? How much would they be? The fees should be paid before ground disturbance starts. A portion of the 6.8-acre mitigation area could be considered impacted area, thus requiring payment of HCP/NCCP impact fees.</p> <p>The DSEIR says the adjacent ag areas would provide wildlife movement areas, but recently issued City policy directing removal of BUOW habitat in adjacent areas seems to contradict this assertion.</p>
1-8	1	<p>Competition with Other Tech Centers</p> <p>What Happens if Contemplated Development Does Not Occur?</p>	<p><b>NOTE:</b> A commenter states that other regional innovation centers are in competition with the proposed ARC. This concern was likewise raised by Commissioner Boschken at the ARC workshop on Feb. 26, 2020. Potential competition includes UCD's Aggie Square project and the Woodland Research and Technology Park.</p> <p><b>COMMENT/SUGGESTION:</b> This concern should be investigated and evaluated in the DSEIR. It should also be examined in the updated fiscal feasibility analysis that is being completed by EPS. In addition, the DSEIR does not discuss what would happen if the anticipated level of industrial/research/office/manufacturing activity does not come to fruition. Would more housing be substituted for the unmet business park demand? Given that the some commenters have alleged that the applicant has a documented history of deviating from project development commitments, this would seem to be a legitimate concern.<sup>8</sup> Absent an evaluation of an alternative that includes more than 850 housing units, it could be argued that the DSEIR is not "adequate and complete."</p>

<sup>8</sup> See Chapter 6 ("Mace Ranch: A Disturbing Challenge") in the City of Davis on-line book, *Growing Pains: Thirty Years in the History of Davis*.

7 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020



**Letter 67**

67-18  
 Cont'd

67-19

Page	Section	Subject	Comments
			<ul style="list-style-type: none"> <li>Consider instructing the EIR consultant to address potential actions should the expected level of non-residential activity does not occur.</li> <li>Consider instructing the EIR consultant to examine an alternative having more than 850 housing units.</li> </ul>
1-9	1	Assumption That Employees Will Live On-Site	<p><b>COMMENT AND SUGGESTIONS:</b> The applicant's assumptions about the number of ARC employees who will live on the Project site may be overly optimistic speculation that cannot be objectively proven. The project does not include any provisions for ensuring that ARC employees will live on-site. The DSEIR analysis must therefore include an explanation of actions that could be initiated by the applicant and the City if it turns out over time that fewer than the anticipated number of employees actually reside on-site.</p> <p>The potential difficulty of achieving environmental goals (reduced VMT, GHG emissions and LOS) is illustrated by written and oral comments submitted for the Planning Commission SDEIR public hearing on April 22, 2020. A number of the commenters, who identified themselves as UCD students, supported the ARC project on the basis that it would provide much needed student housing for undergraduate and graduate students. Despite the applicant's proclamations that the on-site rental housing would be intended for workers, the pent-up demand for off-campus student housing could very well leave few units available for employees at the ARC site.</p> <p>Although the applicant proclaims that the housing component of the project will enable employees to live on-site, such a phenomenon would not necessarily translate to reductions in vehicle trips, VMT or LOS because it does not account for household workers who commute to widely dispersed worksites. For example, I worked in downtown Sacramento 1999-2002 with a colleague who drove to work daily from his home in Vacaville. He lived in Vacaville because his spouse worked in downtown Sacramento, which made Vacaville a logical mid-way point. The ARC may experience similar dynamics, such as an employee who chooses to live in Sacramento because a family member has a job there. The DSEIR transportation and circulation analysis does not account for such dynamics.</p> <ul style="list-style-type: none"> <li><b>Failure to meet specified requirements for on-site residency by ARC employees:</b> The baseline features and DA should include criteria triggering re-examination of the mitigation measures relative to specific impacts (including but not limited to traffic, circulation, criteria and GHG emissions, and VMT) if on-site residency targets are not met, with a requirement that additional mitigation measures would be imposed and/or construction halted until those mitigation measures are invoked, or alternatively, that the number of workers living on-site reaches the level necessary to achieve the required mitigation levels. See comments on DSEIR pages 3-199 and 200 regarding induced population growth and on-site housing occupancy.</li> </ul>

8 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

Letter 67

67-19  
 Cont'd

67-20

Page	Section	Subject	Comments
			<ul style="list-style-type: none"> <li><b>Measures That Could Help Ensure Employee Occupancy of ARC On-Site Housing:</b> Some observers have declared that there is no legally available mechanism to ensure that a sufficient number of ARC employees will live on-site to achieve the associated benefits (VMT, emissions, LOS, etc.). However, page 4-7 of the FEIR for the MRIC project emphasizes that the development agreement with the applicant could include commitments to ensure employee occupancy (see Attachment 2 to this memo). The DSEIR should have provided a thorough feasibility evaluation of these measures, including a legal analysis provided by the City Attorney or outside Counsel. In addition, as pointed out in the Davis Vanguard on April 24, 2020, "There is also the possibility that companies simply purchase or rent their own blocks of housing and then sublease to employees." The same article also suggested that perhaps the rental period could be placed off-cycle from the academic year.<sup>9</sup> <b>The ARC Final EIR must include a full-fledged analysis of the legal and technical ability of the four measures listed on page 4-7 of the MRIC FEIR, along with the Vanguard's suggestions, to ensure that a sufficient number of employees live at the ARC to achieve the anticipated improvements in traffic/circulation, criteria pollutant and GHG emissions, intersection level of service (LOS), and the like.</b></li> </ul>
1-9	1	Affordable Housing	<p><b>NOTE:</b> Some DSEIR scope commenters are concerned about provision of affordable housing and whether the applicant's request to locate affordable housing off-site will act as a growth inducement. In particular, the County Director Letter expresses concern about "...inclusion of adequate low-income housing for people of all income levels associated with this or surrounding development, including service workers in the hotel and food industries."</p> <p><b>COMMENT/RECOMMENDATION:</b> This concern appears inadequately evaluated in the draft DSEIR. The following recommendation in the County Director Letter therefore has merit: "County staff encourage the City to require affordable housing at the proposed project for people and families of all income levels, including service workers, such as those working in the hotel and restaurant industries."</p> <p>One approach, as suggested by Planning Commissioner Rutherford at the hearing of April 22, 2020, would be to require the applicant to set aside acreage on the ARC site for affordable housing. This approach could emulate the Sterling 5<sup>th</sup> Street Apartments project, in which the developer set aside acreage for the subsequent construction and management of affordable housing by Mutual Housing.</p>

<sup>9</sup> Commentary: Planning Commission Focuses on Areas of Improvement for the ARC." Davis Vanguard, April 24, 2020.

9 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020



**Letter 67**

67-23  
 Cont'd

67-24

67-25

67-26

Page	Section	Subject	Comments
			businesses that would otherwise remain in or be attracted to downtown Davis. Such an outcome could completely obviate the intent of the draft Downtown Specific Plan now undergoing environmental review. <u>The ARC EIR should evaluate this potential impact.</u>
3-15 3-270	3 3-76	Transit Plaza Location	<b>NOTE:</b> The DSEIR states that the transit plaza would be in the middle of the project to facilitate access by all employees, residents and users  <b>COMMENT/RECOMMENDATION:</b> During the workshop on February 26, 2020, Commissioner Shandy suggested that the transit plaza should be located closer to the west side of the project area, adjacent to Mace Blvd., to facilitate access by buses and other transportation modes. Also, the DSEIR states that "Unitrans and Yolobus busses would need to divert from Mace Blvd into the ARC Site to reach the transit plaza." Based on this statement in the DSEIR and Commissioner Shandy's observation, the applicant should consider relocating the transit plaza and testing the new location against other project assumptions.
3-16	3	Transit	<b>NOTE:</b> The DSEIR states that transit service is not currently provided to the ARC site, but that the City anticipates that upon ARC buildout the transit providers would agree to provide services to the site. To be conservative, the DSEIR assumed 5,858 parking spaces in order to take into account that the City's assumption does not come to pass.  <b>COMMENT/SUGGESTION:</b> It is hugely ambitious and probably erroneous to assume that improved transit service will be extended to the ARC Project site. Unitrans already has budget difficulties, which some observers have argued is to some extent due to inadequate funding by UCD. Unless and until enhanced funding from UCD and other sources is secured, it would be "false hope" to count on expanded transit service to the ARC project site. <u>The ARC SEIR should evaluate and divulge what would happen if the transportation enhancements contemplated by the applicant do not come to fruition.</u>
3-21 3-54 3-81 2-85 Fig. 3-10	3.3	Drainage – ARC Project; Proposed Use of City Property for Private Project Stormwater Detention	<b>NOTE/BACKGROUND:</b> The DSEIR discloses (p. 3.21) that two engineering solutions for handling ARC Project drainage have been identified, off-site replacement storage or a small pump station. The preferred location for the "off-site replacement storage area" (i.e., detention pond option) is the easternmost open space parcel owned by the City of Davis, adjacent to the Mace Drainage Channel (MDC). [See DSEIR Fig 3-10, p. 3-81]. Information on this aspect of the project proposal appears in subsequent DSEIR pages, but the DSEIR provides no analysis of the potential impacts of altering approximately 100 acres of land by excavating up to 2.5 feet of topsoil. Such action could have impacts on water quality and wildlife habitat, which the DSEIR does not disclose. The air quality impacts of more than 10,000 diesel-powered dump truck trips (720 trucks/day over 30

11 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

Letter 67

67-26  
 Cont'd

67-27

67-28

67-29

Page	Section	Subject	Comments
		And to Improve Soil Conditions at the ARC Site	<p>work days) hauling 130,000 cubic yards of soil two miles westward for stockpiling at the ARC site is also not specifically analyzed. (Note: There would be 360 one-way full loads and 360 empty return trips per day.)</p> <p><b>COMMENTS:</b> The concept of using City-owned open space as a detention facility for the sole benefit of a private development could constitute an unwarranted public subsidy; i.e., gift of public funds. The proposal to use City-owned open space in this manner appears to some commenters as a continuation of the applicant's apparent past attempts to leverage taxpayer acquired open space property for financial advantage.</p> <ul style="list-style-type: none"> <li>During the previous MRIC iteration of this project, the applicant (Ramco Enterprises) proposed that the same City-owned open space (the former 774-Howatt/Clayton Ranch) be used to attain the required 2:1 mitigation ratio for displaced agricultural land.<sup>13</sup> The applicant framed this appropriation of public property under the pretext of establishing a "living lab" for agriculturally-related MRIC tenants. See attached aerial view of the site published in the <i>Davis Enterprise</i>, February 17, 2016.</li> <li>The Mayor Pro Tempore at the time, Robb Davis, told the <i>Davis Enterprise</i> that the applicant's attempted use City-owned land for mitigation would not be looked upon favorably, stating "We need to ask them to look elsewhere." <b>It would seem reasonable and consistent for the City to reiterate this position.</b></li> </ul> <p><b>SUGGESTED ACTION:</b> The City should not allow any further consideration of this ill-conceived proposal for project-related stormwater detention. It is therefore recommended that the following or substantially similar verbiage be included in both the development agreement and ballot Baseline Features for the ARC Project:</p> <p style="text-align: center;"><b>"City-owned land shall not be utilized in any manner, including but not limited to conveyance of easements or transfer in fee title, to fulfill any component of the project's agricultural, open space and/or potential habitat impact mitigation obligations. City-owned land shall also not be utilized for the purposes of meeting the project's off-site stormwater conveyance and/or storage needs, nor as a source of soil to improve conditions at the ARC project site. This prohibition includes but is not limited to the "Mace 25" parcel and the "Howatt/Clayton Ranch" properties."</b></p>
3-23	3	Project Phasing	<b>COMMENT/RECOMMENDATION:</b> Off-site transportation-circulation upgrades should be constructed and become fully operational before any ARC Project construction begins.
3-24	3	Sustainability Features	<b>NOTE:</b> The DSEIR states that the "strategic mix of employment and residential uses" will allow employees to live within walking distance of work.

<sup>13</sup> "MRIC looks to adjacent farmland as a 'living lab.'" Felicia Alvarez, *Davis Enterprise*, February 17, 2016.

**Letter 67**

	Page	Section	Subject	Comments
67-29 Cont'd				<b>COMMENT:</b> This assumption has no assurance of happening. As pointed out elsewhere, the DSEIR does not include a complete and robust analysis of the available potential ways to encourage or induce employee occupancy of on-site rental and ownership housing at the ARC. Absent the deployment of such methods, it may be overly optimistic to assume that a sufficiently high number of ARC employees will live on-site to achieve meaningful and measurable environmental benefits.
67-30	3-42	3.5	Permanent Loss of Ag Land and Required Mitigation	<p><b>NOTE:</b> There would be a permanent conversion of ag land to urban uses, even taking into account the 2:1 mitigation ratio. This is a significant and unavoidable impact.</p> <p>The mitigation on a 2:1 ratio can be implemented in phases parallel to the development phases, or all at once at the beginning of the project. The rationale for doing it all at once is discussed below.</p> <p><b>COMMENT/SUGGESTION:</b> The impact would indeed be avoidable by simply not implementing the project. As stated in the County Director Letter dated December 9, 2019, "...the loss of ag land can never be fully mitigated. Agricultural land is a limited resource that can never be replaced once removed from ag production" (page 1, paragraph 3). As such, regardless of a land cover mitigation payment to the Yolo Habitat Conservancy, a permanent and irrevocable loss of agricultural land would occur.</p> <ul style="list-style-type: none"> <li>• <b>Mitigation:</b> How can the City be assured that the applicant will actually provide the required mitigation at each phase? What enforceability mechanism will be put in place? Based on the past actions of the applicant relative to the Mace Ranch development, as documented on the City website, it could be foreseeable that the applicant could later attempt to achieve a "bait and switch."</li> </ul>
67-31	3-43	3-6	Ag Mitigation Using City's 25-acre Open Space Parcel	<p><b>NOTE:</b> The DSEIR argues that because, unlike the MRIC project, the 25-acre City parcel would remain in an Agricultural designation, the potential conflicts with Ag zoned land would be less than the MRIC project.</p> <p><b>COMMENT:</b> This is a questionable and unsubstantiated statement. The existence of the ARC innovation and tech park could conceivably create future pressures to override the provisions of the Davis Open Space ordinance in order to convert City agricultural preserve land to development, and/or create pressure to develop other land on the City's periphery. See above comments.</p>
67-32	3-44	3-7	Mitigation for Off-Site Sewer Pipe	<p><b>NOTE:</b> Footnote 6 on the bottom of the page states that an undetermined amount of ag land would be impacted by sewer pipe construction, and that the precise amount of land will not be known for some time.</p> <p><b>COMMENT/SUGGESTION:</b> Before the applicant receives grading permits, a "worst case" scenario needs to be developed for sewer pipe construction impacts, with a commensurate amount of money placed in an escrow</p>

13 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

**Letter 67**

67-32  
 Cont'd

67-33

67-34

67-35

Page	Section	Subject	Comments
			account by the applicant to ensure that adequate mitigation occurs. This is vitally important to make sure that applicant does not run out of funds before mitigation is completed. The DSEIR did not adequately evaluate the potential outcome of such a scenario.
3-47	3-48	Incompatible Uses in Buffer	<b>NOTE:</b> The County Ag Commissioner has stated that using a part of the buffer for recreational uses (biking, pedestrians) could be incompatible near ag parcels that use restricted substances (pesticides, herbicides).  <b>COMMENT:</b> Consider restricting recreational uses in the buffer, or alternatively making the buffer wider than 150 feet (perhaps a minimum of 300 feet as suggested in the County Director Letter).
3-52	3	Air Quality Impacts	<b>NOTE:</b> Because of physical changes in the surrounding area, coupled with updated methodologies and a 2018 CA Supreme Court decision, "...a substantial increase in severity of the previously identified significant and unavailable air quality impact related to MRIC Mixed-Use Alternative operations has been identified."  <b>COMMENT/SUGGESTION:</b> This significant impact warrants more quantification of potential human health impacts. The draft DSEIR may not warrant certification in the absence of such careful consideration.
3-59 and 3-60	3-11	Mitigation of Criteria Emissions (NOx, ROG and PM10)	<b>NOTES:</b> ROG, NOX and PM10 emissions would exceed applicable YSAQMD thresholds of significance under the existing plus project conditions. This would be a significant (and unavoidable) impact. A number of on-site mitigation measures, listed on page 3-60 and 61, would be implemented. Off-site mitigation measures are described on page 3-61.  <b>COMMENT:</b> This is an important issue because on p. 3-60 it is stated that "...significant uncertainty exists as to the degree to which the individual emissions reduction actions presented below can be implemented in the ARC Project." Again, it is concluded that this would be a significant and unavoidable impact. It may be highly doubtful that the measures listed, in combination, would offset the ROG, NOX and PM10 emissions that would result from the expected traffic and congestion the project would generate. Part of the problem is that the City of Davis cannot control the timing, sufficiency, and effectiveness of the listed transportation enhancements (which are indeed enhancements, not mitigation measures).  It would be decidedly unrealistic to rely on the efficacy of measure 3-72(a), which is the 3 <sup>rd</sup> bullet on this page, to significantly reduce emissions. Transportation Demand Management (TDM) programs often unrealistically assume it is possible to mandate and enforce long-lasting changes in human behavior. In fact, TDM is defined as being "...all about influencing people's behavior to use the existing built environment better," but this statement ignores the fact that many people resist being "influenced." See the following source for more

14 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

**Letter 67**

67-35  
Cont'd

67-36

67-37

Page	Section	Subject	Comments
			<p>information. It explains the many facets of TDM, but I have observed that TDM requires a significant allocation of administrative resources (dedicated personnel and funds). See the online article titled "What is transportation demand management, actually?" Jenna Fortunati, and Max Kittner - July 27, 2018. Also, it has been pointed out in the <i>Davis Vanguard</i> and elsewhere that due to the nature of high-tech employment, workers will not strictly be on a typical "9 to 5" workday. They will arrive and depart on highly variable schedules. Would this not make it harder to implement vanpools and carpools, because everyone would be starting and ending work at different times? In addition, a recent article in the <i>Wall Street Journal</i> asserts that the NOVID-19 epidemic will accelerate the movement away from working in offices.<sup>11</sup></p> <p>The following factors would make it problematic to implement and enforce off-site mitigation measures:</p> <ul style="list-style-type: none"> <li>• Identifying potential off-site opportunities would be difficult.</li> <li>• Obtaining permission or authorization from the owners of off-site facilities could be difficult.</li> <li>• Over time the opportunities for off-site mitigation will decline because enforcement of increasingly stringent air quality regulations will force the replacement or retrofitting of many highly emitting stationary sources such as back-up generators, boilers, diesel-powered agricultural pumps, etc. This will in turn reduce the pool of potential emission offsets that can be purchased by ARC Project employers.</li> <li>• Declining costs of alternative energy production (solar panels, for example) will induce building owners to install these systems, thereby reducing opportunities for such investments by the applicant and/or the ARC Master Owners Association (MOA).</li> </ul>
3-62 & 3-218 & 3-221	3-11	CO Emissions And Vehicle Trip Generation	<p><b>NOTES on Trip Generation:</b> Vehicle trip generation associated with the ARC Project would be greater than the MRIC proposal, primarily due to changes in trip generation methodology (the USEPA now recommends using AIRMOD in place of CALINE4). As a result, Fehr &amp; Peers (F&amp;P) conclude that the ARC Project will generate 23,888 new daily (external) vehicle trips, including 2,232 AM peak hour and 2,479 PM. (See Table 3-30, page 3-221). In comparison, MRIC would have been expected to generate 15,550 new daily trips, including 2,361 AM and 2,175 PM daily trips. This means the ARC Project has greater potential to cause high localized CO concentrations compared to the MRIC project. As a result, F&amp;P found it necessary to implement a modified set of study intersections to evaluate the ARC Project relative to the intersections studied in the MRIC Certified Final EIR (FEIR). In addition, the Mace Triangle would generate an estimated 762 new external vehicle trips during a typical weekday, bringing the project total to 24,650 trips.</p>

<sup>11</sup> "Coronavirus Will Permanently Change How We Work." Matt Burr and Becca Endicott. *Wall Street Journal*, March 17, 2020, p. A17.



**Letter 67**

67-37 ↑  
 Cont'd  
 67-38  
 67-39  
 67-40  
 67-41  
 67-42  
 67-43

Page	Section	Subject	Comments
			<p>The ARC worst-case intersections would be I-80 westbound (WB) Ramps/Mace Blvd during PM peak hour and I-80 eastbound (EB) Off-Ramp/Chiles Road during AM peak hour under Cumulative Plus Project Conditions, due to the factors of worsened Level of Service (LOS), highest number of delays and highest traffic volumes.</p> <p><b>COMMENT/CONCLUSION:</b> This revised data means that due primarily to a change in trip generation methodology, daily trips compared to the MRIC project are expected to be 8,338 higher for the ARC or 53.6%. (Interestingly enough, however, due to the same changes in methodology, the AM peak hour would decline by 129 trips, from 2,361 for MRIC to 2,232 for the ARC Project, while the PM peak hour trips would increase by 304, from 2,175 for MRIC to 2,479 for the ARC.) The Mace Triangle would add 93 new external AM peak hour trips and 82 new external PM peak hour trips. <u>Compared to the original trip projections for the MRIC project, this dramatically higher number of daily trips alone could make the traffic and circulation impacts of the proposed ARC project untenable.</u></p>
3-79 to	Bio	Field Surveys and HCP/NCCP Land Cover Mitigation Fees	<p><b>NOTES:</b> The section (p. 3-80) states that the project applicant(s) will need to pay \$14,033/acre in HCP/NCCP Land Cover fees for 4 different land cover types.<sup>12</sup> Table 3-15 on page 3-83, however, lists 5 land cover types with a cumulative total of 815.34 acres. Multiplying \$14,033/acre times this number of acres yields a payment of \$11,441,666 that would need to be made to the Yolo Conservancy (the plan operator for the HCP/NCCP) before grading permits could be issued by the City of Davis.</p> <p><b>COMMENTS/QUESTIONS/SUGGESTIONS:</b> This section of the draft DSEIR warrants greater explanation/detail.</p> <ul style="list-style-type: none"> <li>• Why does the narrative on page 3-80 discuss 4 land cover types, but the table on page 3-83 lists 5 types?</li> <li>• Will a combination of applicant fee payment to the Yolo Conservancy <i>and</i> separate mitigation of agricultural impacts on a 2:1 ratio (pursuant to City policy) be required? Explicit clarification is needed.</li> <li>• I suggest adding a new table that shows the land cover types, the per acre fee for each land cover category, and the resulting total mitigation fee. This could also be achieved by modifying Table 3-15 to add more columns, with the last column (to the right) showing the fee for each land cover type. For example, the field crops row could show 733.86 x \$14,033, with the result of \$10,298,257. (Note: the fee is now \$14,950/acre, which will produce higher totals.)</li> <li>• The narrative needs to be more explicit in explaining that the 815.34 acres is a combination of the 265.09-acre ARC Biological Study Area (BSA), as explained on page 3-79, and the 550.25-acre Stormwater BSA, explained on the top of page 3-80.</li> </ul>

<sup>12</sup> Habitat Conservation Plan/Natural Community Conservation Plan. HCPs are federal plans and NCCPs are the California equivalent, although there are differences.

**Letter 67**

	Page	Section	Subject	Comments
67-44				<ul style="list-style-type: none"> <li>• Some HCPs (such as Natomas Basin) are based on the assumption that every acre that is developed sustains an impact that must be mitigated at a specified ratio. (The Natomas HCP ratio is 0.5 acre of mitigation for each acre developed.) Other HCPs, however, require mitigation only for actual habitat impacted. It would be helpful if the DSEIR explained that the Yolo HCP/NCCP is a fee-based plan that addresses all of the various land types in the County. It is structured in a simple and direct manner that requires payment of a per/acre mitigation fee to the Yolo Habitat Conservancy (Conservancy). For more information, see chapter 8 of the Yolo HCP/NCCP.</li> <li>• Very Important: The Field Surveys section does not explain <i>when</i> the HCP/NCCP Land Cover mitigation fees would be paid to the Conservancy by the applicant(s). According to Conservancy Executive Director Dirk Brazil, the fees are typically due and payable when the applicant receives a grading permit and the Conservancy is notified by the relevant jurisdiction (in this case, City of Davis) that everything is in order.<sup>13</sup> <ul style="list-style-type: none"> <li>▪ Will the total amount of \$11,441,666 be payable when the initial grading permit is issued, or, will the fees be due in accordance with the planned phased construction of the project?</li> </ul> </li> <li>• If payments are to be made in phases, those payments should be in accordance with the per acre Yolo Conservancy mitigation fee in place at the time the grading permit for that particular phase is issued, and NOT the mitigation fee that was in effect when the project was initially approved. In other words, the mitigation fee should increase incrementally throughout the anticipated 20-year buildout of the project.</li> <li>• <u>Recommendation:</u> the full \$11,441,666 should be paid by the applicant to the Yolo Conservancy before any construction activity occurs; i.e., as soon as initial grading permits are issued.</li> <li>• The following notice appeared on the Conservancy website on March 18, 2020: "The annual fee adjustment for 2020 is in effect as of March 15, 2020. All applications received after March 15, 2020 are subject to the updated fees. The current standard land cover fee is \$14,950/acre." This change needs to be reflected in the Final DSEIR. With reference to preceding bullet, the entire new amount of \$12,189,333 (815.34 x \$14,950/acre) should be paid to the Conservancy upon issuance of grading permits.</li> </ul>
67-45				
67-46				
67-47	3-84	3	Plant Surveys	

<sup>13</sup> Telephone conversation with Conservancy Executive Director Dirk Brazil, March 18, 2020.

**Letter 67**

	Page	Section	Subject	Comments		
<b>67-48</b>	3-135 +	Sec 4.7 of EIR	GHG and Energy	<p><b>NOTES:</b> This discussion notes that California legislative and regulatory requirements have tightened. Also, in 2019 the City adopted a resolution declaring a climate emergency, accelerating the adopted goal of net carbon neutrality from 2050 to 2040. But the resolution did not include updates on the anticipated means for achieving carbon neutrality by the new deadline.</p> <p>Further, due to these changes, and "...despite the implementation of all feasible mitigation measures, the estimated emissions resulting from the ARC Project and the Mace Triangle project have increased. Thus, a substantial increase in the severity of the previously identified significant and unavoidable impact related to the MRIC and Mixed-Use Alternative has been identified." The subsequent "Changes in the Project" section implies argues that including 850 housing units on-site, along with other changes in the project, would—it is implied—result in a moderation of the impact of GHG emissions.</p> <p><b>COMMENT/REQUEST:</b> The DSEIR goes on to explain on p. 3-137 that implementation measures identified in Section 4.7 of the Final Certified EIR for the MRIC would not cause the project to have a substantial increase in the energy impact severity. The validity of this conclusion may be legitimately questionable to the extent that substantiation should be provided by the DSEIR consultant and/or the City.</p>		
	3-136 -					
	137					
<b>67-49</b>	3-142	3-37	GHG Emissions	<p><b>NOTE:</b> The top paragraph on page 3-142 tries to explain how ARC Cumulative Conditions Annual GHG Emissions would decrease. I have had difficulty understanding the explanation.</p> <p><b>COMMENT:</b> Please explain the top paragraph of this page in more detail, and in layman terms. It seems contradictory. (I'm sorry, but I'm just not "getting" it.) Is it due solely to amortization of construction emissions, as alluded to in Section 3-38, middle of page 3-143?</p>		
<b>67-50</b>	3-142	3-37	GHG Emission Mitigation Measures	<p><b>NOTES:</b> The text states that the Transportation Demand Management (TDM) plan would reduce the total number of vehicle trips to and from the site through various programs such as vanpool programs, transit subsidies and parking management strategies, which would reduce overall VMT.</p> <p><b>COMMENTS/SUGGESTIONS - INADEQUATE GHG MITIGATION:</b> The DSEIR cautions that "However, the ultimate efficacy of the foregoing mitigation measures is speculative at this time," and that the ultimate reduction in GHG emissions resulting from Mitigation Measures 3-11 and 3-72(a)and(b) cannot be quantified, so the impact would remain significant and unavoidable. I concur. My years of experience promoting TDM programs and watching their implementation by various entities has convinced me that it is extremely difficult to modify innate human behavior. In addition, as time accumulates after a project is approved and interest in TDM measures (vanpooling, carpooling) wanes, employers tend to let the programs gradually cease. There is</p>		

18 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

Letter 67

67-50  
 Cont'd

67-51

67-52

Page	Section	Subject	Comments
3-143-44	3-38	Compliance with City CAAP	little penalty for doing so because most lead agencies (e.g., the City of Davis) don't have the resources to monitor the continued implementation of EIR mitigation measures. The efficacy of TDM programs is far too speculative and doubtful for the City to "hang its hat on" relative to the need to significantly reduce GHG emissions. The applicant and ARC tenants may very well find that TDM programs are administratively burdensome and unproductive.
		CAAP Mitigation Measures	<b>Applicant's TDM Plan:</b> In early April 2020 the applicant released a 32-page TDM plan. <sup>14</sup> <b>The SEIR should include an analysis of the TDM plan and its ability to exert a substantive reduction in VMT and associated emissions.</b> Absent such an analysis, the SEIR is incomplete and inadequate. It is important to note, however, that the applicant's TDM plan provides very little substantive information on how TCM programs would be implemented, nor how their effectiveness would be and monitored and measured. Most of the plan consists of descriptions of existing transportation facilities (bus routes, etc.) along with blank pages. <b>It does not come even remotely close to providing enough substantive information on which to predicate meaningful emission reductions.</b>
3-145	3-38		With respect to mitigation measures that would facilitate compliance with the City's Climate Adaptation and Action Plan (CAAP), the DSEIR states that limitations on reducing GHG impacts include: <ul style="list-style-type: none"> <li>• the speculative future availability of off-site mitigation and offsets.</li> <li>• the potential prohibitive expense of such measures or incongruence with the uses proposed.</li> <li>• uncertainty surrounding the future implementation of TDM programs required by Mitigation Measures 3-72(a) and (b) because the potential reductions resulting from TDM implementation cannot be quantified with reasonable certainty at this time.</li> </ul> <p>"Consequently, the extent to which future development projects within the ARC and Mace Triangle Site...would be able to meet the full requirements of Mitigation Measure 3-38(a) and 3-38(b) is speculative." <b>This means that implementation of the project would result in a significant and unavoidable impact.</b> It is disconcerting that the draft DSEIR essentially "kicks the can down the road" by leaving it to individual future project applicants to prepare a Carbon Neutrality Plan demonstrating how they will comply with the City's CAAP. The list of mitigation measures includes generic options such as VMT reduction, TDM, on-site renewable energy, but nowhere is it suggested that project implementation be halted or slowed if the proposed mitigation measures don't bear results.</p>

<sup>14</sup> Aggie Research Campus Transportation Demand Management Plan. LSC Transportation Consultants, Inc. April 7, 2020.

**Letter 67**

Page	Section	Subject	Comments
67-53	3-153	Transportation Energy  Ineffectiveness of TDM Programs	<p><b>NOTE:</b> The 2<sup>nd</sup> full paragraph on this page states that the ARC Project would be subject to mitigation measures requiring implementation of a TDM program, which would be intended to increase average vehicle ridership by promoting carpooling and vanpooling, etc. It goes on to say that “Implementation of the TDM Program would ensure that transportation-related energy usage is reduced to the maximum extent practicable, and that transportation to and from the site occurs in an efficient manner.”</p> <p><b>COMMENTS AND SUGGESTIONS:</b> To reiterate an important point, TDM programs are difficult to establish, sustain and monitor. They require devotion of dedicated staff resources that are likely to be reduced, eliminated or reassigned during poor economic conditions (which has been my professional experience). They require constant promotion and marketing to retain and bolster the interest of participants. The ostensible resulting benefits of TDM programs are also difficult to quantify. It could be reasonably argued that it would be irresponsible for the City to approve a project that relies on such resource-intensive and speculative programs to achieve meaningful improvements in transportation energy usage, emissions, VMT and LOS. Moreover, including TDM programs as a mitigation measure in CEQA documents is little more than standard “boilerplate” verbiage that seldom results in any concrete long-term documented improvement in environmental conditions. Reliance on TDM mitigation programs in CEQA documents is little more than window dressing of limited practical value. The benefits of TDM programs are illusory because they assume that humans will change their behavior to more inconvenient transportation modes to achieve a “social good.” And, as discussed above, the applicant’s TDM plan released in early April 2020 is a completely vacuous document.</p> <p><b>All references to TDM mitigation measures in the draft DSEIR should be deleted from the SEIR, and potential VMT and emission reductions be recalculated based on the elimination of TDM.</b></p>
	3-13	4-40	Live, Work and Play  60% of Housing Units Should Be Occupied by an ARC Employee

67-53

67-54

67-55

Letter 67

Page	Section	Subject	Comments
67-55 Cont'd		Other On-Site Housing Occupancy Scenarios Should Be Evaluated	<ul style="list-style-type: none"> <li>• <b>60 Percent On-Site Residency Goal:</b> As recommended by the Planning Commission, in 2017 the City Council determined that the MRIC EIR's Mixed Use Equal Weight Alternative (the basis of the ARC Project) would qualify as the MRIC EIR's "Environmentally Superior Alternative" only if there would be a legally enforceable mechanism to achieve a target of at least one employee occupying 60 percent of the 850 on-site units (510 units).<sup>15</sup> This specification should be a fundamental precept of the current ARC project. Thus far, the applicant has not revealed how the City's "60 Percent" goal would be achieved, even though page 4-7 of the Final EIR for the MRIC project disclosed four potential actions that could be included in the project's development agreement to help ensure that a sufficient number of employees live on-site to achieve reductions in energy use, VMT and air pollutant emissions.</li> <li>• <b>Off-Site Residential Scenario Must be Evaluated:</b> The SEIR evaluation must be expanded to evaluate the potential impacts of a scenario in which few ARC employees live on-site, but instead commute to the worksite from elsewhere in Davis and throughout the SACOG region.</li> <li>• <b>Fiscal Impact of 850 On-Site Housing Units:</b> It is generally regarded that the property taxes produced by housing is not sufficient to provide the requisite municipal services. Therefore, any fiscal impact analysis of the proposed ARC Project should determine the cost differential for providing services to the residents.</li> <li>• <b>Occupancy by University Students:</b> Although the applicant has pledged to not intentionally market on-site rental housing to university students, the development agreement and ballot baseline features should specifically prohibit the applicant from counting student residential lessees toward meeting the City's criteria for occupancy by ARC employees. (Given the regional shortage of student housing, it is possible that both UCD and Sacramento State University students may seek rental housing at the ARC Project.)</li> <li>• <b>Traffic Related to Recreation:</b> The applicant is promoting the ARC Project as a place to "live, work and play." The project will include public parks and recreation areas, but the DSEIR lacks any analysis of impacts that would result from people driving to the site from elsewhere in Davis and possibly the greater Sacramento region to engage in play and recreational activities.</li> </ul>
67-56			
67-57			
67-58		Student Occupants Should Not Be Counted Toward 60% Below	
67-59			
67-60	3-162	3-44 Impair or Interfere with Emergency Response Plans	<p><b>NOTE:</b> the first paragraph on this page states that impacts to emergency response plans would be less-than-significant for the MRIC project and likewise for the proposed ARC project. This conclusion is based on the assertion that neither project would involve operations or changes to the existing roadway network that would impair implementation of or interfere with emergency response or evaluation plans.</p> <p><b>COMMENT/REBUTTAL:</b> As noted elsewhere in the DSEIR, implementation of the ARC Project would generate</p>

<sup>15</sup> See 18 "Whereas," City Council Resolution 17-125, September 19, 2017.

Letter 67

67--60  
 Cont'd

67-61

67-62

Page	Section	Subject	Comments
			23,888 new daily (external) vehicle trips, a net increase of 8,338 daily trips above the 15,550 daily trips previously projected to occur under the MRIC project. It is inconceivable how the congestion resulting from 23,888 daily trips added to the external roadway network near the ARC would not impede the movement of emergency response vehicles, particularly during the AM peak hour when 2,232 trips are estimated to occur and during the PM peak hour of 2,479 vehicle trips. There is a high likelihood that police, fire and other emergency response vehicles would be delayed due to traffic jams and a lack of roadway shoulders. <b>The assertion that the project will not negatively impact emergency response plans and implementation lacks sufficient documentation, appears to conflict with traffic and circulation information elsewhere in the DSEIR, and could therefore be regarded as a spurious conclusion.</b>
3-165 Thru 3-179	Hydrology	Runoff Volume and Runoff Mitigation Alternatives  See especially pages 3-168 thru 170	<p><b>TYPO:</b> The first paragraph on the top of DSEIR p. 3-165 and the middle paragraph in the "Conclusion" section on p. 3-172 reference comparative runoff data on Table 3-19, p. 3-168. However, Table 3-19 appears on a preceding page and addresses GHG emissions. The proper reference should be Table 3-22 that appears on page 3-168. Additional text should be checked for correct references.</p> <p><b>NOTES:</b> The ARC project will have a greater volume of surface runoff than the MRIC Project because impervious surface will be an estimated 11 percent greater (p. 3-165). It is also stated (p. 3-170) that up to 71,056 SF of research /Office/R&amp;D and/or ancillary retail could occur on the Mace Triangle Site, which would increase the percentage of impervious surface at the Ikeda "Triangle" site from two to 90 percent. On-site detention at the Triangle site would be sufficient to handle the extra flow, but <b>offsite drainage facilities would be needed for the ARC Project site.</b> Off-site drainage facilities would be needed to detain and control the increased runoff volume from the ARC site when the flow from the Mace Drainage Channel (MCD) into the Yolo Bypass is blocked by high water levels in the Yolo Bypass (DSEIR p. 3-174).</p> <p>The "Conclusion" discussion (DSEIR p. 3-172) states: "The ARC Project development needs to address this increased volume by either constructing off-site replacement storage, installing a pump station, or some other acceptable engineering alternative...Otherwise, the project would result in an increase in downstream flooding of the City's agricultural property and adjacent properties during heavy storm events."</p> <p>The "Replacement Storage Alternative" discussion starts on DSEIR p. 3-168. This option involves storing the increased runoff volume off-site until Yolo Bypass flows recede. The applicant's preferred runoff storage site for "off-line detention" is a City-owned 204-acre parcel adjacent to the MDC and Yolo Bypass Levee<sup>16</sup>. This</p>

<sup>16</sup> Yolo County APN 033-300-015, DSEIR Fig 3-14, page 3-169.

**Letter 67**

67-62  
Cont'd

67-63

Page	Section	Subject	Comments
3-259	3-74		<p>parcel was previously identified as the preferred off-site detention location in the August 2015 DEIR for the MRIC; see attached Fig. 4 of the MRIC Drainage Study.<sup>17</sup> This continues to be the applicant's preferred location because it is some of the lowest agricultural land in the area (p. 3-168), but the draft DSEIR states that two other City-owned parcels between the ARC site and the parcel adjacent to the Yolo Bypass Levee could alternatively be lowered by excavation to provide the necessary storage. These parcels are APN 033-300-001, 248 acres; and 300-650-006, 327 acres.</p> <p>Under the "Replacement Storage Alternative," up to 2.5 feet of topsoil would be temporarily removed from approximately 100 acres of land, the lowered field(s) would be graded, and then the uppermost layer of removed topsoil would be placed back in the fields. "Excavated materials, not including the temporarily removed topsoil, would [then] be imported to the ARC site" (page 3-168). This statement, however, conflicts with the project description on p. 3-54, which states: "If the off-site detention basin option is selected, the disturbance of approximately 100 acres and excavation of all 130,000 cubic yards (CY) of soil would be completed with project initiation in Spring of 2022. <u>All excavated material from the off-site detention basin would be imported to the project site and used for project grading.</u>" (Underlining added for emphasis.)</p>
		<p>Taking Soil from City Land to Correct Unstable Soil Conditions at the ARC Site</p> <p>The City Parcels Were Acquired with Stormwater and Sewer Fees</p>	<p><u>Topsoil Use by Applicant:</u> To understand why the applicant wants to move soil from City-owned land near the Yolo Bypass Levee, it is necessary to read Chapter 8 of the August 2015 DEIR for the MRIC project, which includes a discussion of "Unsuitable Topsoils" at the MRIC/ARC site.<sup>18</sup> It states that "Due to the presence of disturbed/soft surface and near-surface soils within the upper one to two feet of major portions of the site, a combination of over-excavation, processing, moisture conditioning and uniform recompaction of the surface and near-surface soils will likely be required to achieve stable support conditions for the proposed improvements associated with the innovation center" (MRIC DEIR p. 8-70). <u>It therefore appears the applicant wants to use soil removed from City-owned open space for the dual purpose of obtaining off-site stormwater storage combined with correcting unsuitable soil conditions at the ARC site in preparation for development, but with no identification of reimbursement to the City in return for obtaining such benefits.</u></p> <p><b>NOTE:</b> The City-owned land the applicant has proposed for excavation would create a stormwater detention area while also providing improved soil conditions at the ARC. This property is identified as open space in the City's <i>Measure O Progress Report</i>. However, this land was not acquired with Measure O funds. According to</p>

<sup>17</sup> Drainage Study for Mace Ranch Innovation Center. Watermark Engineering, June 15, 2015, p. 14 (DEIR Appendix F-1). The study was updated in 2020 for the ARC DSEIR, Appendix D – Drainage Memo.

<sup>18</sup> As required by CEQA, the DEIR for the MRIC analyzed a number of project alternatives, among which was an "equal weight" analysis of a Mixed-Use Alternative which is very similar to the current ARC project proposal; see chapter 8 of the MRIC DEIR, August 2015.



**Letter 67**

	Page	Section	Subject	Comments
67-63 Cont'd				the City's Leases and Open Space Manager, the Howatt/Clayton Ranch property was acquired with stormwater/sewer fees, <sup>19</sup> pursuant to City Municipal Code Article 30.08. <sup>20</sup>
67-64			Truck Transport of Excavated Soil from Howatt Ranch to ARC Site	<u>Truck Transport of Excavated Soil:</u> The DSEIR air quality impact section imparts (p. 3-54) that if the off-site detention basin option is selected, there would be disturbance of approximately 100 acres. Approximately 130,000 cubic yards (CY) of soil would be imported to the ARC project site and used for project grading. The intention to transport this soil from the proposed off-site stormwater attenuation (detention) site, should this option be used, is further discussed on DSEIR p. 3-259. It is forecast that approximately 10,833 truck trips would be required to transport the excavated soil the 2-mile distance westward from the Howatt/Clayton Ranch property to the ARC site for stockpiling. This would amount to 720 trucks/day over 30 work days, assuming each dump truck would equal 12 CY. <sup>21</sup> As noted on p. 3-259, 360 truck trips/day would be full loads transporting soil to the ARC site, and the other 360 truck trips would be empty, returning to the excavation site.
67-65				As pointed out in the County Director Letter, both temporary and permanent increases in traffic on County Road 32 could interfere with waste collection trucks and agricultural equipment that use that road.
67-66				<u>COMMENTS/SUGGESTIONS:</u>
67-67				<ul style="list-style-type: none"> <li>• <u>Evaluate Potential Impacts of the Excavation and Soil Transport Operation:</u> The SEIR should be revised to include a detailed examination of the full range of short-term and long-term environmental impacts likely to occur during and after the proposed operations associated with excavating topsoil for an off-site detention facility combined with the transport and use of 130,000 CY of soil at the ARC project site.</li> <li>• <u>Implications of Using City-Owned Open Space for the Applicant's Benefit:</u> It is essential to recognize that the three City-owned parcels are protected open space within the Davis Planning Area, as shown on attached Figure 17 (page 21) of the City Report titled <i>Background and Midterm Progress Report on Measure O (2017)</i>. The City owns all 3 parcels in fee title. Although the parcels were acquired with stormwater and sewer fees, the property is nonetheless a City asset acquired with public funds. It is worth noting that although the Mace 25 parcel is depicted as "protected" on Figure 18 (p. 22) of the City's Measure O progress report, it cannot in actuality be construed as "protected" if the ARC applicant were able to designate</li> </ul>

<sup>19</sup> Email to Greg Rowe from Tracie Reynolds, April 6, 2020.

<sup>20</sup> See section 30.08.060 – Charges for Storm Drainage and Flood Control Facilities) and Article 33 – Sewers and Sewage Disposal (see section 33.03.130 – Fees.

<sup>21</sup> Email to Greg Rowe from Principal Planner Sherri Metzler, conveying information from DSEIR consultant. April 8, 2020.

**Letter 67**

67-67  
 Cont'd

67-68

67-69

67-70

Page	Section	Subject	Comments
			<p>27% of the parcel to meet its agricultural buffer obligations. The same could be said of the Howatt/Clayton Ranch parcels.</p> <ul style="list-style-type: none"> <li>o Because the parcels were acquired with City funds, transferring soil excavated from those parcels to the ARC site, without fair market compensation to the City, could constitute a gift of public assets. <b>The City should conduct an independent fair market appraisal of the approximately 130,000 CY of topsoil desired by the applicant, and specify in the project's ballot baseline features that the City must be appropriately reimbursed for the value of this public asset.</b></li> </ul> <ul style="list-style-type: none"> <li>• <b>Put the Detention Facility on the ARC Site:</b> The DSEIR specifies that "It is expected that the storage area would be used several times in any 10-year period." If the storage would only be needed that seldom, it makes little sense to incur the land disturbance and related environmental impacts associated with disturbing 100 acres of farmland. <b>I therefore strongly suggest that the stormwater detention function that would be served on the Howatt-Clayton property be moved to the ARC site.</b> An ideal location would be the "Proposed Detention Storage" site located adjacent to the Mace Drainage Canal, shown on attached MRIC DEIR Fig. 8-9 (p. 8-22), titled "Mixed-Use Alternative – Conceptual Drainage System. Given that City staff has continually emphasized since last autumn that the ARC project is equivalent to the "equal weight" Mixed-Use Alternative evaluated in the DEIR for the MRIC project, it would seem logical to place the detention facility on the ARC site.</li> </ul>
3-181 thru 83	3-54	Urban Decay Analysis; Office-industrial Vacancy	<p><b>NOTES:</b> this section summarizes a study by ALH Urban &amp; Regional Economics (ALH), which concluded that many of the ARC tenants will vacate space elsewhere in Davis to relocate at the ARC. The net result could be a substantial amount of vacant space in 2035. ALH concluded "...that the illustrative analysis suggests that regardless of the amount of space, some increment of existing office and industrial space is at risk of sustained vacancy following development of the ARC Project. The vacancies would remain sustained until such time as yet additional demand was generated due to economic growth and expansion" (p. 3-182, 2<sup>nd</sup> paragraph).</p> <p><b>COMMENTS/RECOMMENDATION:</b> Given the conclusions of the ALH analysis, the need and potential demand for the proposed ARC facility is highly questionable. The project applicant may wish to scale back the size of the proposed project. As mentioned earlier, the ARC could negatively impact downtown Davis.</p> <p>The 3<sup>rd</sup> paragraph on DSEIR p. 3-182 contains the following statement, which warrants greater explanation and substantiation: "The regulatory controls suggest existing City of Davis measures to avoid the onset of deterioration or decay are effective with regard to these types of land uses." <b>What, precisely, does this mean? Market forces are discussed later in the same paragraph, but "regulatory controls" are not. Please clarify.</b></p>

**Letter 67**

	Page	Section	Subject	Comments
<b>67-71</b>				<ul style="list-style-type: none"> <li>• <b>Effect on Other Facilities:</b> The Annexation Policy Framework attachment to the County Director Letter identifies issues that require consideration and resolution. Those issues (p. 3) include the potential effect on existing shopping centers or other facilities that may be affected by the ARC, and the ability to address the need for the proposed ARC facilities through infill rather than "greenfield" development. It appears that <b>the concerns expressed by the County of Yolo are not adequately addressed in the draft DSEIR.</b></li> <li>• <b>Relationship to Competitors - UCD Aggie Square and Woodland Innovation Park:</b> Last December the UCD Chancellor announced the Aggie Square Innovation Center project, to be constructed on UCD property in Sacramento. UCD's website says Aggie Square will house business partners and community-based programs and research to create a stronger and healthier shared community. It will create a unique environment for live/learn/work/play to foster collaboration and creativity where entrepreneurs, companies and workers can thrive. Aggie Square will feature state-of-the-art research facilities, modern office and mixed-use space, coupled with world-class amenities. In other words, <b>the goal of Aggie Square is to attract the same types of uses sought by the ARC Project.</b> Given that the proposed Woodland Research and Technology Park project ("Woodland Tech Park") at the intersection of SR 113 and County Road 25A would seek the same categories of tenants and activities, the simultaneous regional market demand for three similar projects is highly questionable. The UCD Aggie Square initiative was launched after the MRIC FEIR was certified, so it was not included in that analysis. <b>The DSEIR should be revised to evaluate the full range of potential competitive impacts from the other two research/innovation parks.</b></li> </ul>
<b>67-72</b>				
<b>67-73</b>	3-199	3-62	Induced Population Growth	<p><b>NOTES:</b> This section, on DSEIR pages 3-199 &amp; 200, estimates that employee housing demand at the point of ARC buildout will be 3,763 (5,882 employees divided by 1.62 employed residents per household). The analysis assumes that 45.4% of new ARC employees would live in Davis, based on current Davis area employee commute patterns. This translates to ARC Project employee housing demand for 2,053 units within the City of Davis, and another 1,710 units needed outside Davis within the 6-county SACOG region. After accounting for residential capacity in Davis, it was determined that the ARC Project would need to provide approximately 815 of the 2,053 units that would be demanded by ARC employees. It concludes by stating that "...the increase in housing demand associated with the ARC Project could be met within the City rather than the surrounding SACOG region, as would be required for the MRIC Project."</p> <p><b>COMMENTS/RECOMMENDATIONS:</b> This discussion does not describe how the assumptions and conclusions in this section of the DSEIR relate to the actions previously recommended by the Planning Commission and approved by the City Council. The current ARC Project proposal is ostensibly equivalent to the Mixed-Use Equal Weight Alternative analyzed in the certified MRIC FEIR. However, Resolution 17-125 adopted by City</p>
<b>67-74</b>				

Letter 67

Page	Section	Subject	Comments
		Impacts of Less Than 60% ARC Employees Living On-Site	<p>Council on 9-19-2017 specifies in the 18<sup>th</sup> <i>Whereas</i> that "...the Mixed-Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically, that at least one employee occupies 60 percent of the 850 on-site units."</p> <p><b>Environmental Benefits Decline if Fewer Than 60% of ARC Housing Units are Occupied by an ARC Employee:</b> It is important to understand how the 60% criteria was determined. As pointed out in the FEIR for the MRIC project (January 2016), the Mixed-Use Alternative evaluated in the DEIR for the MRIC was based on occupancy of 100 percent of the on-site housing by at least one MRIC employee (p. 4-9). "As a result, the Mixed-Use Alternative has a substantially higher internalization of trips, between the housing and employment uses, than the MRIC Project without on-site housing." For the FEIR, the transportation consultant (Fehr and Peers; i.e., F&amp;P) conducted a sensitivity analysis that assumed occupancy levels of 0, 25, 50, and 75 percent respectively (proportion of units with at least one resident MRIC employee) to compare with the 100 percent assumed in the DEIR evaluation of the Mixed-Use Alternative. The evaluation revealed the "break point" at which the number of external daily vehicle trips that be generated by the MRIC project with no residential units (which is 15,550 daily trips). The break point was between the 50 and 75% levels, at 60%. The analysis concluded: "The results indicate that the Mixed-Use Alternative would generate more external daily trips when compared to the MRIC project with no residential units if the percentage of MRIC housing units occupied by MRIC employees drop below 60 percent for total daily trips" (MRIC FEIR, January 2016, p. 4-10).</p> <p>This basically means that the assumed trip generation, VMT and emission reduction benefits of the Mixed-Use Alternative begin to disappear if fewer than 60% of the 850 on-site units are occupied by at least one MRIC employee. Given that City staff have continually asserted both orally and in writing since autumn 2019 that the ARC project is equivalent to the CEQA "equal weight" Mixed-Use Alternative evaluated in the EIR for the MRIC, it logically means that the same principle and conclusion applies to the ARC project. That is, the environmental benefits of the ARC project begin to diminish if fewer than 60% of the on-site housing units are occupied by an ARC employee.</p> <p>It is important to keep in mind that the certified FEIR for the MRIC project cautions in the Mixed-Use Alternative that significant traffic impacts will occur if employee occupancy of project housing drops below 60% (p. 4-9). The potential negative traffic impact of less than 60% employee occupancy is not evaluated in the draft DSEIR for the ARC project. This is a major shortcoming that must be addressed, especially because the updated trip generation models used for the ARC DSEIR determined that daily trips will be more than 50% higher than estimated for the MRIC project, and because local and regional traffic volume has increased</p>
		Environmentally Superior Alternative in MRIC EIR	

67-74  
 Cont'd  
 67-75

**Letter 67**

67-75  
 Cont'd

67-76

67-77

67-78

Page	Section	Subject	Comments
			<p>greatly since 2015. It is imperative to identify the percentage of employee occupancy of ARC Project housing that would be needed to ensure that significant traffic impacts are not exacerbated.</p> <ul style="list-style-type: none"> <li>• The discussion on pages 3-199 and 3-200 does not explain how the housing data and calculations for the ARC Project relate to and would attain the City Council's expectations relative to the Environmentally Superior Alternative in the MRIC FEIR. This relationship must be fully explained in the final SEIR for the ARC Project, otherwise the SEIR could be judged deficient; i.e., it may not be adequate and complete.</li> <li>• The DSEIR asserts that the increased housing demand caused by the ARC Project <i>could</i> be met in the City, but this does not mean that this <i>will</i> in fact occur. In reality there is probably no legal mechanism by which ARC employers could compel employees to live at any particular location.</li> <li>• The Annexation Policy Framework attachment (p. 2) to the County Director Letter identifies issues that merit consideration and resolution. Among those issues is the potential for ARC Project related "...infrastructure to ease the path for additional development..." and the potential tie-in to the countywide Capital Improvement Plan.                         <ul style="list-style-type: none"> <li>○ The DSEIR therefore appears to inadequately address the potential for the ARC Project to stimulate additional urban development on agricultural and open space land in the unincorporated County.</li> </ul> </li> <li>• It is stated on p. 3-199 that 45.4 percent of the 5,882 new ARC employees at build out would find housing outside of Davis, meaning <b>over 2,670 ARC employees would eventually commute from outside Davis</b>. Most would travel from elsewhere in the SACOG area, but some may commute from more distant locales such as the Bay Area.                         <ul style="list-style-type: none"> <li>○ To be considered adequate complete, the DSEIR must take into account the potential VMT, traffic congestion and emissions impacts of almost 2,700 employees traveling to the ARC Project site from outside Davis.</li> </ul> </li> </ul>
3-217 - 222	3	Transportation and Circulation	<p><b>NOTES:</b></p> <ul style="list-style-type: none"> <li>• F&amp;P verify that local roadways near the Mace Blvd interchange at I-80 already experience considerable delay and queuing during the PM peak hour (6:00 – 7:00 PM). Responsible factors include diverted local and regional traffic onto study area roadways, increased use of navigation apps, and I-80 ramp metering that can cause traffic slowdowns on the Mace Blvd onramps when eastbound I-80 is congested. These conditions are particularly prevalent during afternoons and evenings Wednesdays through Fridays.</li> <li>• Trip generation estimates in the MRIC certified EIR Mixed-Use Alternative assume at least one MRIC employee would reside within each MRIC dwelling unit. <b>The ARC Project analysis apparently did not assume</b></li> </ul>

**Letter 67**

67-78  
 Cont'd

67-79

67-80

Page	Section	Subject	Comments
			<p>any particular association between dwelling units and residency by ARC Project employees. Instead, it relied on trip generation data collected at other mixed-use project sites for modeling purposes (p. 3-128).</p> <ul style="list-style-type: none"> <li>See preceding comments on trip generation relative to text on draft DSEIR pages 3-62, 3-217 and 3-218.</li> </ul> <p><b>COMMENTS/SUGGESTIONS:</b></p> <ul style="list-style-type: none"> <li><b>Congestion Will Make Non-Motorized Travel Difficult:</b> The street network near the proposed ARC Project is already so heavily congested with motor vehicles during many periods of the day that pedestrians and cyclists may not feel confident in their ability to safely travel through the area. Given the projected increase in vehicle trips, there is virtually no additional infrastructure (more traffic lanes, etc.) that would be likely to induce greater use of non-motorized travel.<sup>22</sup> Data on the top of page 3-221 support this conclusion. This determination is also supported by the information in DSEIR footnote 51, which states that while the proposed improvements would facilitate improved peak hour roadway operations, they could diminish the bicycle and pedestrian environment by increasing crossing distances and bicycle exposure times at intersections (bottom of p. 3-246).</li> <li><b>Impacts If Few Workers Live On-Site:</b> As noted above, an "Off-Site Residential Scenario" must be evaluated. The DSEIR evaluation must be expanded to evaluate the potential impacts of a scenario in which few ARC employees live on-site, but instead commute to the worksite. Such an evaluation would be especially pertinent relative to impacts on trip generation, VMT and LOS. A revised sensitivity analysis, using the most updated traffic data and trip generation estimates, should be evaluated to determine the optimal number of on-site housing units and the proportion that would need to be occupied by at least one ARC employee in order to achieve optimum traffic and environmental benefits.</li> </ul>
3-229 thru 236	Traffic	LOS Modeling	<p><b>NOTES:</b> the 2<sup>nd</sup> full paragraph on p. 3-229 states that simulation model runs showed that eastbound motorists on East Covell Blvd. toward southbound Mace Blvd. during one or both peak hours would experience considerable queuing due to congestion along the ARC Site. As stated on p. 3-233, the combination of regional growth, including that associated with the proposed ARC Project, would exacerbate the current I-80 performance problems related to slow speeds and unreliable travel times. LOS impacts are also discussed in the Cumulative Impacts section of the draft DSEIR (reference Chapter 5 of certified MRIC EIR).</p>
3-319	3-104	Travel Demand Forecasting	<p>The cumulative impacts analysis concludes that "The ARC Project would generate new peak period vehicle trips that would contribute to cumulative LOS F conditions..." and that "...the ARC Project's incremental contribution to cumulative circulation impacts under Cumulative Plus Project Conditions would be <i>cumulatively</i></p>

<sup>22</sup> The peripheral location of the ARC Project would be a disincentive for bicycle commuting. See Todd Edelman comment, December 9, 2019, DSEIR Appendix A.

Letter 67

Page	Section	Subject	Comments
thru 326			<p><b>considerable</b>" (p. 3-326). A simulation model of the nine potential operational enhancements listed in Mitigation Measure 3-70(a) revealed background traffic growth will require improvements within the study area regardless of whether the ARC Project is approved, and that the ARC Project will further worsen operations in this area. "...the operational enhancements are not sufficient, in and of themselves, to improve conditions to LOS F or better" (p. 3-326).</p> <p><b>COMMENTS/OBSERVATIONS:</b> Based on the above conclusions in the draft DSEIR, coupled with anecdotal information, significant delays and congestion <i>already</i> exist on I-80 and the segment of East Covell and southbound Mace Boulevard, and this situation will be exacerbated by the ARC Project.</p> <ul style="list-style-type: none"> <li>• <b>Current Congestion:</b> Last year, I spoke with a resident of the Cannery, who told me the time typically consumed by his Monday – Friday morning commute to Sacramento increased dramatically during the preceding year due to heavy traffic congestion on East Covell/southbound Mace. It is frustrating enough that he and his wife regret having moved to the Cannery. This problem is not a matter of hypothetical simulations of future traffic delays; it is happening here and now.</li> <li>• <b>Carpool Lane Delays:</b> The programmed I-80 carpool lane between Davis and Sacramento will not be implemented until 2036 (p. 3-234), meaning that poor LOS conditions will prevail during the initial phases of the ARC Project build out, and perhaps through all four phases of the 20-25 year planned development.</li> <li>• <b>Limited Capacity Expansion:</b> The MTC does not include any capacity expansion for the I-80 corridor in eastern Solano County as part of its planning through 2040. "As a result, regional growth (including the ARC Project) would likely exacerbate the congested conditions previously identified by Caltrans" (p. 3-234 and 235). <b>These conclusions could make it difficult for Davis residents to discern what benefits will be obtained from the ARC.</b></li> <li>• <b>Indeterminate Collaborative Efforts:</b> The Cumulative Impacts section emphasizes that Mitigation Measure 3-70(a) require the applicant to work with a number of public entities to identify feasible physical roadway network improvements to achieve improved operational performance. Given the contemplated long-term phased development of the ARC Project, it is easy to foresee that <b>lapses will occur in such collaborative efforts</b>. As with previous sections of the draft DSEIR, the mitigations offered to ameliorate anticipated cumulative effects may rely too much on speculative Transportation Demand Management (TDM) programs. And again, the applicant's TDM Program document includes little useful information.</li> <li>• <b>Traffic Related to Recreation:</b> The applicant is promoting the ARC Project as a place to "live, work and play." The project will include public parks and recreation areas, but the DSEIR lacks any analysis of impacts that would result from people commuting to the site from elsewhere in Davis and possibly the greater Sacramento region to engage in play and recreational activities.</li> </ul>

67-80  
 Cont'd

67-81

67-82

**Letter 67**

	Page	Section	Subject	Comments
<b>67-83</b>	3-236 thru 3-249	3-70	Mitigation Measures for Regional Traffic Impacts	<p><b>NOTE:</b> a description and analysis of potential mitigation measures starts on p. 3-236. The measures generally are comprised of lane extensions, additional lanes, additional traffic signals, better traffic signal coordination and phasing, HOV bypass lanes, and “trap” right-turn lanes. The DSEIR emphasizes that the preferred improvements to Mace Boulevard cannot be determined until completion of the Mace Boulevard Corridor Plan, as required by General Plan policy (“Conclusion,” page 3-245).</p> <p><b>COMMENTS/SUGGESTIONS:</b></p> <ul style="list-style-type: none"> <li>• <b>Efficacy of TDM Programs:</b> Once again, the DSEIR recommends TDM strategies to reduce ARC-related peak hour vehicle trips on I-80 (top of p. 3.242). See my earlier comments on the illusory benefits of TDM programs. <b>The questionable efficacy of TDM programs is also cited in the DSEIR:</b> “...the level of delay reduction associated with TDM strategies is uncertain...” due to the context of the surrounding built environment, and because many TDM strategies are not only site specific but also rely on implementation and/or adoption by private entities (“e.g., elective use of carpool programs by office building tenants” [p. 3-245]). Further, Mitigation Measure 3-70(b) merely requires the TDM program to be operated by the Master Owners’ Association (MOA) to reduce peak hour project vehicle trips on I-80 “...to an amount less than five percent of baseline levels, to the extent feasible” (p. 3-248, emphasis added). <b>How is “to the extent feasible” defined?</b></li> <li>• <b>Uncertain Success of Proposed Measures:</b> Starting on p. 3-242, the DSEIR describes why it is uncertain whether traffic conditions will in fact improve as a result of the suggested mitigation/enhancement measures. This is because the improvement area and the proposed enhancements are not within the sole jurisdiction or control of the City of Davis. Some measures may also have as yet undetermined effects on agriculture and required habitat impact mitigation pursuant to the Yolo HCP/NCCP. <b>Given these multiple uncertainties, the prudence of approving the ARC Project before traffic improvements have been implemented is further called into question.</b></li> <li>• <b>The City of Davis and the applicant can’t build their way out of traffic problems the ARC Project will cause.</b> As Planning Commissioner Shandy contended during the February 26 ARC Planning Commission workshop, simply adding more traffic lanes typically results in an increase in traffic that soon fills the lanes to capacity. This assertion is substantiated by the following DSEIR statement: “Roadway capacity expansion will lead to induced vehicle travel that will likely offset the short-term relief benefits of the I-80 carpool lanes. Furthermore, LOS F conditions would continue to occur during peak periods on portions of I-80 in Yolo and Solano counties” (pgs. 3-245 and 3-329 in the cumulative impacts section).</li> <li>• <b>Local Cut-Through Traffic Is Unlikely To Improve and VMT May Increase:</b> In addition, as articulated in footnote 51, existing evidence indicates that local roadways are used as regional “cut-through” routes when I-80 is congested, and improving operations and reducing delays on those local roadways could merely</li> </ul>
<b>67-84</b>				
<b>67-85</b>				
<b>67-86</b>				



Letter 67

Page	Section	Subject	Comments
67-86 Cont'd			<p>"...induce additional regional cut-through activity on local roadways" (p. 3-246). Further, the footnote emphasizes that greater regional travel demand use of local routes would yield more VMT than use of I-80 because parallel local routes require longer trip distances.</p> <ul style="list-style-type: none"> <li>Local Mitigation Fees Can't Be Used for I-80 Improvements: Finally, the California court decision in <i>Tracy First v. City of Tracy</i> (2009) determined that contributions of mitigation funds are not required for impacts over which the City does not have full jurisdiction nor a plan to ensure implementation of mitigation measures. This means <b>that even though the ARC Project will have easily foreseeable negative impacts on I-80, the City of Davis lacks the legal authority to require the applicant to contribute funds to mitigate those impacts</b> (bottom of p. 3-245 and top of p. 3-246).</li> </ul>
67-87			
67-88	3-249 And 250  3-264	3-71  Impacts to Local Neighborhood Traf- fic	<p><b>NOTE:</b> Mitigation measures 3-71 would require City development and implementation of neighborhood traffic calming plans. The goal of this measure would be to "...incentivize traffic to use major routes such as I-80, East Covell Blvd., Mace Blvd., and 2<sup>nd</sup> Street, and avoiding using residential streets on a cut-through basis." However, as stated on page 3-264, "Existing evidence indicates that Covell Blvd, Mace Blvd., and connecting roadways such as 2<sup>nd</sup> Street and Chiles Road are utilized as regional cut-through routes when I-80 experiences significant speed reductions and delays during PM peak periods."</p> <p><b>COMMENT/SUGGESTION:</b> In other words, a local street traffic calming effort could simply shift traffic problems caused by the ARC Project from one place to another; it may do nothing to reduce the additional traffic volume generated by the ARC Project. Verbiage should be added to the text on the top of p. 3-250 making it clear that this measure, while it may reduce traffic volumes in local neighborhoods, could very well exacerbate congestion on the referenced "major routes." The paragraph following the italicized mitigation measure discloses the uncertainties involved with proposed Mitigation Measure 3-71, but it may be advisable to modify the text to more explicitly explain that the proposed traffic calming measures could have the primary effect of simply relocating the traffic congestion problem.</p> <ul style="list-style-type: none"> <li>The DSEIR contradicts itself with respect to traffic calming. In one place it says that major roadways in Davis are already used as cut-through routes, but elsewhere proposes to move even more traffic to those roadways by requiring neighborhood traffic calming projects. Again, simply relocating traffic would probably not achieve substantive congestion relief.</li> </ul>
67-89	3-251	3-72  VMT Generation is Already High on a Per Capita Basis	<p><b>NOTES:</b> The VMT discussion on this page reveals that according to a SACOG analysis, the ARC site is located within a particularly high VMT generating area, where VMT per capita levels already measure between 115 and 190 percent of the regional average.</p>

Letter 67

67-89  
 Cont'd

67-90

67-91

Page	Section	Subject	Comments
			<b>COMMENT/SUGGESTION:</b> Given the increased trip generation estimates in the DSEIR, it is certain that VMT per capita near the ARC site will greatly increase, which could further call into question the wisdom of further pursuing the ARC project.
3-251 Thru 3-225 8	3-72	"Flypaper Hypothesis" (i.e., if we build it, they will come)	<p><b>NOTES:</b> The 5<sup>th</sup> full paragraph on this page advances the hypothesis that because a sizeable number of people in the Sacramento region commute long distances to destinations west of Davis (including the Bay Area), the employment component of the ARC Project could induce some employers to relocate some or all of their operations to the ARC site. The analysis concludes that the ARC project would have a significant impact on VMT thresholds (p. 3-254).</p> <p><b>COMMENTS/SUGGESTION:</b> Some observers may regard the DSEIR's hypothesis as highly spurious, based on assumptions at odds with the points made in the DSEIR's urban decay section (which stated that some ARC tenants may simply relocate from elsewhere in Davis). Hoping to "intercept" a portion of traffic that now drives on I-80 through Davis may not be a legitimate methodology for reducing VMT, which is indirectly admitted in the last paragraph on p. 3-251.</p>
3-254	3-72(a) and (b)	<p>VMT Mitigation and Increased Average Vehicle Ridership (AVR) through implementation of TDM programs</p> <p>TDM Programs Are a Dubious Mitigation Measure</p>	<p><b>NOTES:</b> the discussion on pages 254 – 258 proposes that TDM strategies implemented by the applicant and ARC employers could reduce VMT. Pages 3-255 and 256 list 25 TDM strategies the Master Owner's Association (MOA) shall be responsible for implementing. Even with such strategies the draft DSEIR admits that "VMT impacts would be considered <i>significant and unavoidable</i>." Further, <b>these significant and unavoidable impacts represent "...a new unmitigable significant impact when compared to the Certified Final EIR."</b> Items d.iii and iv on p. 327 mandate that if VMT and/or AVR targets are not met for any two consecutive years, the MOA will be required to contribute funding for enhanced TDM measures.</p> <p><b>COMMENTS/SUGGESTIONS:</b> The DSEIR admits in the first paragraph under the "Mitigation Measures" heading on p. 3-254 that <b>the effectiveness and economic feasibility of TDM strategies is unknown</b> and that <b>subsequent vehicle reduction effects from TDM implementation cannot be guaranteed</b>. In the cumulative impacts section, the DSEIR states that "...the level of delay reduction associated with TDM strategies is uncertain..." (p. 3-329), and "...the effectiveness of the TDM strategies is not known and subsequent vehicle trip reduction effects cannot be guaranteed" (p. 3-330). <b>This could reasonably lead the reader to conclude that the new VMT problems caused by the ARC Project cannot be remedied.</b></p> <ul style="list-style-type: none"> <li>Based on the DSEIR's admitted low efficacy of TDM programs and my own observations of TDM shortcomings, <b>it would be fundamentally wrong for the City of Davis, as lead agency, to rely on TDM programs to lessen the negative impact the ARC Project would likely have on trip generation and VMT.</b></li> </ul>

**Letter 67**

**67-91  
 Cont'd**



Page	Section	Subject	Comments
			<ul style="list-style-type: none"> <li>○ Certification of the DSEIR and approval of the proposed ARC Project for a City of Davis ballot measure should be predicated upon much more robust transportation and circulation mitigation measures that can be implemented with a far greater degree of certainty.</li> <li>• The requirement for the MOA to devote even more money to TDM if targets are not met for two consecutive years could amount to "throwing good money after bad."</li> <li>• Potential tenants may be disinclined to locate at the ARC Project if made aware of these TDM obligations, especially if it is more advantageous for them to build or lease elsewhere.</li> </ul>

**Attachment 1**

**Davis Municipal Code - Chapter 15 – Finance and Taxation. Article 15.17 – Open Space Protection Tax**

**15.17.070 Limitation on disposition of revenue.**

Revenues collected under the provisions of this article shall be deposited in a special fund called the open space preservation special tax fund. The special tax fund shall be used only for the following purposes:

- (a) Acquisition in fee or easement of open space lands within the Davis planning area;
- (b) For the improvement, operation, maintenance and/or monitoring of open space lands currently owned by the city in fee or easement of acquired by the city in the future, including, but not limited to, the restoration, enhancement and preservation of habitat areas, maintenance of open space lands, and monitoring of habitat and agricultural conservation easements;
- (c) For the acquisition, improvement, and operation of only those bicycle trails designed to connect Davis to open space areas outside the city and with other regional bicycle facilities;
- (d) For the construction and maintenance of facilities necessary to preserve or enhance open space properties for open space purposes (i.e., the construction of maintenance of water wells and irrigation systems to serve the property and land uses, the creation and/or maintenance of access facilities where appropriate to promote public education and enjoyment of the open space, etc.); and
- (e) For the incidental expenses incurred in the administration of this tax, including, but not limited to, the cost of elections, and the cost of collection. Revenues may be used to operate, maintain and monitor properties owned in fee or easement jointly by the city and other public agencies and/or land trusts whose mission includes the preservation of open space lands within the Davis planning area. (Ord. 2033 § 1, 2000).

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34 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

**Letter 67**

Page	Section	Subject	Comments
------	---------	---------	----------

Attachment 2

Final EIR for MRIC, p. 4-7 – List of Potential Ways to Ensure Employee Occupancy of MRIC Housing

Could Employee Occupancy Within the Mixed-Use Alternative Be Guaranteed?

Employee occupancy could be ensured through a development agreement with the applicant. Commitments similar to the following could accomplish this:

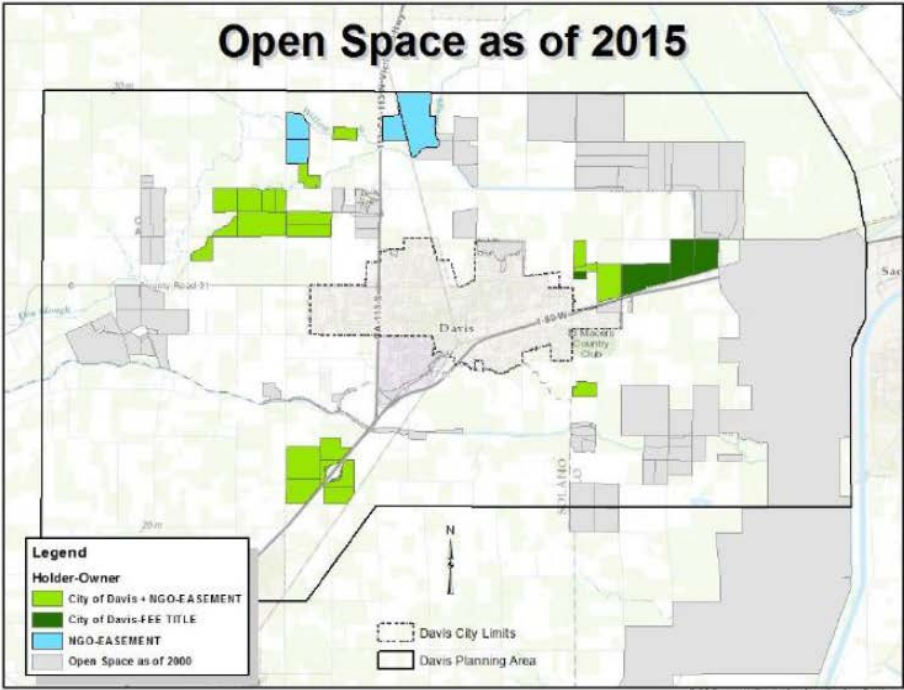
- The housing stock would be owned and/or controlled by the applicant or a controlling entity (e.g. an MRIC Housing Authority) associated with the operation and maintenance of the MRIC.
- The applicant would have enforceable agreements with some or all of the MRIC employers to offer on-site housing to employees as a benefit or possibly a term of employment.
- The employee contract would stipulate on-site residency as a mandatory term or alternatively the housing agreement would stipulate on-site employment as a mandatory requirement.
- Appropriate housing packages would be developed to address ownership, lease, and/or rental relationships, and to identify eviction terms, etc.

Examples of this type of relationship include university, tribal, and resort housing.

Letter 67

Page	Section	Subject	Comments
------	---------	---------	----------

Figure 17: Protected Open Space within Davis Planning Area (between 2000 and 2015)



Letter 67

Page	Section	Subject	Comments
------	---------	---------	----------

Aerial View of City-Owned Open Space Property Proposed by the MRC To Mitigate for Displaced Agricultural Land  
Source: Davis Enterprise, February 17, 2016. Used by Permission.<sup>23</sup>



<sup>23</sup> Email from Sebastian Onate, Editor – Davis Enterprise. March 2, 2020.

37 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020

Letter 67

Page	Section	Subject	Comments
------	---------	---------	----------

Exhibit Showing Preferred Location of MRIC Detention Basin  
Source: Drainage Study for Mace Ranch Innovation Center. Watermark Engineering, June 15, 2015



FIGURE 4. Location of City-owned properties and example of lowered area for storage.

38 – Comments on Draft Subsequent Environmental Impact Report (DSEIR) for the Aggie Research Campus Project – April 24, 2020



Letter 67

Page	Section	Subject	Comments
------	---------	---------	----------

Figure 8-9  
 Mixed Use Alternative - Conceptual Drainage System



39 – Comments on Draft Subsequent Environmental I



**LETTER 67: ROWE – APRIL 24, 2020**

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**Response to Comment 67-1**

The commenter expresses the opinion that requiring the reader to consult more than the Draft SEIR, including the August 2015 Draft EIR and the January 2016 Final EIR for the MRIC Project, renders the Draft SEIR inadequate and incomplete. There is no legal requirement for a subsequent EIR to include all relevant data regarding environmental analysis of the project. This is evidenced by the fact that the CEQA Guidelines, Section 15162(d), states that, “A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.” (see page 1-5 of the Draft SEIR for such a reference). That a subsequent EIR need not be all inclusive with respect to the environmental analysis of a project is also supported by case law.<sup>13</sup> Not allowing a lead agency to focus a subsequent EIR onto those portions of the prior certified EIR that require revision to make it adequate for the modifications to a project, or changes in circumstances, would result in needless repetition throughout the environmental review process. Such discouragement in unnecessary repetition is inherent in the CEQA statute and implementing guidelines (see for example, PRC 21093, and Guidelines Section 15006).

**Response to Comment 67-2**

The comment provides a general overview of the specific concerns addressed in the remainder of the comment letter. Please refer to the following specific responses.

**Response to Comment 67-3**

Please see Master Response #2. The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 67-4**

Please see Master Response #2. The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 67-5**

Please see Response to Comment 64-2.

**Response to Comment 67-6**

The comment does not address the adequacy of the Draft SEIR but has been forwarded to the decision-makers for their consideration.

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<sup>13</sup> For example, in *City of Irvine v. County of Orange et al.* (2015), the appellate court concluded that the County did not abuse its discretion in choosing to use a prior EIR as a platform for a supplemental EIR instead of beginning from – so to speak – the ground up.

**Response to Comment 67-7**

The comment does not address the adequacy of the Draft SEIR but has been forwarded to the decision-makers for their consideration.

**Response to Comment 67-8**

Please see Response to Comment 64-2.

**Response to Comment 67-9**

Please see Response to Comment 64-2.

**Response to Comment 67-10**

Please see Master Response #2.

**Response to Comment 67-11**

The commenter's requested baseline features and development agreement language regarding prohibiting use of City-owned land for the project's purposes (e.g., agricultural buffer, drainage) has been forwarded to the decision-makers for their consideration. Regarding the portion of the comment pertaining to the adjacent agricultural operations, please see Response to Comment 64-2.

**Response to Comment 67-12**

Please see Response to Comment 64-24.

**Response to Comment 67-13**

Please see Response to Comment 50-4.

**Response to Comment 67-14**

As discussed in Response to Comment 64-11, payment of Yolo HCP/NCCP land cover impact fees will be done prior to issuance of grading permits for each phase of the ARC Project.

The Draft SEIR (pg. 3-100) accurately states that the ARC Project would result in a reduced impact to burrowing owl habitat due to its reduced development footprint, as a result of the exclusion of the 25-acre City Parcel, and does not attempt to obfuscate the fact that the 6.8-acre agricultural buffer area could be considered impacted acreage by the Yolo HCP/NCCP. Even assuming the 6.8-acre agricultural buffer area, or a portion thereof, would be considered impacted by the Yolo HCP/NCCP, the fact that 18.2 acres of the City Parcel would be excluded from the development footprint supports the Draft SEIR's statement.

**Response to Comment 67-15**

Please see Response to Comment 64-4.

**Response to Comment 67-16**

Please see Response to Comment 64-11.

**Response to Comment 67-17**

Please see Response to Comment 50-4.

**Response to Comment 67-18**

Please see Master Response #5.

**Response to Comment 67-19**

Please see Master Response #1.

**Response to Comment 67-20**

Please see Response to Comment 64-7.

**Response to Comment 67-21**

The Transportation and Circulation section of the Draft SEIR (beginning on page 3-212) provides a thorough analysis of potential project impacts to transportation and circulation under Existing Plus Project conditions. This analysis evaluates potential impacts to traffic operations, vehicle miles traveled (VMT), and transit, bicycle, and pedestrian components of the transportation system that may result from the proposed project, as well as impacts during project construction. The baseline transportation system setting utilized as the basis for the transportation impact analysis was established in 2019. Peak period traffic volume data on study roadway facilities was collected on Thursday, May 30, 2019 and Thursday, October 16, 2019 for the purposes of establishing the baseline transportation system setting. Therefore, the baseline transportation system setting in the Draft SEIR has been entirely updated from that analyzed in the MRIC EIR.

The Draft SEIR analyzes impacts to peak hour traffic operations on local and regional study roadway facilities. These are illustrated in Figure 3-16 of the Draft SEIR. Study roadway facilities were selected in consultation with City of Davis staff and are based on the ARC Project's expected travel characteristics (i.e., project location and amount of project trips), as well as facilities susceptible to being impacted by the ARC Project. As referenced by the commenter and documented in the Draft SEIR, several study facilities such as Mace Boulevard and County Road 32A were selected due to high levels of existing peak hour travel demand diverted from I-80 and the ARC Project's likelihood to further increase travel demand with its implementation.

The commenter states the opinion that additional roadway facilities that are used by drivers to avoid I-80 traffic, including County Road 27, County Road 28H, and County Road 29, should be evaluated in the transportation impact analysis. Travel demand forecasting completed for the Draft SEIR indicated that the ARC Project would generate a nominal amount of new vehicle trips on these roadways and, in turn, would not materially affect peak hour traffic operations on these roadways. There is no substantial evidence to support the opinion that these roadway facilities currently experience operational issues due to diverted traffic from I-80. Nor is there evidence to establish a nexus between the ARC Project, diverted traffic from I-80, and project impacts to traffic operations on County Road 27, County Road 28H, and County Road 29. Given the speculative nature of this comment, no changes to the Draft SEIR are required in response to this comment.

### **Response to Comment 67-22**

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. The commenter incorrectly states that “this assertion is predicated on the assumption that a high number of ARC employees will want to live close to where they work.” Instead, this discussion more broadly addresses the role of the ARC Project residential component in the context of local and regional housing and employment dynamics. 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.

Please refer to Response to Comment 64-18 for a discussion of the Draft SEIR transportation impact analysis with respect to ARC Project employee residential locations.

### **Response to Comment 67-23**

The comment incorrectly states that the environmental superior alternative is the Reduced Site Size Alternative. The Draft SEIR (pg. 2-11) concludes that the Reduced Project Alternative would be the environmentally superior alternative.

Please see Master Response #5.

### **Response to Comment 67-24**

The comment does not address the adequacy of the Draft SEIR. The commenter's suggestion has been forwarded to the decision-makers for their consideration.

### **Response to Comment 67-25**

Pages 19 through 21 of the *Aggie Research Campus Transportation Impact Study* (Volume 1 of Appendix F of the Draft SEIR) describe the existing transit services and facilities within the vicinity of the ARC Project site as of February 2020. The Draft SEIR transportation impact analysis does not assume additional transit capacity (e.g., new routes, increased frequencies, etc.) serving the ARC Project site beyond the transit capacity provided by services in operation under existing conditions. Thus, the Draft SEIR transportation impact analysis inherently identifies the project transportation impacts that would occur without the implementation of the potential transit service enhancements that have been identified by the ARC Project applicant.

### **Response to Comment 67-26**

Please see Master Response #3.

### **Response to Comment 67-27**

The commenter's requested baseline features and development agreement language regarding prohibiting use of City-owned land for the project's purposes (e.g., agricultural buffer, drainage) does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

### **Response to Comment 67-28**

The recommendation to construct off-site transportation-circulation upgrades such that they are fully operational before any ARC project construction begins is somewhat unclear. If meant to suggest that the specific off-site transportation-circulation upgrades triggered by each phase of ARC development, then this recommendation is consistent with the language and requirements of the Draft SEIR. For example, Mitigation Measure 3-70(a) requires that,

*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. 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.*

This mitigation, however, is appropriately predicated upon the ability to obtain other agency approval, should the upgrades be located outside of the City's jurisdictional limits. Notwithstanding, the mitigation measure requires the applicant to pay a fair share contribution towards identified improvements.

### **Response to Comment 67-29**

Please see Master Response #1.

### **Response to Comment 67-30**

The requirement for the applicant to comply with Mitigation Measure 3-5(a) regarding agricultural land mitigation is legally binding; and the project applicant will not receive authorization from the City to grade a particular phase until agricultural land mitigation is first secured. The mitigation specifically requires that the applicant set aside land through the purchase of development rights and execution of an irreversible conservation or agricultural easement. Moreover, the amount of agricultural acreage that needs to be set aside for off-site improvements shall be verified by the City for each phase of the ARC Project during improvement plan review.

### **Response to Comment 67-31**

It is unclear what the commenter means by "...override the provisions of the Davis Open Space ordinance in order to convert City agricultural preserve land to development". There is no such override process. If a development proposal is submitted for any portion of the City Parcel, the proposal would be subject to the same rigorous planning and environmental discretionary review process associated with any project outside of the City, subject to Measure R.

### **Response to Comment 67-32**

While footnote 6, referred to by the commenter, acknowledges that the off-site impact acreage associated with the sewer pipe cannot be definitively known at this time because the location of the pipe has not been engineered, footnote 6 continues by providing a reasonable estimate of 11 impacted acres based upon preliminary calculations (see Draft SEIR, pg. 3-44). As a result, the applicant is provided with a reasonable estimate of the amount of agricultural land that could be impacted by the off-site sewer pipe alignment and placing money in an escrow account is not necessary.

This level of detail in the Draft SEIR is appropriate for the current annexation, general plan amendment and rezoning entitlements, and supported by CEQA Guidelines, Section 15146,

#### **15146. DEGREE OF SPECIFICITY**

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

- (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.
- (b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

**Response to Comment 67-33**

Please see Response to Comment 67-2.

**Response to Comment 67-34**

Quantification of health effects related to criteria pollutants, consistent with the direction of the Supreme Court decision known as Friant Ranch, is included in Impact 3-88 of the Draft SEIR. As discussed in page 3-292 of the Draft SEIR, despite the uncertainties and the lack of a rigorous peer review process for SMAQMD's draft guidance for addressing the Friant Ranch ruling for CEQA projects, SMAQMD's draft guidance was used in the Draft SEIR to prepare a preliminary analysis of the potential health risks that could result from criteria pollutant emissions during operation of the ARC Project. The results of the analysis are presented in Tables 3-46 and 3-47 of the Draft SEIR.

**Response to Comment 67-35**

The commenter's concerns regarding Mitigation Measure 3-11 are noted. The Draft SEIR does not rely on Mitigation Measure 3-11 to come to a less-than-significant conclusion regarding the project's contribution of criteria pollutants during operation. Regarding the efficacy of the TDM, please see Responses to Comments 64-26 and 67-91.

**Response to Comment 67-36**

The commenter's concerns regarding implementation of off-site criteria pollutant mitigation measures are noted, and some of which are recognized in the Draft SEIR. Nevertheless, the Draft SEIR requires the applicant to implement Mitigation Measure 3-11 to the maximum extent feasible.

**Response to Comment 67-37**

The comment provides information regarding the project's trip generation characteristics included in the Draft SEIR and does not address the adequacy of the Draft SEIR.

**Response to Comment 67-38**

In general, the comment reiterates the trip generation data provided in the Draft SEIR. Project trip generation estimates prepared for the MRIC EIR relied upon trip rates published in the then most

recent Institute of Transportation Engineers (ITE) *Trip Generation Manual*, which was the 9<sup>th</sup> edition released in 2010. Project trip generation estimates prepared for the ARC Draft SEIR utilized the 10<sup>th</sup> edition of the *Trip Generation Manual*, which was released in 2017. The 10<sup>th</sup> edition includes several new land use categories, and material changes in trip rates for certain land use categories that are part of the proposed ARC Project. Changes to trip rates between the 9<sup>th</sup> and 10<sup>th</sup> editions vary by land use type and time period (e.g, daily, a.m. peak hour, p.m. peak hour, etc.). This explains why ARC Project trip generation estimates relative to MRIC Project trip generation estimates increased during the p.m. peak hour and on a daily basis but decreased during the a.m. peak hour.

### **Response to Comment 67-39**

There is no discrepancy between the land cover types listed on page 3-80 and those included in Table 3-15. Both list five cover types. For example, page 3-80 lists 1) Field Crops/Cultivated Land; 2) Deciduous Fruit/Nut; 3) Semiagricultural/Incidental to Agriculture; 4) Urban/Ruderal, and 5) MDC (Mace Drainage Channel). The HCP/NCCP land cover fee stated in the comment is incorrect, insofar as it bases the calculation on the entire biological study area, which included all three potential off-site detention pond storage locations. If the off-site detention pond location is ultimately selected, only 100 acres of the Stormwater BSA would be utilized. Furthermore, see Master Response #3 regarding payment of land cover fees for construction of the off-site detention pond.

### **Response to Comment 67-40**

Please see Response to Comment 67-39.

### **Response to Comment 67-41**

In short, the decision whether to allow “easement stacking” is up to the Yolo Habitat Conservancy given that the City of Davis does not have any explicit policies prohibiting stacking. According to Section 7.5.5.5, Easement Stacking, of the Yolo HCP/NCCP,

In general, the Conservancy will avoid placement of habitat conservation easements on properties already restricted by agricultural conservation easements, known as easement “stacking.” This policy recognizes that properties restricted by an agricultural conservation easement are already protected from development and therefore provide some ecological benefits. As a result, the Conservancy will focus its scarce resources on lands with no pre-existing protection. If circumstances arise in which easement stacking is desirable from an ecological perspective, however, the Conservancy may consider allowing the placement of habitat conservation easements on lands already encumbered by agricultural land conservation easements as long as its placement is consistent with wildlife agency policies.

Neither the above language, nor any other section of 7.5.5.5 of the Yolo HCP/NCCP, appears to preclude an applicant’s use of a heretofore “unprotected” piece of agricultural land from being restricted by an easement for the dual purpose of serving both agricultural and habitat mitigation purposes, so long as ecological benefits can be derived from the agricultural land, as determined by the Yolo HCP/NCCP.



### **Response to Comment 67-42**

Please see Response to Comment 64-9.

### **Response to Comment 67-43**

Please see Response to Comment 64-10.

### **Response to Comment 67-44**

The Yolo HCP/NCCP requires the payment of a fee based on a project's impacts to various land cover types. In general, each acre of development or impact requires the payment of a corresponding fee. These fees vary by land cover type, and whether the specific impact is considered permanent or temporary in nature. Some land cover types, like the Urban or Built Up land cover type, generally do not require the payment of fees (unless they provide covered species habitat). Table 2-1 of the Yolo HCP Permitting Guide (November 2019 version) lists and defines the land cover types, and notes whether they require a land cover fee. The current fees, and fee formulas are outlined by land cover type in Box E of the recently updated Yolo HCP Application Form (March 2020 version).

In determining the Yolo HCP/NCCP's fees, the Yolo Habitat Conservancy considered mitigation ratios that are typically applicable when a project impacts protected species and their habitat. However, because the Yolo HCP/NCCP preserves habitat on a regional scale – including some habitat that is not occupied by protected species – the YHC and the approving regulatory agencies (USFWS and CDFW) determined that it was not appropriate to utilize or reference a “set” mitigation ratio for the Plan. As Section 8.4.3.3 (Mitigation and Conservation Components) of the Yolo HCP/NCCP notes:

*[T]he Conservancy determined the land cover fee, in part, on the basis of mitigation requirements without the Yolo HCP/NCCP. The Conservancy estimated mitigation ratios for each land cover type that are reasonably applicable at a regional scale in the context of the Yolo HCP/NCCP to offset effects on habitat for the covered species. Based on these ratios, the overall mitigation component of the Yolo HCP/NCCP is estimated at approximately 17,016 acres of the total reserve system (see Table 1 in Appendix I); this includes the related share of all costs for management, monitoring, endowment, and plan administration, and a portion of the conservation components of the Plan described as NCCP benefits in Section 8.4.1.2, Land Cover Fee.*

*This analysis is provided to help delineate eligibility for state and federal grant funding for the conservation portion of the Yolo HCP/NCCP. The calculation above cannot be applied as a project mitigation ratio on a specific site because it was based on the substantial economies of scale provided by the Yolo HCP/NCCP (e.g., preserving large blocks of land that support many covered species). In addition, project mitigation ratios are typically based on the results of site-specific surveys and the likely presence of listed species. In contrast, the Yolo HCP/NCCP covers listed and non-listed species as well as occupied and unoccupied habitat. The Plan therefore provides substantially more regulatory assurances to Plan participants than are available on a project-by-project*

*basis. For these reasons, it is inappropriate to compare the calculation above to a project mitigation ratio.*

### **Response to Comment 67-45**

Please see Responses to Comments 64-9 and 64-11. In addition, the HCP/NCCP land cover fee stated in the comment is incorrect, insofar as it bases the calculation on the entire biological study area, which included all three potential off-site detention pond storage locations. If the off-site detention pond location is ultimately selected, only 100 acres of the Stormwater BSA would be utilized.

### **Response to Comment 67-46**

Please see Response to Comment 64-11 regarding timing of HCP payments. In addition, the HCP/NCCP land cover fee stated in the comment is incorrect, insofar as it bases the calculation on the entire biological study area, which included all three potential off-site detention pond storage locations. If the off-site detention pond location is ultimately selected, only 100 acres of the Stormwater BSA would be utilized.

### **Response to Comment 67-47**

Please see Response to Comment 64-22.

### **Response to Comment 67-48**

The commenter's conclusions regarding the "Changes in the Project" discussion on page 3-137 of the Draft SEIR are incorrect. The relevant section is reproduced below, with emphasis added for clarity:

#### Changes in the Project

Relative to the MRIC Project and the Mixed-Use Alternative, the ARC Project would involve a slightly reduced development area due to the exclusion of development of the 25-acre City Parcel to the northwest of the ARC Site. The ARC Project would include up to 850 residential units and, thus, would have the *potential to result in increased GHG emissions, relative to the MRIC Project*. Overall, substantial changes in the MRIC Project have occurred, due to the inclusion of residential units, which require major revisions of the Certified Final EIR *due to the involvement of a substantial increase in severity of a previously identified significant GHG impact*. However, as previously discussed, the residential component was already considered in the Mixed-Use Alternative analysis performed in the Certified Final EIR. Refer to Appendix B of this SEIR for all GHG emissions modeling and analysis.

As shown in the above text, the Draft SEIR does not imply that including 850 housing units on-site would moderate the impact of GHG emissions. Although the Draft SEIR clearly states that changes in circumstances and changes to the project resulted in increased severity of previously

identified GHG impacts, the same conclusions do not necessarily apply to impacts related to energy resulting from the proposed project.

In particular, the changes in circumstances related to energy consumption would largely have the effect of reducing potential impacts of the proposed project. As noted on page 3-135 of the Draft SEIR, “increasingly stringent versions of the California Building Standards Code (CBSC) have been adopted, which have increased the energy efficiency of new residential and non-residential structures.” Compliance with the updated CBSC would ensure that energy consumption on-site is reduced and that all on-site developments would be more energy efficient than the developments anticipated in the Certified Final EIR for either the MRIC project or the Mixed Use Alternative.

It should be noted that the pages and sections cited by the commenter are meant to be summaries of the analysis presented on the subsequent pages of the Draft SEIR. For instance, issues related to energy are analyzed in detail on pages 3-147 through 3-154 of the Draft SEIR.

Finally, since publication of the Draft SEIR, the applicant has increased the commitment to providing on-site renewable energy systems and has now committed to provide development within the ARC Project site with 100 percent renewable energy through on-site renewable energy systems. The updated commitment, included in the Development Agreement, further supports the conclusions reached in the Draft SEIR.

#### **Response to Comment 67-49**

Please refer to Response to Comment 64-25.

#### **Response to Comment 67-50**

The enforcement of the TDM will be the responsibility of the Master HOA annually, until full project buildout, not the City of Davis. Regarding the efficacy of the TDM, please see Responses to Comments 64-26 and 67-91.

#### **Response to Comment 67-51**

The proposed TDM plan submitted by the applicant was intended for informational purposes to show the type of measures that could be implemented. The plan was not intended to be the final plan used to obtain building permits for the project. As more information about potential tenants is known, the TDM plan will be created for final submittal. Therefore, no further analysis of the draft TDM plan is required at this time. If and when a future development proposal on the project site requires its initial building permits, the applicant would submit a TDM program for the project or a portion thereof, which would then be reviewed by City staff for consistency with Mitigation Measures 3-72(a) and (b). It warrants noting that several subsequent discretionary entitlements are required prior to such time. Please also see Responses to Comments 64-26 and 67-91 regarding the TDM required by Mitigation Measure 3-72.

**Response to Comment 67-52**

In response to the commenter’s concern that Mitigation Measures 3-38(a) and (b) “kicks the can down the road”, please see Responses to Comments 64-26 and 67-91 regarding the approach to the TDM mitigation measure. Similar to the TDM mitigation measure, the referenced GHG mitigation measures are not illusory, insofar as specific performance standards are specified, available means to achieve performance standards are included, and the City and applicant are committed to implementing the mitigation measures to reduce the project’s GHG emissions to the maximum extent feasible. Notwithstanding this, the ability for such actions to fully reduce the project’s GHG emissions below the applicable thresholds is uncertain. For example, as stated on page 3-304 of the Draft SEIR,

In addition to the uncertainty regarding on-site reductions in GHG emissions, the future availability of carbon off-set credits that provide ongoing carbon off-sets (as opposed to one-time off-sets) 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.

The Draft SEIR clearly acknowledges the uncertainties and concludes significant and unavoidable (see p. 3-142 of the Draft SEIR).

**Response to Comment 67-53**

Please see Responses to Comments 64-26 and 67-91.

**Response to Comment 67-54.**

Please see Master Response #1.

**Response to Comment 67-55.**

Please see Master Response #1.

**Response to Comment 67-56.**

Please see Response to Comment 64-19.

**Response to Comment 67-57**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. The fiscal impacts of the project to the City will be considered during project deliberations, supported by a separately prepared fiscal analysis for the project.

### **Response to Comment 67-58**

Please see Master Response #1. The City has no “criteria” for occupancy by ARC employees.

### **Response to Comment 67-59**

Please see Response to Comment 64-13.

### **Response to Comment 67-60**

This comment states that the added trips generated by the ARC Project (beyond what was expected to be generated by the MRIC project) would cause worsened congestion and impede the movement of emergency response vehicles. Specific mention is made of “traffic jams and lack of roadway shoulders”.

The South Davis Fire Station (Station 33) is located approximately 3,500 feet south of the primary ARC Project access point at the Mace Boulevard/Alhambra Drive intersection. As described on page 3-206 of the Draft SEIR, in 2015, the Davis Fire Chief indicated that Station 33 would adequately serve the MRIC and Mace Triangle. Additionally, the *Davis State of the City Report* (City of Davis, 2017) indicates that the east Davis area immediately adjacent to the project site is currently within a five-minute response time of an existing station.

In the event of an emergency call, emergency vehicles from Station 33 would travel northbound on Mace Boulevard through the signalized Chiles Road, I-80 WB Ramps, and Second Street intersections to enter the project site from either Mace Boulevard or County Road 32A. All three intersections are equipped with Opticom devices, which allow emergency vehicles to “preempt” the traffic lights (i.e., turn the light green in advance of reaching the signal to flush any stopped vehicles already at the light).

Northbound Mace Boulevard has a Class II bike lane, which can be used by motorists to temporarily pull to the curb when an emergency vehicle is approaching with sirens and lights. In instances where through lanes are blocked, emergency vehicles could use left or right turn lanes or travel in the opposing direction for one block. Travel in the opposing direction would only be potentially necessary on three short stretches of Mace Boulevard (i.e., a 250-foot landscaped median south of Chiles Road, a 470-foot median north of Chiles Road, and a 750-foot median north of I-80). It should be noted that the lengthiest of these medians (i.e., north of I-80) is in the area where Mace Boulevard transitions from three to two travel lanes. The transition distance for the lane drop has created a wide pavement condition, whereby there is substantial space for vehicles to pull toward the curb to enable emergency vehicles to pass. Thus, roadway shoulders are provided to enable emergency vehicles to pass private vehicles during an emergency call.

The developed portion of the ARC Project site located furthest from Station 33 (the northeast corner of the ARC Project site) would require a travel distance of approximately 1.4 miles from Station 33. At an average speed of 30 miles per hour, emergency vehicles traveling between Station 33 and the ARC Project site would require a travel time of 2 minutes and 50 seconds or less. As documented in the Draft SEIR, the ARC Project would increase peak hour delay experienced by

private vehicles on northbound Mace Boulevard along this route. However, as described above, the existing physical configuration and signal operations on northbound Mace Boulevard would minimize the extent to which northbound emergency vehicles would be affected by peak hour delays experienced by northbound private vehicles. While emergency vehicles could experience minor increases in peak hour response times from Station 33 to the ARC Project site due to project-related traffic, these increases would not be expected to exceed the five-minute response time target typically utilized by the City of Davis. Moreover, it is worth reiterating that the reported peak hour operating conditions in the Draft SEIR reflect the busiest 15 minutes of each peak hour as experienced by private vehicles during a typical weekday. During the remaining 23.75 hours of each weekday and on weekends, conditions would be less busy and the effects of project-related traffic on northbound Mace Boulevard emergency response times would be nominal.

### **Response to Comment 67-61**

In response to the comment, page 3-165 is hereby clarified as follows:

Per the Drainage Memo, the volume of runoff is expected to be slightly less for the ARC Project, compared to the Mixed-Use Alternative, based on similar assumptions and calculations. Specifically, the Drainage Memo concluded that while the expected increase in impervious surface would equate to an approximately four acre-foot-increase in the volume of runoff, the decrease in site acreage by 25 acres would equate to an approximately five acre-foot-decrease in the runoff volume. The total net runoff volume associated with the ARC Project would remain in the range of 44 to 45 acre-feet. Given that the increase in percent imperviousness would essentially be negated by the decrease in total development area, little or no difference in runoff volume exists between the Mixed-Use Alternative and the ARC Project. However, as shown in Table ~~3-193-22~~ below, the Mixed-Use Alternative would have a greater volume of runoff compared to the MRIC Project. Thus, it follows that the ARC Project would increase the volume of runoff generated compared to that which would be generated by the MRIC Project.

The above inadvertent typographical error does not affect the analysis in the Draft SEIR.

### **Response to Comment 67-62**

The comment cites certain portions of the Draft SEIR but does not question its adequacy. It is noted that the commenter's reference to page 3-54 of the Draft SEIR is not in the Project Description section, but rather the Air Quality section. The SEIR is not inconsistent in its descriptions of the excavation work associated with the off-site detention pond. The off-site pond would be excavated and the soil would be brought to the ARC site during Phase 1 for grading purposes. Please refer to Master Response #3 for additional description.

### **Response to Comment 67-63**

Pg. 3-131 of the Draft SEIR states:

Due the presence of disturbed/soft surface and near-surface soils within the upper one to two feet of major portions of the ARC Site, a combination of over-excavation, processing,

moisture conditioning and uniform recompaction of the surface and near-surface soils will likely be required to achieve stable support conditions for the proposed improvements associated with the innovation center.

Such described geotechnical work does not require import of soil. The anticipated end use of the soil brought to the ARC Site from the off-site detention pond excavation is stated on page 3-21 of the Draft SEIR. The excavated soil would be exported to the existing detention basin located near the eastern boundary of the ARC Site. The existing on-site detention basin would be reconfigured with varied side-slopes and a more rectangular shape. It would be an offline storage facility and only fill during extreme storm events. Contrary to other public comments submitted, the import of soil would not be used to remove the ARC Site out of the floodplain, as the ARC site is not located within a floodplain (see Impact 3-51 of the Draft SEIR). See also Master Response #3.

**Response to Comment 67-64**

Please see Master Response #3.

**Response to Comment 67-65**

Please see Response to Comment 47-15.

**Response to Comment 67-66**

Please see Master Response #3.

**Response to Comment 67-67**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 67-68**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 67-69**

Please see Master Response #5.

**Response to Comment 67-70**

The regulatory controls referred to on page 3-183 of the Draft SEIR are explained in Appendix H to the Certified Final EIR. Page 39 of Appendix H states the following:

Ordinances within the City of Davis Municipal Code require property owners to maintain their properties so as not to create a nuisance by creating a condition that reduces property values and promotes blight and neighborhood deterioration. These include the City of

Davis Municipal Code of Ordinances Chapter 23 on Nuisance Abatement which defines various nuisances such as,” Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public”, ”Any condition in violation of the weed and rubbish abatement laws defined at Government Code Sections 39501 et seq., and 39560 et seq., as enacted or hereafter amended and enforced by city ordinance and resolutions”, “Any vacant, unoccupied or abandoned building or structure that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public”, “Any condition that constitutes a visual blight”, “Any condition of a building or structure deemed to be unsafe or that in the discretion of the code compliance administrator or the department head, would constitute a threat to public safety, health, or welfare, or poses a security problem by reason of dilapidation, fire hazard, disaster, damage or other similar occurrence specified in this Code or any other applicable law.”<sup>29</sup> As well as Chapter 25 on Graffiti control.<sup>30</sup> Enforcement of these ordinances can help prevent physical deterioration due to any long-term closures of retail, office, or industrial spaces as well as hotels. The City of Davis’s Code Compliance Department is part of the Police Department and currently comprises one full time Police Services Specialist, one Public Safety Service (PSS) Supervisor, trained PSS staff to handle Code Enforcement when the primary is gone, as well as supplementation by trained volunteers.

Appendix H goes on to discuss the City’s Code Enforcement process, whose purpose is to resolve violations of City’s ordinance requirements.

**Response to Comment 67-71**

Please see Master Response #5.

**Response to Comment 67-72**

Please see Master Response #5.

**Response to Comment 67-73**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 67-74**

Please see Master Response #1. The ARC project’s demand for housing within the City of Davis, as discussed on pages 3-199ff of the Draft SEIR, was used to determine the share of housing that should be provided on-site. Please also see Response to Comment 64-18.

**Response to Comment 67-75**

Please see Master Response #1.



**Response to Comment 67-76**

Please see Response to Comment 64-20.

**Response to Comment 67-77**

Please see Response to Comment 64-18.

**Response to Comment 67-78**

Please see Master Response #1. Page 26 of the *Aggie Research Campus Traffic Operations Analysis* (Volume 2 of Appendix F of the Draft SEIR) describes the secondary effects associated with the potential operational enhancements identified to ameliorate project effects on peak hour traffic operations. This discussion focuses on the secondary effects of the proposed roadway modifications with respect to induced vehicle travel demand and the bicycle and pedestrian environment.

Pages 3-242 through 3-246 of the Draft SEIR similarly describe the indirect effects of the roadway modifications included in Mitigation Measures 3-70(a), 3-70(b), and 3-70(c) on induced vehicle travel demand and the bicycle and pedestrian environment.

**Response to Comment 67-79**

Please see Response to Comment 64-19.

**Response to Comment 67-80**

The comment reiterates conclusions in the Draft SEIR and does not yet comment on its adequacy. See the following specific concerns raised by the commenter.

**Response to Comment 67-81**

Please see Response to Comment 64-21.

**Response to Comment 67-82**

Please see Response to Comment 64-13.

**Response to Comment 67-83**

Please see Responses to Comments 64-26 and 67-91. In addition, the phrase “to the extent feasible” is commonly used in CEQA documents. For instance, the introductory sentence in the Governor’s Office of Planning and Research website (<http://opr.ca.gov/ceqa/>) uses this term when describing how CEQA requires reduction of identified environmental impacts to the extent feasible. Additionally, CEQA Guidelines Section 15364 defines feasible as “being capable of being

accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

**Response to Comment 67-84**

Please see Response to Comment 67-28.

**Response to Comment 67-85**

As noted by the commenter, the Draft SEIR acknowledges the effects that increasing roadway capacity can have on VMT. The City will consider these factors when evaluating future improvements to the Mace Boulevard corridor and other roadways as part of implementing Mitigation Measure 3-70(a) of the Draft SEIR.

**Response to Comment 67-86**

The comment reiterates conclusion in the Draft SEIR and does not yet comment on its adequacy.

**Response to Comment 67-87**

Notwithstanding the noted court case, the Draft SEIR is clear that the applicant has agreed to contribute mitigation funds, as described in Mitigation Measures 3-70(a) and (c). The impact determination is nevertheless significant and unavoidable given that the majority of the identified traffic improvements are outside of the City’s jurisdiction, or ultimately subject to the evaluation and findings of the Mace Boulevard corridor plan process required in the City’s General Plan.

**Response to Comment 67-88**

Mitigation Measure 3-71 requires the ARC Project applicant to plan and implement traffic calming strategies to minimize, to the extent feasible, the potential for the ARC Project to increase peak hour traffic volumes on local streets and 85<sup>th</sup> percentile speeds on collector and minor arterial streets. Local streets include Monarch Lane, Temple Drive, Tulip Lane, Baywood Lane, Whittier Drive, Manzanita Lane, Alegre Way, and Arroyo Avenue. Collector and minor arterial streets include Alhambra Drive, Loyola Drive, 2<sup>nd</sup> Street, 5<sup>th</sup> Street, East 8<sup>th</sup> Street, Chiles Road, and Cowell Boulevard. Contrary to the commenter’s assertion, the intent of the traffic calming plan is not to reduce overall vehicle trips generated by the ARC Project, but rather to lessen the likelihood that they would adversely affect local neighborhood streets.

The Draft SEIR traffic operations analysis anticipated that ARC Project vehicle trips would primarily utilize collector, minor arterial, major arterial, and freeway facilities while traveling to and from the ARC Project site. The traffic operations analysis anticipated that a nominal amount of project vehicle trips would utilize the local streets listed above. Thus, the commenter incorrectly states that the implementation of the neighborhood traffic calming plan described in Mitigation Measure 3-71 would shift project traffic from local streets to major roadways beyond what is reported in the Draft SEIR traffic operations analysis, as project vehicle trips are entirely assigned to major roadways as currently analyzed. Moreover, while Mitigation Measure 3-71 does include

provisions for implementing traffic calming strategies on collector and minor arterial streets that would serve ARC Project traffic, these strategies are specifically intended to address increases in 85<sup>th</sup> percentile speeds on these streets that would otherwise be caused by the project. Managing speeds on the collector and minor arterial streets listed above would not be expected to alter travel patterns associated with the ARC Project in a manner that would materially alter the conclusions of the Draft SEIR traffic operations analysis.

This comment has been forwarded to the decision-makers for their review and consideration.

### **Response to Comment 67-89**

Impact 3-72 of the Draft SEIR provides a thorough analysis of project impacts to vehicle miles traveled (VMT). Table 3-39 of the Draft SEIR illustrates that the ARC Project-generated VMT per service population would measure 1.48 percent lower than the existing City of Davis VMT per service population and 5.63 percent higher than the existing SACOG region VMT per service population. As referenced by the commenter, Figure 3-19 illustrates that the existing development immediately surrounding the ARC Project site measures 15 percent or more above the regional VMT per capita average. In light of these analyses, the commenter does not provide evidence to support their assertion that “it is certain that VMT per capita near the ARC site will greatly increase.”

### **Response to Comment 67-90**

The beginning of this comment is a summary of content contained in page 3-251 of the Draft SEIR. The remainder of this comment relates to the Draft SEIR statement that some ARC employers could potentially relocate from the Bay Area, resulting in the ‘intercept’ of commuters from the Sacramento Metropolitan Area who currently commute long distances to work destinations in the Bay Area. This statement is not false, as it is entirely conceivable that such relocations could occur. However, because the degree to which this might occur is unknown, as are the potential relocation sites, the Draft SEIR conservatively did not assume any such relocation of office tenants to ensure that VMT impacts are not understated. It is acknowledged that the Urban Decay analysis on pages 3-181 and 3-182 discusses the potential for existing businesses in Davis to relocate to this site, leaving potential vacancies in existing buildings. Again, the Draft SEIR takes a reasonably conservative approach by not assuming any such relocation of businesses from the Bay Area for the project’s VMT analysis. The Draft SEIR approach on this topic is neither inconsistent nor at ‘odds with other assumptions’ as suggested in the comment because it is entirely possible that both types of relocations could occur given the large quantity of office, R&D, and manufacturing space that would be constructed with the ARC Project.

### **Response to Comment 67-91**

The Draft SEIR’s incorporation of a transportation demand management (TDM) program to reduce vehicle miles travelled and GHG emissions is appropriate. In *City of Hayward v. Board of Trustees of California State University* (2015), the court found the TDM mitigation measure adequate, even though the project’s traffic impact was ultimately determined to be significant and unavoidable.

CEQA requires that feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project. MM 3-72 of the Draft SEIR requires the project applicant to develop and implement a TDM plan and annual reporting program to reduce impacts associated with the ARC Project. MM 3-72 outlines the targets, timing requirements, and potential TDM strategies that would be included in the TDM program. MM 3-72 additionally describes requirements for annual TDM performance monitoring, evaluation, and reporting, and the applicant's responsibility to implement and/or make a funding contribution towards additional trip reduction strategies if targets are not met. A list of 25 potential VMT reduction strategies are identified in MM 3-72 (although the eventual strategies that would be implemented are not limited to this list). These strategies include conventional employee trip reduction strategies (e.g., vanpool and carpool programs) to innovative new strategies that demonstrate substantial trip reduction potential but have not yet been widely deployed or analyzed to quantify their effectiveness (e.g., implementation of a fair-value commuting program, contributions to a VMT bank or exchange). Additional TDM strategies and their respective trip reduction potential are highlighted in the exhibit below from *Quantifying Greenhouse Gas Mitigation Measures* (California Air Pollution Control Board, August 2010). While the ultimate effectiveness of the TDM mitigation measure to help reduce VMT and GHG emissions below the applicable thresholds is uncertain, the implementation of a TDM program is feasible, and the City and applicant are committed to such implementation, as required in MM 3-72 of the Draft SEIR. Moreover, sufficient evidence exists that TDM strategies can effectively reduce vehicle travel demand. Please refer to Response to Comment 64-26 for additional discussion regarding the effectiveness, feasibility, and appropriateness of a TDM program for the purposes of mitigating VMT impacts.

In the decision cited above, the court noted:

While the Trustees have not committed to implementation of any particular measure that is specified in the TDM Implementation Plan, the TDM is not illusory. The plan enumerates specific measures to be evaluated, it incorporates quantitative criteria and it sets specific deadlines for completion of the parking and traffic study and timelines for reporting to the city on the implementation and effectiveness of the measures that will be studied. The monitoring program which is an integral part of the plan ensures that the public will have access to the information necessary to evaluate compliance with the Trustees' obligations.

The approach taken by the Trustees is consistent with the approach taken in numerous cases with judicial approval. (E.g., *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028–1029 [280 Cal. Rptr. 478] (*Sacramento*) [**city** “has set forth a list of alternatives to be considered in the formulation of a transportation management plan ... where practical considerations prohibit devising such measures early in the planning process (e.g., at the general plan amendment or rezone stage), the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval”]; *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621 [91 Cal. Rptr. 3d 571] [*Sacramento* “stands for the proposition that when a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, the agency does

not have to commit to any particular mitigation measure in the EIR, so long as it commits to mitigating the significant impacts of the project.”]; *Defend the Bay v. City of Irvine*, *supra*, 119 Cal.App.4th at p. 1275 [“Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan”].) Accordingly, we conclude that the EIR does not improperly defer mitigation of the traffic impacts.\*

MM 3-72 includes the following key elements cited by the court:

- Specific performance measures to be evaluated, including VMT per service population based on the VMT significance thresholds established in the Draft SEIR and average vehicle ridership (AVR) targets established in the City of Davis City Code;
- Quantitative performance measure targets that must be met based on the Draft SEIR significance thresholds (for VMT per service population) and City of Davis City Code (for AVR);
- Specific timing for TDM program monitoring, evaluation, reporting, and additional actions that must be taken if performance measure targets are not met.

Importantly, the court also notes:

The Master Plan goal to reduce drive alone vehicle trips is the performance standard that the TDM plan will strive to meet. The EIR ... provides details about the types of programs that the University will evaluate and adopt to achieve this goal. Because the Master Plan covers a long range development program and is based on projections of growth that may or may not occur, it is necessary that the University retain the flexibility to select those programs that best work at a given point in time.

Similar to the Master Plan referenced by the court, development of the ARC Project would occur over a long period of time, approximately 20 to 25 years. A key reason that the development and implementation of a TDM plan and monitoring program is identified to address project impacts is to fully evaluate and then implement a wide variety of TDM strategies. Understanding which strategies would be most effective requires comprehensive and continuous analysis and monitoring of ARC Project employee, resident, and visitor travel patterns, much of which is uncertain at this time and will evolve over the development of the project.

The commenter suggests that the certification of the Draft SEIR “be predicated upon much more robust transportation and circulation mitigation measures that can be implemented with a far greater degree of certainty.” In light of the discussion provided above, the City believes that the transportation mitigation measures identified in the Draft SEIR are appropriate given the unique travel characteristics of the project and the surrounding transportation setting.



**Chart 6-2: Transportation Strategies Organization**

Transportation Measures (Five Subcategories) Global Maximum Reduction (all VMT): urban = 75%; compact infill = 40%; suburban center or suburban with NEV = 20%; suburban = 15%					Global Cap for Road Pricing needs further study	
Transportation Measures (Four Categories) Cross-Category Max Reduction (all VMT): urban = 70%; compact infill = 35%; suburban center or suburban with NEV = 15%; suburban = 10%				Max Reduction = 15% overall, work VMT = 25%; school VMT = 65%	Max Reduction = 25% (all VMT)	
<b>Land Use / Location</b> Max Reduction: urban = 65%; compact infill = 30%; suburban center = 10%; suburban = 5%	<b>Neighborhood / Site Enhancement</b> Max Reduction: without NEV = 5%; with NEV = 15%	<b>Parking Policy / Pricing</b> Max Reduction = 20%	<b>Transit System Improvements</b> Max Reduction = 10%	<b>Commute Trip Reduction</b> (assumes mixed use) Max Reduction = 25% (work VMT)	<b>Road Pricing Management</b> Max Reduction = 25%	<b>Vehicles</b>
Density (30%)	Pedestrian Network (2%)	Parking Supply Limits (12.5%)	Network Expansion (8.2%)	CTR Program Required = 21% work VMT Voluntary = 6.2% work VMT	Cordon Pricing (22%)	Electrify Loading Docks
Design (21.3%)	Traffic Calming (1%)	Unbundled Parking Costs (13%)	Service Frequency / Speed (2.5%)	Transit Fare Subsidy (20% work VMT)	Traffic Flow Improvements (45% CO2)	Utilize Alternative Fueled Vehicles
Location Efficiency (65%)	NEV Network (14.4) <NEV Parking>	On-Street Market Pricing (5.5%)	Bus Rapid Transit (3.2%)	Employee Parking Cash-out (7.7% work VMT)	Required Contributions by Project	Utilize Electric or Hybrid Vehicles
Diversity (30%)	Car Share Program (0.7%)	Residential Area Parking Permits	Access Improvements	Workplace Parking Pricing (19.7% work VMT)		
Destination Accessibility (20%)	Bicycle Network <Lanes> <Parking> <Land Dedication for Trails>		Station Bike Parking	Alternative Work Schedules & Telecommute (5.5% work VMT)		
Transit Accessibility (25%)	Urban Non-Motorized Zones		Local Shuttles	CTR Marketing (5.5% work VMT)		
BMR Housing (1.2%)			Park & Ride Lots*	Employer-Sponsored Vanpool/Shuttle (12.4% work VMT)		
Orientation Toward Non-Auto Corridor				Ride Share Program (15% work VMT)		
Proximity to Bike Path				Bike Share Program		
				End of Trip Facilities		
				Preferential Parking Permit		
				School Pool (15.8% school VMT)		
				School Bus (6.3% school VMT)		

*Note: Strategies in bold text are primary strategies with reported VMT reductions; non-bolded strategies are support or grouped strategies.*

**From:** Hannah Safford <hannahsafford@gmail.com>  
**Sent:** Monday, April 27, 2020 7:06 PM  
**To:** smetzker@cityofdavis.org  
**Subject:** Comment on ARC SEIR  
**Attachments:** ARC Project\_SEIR comments\_Safford 042420.pdf

**Letter 68**

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

Dear Ms. Metzker,

Attached are my comments on the ARC SEIR. Please note that while I am Vice Chair of the Natural Resources Commission, these comments are submitted in my role as a private citizen.

68-1

I understand these comments are coming 2 hours after the posted deadline. I understood from Kerry that, because the NRC was scheduled to meet this evening, the City would consider comment from NRC members submitted slightly beyond the deadline. I do hope this is the case and my comments can be considered.

Thanks much,  
Hannah Safford

Letter 68

**To:** Sherri Metzker, Principal Planner  
Davis Department of Community Development and Sustainability

**From:** Hannah Safford

**Date:** April 27, 2020

**Subject:** Comments on the March 2020 Draft Subsequent Environmental Impact Report for the Aggie Research Campus (ARC) Project (SCH #2014112012)

68-2

This memo is submitted in response to the invitation to the City of Davis' invitation to submit public comment on the Subsequent Environmental Impact Report (SEIR) for the Aggie Research Campus (ARC) Project (SCH #2014112012). The memo is divided into three parts, each marked by a key takeaway. These are:

- **Takeaway 1:** The City should carefully consider whether the ARC Project's benefits outweigh its substantial—and to some extent irreversible—environmental costs.
- **Takeaway 2:** If the City chooses to proceed with the ARC Project largely as planned, certain project aspects should be altered and certain mitigation measures strengthened in order to minimize the project's most serious environmental impacts.
- **Takeaway 3:** The City should not proceed with the ARC Project unless a far stronger effort is made to reduce the project's adverse impacts on vehicle miles traveled (VMT), transportation emissions, and congestion.

Please note that while I am Vice Chair of the City of Davis Natural Resources Commission, these comments are submitted in my role as a private citizen.

\*\*\*

68-3

**Takeaway 1: The City should carefully consider whether the ARC Project's benefits outweigh its substantial—and to some extent irreversible—environmental costs.**

Any large and ambitious development project will inevitably impose considerable environmental impacts. The Aggie Research Campus (ARC) Project is no exception. Per the project's March 2020 Draft Subsequent Environmental Impact Report (SEIR), carrying out the ARC Project as currently planned would:

- Substantially degrade existing visual character or quality of the project site and its surroundings.
- Eliminate important farmlands and agricultural land.
- Substantially increase regional greenhouse gas (GHG) emissions.
- Considerably increase criteria pollutant emissions and associated health risks.
- Generate more than 300,000 additional vehicle miles traveled (VMT)—the equivalent of approximately 120 tons of CO<sub>2</sub> emissions<sup>1</sup>—per typical weekday.

<sup>1</sup> U.S. Environmental Protection Agency, (n.d.), "Greenhouse Gas Emissions from a Typical Passenger Vehicle", available at <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle>.



Letter 67

68-4

The ARC Project could also have significant and adverse impacts on special-status plant, insect, and animal species; sensitive habitat; energy consumption; and water quality; and could increase risks related to flooding and hazardous materials.

68-5

The project applicant has proposed numerous measures to mitigate the severity of identified environmental impacts. Many of these measures are highly detailed and likely to be effective. Yet even if all proposed mitigation measures are implemented as successfully as possible, the “significant and unavoidable impacts” summarized in the bulleted list above would still occur. The additional significant (but avoidable) impacts would be reduced to perhaps tolerable—but still non-zero—levels.

68-6

Moreover, it should be acknowledged that for complex developments such as the ARC Project, even those with the best intentions will find it nearly impossible to implement all mitigation measures exactly as planned. It is more likely than not that at least some mitigation measures will fall through the cracks or fail, and that environmental impacts will be greater than anticipated as a result.

68-7

Adverse environmental impacts associated with the ARC Project would run afoul of the City Council’s Goal 3 (“Pursue Environmental Sustainability”) and Objective 1 (“Reduce the community’s carbon footprint and achieve measurable GHG emission reductions, including reduction of Vehicle Miles Traveled (VMT)). Two of the greatest and most unavoidable environmental consequences of the ARC Project directly counteract this objective. Pages 3-135 through 3-137 of the SEIR note changes in circumstances that have increased ARC Project impacts related to GHG emissions above levels documented in the Certified Final EIR for the Mace Ranch Innovation Center (MRIC) Project. Of particular note is the March 5, 2019 climate emergency resolution that accelerated the City’s goal of net carbon neutrality from the year 2050 to the year 2040. The SEIR acknowledges that “the ARC Project’s GHG emissions cannot be shown to be reduced to net zero by 2040 with certainty at this time.” Proceeding with the ARC Project as planned would make it even more difficult for the City to meet its ambitious climate targets.

68-8

The SEIR also notes that “[i]mpacts related to VMT were determined to be less-than-significant with mitigation for the MRIC Project” (p. 3-250), but are not for the ARC Project. Specifically, “the proposed ARC Project and future buildout of the Mace Triangle are estimated to generate 309,000 VMT and 10,800 VMT, respectively...on a typical weekday” (p. 3-251). Given that the average car emits 404 grams of carbon dioxide (gCO<sub>2</sub>) per mile traveled, this equates to approximately 120 additional tons of CO<sub>2</sub> emitted from the transportation sector. This VMT increase “represents a new unmitigable significant impact” (p. 3-254) of the ARC Project.

Of course, the environmental impacts that the ARC Project would impose must be evaluated alongside the benefits the ARC Project would yield. Such benefits include positioning the City to capture a greater share of local/regional business growth, flexibly meeting needs of local businesses now and for +/- 20 years into the future, contributing to job creation and tax-base enhancement within Davis, and providing housing to accommodate a growing population. These benefits are consistent with the City Council’s Goal 2 (“Drive a Diverse and Resilient

Letter 68

68-8  
Cont'd

Economy”) and Objective 3 (“Address the needs of new businesses and business types identified as desirable additions to our economic diversity and sustainability.”)<sup>2</sup>

The purpose of the Natural Resources Commission is to “advise the City Council on the preservation, management and enhancement of the city’s natural resources”, not to provide an overall cost-benefit analysis of proposed development projects. I also recognize that (1) considerable effort has gone into improving environmental aspects of the ARC Project proposal, and (2) it is difficult to halt or dramatically scale back a development project that has been many years in the making. That said, I urge the City to carefully weigh whether the value the ARC Project would provide justifies the substantial—and to some extent irreversible—environmental damage the project would cause, especially with regard to climate change. Davis can always decide to build an innovation center, but the opportunity to meaningfully act on climate is fleeting.

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**Takeaway 2: If the City chooses to proceed with the ARC Project largely as planned, certain project aspects should be altered and certain mitigation measures strengthened in order to minimize the project’s most serious environmental impacts.**

68-9

On April 15, Greg Rowe—writing in his role as a private citizen and drawing on his experience as a member of the City of Davis Planning Commission and as a long-time environmental planner in Sacramento County—sent a memo (included as Appendix A of this document) to the Natural Resources Commission entitled “Comments on Draft Subsequent EIR (SEIR) for Proposed Aggie Research Campus Project (March 2020). The memo is thorough and credible, and merits consideration in its entirety. The following summarizes some of the most pressing points and compelling recommendations advanced by Mr. Rowe.

**(A) Structure and adequacy of proposed agricultural buffer**

The Davis Municipal Code (40A.01.050, “Agricultural buffer requirement”) requires that

“all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive areas...shall be required to provide an agricultural buffer/agricultural transition area...[The area] shall be a minimum of one hundred fifty feet measured from the edge of the agricultural, greenbelt, or habitat area. Optimally, to achieve a maximum separation and to comply with the five-hundred-foot aerial spray setback established by the counties of Yolo and Solano, a buffer wider than one hundred fifty feet is encouraged.”

The ARC Project would meet this requirement by establishing a 150-foot buffer (comprising a total area of 22.6 acres) along the north and east sides of the planned ARC campus.

This proposal raises two primary concerns. First, the proposed 150-foot buffer satisfies the letter of Davis local law, but not the spirit. Public comment letters from the Yolo County Local

<sup>2</sup> Ashley Feeney and Sherri Metzker, (October 2019), “Aggie Research Campus Application Update and Request for City Council Subcommittee”, available at <http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/CouncilMeetings/Agendas/20191008/05E-ARC-Application.pdf>.

Letter 68

68-9  
Cont'd

Agency Formation Commission (LAFCo) and the Yolo County Department of Community Services emphasize that the minimum 150-foot buffer required by the Davis Municipal Code “may be insufficient for the significance of the proposed project.” As Mr. Rowe suggests, the City should strongly consider requiring the project applicant to increase the buffer width to a minimum of 300 feet. Such a requirement would also help address concerns related to (1) the potential impact of the ARC Project on Western Burrowing Owl populations and habitat,<sup>3</sup> and (2) incompatibility between recreational uses proposed for the buffer and the proximity of the buffer to agricultural parcels that use restricted substances (e.g., pesticides and herbicides; p. 9 of the Rowe memo).

Second, the applicant proposes meeting part of the buffer requirement by establishing a 6.8-acre easement on a City-owned 25-acre parcel adjacent to the development area. This parcel was acquired in fee title by the City in 2011 using funds from Measure O—a parcel tax dedicated to provide long-term funding for acquisition, maintenance, and improvement of open-space areas. The Rowe memo (p. 3 through 5) provides a compelling argument that conveying such an easement would be an improper use of City resources. To address this issue, the City should either (1) require the buffer to be included solely within the applicant’s property, or (2) convey the easement at a price that would enable the City to obtain a greater amount of open space/agricultural land elsewhere.

68-10

(B) Proposed use of City property for stormwater detention

Per the Rowe memo (p. 7), the SEIR states “that two engineering solutions for handling ARC Project drainage have been identified: off-site replacement storage or a small pump station. Each of the three possible sites identified by the project applicant for off-site replacement storage are located on properties owned by the City of Davis. Mr. Rowe argues that “using City-owned space as a detention facility for the sole benefit of a private development could constitute an unwarranted public subsidy; i.e., a gift of public funds.”<sup>4</sup> The City should require the applicant to propose an alternative strategy for stormwater detention that does not rely on (uncompensated) use of City property. In particular, the City may wish to encourage the applicant to explore potential onsite detention/retention facilities (p. 13 and 14 of the Rowe memo).

68-11

(C) Topsoil excavation and use associated with off-site stormwater replacement storage

As noted above, off-site replacement storage is one of two options identified in the SEIR for handling ARC Project drainage. This option would involve removing up to 2.5 feet of topsoil from approximately 100 acres on a City-owned property, excavating the selected area to the desired depth, and then spreading the topsoil back over the lowered field (SEIR p. 3-168). This option could significantly affect water quality, wildlife habitat, and other aspects of the local environment (p. 7 of the Rowe memo). This option would also require approximately 10,000 2-mile diesel-truck trips to transport excavated materials (p. 13 of the Rowe memo). Finally, this

<sup>3</sup> See p. 5 and 6 of the Rowe memo, especially comments pertaining to the impracticality of the proposal to obtain ‘dual’ BUOW habitat and bicycle/recreation benefits in the first 50 feet of the buffer.

<sup>4</sup> This argument is revisited on p. 14 of the Rowe memo.

68-11  
Cont'd

option appears to allow the project applicant to use excavated materials from City-owned property for “correcting unsuitable soil conditions at the ARC site in preparation for development”, without reimbursing the City for those materials (p. 12 of the Rowe memo). Again, the City could address this issue by requiring the applicant to propose an alternative storm-water detention strategy. If the City permits the applicant to proceed with off-site replacement storage on City-owned property, then “the City must receive compensation commensurate with the value of the stormwater protection and improved site conditions received by the ARC applicants” (p. 14 of the Rowe memo).

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**Takeaway 3: The City should not proceed with the ARC Project unless a far stronger effort is made to reduce the project’s adverse impacts on VMT, transportation emissions, and congestion.**

68-12

As stated on Page 2 of this memo, a substantial anticipated increase in VMT is one of the biggest changes between the MRC Project EIR and the ARC Project SEIR. The SEIR estimates that the ARC Project would generate nearly 24,000 additional external daily vehicle trips (including nearly 5,000 during AM and PM peak hours) and more than 300,000 VMT per typical weekday. This would result in approximately 120 additional tons of CO<sub>2</sub> emissions and 1.3 tons of carbon monoxide emissions from driving miles alone per typical weekday. This would also result in additional emissions of various hydrocarbons, nitrogen oxides (NO<sub>x</sub>), and small particulate matter (PM<sub>2.5</sub>) from driving miles,<sup>5</sup> as well as additional emissions of all of the above-listed compounds from traffic idling.

Even these figures may be understating the environmental impacts of increased VMT and local congestion associated with the ARC Project. On April 24, Matt Williams—a longtime Davis resident and current and former member of multiple City advisory bodies—sent a memo (included as Appendix B of this document) to the Natural Resources Commission entitled “Aggie Research Campus—Subsequent Environmental Impact Report Traffic and Circulation”. The memo states that the traffic and circulation analysis included in the SEIR is deficient in several ways. Specifically, the memo states that the SEIR (1) failed to “include two of the most impactful ‘choke point’ intersections” in the ARC Project domain, (2) failed to “adequately report the impact of traffic on adjacent residential neighborhoods, and (3) includes multiple numerical discrepancies that suggest an inadequate and/or incomplete traffic and circulation analysis was performed. The City should require the project applicant to respond to these concerns. If the response is unsatisfactory, the City should require the project applicant to redo the traffic and circulation analysis.

68-13

Above all, though, the City should not proceed with the ARC Project unless a far stronger effort is made to reduce the project’s generation of VMT and effects on local traffic conditions. The SEIR identifies some measures that will be taken to mitigate these impacts. Such measures

<sup>5</sup> Bureau of Transportation Statistics, (n.d.) “Table 4-43: Estimated U.S. Average Vehicle Emissions Rates per Vehicle by Vehicle Type Using Gasoline and Diesel”, U.S. Department of Transportation, available at <https://www.bts.gov/content/estimated-national-average-vehicle-emissions-rates-vehicle-vehicle-type-using-gasoline-and->



Letter 68

68-13  
Cont'd

↑ include constructing bicycle facilities, improving bicycle and pedestrian infrastructure, adding signaling and other road infrastructure to improve flow of car traffic, widening certain roadways, and constructing a transit plaza that connects the ARC Project to local transit networks. These measures are not nearly far-reaching or ambitious enough. At the Natural Resources Commission's February 24, 2020 meeting, the project developers stated their intention to build one of the most sustainable innovation campuses in the world. If this is the case, then the transportation-related elements of the ARC Project proposal must reduce reliance on privately owned, gas-powered vehicles for transportation to and from the project campus as much as possible. This vision could be achieved through strategies such as:

- Providing electric-vehicle charging stations well in excess of minimum requirements.
- Supporting construction of dedicated roadways for micromobility vehicles (e.g., electric scooters, electric skateboards, and electric bikes).
- Establishing dedicated loading and unloading zones for rideshare services.
- Establishing dedicated parking spaces for carsharing services.
- Providing an electric shuttle service to transport passengers between the ARC Project campus and priority destinations (e.g., Downtown Davis, shopping centers).
- Requiring commercial tenants of the ARC Project to subsidize transit for employees.

The SEIR references a minority of these strategies as possibilities, but the project applicant has not committed to any of them. The City should require the project applicant to update the transportation-related elements of the project proposal with additional measures to materially reduce the project's impacts on VMT, emissions, and congestion. Just as the ARC Project is intended to accommodate and grow the businesses of the future, so too should it be designed to accommodate and grow the transportation solutions of the future.

**LETTER 68: HANNAH SAFFORD (4.27.20)**

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**Response to Comment 68-1**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 68-2**

Please refer to Response to Comment 11-31.

**Response to Comment 68-3**

Please refer to Response to Comment 11-32.

**Response to Comment 68-4**

Please refer to Response to Comment 11-33.

**Response to Comment 68-5**

Please refer to Response to Comment 11-34 and Response to Comment 11-31.

**Response to Comment 68-6**

Please refer to Response to Comment 11-35.

**Response to Comment 68-7**

Please refer to Response to Comment 11-36.

**Response to Comment 68-8**

Please refer to Response to Comment 11-37.

**Response to Comment 68-9**

Please refer to Response to Comment 11-38. The memorandum included in the commenter's letter is provided as Appendix 6 to this Final SEIR. For responses to the comments included in an updated version of this memo, please see responses to Letter 67.

**Response to Comment 68-10**

Please refer to Master Response #3. The concerns regarding the applicant's potential use of soil from a city-owned property and the need for compensation is an economic issue outside the purview of CEQA, which will be addressed in the staff report.

**Response to Comment 68-11**

Please refer to Master Response #3. The concerns regarding the applicant's potential use of soil from a city-owned property and the need for compensation is an economic issue outside the purview of CEQA, which will be addressed in the staff report.

**Response to Comment 68-12**

Please refer to Response to Comment 11-41.

**Response to Comment 68-13**

Please refer to Response to Comment 11-42.

**Letter 69**

**From:** Sherri Metzker <SMetzker@cityofdavis.org>  
**Sent:** Thursday, April 23, 2020 9:22 AM  
**To:** Nick Pappani  
**Subject:** FW: Comment regarding ARC project including subsequent EIR  
**Attachments:** Planning Commission comments on Subsequent ARC EIR April 22, 2020.docx

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

From: Eileen Samitz <emsamitz@dcn.org>  
Sent: Wednesday, April 22, 2020 6:04 PM  
To: Planning Commission <PlanningCommission@cityofdavis.org>  
Cc: Ashley Feeney <AFeeney@cityofdavis.org>; Sherri Metzker <SMetzker@cityofdavis.org>  
Subject: Comment regarding ARC project including subsequent EIR

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

Dear Planning Commissioner Chair Essex and Planning Commissioners,

My apologies for the lateness of this document but as with most folks, since there are many competing issues COVID-19 and non-related COVID-19 issues that many of us have been dealing with.

69-1

Meanwhile, I would also like to request that the Commission ask they the City Council extend the deadlines for Davis citizens who re still trying to review the multitude of EIR documents, to submit comments for at least a week or two beyond the April 27th deadline.

Thank you for your time and consideration, and again my apologies for the late submission of my comments,

Eileen M. Samitz

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69-1

**Comments and Concerns regarding ARC project and EIR's including Subsequent EIR**

**1) The ARC Subsequent EIR is dependent upon at least 60% of the 850 housing units being occupied by at least one MRIC (now ARC) employee.**

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

**Clarification Regarding Environmentally Superior Alternative**

- *Planning Commission recommended clarification to page 7-202 of Draft EIR*
- *Clarifies that Mixed-Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing*
- *Ensure that at least one employee occupies 60% of the 850 on-site units*

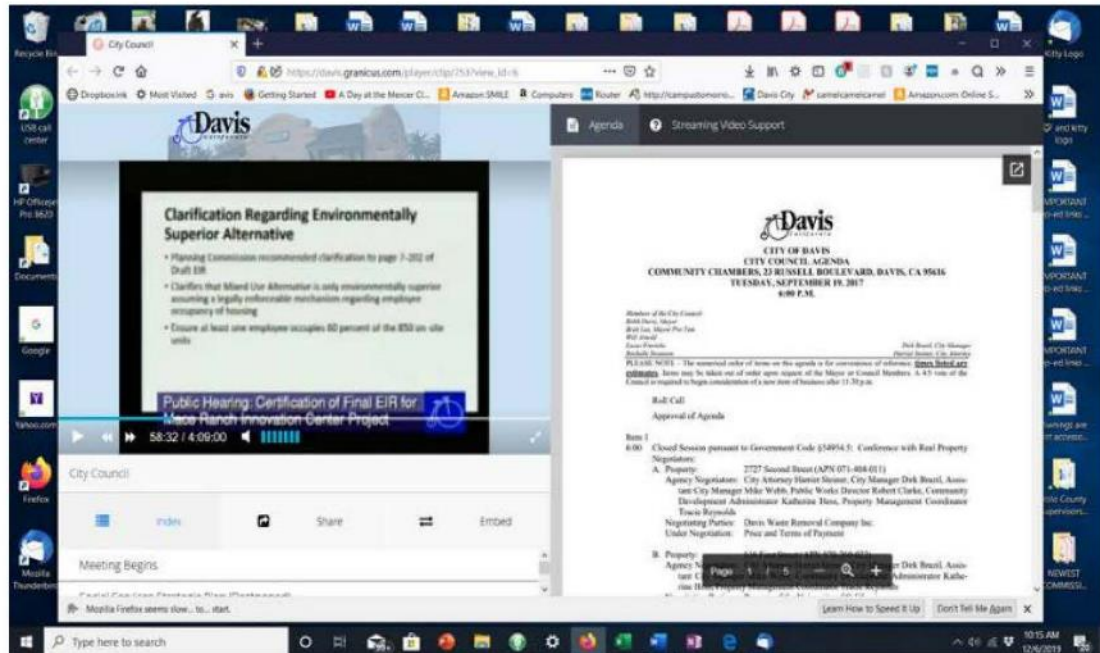
The weblink for the video for this Sept. 19, 2017 City Council meeting with this MRIC EIR item starting at 50:45 is at: [https://davis.granicus.com/player/clip/753?view\\_id=6](https://davis.granicus.com/player/clip/753?view_id=6)

is at: [https://davis.granicus.com/player/clip/753?view\\_id=6](https://davis.granicus.com/player/clip/753?view_id=6)

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

Letter 69

69-2



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

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

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

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

Letter 69

69-2  
Cont'd

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

2) Cumulative impacts analysis had not been done adequately to include all recently approved housing projects as well as all projects that have been submitted.

69-3

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

69-4

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

In the end, the City would gain much less revenue and wind up with more costs to further offset the revenue, as well as significantly more impacts due to this ultra-high-density housing ARC proposal. The “shoe-horn” design of the project due to the enormous amount of housing it is trying to include is hideous, resembling an “ant farm”, *not* an attractive tech park.

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

↓

Letter 69

69-4 Cont'd	<p>ARC, makes it even more clear that the ultra-high-density housing proposal in the mixed-use project should, instead, be used for commercial development,</p> <p><u>Furthermore, remember that former Mayor Davis has already stated in open public hearing that the developers said they needed housing, a CFD, and ag mitigation on city-owned land in order to make the project financially attractive enough for them to proceed. If the proposed innovation center is really this fragile, maybe the city and voters need to rethink the need for the project.</u></p>
69-5	<p><b>4) A fiscal analysis of the ARC mixed-use proposal with 850 housing units needs to be analyzed first by a City consultant and then reviewed by our City's Finance and Budget Commission before processing the ARC project any further.</b> Since housing typically brings more and more costs to the City with time (particularly after 10-15 years), it needs to first be determined <i>if</i> there is a fiscal benefit to the 850-housing unit ARC mixed use project. And <i>if</i> there is a "cost benefit" to the ARC mixed-use project it is important compare just <i>how much</i> the <i>net</i> revenue is relative to the significant housing costs that the ARC mixed-use project would bring long-term. Then, of course, the recognition of the significant impacts of such an enormous project also needs to be considered to determine if the project is worth all the impacts to the City and its citizens.</p>
69-6	<p><b>5) The industrial development of the ARC proposal should be contiguous, <i>not</i> split into two separate business parks.</b></p> <p>a) The current land plan is a housing development with two separate business parks which is an illogical, inefficient and simply very bad design. The commercial component needs to have a logical design of being contiguous, being concentrated in one section in the south end of the project closer to I-80.</p> <p>b) Splitting the industrial land will hamper the buildout of the northern industrial park, setting the stage for the developer to come back and apply to the City convert the commercial land to yet more housing. The Ramos developer group has a history of "bait -and-switch" and the City has a responsibility to not be gullible enough to be complicit in allowing such poor planning with such vulnerability for a future land use change from the needed revenue generating commercial to housing (i.e. the reality is that high-density housing ultimately brings more costs than revenue in the long run.)</p> <p>c) Any on-site housing needs to be concentrated entirely on the north end of the project adjacent to the city-owned open space.</p>
69-7	<p><b>6) The ag buffer needs to be reconfigured so that the entire project it falls exclusively on the developer's property.</b></p> <p>a) It makes <u>no</u> sense for the bulk of the city's property to fall inside the ag buffer.</p> <p>b) The city's property was paid for by open space taxes paid by Davis residents, however, the current proposal looks like there is a hidden plan to urbanize the city property. The city should not be subsidizing this, or any private development, particularly with tax-payer's money.</p>

Letter 69

- 69-8** 7) **The drainage proposal to use Howett Ranch land to be used to dig out almost 2 feet of soil for the ARC project is unacceptable.** This is not only another subsidy by the City to this project but the impacts and damage to the Howett Ranch which is currently farmed would undoubtedly be negatively impacted.
- It is outrageous that the ARC project wants to use almost 2 feet of soil from roughly 100 acres of City owned Howett Ranch for the ARC project and to potentially sue it for a water detention basin. Not only is this yet another subsidy that this is even suggested, but what condition would that leave the City's Howett Ranch in? it would be a travesty of our City government and misuse of our City taxpayer's money, that Howett Ranch was purchased with, to allow this City owned land to be damaged with scraping off almost 2 feet of soil which will have impacts on this land which is farmed currently. What would be the impacts on that currently farmed land after removing almost 2 feet of soil? What about the impacts from transporting this much soil on our roads and to our air quality from so many diesel-fueled trucks?
- The City must reject this scenario that the Ramos developers are trying to get away with. Let us recall that Howett Ranch was purchased by the City of Davis because the Ramos developers Mace Ranch project drainage was not engineered properly. As a result, due to a lawsuit rightfully filed by the Howett farm owners against the City years ago, the City had to purchase the 700-acre Howett Ranch. Now the same Ramos developers want to use it as a subsidy? This is simply wrong and unacceptable.
- 69-9** 8) **Prior to any consideration of ARC, the city must make a clear policy statement that no city property (either 6.8 acres of the 25-acre parcel, or any portion of Howitt Ranch) will be used for ag buffer or the ag mitigation requirements.** It is unacceptable for the City to allow any of this City owned land to be used which would, again, be a subsidy to the ARC developers where Davis taxpayer-based monies funded the purchase of these land parcels.
- 69-10** 9) **Any housing at ARC must fully meet the residential parking ordinance.**
- a) The developers should not be allowed to escape the City's parking ordinance in their effort to avoid the negative political optics of their parking requirements
- b) If there is residential development at ARC, a parking structure should be required – similar to Nishi and Sterling, but with ample parking for employee needs. Employees, particularly with children, need to have a car to provide transportation for their own needs, and the needs of their kids (i.e. school, medical appointments, sports and other activities.)
- 69-11** 10) **There needs to be clarity on the relationship between the proposed ARC project and UCD.**
- The terms "Aggie" and that it is a "Campus" insinuate a relationship, but is there? There is nothing in the public record clarifying if there is any formal relationship between ARC and UCD. This project has *no* business implying that it is related to UCD to try to garner political favor with the public support the project. Why not Davis Research Park?



Letter 69

69-11  
Cont'd

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

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

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

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

a. This raises the issue of are any UC or UCD or any other non-profit entity tenant going to be allowed to get away with not paying taxes to the City due to their non-profit status? This would certainly impact the fiscal analysis. Will there be a “make whole” provision for any of this type of tenant for leasing or purchase? How much land would UC/UCD potentially control?

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

69-12

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

69-13

**11) The proposed pace of building ARC housing should *not* be accelerated as proposed.**

The housing is being front-loaded and also trying to include these hotel and ancillary retail space of 160,000 square feet. Since the main focus and intention of this ARC project is to provide an R and D park it needs to focus on having a ratio to housing built to the 2.4 million sq. ft. of R and D commercial area at the ARC, otherwise it artificially accelerated the housing component development.

It also needs to be correctly ratioed to have the commercial component completed at the same pace as the housing so that the housing is not first completed, leaving the developer no incentive to complete the rest of the commercial components. Otherwise, the focus of the project is primarily housing and we will never see the commercial park completed which is the component supposed to provide revenue to the City. However, note that the fiscal analysis has not yet been completed by the City’s consultant to determine *if* the ARC project would yield any net revenue to the City. Finally, a corrected phasing plan, not the proposed one, needs to be in the Baseline Project Features.

69-14

**12) Parks and Trees**

a) The Oval Park needs to be completed in Phase 1 as stated by the Park and Recreation Commission recently. The central feature of Phase 2 would be the “Oval” park which is a defining component of the Project located adjacent to Mace Boulevard and should be complete in Phase 1. These conditions need to be in the baseline project features.

Letter 69

- 69-15 b) Further, the Tree Commission stated that he proposed 1,000 trees were not nearly enough trees for the ARC project as testified by expert opinions of some of the professionals on the Tree Commission recently. Therefore, far more trees need to be added to try to help offset the carbon footprint impacts as well as to provide adequate shade canopy and aesthetics.
- c) The baseline project features need to include a) and b) once the correct and increased number of trees are determined.
- 69-16 **13) The developers claim that they will produce housing that is affordable”, but where is the data on what the developers are considering “affordable” at the ARC project? For the market rate units?** Also, what percentage of the units would be legally affordable housing for lower income people who qualify for affordable housing? Where would the affordable housing be located? On or off site? Is the developer going to try to buy his way out of affordable housing with “in-lieu” fees?
- 69-17 **14) The traffic and circulation patterns of the ARC mixed-use project, due to the massive housing component of 850 units, would significantly impact this vicinity of the City.** Since this ARC project would be situated just off an already heavily impacted I-80 exit, this Mace overcrossing vicinity is already heavily impacted by the highway exiting traffic, the Target shopping center and soon to add to the impacts will be the Marriott’s Hotel, as well as the Nugget home office business park traffic when they are completed. Also, what about the impact on the “Mace mess” problem on Mace Blvd. the south side of I-80? What about the additional impacts there? This point is raised to re-emphasize the importance of doing cumulative impacts analysis *first*.
- 69-18 Further, what about impacts on the East Davis neighborhoods including Mace Ranch and north-east neighborhoods?
- 69-19 Also, why isn’t there better public transportation proposed then the inadequate suggestions offered?
- 69-20 **15) Based upon the many problems that the ARC mixed-use proposal presents** including: a) the expected long-term costs that the 850 high density units would bring, b) the fact that the developers have no mechanism to ensure that at least 60% of the housing units would be occupied by at least one legitimate ARC employee (i.e. not becoming more UCD student housing), and c) the enormous traffic and circulation problems it would bring, **only an entirely commercial park as first proposed should be considered, or no project.** Housing for a commercial-only park could potentially be provided by the nearby Signature property.

**LETTER 69: EILEEN SAMITZ – APRIL 22, 2020**

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**Response to Comment 69-1**

Please refer to Master Response #1.

**Response to Comment 69-2**

Please refer to Master Response #1.

**Response to Comment 69-3**

As stated on page 3-287 of the Draft SEIR, “The cumulative traffic analysis for the ARC Project accounts for projects approved by the City since the certification of the EIR (e.g., Nishi Student Apartments Project, Sterling Apartments, Lincoln40, 3820 Chiles Road, Davis Live), as well as those active projects currently being processed by the City (e.g., University Commons project).” Assumptions for the cumulative traffic analysis are described in detail on pages 3-321 through 3-323 of the Draft SEIR.

Regarding concerns about the effects on traffic of apps such as WAZE, see Response to Comment 51-11.

In keeping with CEQA Guidelines Section 15088(c), as recently amended by the State, the level of detail contained in a response may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). Therefore, general responses are provided to the other cumulative concerns referenced by the commenter. For a cumulative analysis of water supply, see Impact 3-107; for wastewater, see Impact 3-18; for flooding see Impact 3-96; for fire, see Impact 3-102; for police, see Impact 3-103.

**Response to Comment 69-4**

Please see Master Response #1. Though not a CEQA issue, it is noted that the City has released the fiscal analysis for the project and it is available for review on the City’s website. See:

<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Aggie%20Research%20Campus/Aggie-Research-Campus-Economic-Analysis-Fiscal-and-Economic-Impacts-Report.pdf>

**Response to Comment 69-5**

Please see Response to Comment 69-4. The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.



### **Response to Comment 69-6**

The commenters recommendations about the project design and layout of uses do not address the adequacy of the Draft SEIR and have been forwarded to the decision-makers for their consideration.

### **Response to Comment 69-7**

The commenter's concern regarding the use of the City's property for agricultural purposes has been forwarded to the decision-makers. It is noted, however, that the comment is incorrect by stating that the bulk of the City's property would fall inside the agricultural buffer. The applicant is proposing to use 6.8-acres of the City's 25-acre parcel for the project's northern agricultural buffer, which is approximately 27% of the City parcel.

### **Response to Comment 69-8**

Please refer to Master Response #3. The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

### **Response to Comment 69-9**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

### **Response to Comment 69-10**

Regarding parking concerns, it is noted that page 3-17 of the Draft SEIR indicates that parking areas may be converted to parking structures over time to accommodate buildout of the allowed densities. Such parking structures are shown in Figure 3-3 of the Draft SEIR.

The requested Planned Development zoning allows for development standards, such as parking, to be set at levels specific to a given project. The amount of proposed parking for ARC is based upon an industry standard Parking Generation Manual (Institute of Transportation Engineers, 2019), as stated on page 3-16 of the Draft SEIR. As discussed on page 3-16 of the Draft SEIR, the ARC project would incorporate a maximum of 5,858 parking spaces. City staff anticipates proposing parking ratios that are slightly lower than current City standards, because the current city-wide standards pre-date the City's climate action efforts, the revised General Plan Transportation and Circulation Element, and more recent discussion about urban design. Also, Section 40.25.020 of the City Code allows a reduction in the number of total parking spaces when "the periods of usage of such buildings or uses will not be simultaneous with each other".

The staff analysis of parking at each discretionary final planned development approval will take into account current city policy, updated industry standards for parking for similar uses under similar conditions, and required project design, conditions of approval, and mitigations measures intended to minimize parking demand.

It should be noted that parking is not a CEQA issue and the comment does not specifically address the adequacy of the Draft SEIR; however, the commenter's concern has been forwarded to the decision-makers for their consideration.

**Response to Comment 69-11**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 69-12**

The ARC Project does not identify specific tenants or occupants for either the residential or commercial components of the project. The commenter does not provide evidence to support the assumption that UC Davis affiliates would comprise a significant portion of ARC Project residents or employees. As a result, this scenario cannot be reasonably analyzed, and CEQA (refer to Section 15384 of the State CEQA Guidelines) does not require that an EIR speculate regarding conditions that cannot be determined with reasonable certainty at this time, in light of evidence.

In addition, since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station.

**Response to Comment 69-13**

Please see Response to Comment 69-4. The commenter's concern regarding phasing have been forwarded to the decision-makers for their consideration during entitlement review. It is noted that the limitations set on the pace of residential development, as discussed on page 3-23 of the Draft SEIR, will be part of the baseline project features.

**Response to Comment 69-14**

The commenter's recommendations regarding project design are noted; however, there is no legal requirement, such as the City's Municipal Code or General Plan, that requires the Oval park to be completed in Phase 1. The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 69-15**

The commenter's request for more trees does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. Very few trees are currently located on-site, such that the applicant's commitment to plant a minimum of 1,000 trees on-site would be reasonably anticipated to provide a net carbon sequestration benefit. It should be noted that Mitigation Measure 3-4 of the Draft SEIR requires "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."

### **Response to Comment 69-16**

Please refer to Response to Comment 51-3.

### **Response to Comment 69-17**

Please refer to Response to Comment 78-22. The Draft SEIR includes a detailed analysis of the facilities referenced by the commenter, including related traffic effects of other reasonably foreseeable development on pages 3-318 to 3-331.

### **Response to Comment 69-18**

Impacts to local neighborhood street traffic are evaluated in Impact 3-71 of the Draft SEIR. The Draft SEIR includes Mitigation Measure 3-71, which would require the project applicant to fund the development of a neighborhood traffic calming plan. The traffic calming plan would be required to 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 would also address the potential for the ARC Project to increase vehicle speeds on collector and minor arterial streets, including Alhambra Drive, Loyola Drive, 2<sup>nd</sup> Street, 5<sup>th</sup> Street, East 8<sup>th</sup> Street, Chiles Road, and Cowell Boulevard.

### **Response to Comment 69-19**

Mitigation Measure 3-76(a) in the Draft SEIR states the following (as slightly modified in this Final SEIR):

- 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.*

Based on the above, the project applicant would be required to coordinate with Unitrans and Yolobus before relocating the proposed bus stops from Mace Boulevard to the ARC Project transit plaza. In addition, it is noteworthy that since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase

1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station.

**Response to Comment 69-20**

Please refer to Master Response #1. The commenter’s general traffic concerns are noted, but without more details, a further response cannot be provided other than to note that, while the Draft SEIR identifies potential impacts to roadway facilities, mitigation measures are included to reduce the identified impacts to the maximum extent feasible. The comments regarding the proposed project components do not address the adequacy of the Draft SEIR have been forwarded to the decision-makers for their consideration. It is also noted that the alternatives discussion in the Certified Final EIR (Chapter 7) and the Draft SEIR (Chapter 2) considers a range of alternatives that are commercial only.

**Comments and Concerns regarding ARC project and EIR's including Subsequent EIR**

70-1

1) The MRIC Draft EIR mixed-use alternative was dependent upon at least the 850 housing units being occupied by at least one MRIC (now ARC) employee for it to be the “superior alternative”. This information is documented below. A major problem with the Subsequent EIR for the ARC mixed-use project is that, the mixed-use alternative project is no longer the “superior” alternative because the developers have acknowledged that they cannot implement a minimum of at least 60% of the 850 housing units to be occupied by ARC workers. This makes the housing component more of an impact producing component, rather than an impact reducing component. The Subsequent EIR is inadequate in a multitude of ways and needs much further analysis for the new ARC mixed-use proposal.

The Subsequent ARC EIR is seriously inadequate in that it has not analyzed the impacts of the multitude of consequences from a mixed-use project, particularly the housing component of 850 housing units *minus* the 60% housing occupancy by ARC workers assumption. There has been some traffic analysis but it is not covering working commuters to the ARC project living off-site to and from the ARC project, *in addition to* the non-ARC workers living in the ARC housing commuting elsewhere to their work and back home, and from the project site. The ARC housing would be attractive housing for non-ARC workers including I-80 commuters and UCD students, as evidenced by number of UCD students who have advocated to live at the ARC site while still enrolled at UCD.

Further, it becomes obvious that the mixed-use alternative not only is no longer the “superior alternative” but due to the multitude of impacts from the housing component would be an inferior project relative to a commercial-only project.

**Therefore, a far more expansive EIR analysis needs to be done to understand the many impacts of this mixed-use alternative with is no longer assuming that 60% of the housing units would be occupied by at least one ARC employee.**

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

**Clarification Regarding Environmentally Superior Alternative**

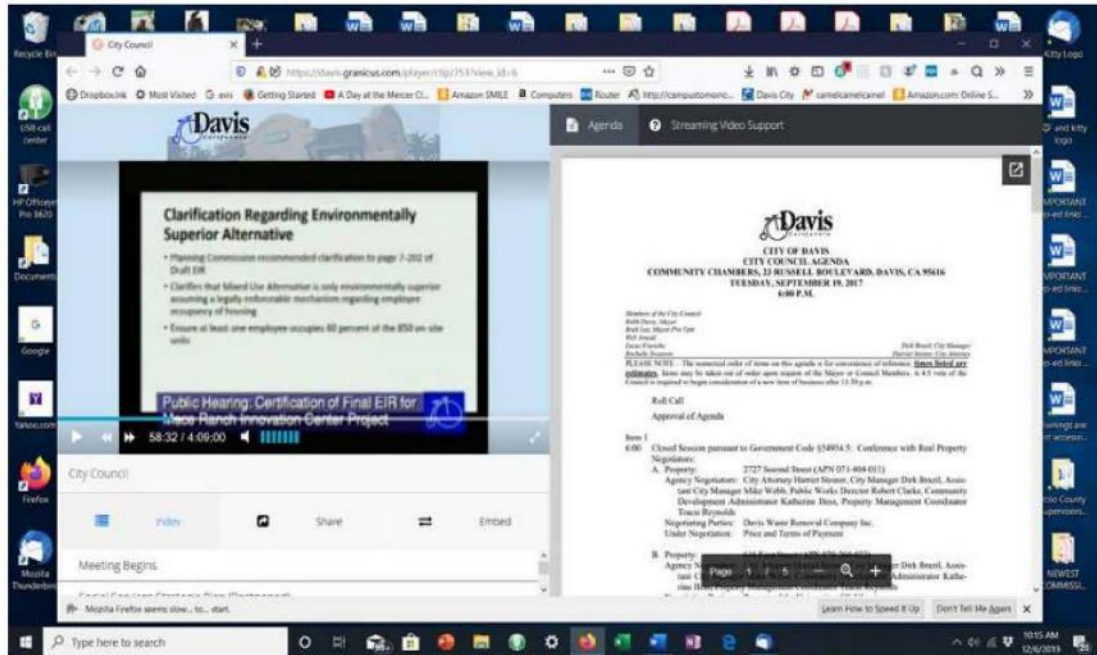
- *Planning Commission recommended clarification to page 7-202 of Draft EIR*
- *Clarifies that Mixed-Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing*
- *Ensure that at least one employee occupies 60% of the 850 on-site units*

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

is at: [https://davis.granicus.com/player/clip/753?view\\_id=6](https://davis.granicus.com/player/clip/753?view_id=6)

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

70-1  
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Since there is no enforceable mechanism offered by the developers to ensure that 60% of the 850 housing units, the mixed-use analysis from the earlier (pre-maturely) certified MRIC EIR is invalid. Therefore, a new EIR is required for the vastly different ARC project, not simply a supplemental EIR added to an invalid MRIC mixed-use EIR. This housing occupancy clearly would significantly increase the impacts of the project in many ways including traffic, circulation parking needs, etc.

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

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

70-1  
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"The housing is planned to include a variety of mixed-use, rental, and for-sale residential options catering to the needs and demands of innovation center employees. However, the housing at ARC will not be restricted to employees only but will, consistent with Fair Housing Act requirements, be available to the community at large."

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

**2) Cumulative impacts analysis had not been done adequately to include all recently approved housing projects as well as all projects that have been submitted, nor from the added impacts of an 850-unit housing component which would not have a 60% occupancy by at least one ARC worker. This means that massively more traffic and circulation than estimated, since many I-80 commuters, UCD students, and other non-ARC workers would primarily occupy the ARC housing units generating far more impacts from traffic, circulation, and subsequent air quality degradation all contributing to generating a larger carbon foot print.**

70-2

Is the proposal to just do a supplemental EIR an effort to try to avoid this analysis? There are a number of additional large residential and commercial projects in the City that have been approved since the MRIC EIR was certified. Traffic and circulation have changed with significant increases due to new issues like commuters use of the WAZE app diverting traffic off I-80 to other peripheral routes including onto Mace Blvd. for drivers to avoid I-80 back-ups. Plus, now the Mace mess issue on the south side of Mace Blvd. is only compounding the situation. The cumulative impacts study must be done first as well as the fiscal analysis. The cumulative impacts to be included, but not limited to are impacts on traffic, circulation, water, waste water treatment, flood control, and City services particularly fire and police.). Furthermore, the ARC mixed use project would create enormous growth inducing impacts and costs to the City with the housing component not being occupied by at least 60% by ARC workers. The ARC developers have acknowledged that they cannot implement this housing occupancy by ARC workers.

70-3

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

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



70-3  
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↑ “shoe-horn” design of the project due to the enormous amount of housing it is trying to include is hideous, resembling an “ant farm”, *not* an attractive tech park.

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

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

70-4

**4) A fiscal analysis of the ARC mixed-use proposal with 850 housing units needs to be analyzed first by a City consultant and then reviewed by our City’s Finance and Budget Commission before processing the ARC project any further.** Since housing typically brings more and more costs to the City with time (particularly after 10-15 years), it needs to first be determined *if* there is a fiscal benefit to the 850-housing unit ARC mixed use project. And *if* there is a “cost benefit” to the ARC mixed-use project it is important compare just *how much* the *net* revenue is relative to the significant housing costs that the ARC mixed-use project would bring long-term. Then, of course, the recognition of the significant impacts of such an enormous project also needs to be considered to determine if the project is worth all the impacts to the City and its citizens. The new fiscal study needs to be released by the City consultants and then the Finance and Budget Commission need to analyze it to determine if any net revenue would be gained by the City long-term relative to the cost impacts, as well as other impacts on the City.

70-5

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

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

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

↓



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

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

70-6

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

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

70-7

**7) The drainage proposal to use Howatt Ranch land to be used as a detention basin site, or to remove the enormous amount of Howatt Ranch soil to move to the ARC project are both unacceptable uses of the City owned Howatt Ranch which was purchased with taxpayer monies.**

This is not only another subsidy by the City to this project but the impacts and damage to the Howatt Ranch which is currently farmed would undoubtedly be negatively impacted.

It is outrageous that the ARC project wants to use so many cubic yards of soil from roughly 100 acres of City owned Howatt Ranch for the ARC project and to potentially sue it for a water detention basin. Not only is this yet another subsidy that this is even suggested, but what condition would that leave the City's Howatt Ranch in? It would be a travesty of our City government and misuse of our City taxpayer's monies (which Howatt Ranch was purchased with) to allow this City owned land to be damaged with scraping off so many cubic yards of soil resulting with impacts on this land which is farmed currently. What would be the impacts on that currently farmed land after removing almost 2 feet of soil? What about the impacts from transporting this much soil on our roads and to our air quality from so many diesel-fueled trucks?

The City must reject this scenario that the Ramos developers are trying to get away with. Let us recall that Howatt Ranch was purchased by the City of Davis because the Ramos developers Mace Ranch project drainage was not engineered properly. As a result, due to a lawsuit rightfully filed by the Howatt farm owners against the City years ago, the City had to purchase the 700-acre Howatt Ranch. Now the same Ramos developers want to use it as a subsidy? This is simply wrong and unacceptable.

70-8

**8) Prior to any consideration of ARC, the city must make a clear policy statement that no city property (either 6.8 acres of the 25-acre parcel, or any portion of Howatt Ranch) will be used for ag buffer or the ag mitigation requirements since these are City owned parcels purchased with Measure O money and/or other Davis taxpayers funding.** It is unacceptable for the City to allow any of this City owned land to be used which would, again, be a subsidy to the ARC developers where Davis taxpayer-based monies funded the purchase of these land parcels. Furthermore, it is outrageous and unacceptable that the Ramos developer are trying to use soil from Howatt Ranch (to move the ARC site. Historically the City was forced to purchase due to being sued by the Howatt Ranch owners due to inadequately engineered drainage from the Mace Ranch project resulting with flooding the 700-acre Howatt Ranch. Not only is this ironic, but it is ridiculous for the Ramos developers to expect yet another subsidy from the City. Also, it is unacceptable that the Ramos developers want to try to get away with putting a detention basing on the Howatt Ranch as well to handle drainage from the ARC site.

70-8  
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Note that beyond the subsidy issue, the enormous amount of soil proposed to be removed would undoubtedly cause significant negative impacts on this farm land including more flooding, which would also impact the ability to continue farming either part, or all of the 700-acre agriculture parcel. None of this was studied in any of the EIR's including the recent subsequent EIR. Therefore, at minimum, all of the impacts on the Howatt Ranch 1) due to a water basin potentially being located on the ranch; and 2) due to the removal of so much soil, as well as its transport to the ARC site, and the resulting consequences on the ranch, including habitat impacts on or near Howatt Ranch from these proposed significant actions, would need environmental impact analysis now.

In summary, any and all involvement of either the City owned properties of the 25-acre open space parcel and/or the Howatt Ranch parcel *must be denied* for the ARC project. Its s inexcusable that the developers would even ask for such a privilege and subsidy to the ARC project, particularly considering the history behind both parcels.

70-9

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

- a) The developers should not be allowed to escape the City's parking ordinance in their effort to avoid the negative political optics of their parking requirements
- b) If there is residential development at ARC, a parking structure should be required – similar to Nishi and Sterling, but with ample parking for employee needs. Employees, particularly with children, need to have a car(s) and adequate parking to provide transportation for their own needs, and the needs of their children (i.e. school, medical appointments, sports and other activities.)

70-10

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

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

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

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

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

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

- a. This raises the issue of are any UC or UCD or any other non-profit entity tenant going to be allowed to get away with not paying taxes to the City due to ther non-profit status? This would certainly impact the fiscal analysis. Will there be a "make whole" provision for any of this type of tenant for leasing or purchase? How much land would UC/UCD potentially control?

70-10 Cont'd	<p>b. This is to reiterate the concern of UCD attempting to use the ARC for more UCD student housing and then ARC attempting to count UCD students at part of their 60% "workforce" housing requirement.</p> <p>c. In turn, UCD uses at ARC would inevitably create more traffic and circulation impacts due to the frequency of trips between UCD and ARC by any UCD employees or potentially students) who would be residents at ARC, even if their primary workplace would be at a UCD facility located at ARC.</p>
70-11	<p><b>11) The proposed pace of building ARC housing should <i>not</i> be accelerated as proposed.</b></p> <p>The housing is being front-loaded and also trying to include these hotel and ancillary retail space of 160,000 square feet. Since the main focus and intention of this ARC project is to provide an R and D park it needs to focus on having a ratio to housing built to the 2.4 million sq. ft. of R and D commercial area at the ARC, otherwise it artificially accelerated the housing component development.</p> <p>It also needs to be correctly ratioed to have the commercial component completed at the same pace as the housing so that the housing is not first completed, leaving the developer no incentive to complete the rest of the commercial components. Otherwise, the focus of the project is primarily housing and we will never see the commercial park completed which is the component supposed to provide revenue to the City. However, note that the fiscal analysis has not yet been completed by the City's consultant to determine <i>if</i> the ARC project would yield any net revenue to the City. Finally, a corrected phasing plan, <u>not the proposed one</u>, needs to be in the Baseline Project Features.</p>
70-12	<p><b>12) Parks and Trees</b></p> <p>a) The Oval Park needs to be completed in Phase 1 as stated by the Park and Recreation Commission recently. The central feature of Phase 2 would be the "Oval" Park which is a defining component of the Project located adjacent to Mace Boulevard and should be complete in Phase 1. These conditions need to be in the baseline project features.</p> <p>b) Further, the Tree Commission stated that he proposed 1,000 trees were not nearly enough trees for the ARC project as testified by expert opinions of some of the professionals on the Tree Commission recently. Therefore, far more trees need to be added to try to help offset the carbon footprint impacts as well as to provide adequate shade canopy and aesthetics.</p> <p>c) The baseline project features need to include a) and b) once the increased and corrected number of trees are determined.</p>
70-13	<p><b>13) Burrowing Owl habitat protection</b></p> <p>Since burrowing owls are a species needing protection because the species population is seriously declining in numbers, therefore it is essential all actions be taken to protect them for the species to survive. Therefore, trees (due to providing perching positions for raptors and other Burrowing Owl predators) should not be located near the Burrowing Owl vicinities, on or near the ARC project, and instead native grassland type foliage is needed to provide an environment conducive to allowing the Burrowing Owl's to survive.</p>

70-14

**14) The developers claim that they will produce housing that is affordable”, but where is the data on what the developers are considering “affordable” at the ARC project? For the market rate units? Also, what percentage of the units would be legally affordable housing for lower income people who qualify for affordable housing? Where would the affordable housing be located? On or off site? Is the developer going to try to buy his way out of affordable housing with “in-lieu” fees? The affordable housing must be defined before the ARC project can even be considered for a vote by Davis citizens.**

70-15

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

Further, what about impacts on the East Davis neighborhoods including Mace Ranch and north-east neighborhoods?

Also, why isn’t there better public transportation proposed than the inadequate suggestions offered?

70-16

**16) Based upon the many problems that the ARC mixed-use proposal presents** including: a) the expected long-term costs that the 850 high density units would bring, b) the fact that the developers have no mechanism to ensure that at least 60% of the housing units would be occupied by at least one legitimate ARC employee (i.e. not becoming more UCD student housing) to reduce traffic and circulation impacts, and c) the resulting enormous traffic and circulation problems it would bring, only an entirely commercial park as first proposed should be considered, or no project. The commercial park only project without housing would have less impacts than the mixed-use without having 60% of the ARC housing units being occupied by ARC workers. The ARC developers have acknowledged that there is no legal way for them to implement assuring that 60% of the ARC housing be occupied by at least one ARC worker.

It is notable that an alternative source for housing for a commercial-only park could potentially be provided by the nearby Signature property, although those impacts would also need to be studied. However, before any version of a research park is considered, it still needs to first be thoroughly analyzed with a fiscal analysis by an independent consultant hired by the City. That study and any other analysis then needs to be done by the Finance and Budget Commission to determine *if* there is a substantial revenue gain relative to the costs and other impacts to the City short-term and particularly long-term from a research park in the east Mace Blvd. vicinity.

Furthermore, it is important to recognize that the Subsequent EIR has now looked at traffic impacts assuming that 60% of the housing units will **not** have at least one ARC worker. The result is that including a 850 housing unit component can no longer be considered a legitimate part of the project. Therefore, since the mixed-use proposal is no longer superior alternative to the original commercial-only project. Since the project has no way of guaranteeing that 60% of the 850 housing units would have at least one ARC worker, and the consequences now, of at least 24,000 car trips (which is an

70-16  
Cont'd

underestimation) makes the ARC project a serious impact on the City in terms of traffic, circulation, air quality and increasing our carbon footprint. **As covered earlier in this document, far more EIR analysis is required of the ARC project than what has been presented with the Subsequent EIR.**

In closing, relevant to many of my comments in this document it is important to recall the language of the City Council's "Resolution to Certify the Final MRIC EIR" document which stated implicitly the need for 60% of the 850 units mixed-use project were to be occupied by the project's employees. The specific language reads as follows under Addendum D, in the resolution:

D. The FEIR is hereby modified to including a clarification to page 7-202 of the Draft EIR that the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically, that at least one employee occupies 60 percent of the 850 on-site units.

This conclusion was reached by the City of Davis Planning Commission as well, which is stated in the same Resolution under the following section: "WHEREAS, on May 24 and July 19, 2017 the Planning Commission held two duly noticed public meetings to consider certification of the FEIR pursuant to Section 15090 of the State CEQA Guidelines, separate from any deliberation or action on the merits of the project, and voted to recommend certification to the City Council including a clarification to page 7-202 of the Draft EIR that the Mixed Use Alternative is only environmentally superior assuming a legally enforceable mechanism regarding employee occupancy of housing; specifically that at least one employee occupies 60 percent of the 850 on-site units;"

Thank you for your time and consideration,

Eileen M. Samitz

Davis, Resident

**LETTER 70: EILEEN SAMITZ – APRIL 2, 2020**

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**Response to Comment 70-1**

Please refer to Master Response #1.

**Response to Comment 70-2**

Please refer to Response to Comment 69-3.

**Response to Comment 70-3**

Please refer to Response to Comment 69-4.

**Response to Comment 70-4**

Please refer to Response to Comment 69-5.

**Response to Comment 70-5**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 70-6**

Please refer to Response to Comment 69-7.

**Response to Comment 70-7**

Please refer to Master Response #3.

**Response to Comment 70-8**

Please refer to Master Responses #2 and #3.

**Response to Comment 70-9**

Please refer to Response to Comment 69-10.

**Response to Comment 70-10**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

### **Response to Comment 70-11**

Please refer to Response to Comment 69-13.

### **Response to Comment 70-12**

Please refer to Response to Comment 69-14 and Response to Comment 69-15.

### **Response to Comment 70-13**

Page 3-96 of the Draft SEIR states the following:

To date, no burrowing owl burrows have been identified within the proposed 150-foot wide agricultural buffer area. The agricultural buffer covers land that is currently disked and farmed, except for the perimeter of the property and the banks of the MDC. As mentioned, burrowing owl burrows have been found nearby, and the ARC Site – including the buffer area – provides suitable foraging habitat for burrowing owl. As such, the proposed creation of the agricultural buffer could potentially result in temporary impacts to burrowing owl habitat; and the installation of a bike/walking trail within the first 50-feet of the buffer could result in permanent impacts to burrowing owl habitat.

Further, in recognition of the fact that burrowing owls require relatively short vegetation with sparse shrubs and taller vegetation and burrows for nesting, the ARC Project will implement the following measures within the external 100-foot buffer area to ensure that the existing and created habitat within this area will be beneficial for burrowing owls:

- Reduce or cluster trees to allow large expanses of grassland within the buffer,
- Implement seasonal mowing, or preferably, stock grazing of grassland areas in the buffer to maintain short grass height preferred by burrowing owls,
- Preserve any California ground squirrels that colonize the buffer grasslands, including their burrows, and
- Establish the three artificial burrow systems currently proposed in the buffer area. The buffer on the north side of the ARC Site, east of CR 104 is a particularly suitable location to establish one or more of the artificial burrows. There are nearby, occupied burrowing complexes along CR 104, on the Mace Boulevard curve, and along CR 30B.

Based on the above, consistent with the commenter's suggestion, the ARC Project would provide for suitable burrowing owl habitat within the proposed buffer areas.

### **Response to Comment 70-14**

Please refer to Response to Comment 51-3.

### **Response to Comment 70-15**

Please refer to Responses to Comments 69-17 through 69-19.

**Response to Comment 70-16**

Please refer to Master Response #1.



Letter 71

**From:** Emily Shandy <emily.dt.shandy@gmail.com>  
**Sent:** Monday, April 27, 2020 7:53 PM  
**To:** Sherri Metzker  
**Subject:** Commissioner Comments - ARC Draft SEIR

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

Hello,

Consistent with my oral comments made during the Planning Commission meeting on Wednesday, April 22, 2020, I submit the following comments on the Draft Subsequent Environmental Impact Report (SEIR) for the Aggie Research Campus (ARC).

71-1

- Section 2.8 of the Draft SEIR, "Areas of Controversy," includes bicycle and pedestrian connections as a topic of concern. As listed, the topic focuses exclusively on Road 32A. This is inappropriately narrow, and should be expanded to include bicycle and pedestrian connectivity on Mace Boulevard and other surrounding roadways in the project area.

71-2

- Page 3-16 of the Draft SEIR refers to a "Class II bike lane" that will be extended around the Mace curve. As noted elsewhere in the report, there are already existing Class II bicycle lanes on Mace Boulevard in this area. Other report sections and exhibits show this as a Class I shared use path that will be extended on the inside of the Mace curve; I believe the reference to Class II bike lane on page 3-16 should be revised to Class I shared use path. This also suggests a review of all text and exhibits should be conducted to confirm bicycle and pedestrian facilities are accurately and consistently identified.

71-3

- The project proponent presented an exhibit at the Bicycle, Transportation, and Street Safety Commission meeting on April 9, 2020, that shows a "proposed Class I path" to be constructed by the applicant that extends due west from the proposed grade-separated bicycle and pedestrian crossing under Mace Boulevard to connect to the existing north-south shared use path that parallels the west edge of the Harper Junior High School campus. This facility is distinct from the Class I shared use path also proposed by the project applicant that would be located around the inside of the Mace curve. This Class I shared use path does not appear in any exhibit in the Draft SEIR nor is it mentioned in the report text. If it is to be included as part of the off-site bicycle and pedestrian facilities to be constructed by the applicant, it should be appropriately included in both exhibits and discussion in the Final SEIR.

71-4

- In Appendix F, page 50, there is discussion of the potential of the ARC to diminish performance of nearby bicycle and pedestrian facilities at intersections and other locations where there are potential conflicts between motor vehicles and people walking or bicycling. This discussion should also include diminished performance along roadway segments, where existing separation between bicycle or pedestrian facilities and motor vehicle traffic may no longer be sufficient for the increased traffic volumes anticipated.

71-5

- Mitigation Measure 5.1 mentions "provisions for pedestrian safety" will be included in traffic management during construction of the project. "Provisions for bicyclist safety" should be included as well.

71-6

In addition to these specific comments on transportation-related topics, I share concerns highlighted by other Commissioners as well as multiple members of the community related to affordable housing and the required open space buffer. I believe it is inappropriate for the project proponent to use City property to provide the required open space buffer, and I strongly support the provision of affordable housing on-site if the project is to move forward.

Thank you for the opportunity to provide these comments. I am happy to answer any follow-up questions as needed.

Emily Shandy  
Planning Commission

**LETTER 71: EMILY SHANDY**

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**Response to Comment 71-1**

The Areas of Controversy included in Section 2.8 of the Draft SEIR are based on those concerns expressed in verbal or written form during the scoping period for the ARC Project. Issues related to bicycle and pedestrian connectivity on Mace Boulevard and other surrounding roadways were not specifically identified during the scoping period for the proposed project and, thus, such issues are not considered areas of controversy for the SEIR. Nevertheless, in recognition of the comment, Section 2.8 on page 2-12 is hereby revised as follows:

**2.8 Areas of Controversy and Issues to be Resolved**

The CEQA Guidelines, Section 15123(b), require that this EIR consider areas of controversy known to the lead agency, including issues raised by agencies and the public. The discussion below goes beyond identification of impacts expected to result from implementation of the project, and identifies issues to be resolved known from workshops and other public discussion of the project. At this time, these known areas include the following (in no order):

- Agricultural land conversion – The project would convert land being used primarily for agriculture and agriculturally-related uses to urban uses.
- Project-level and cumulative effects to burrowing owl.
- Bicycle and pedestrian connections – The project would add vehicle trips onto CR 32A which has existing safety concerns for bicyclists in the area, particularly those traveling CR 32A to commute to Sacramento. In addition, there are concerns related to bicycle and pedestrian connectivity on Mace Boulevard and other surrounding roadways in the project area.

The foregoing clarification does not affect the adequacy of the Draft SEIR, which address bicycle and pedestrian travel on Mace Boulevard and surrounding roadways on pages 3-260 to 3-268. Please see Section 3-75.

**Response to Comment 71-2**

A review was undertaken to verify correct identification of such facilities. As a result, the language of the project description section of the Draft SEIR has been clarified regarding the type of bicycle facility that would be installed along the Mace Curve by the project. Please see Response to Comment 42-17.

The bicycle and pedestrian impact analysis described in Impact 3-75 of the Draft SEIR correctly assumed that the above-referenced proposed Mace Curve bicycle facility would be a Class I shared-use path, not a Class II bike lane. Thus, changes to the bicycle and pedestrian impact analysis are not required due to the correction to the project description described above.

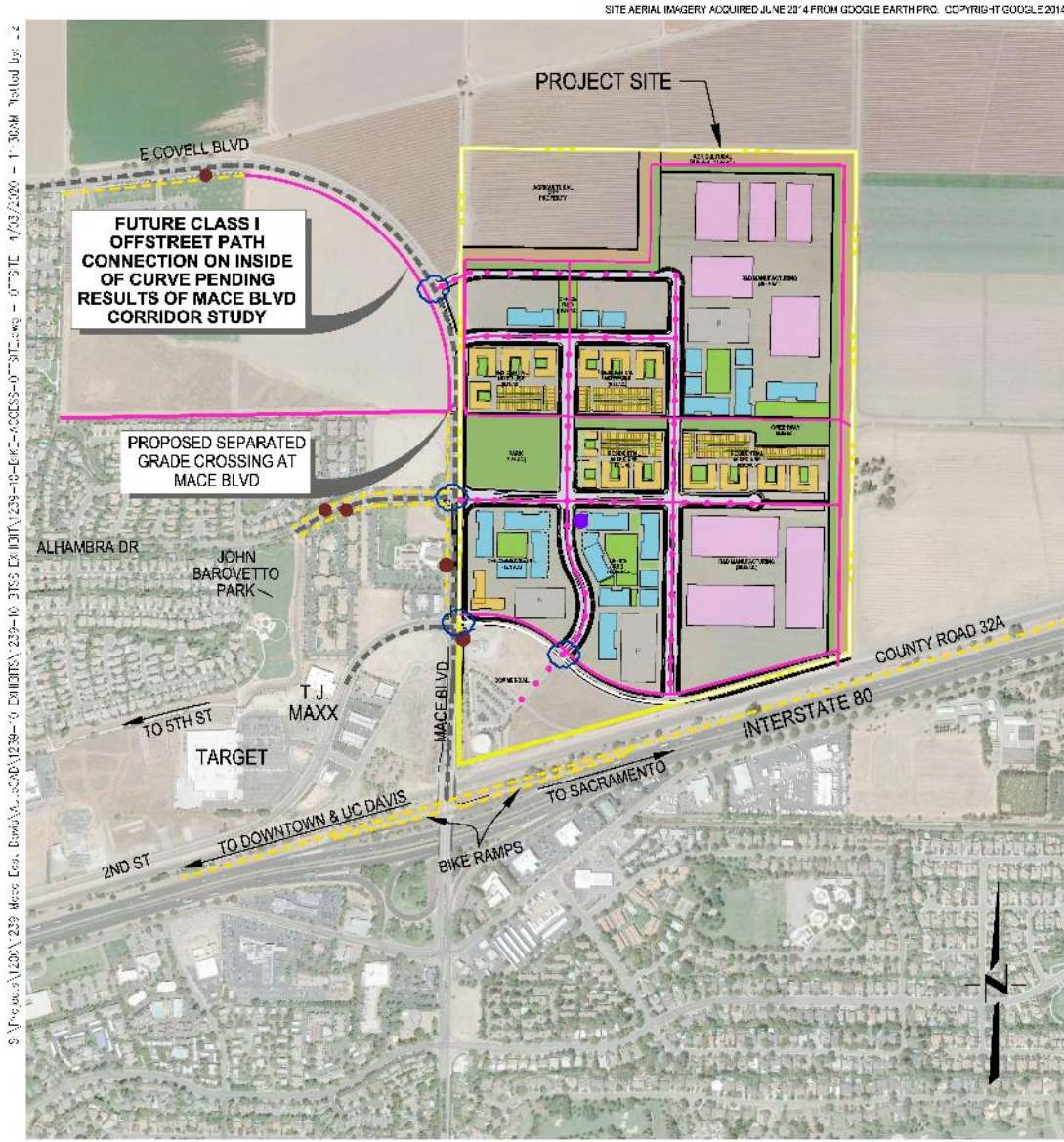
### Response to Comment 71-3

The Class I shared-use path along the southern boundary of the property inside the Mace Curve would provide a safe route from the proposed ARC grade-separated crossing to Harper Junior High School and surrounding neighborhood. The commenter is correct that the referenced Class I shared-use path does not appear in any exhibit in the Draft SEIR, nor is it mentioned in the report text, given that it was initially introduced by the applicant at the BTSSC meeting on the project. At this time, the Class I shared-use path is a potential feature under consideration. Thus, while not necessarily requiring modification, the following descriptive text and figure are hereby added to page 3-261 of the Draft SEIR:

The ARC Project would construct a grade-separated bicycle and pedestrian crossing of Mace Boulevard north of Alhambra Drive. In addition, the ARC Project includes a proposed off-site Class 1 bikeshared-use path on the west side of Mace Boulevard, just north of Alhambra Drive, to the existing path along the frontage of Harper Junior High School. This bicycle/pedestrian path improvement, along the inside of the Mace “curve”, would provide an important link in the trail network in the project vicinity. Not only would this link facilitate safe bicycle and pedestrian travel to/from the ARC Site, but school children biking/walking to/from Harper Junior High School would also be able to travel more safely along this stretch of Mace Boulevard. The Offices @ Mace Ranch project located at the northwest corner of the Mace Boulevard/Alhambra Drive intersection will also provide a path connection to the proposed grade-separated crossing along its Mace Boulevard and Alhambra Drive frontages. The Offices @ Mace Ranch project is currently under construction and scheduled for completion in 2020. It is noted that the applicant is also considering to include a Class 1 shared-use path due west from the proposed grade-separated bicycle and pedestrian crossing. The share-used path would run along the southern boundary of the property inside the Mace Curve and provide an additional safe route from the proposed ARC grade-separated crossing to Harper Junior High School and surrounding neighborhood. See Figure 3-20 for an illustration of the above-described facilities, located within Yolo County.

The above changes do not affect the traffic analysis of the Draft SEIR as the potential Class I shared-use path would improve connectivity to surrounding land uses. Please see also Response to Comment 76-1.

**Figure 3-20**  
**Bicycle and Pedestrian Facilities**



**LEGEND**

- EXISTING OFF STREET (CLASS I) BIKE/PEDESTRIAN PATH
- EXISTING ON STREET (CLASS II) BIKE LANES
- PROPOSED BIKE/PEDESTRIAN PATH (CLASS I)
- PROPOSED BIKE LANE (CLASS II)
- PROPOSED (CLASS I & II) BIKE PATH AND LANES
- PROPOSED ENHANCED INTERSECTION FEATURES
- EXISTING BUS STOP
- PROPOSED TRANSIT CENTER



## Response to Comment 71-4

Impact 3-75 of the Draft SEIR provides a thorough analysis of project impacts to bicycle facilities, including those provided on roadway segments. Project impacts to bicycle facilities are identified in instances where the project would conflict with a program, plan, ordinance, or policy addressing bicycle facilities. As described on page 2-262, 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. The Draft SEIR identifies locations where these adverse effects would occur, including bicycle facilities on Mace Boulevard, East Covell Boulevard, Alhambra Drive, Second Street, and County Road 32A, as well as on Mace Boulevard where it intersects with Alhambra Drive, Second Street/County Road 32A, the I-80 Westbound ramps, the I-80 Eastbound ramps, and Chiles Road. As referenced by the commenter, the effects of ARC Project vehicle traffic on on-street bicycle facilities were considered in this analysis.

The ARC Project baseline features include a new bicycle and pedestrian grade separated crossing of Mace Boulevard and a new Class I shared-use path on the inside of the Mace Curve. As described in the Draft SEIR, the new Mace Curve shared-use path would improve the bicycle environment on the segment of Mace Boulevard between Alhambra Drive and Harper Junior High School. Mitigation Measures 3-75(a) through 3-75(c) of the Draft SEIR describe the bicycle facility improvements and related roadway circulation system modifications that would be required in order to address project impacts to bicycle facilities. Beyond the bicycle facility enhancements included as project baseline features, the mitigation measures referenced above require the applicant to implement improvements to roadways and intersections surrounding the project site to minimize the potential for conflicts involving bicyclists and to enhance connections to the surrounding off-site bicycle network, though in some cases improvements are subject to other agency approval. These include improvements to on- and off-street bicycle facilities on Mace Boulevard and connecting roadways, including Covell Boulevard, Alhambra Drive, Second Street, County Road 32A, and Chiles Road. These also include bicycle crossing improvements on Mace Boulevard where it intersects Alhambra Drive, Second Street/County Road 32A, the I-80 Westbound ramps, the I-80 Eastbound ramps, and Chiles Road. Therefore, mitigation measures identified to address project impacts to bicycle facilities include improvements to bicycle facilities on roadway segments, as referenced by the commenter.

Mitigation Measure 3-75(b) has been revised as follows to clarify the performance measures that would need to be met by bicycle facility improvements referenced therein:

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.

The above revision does not alter the conclusions or adequacy of the Draft SEIR.

### **Response to Comment 71-5**

Impact 3-74 of the Draft SEIR provides an analysis of impacts associated with ARC Project construction vehicle traffic. Mitigation Measure 3-74 requires the applicant to prepare a Construction Traffic Control Plan to ensure that acceptable operating conditions are maintained during ARC Project construction. This mitigation measure requires the following provisions for bicyclist safety, consistent with the commenter's suggestion:

- Provision of a truck circulation pattern that minimizes impacts to existing vehicle traffic during peak traffic flows and maintains safe bicycle circulation;
- Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained; and
- Provisions for bicycle, pedestrian, and transit access and safety.

### **Response to Comment 71-6**

Please refer to Response to Comment 9-12 regarding affordable housing and Master Response #2 regarding use of the City parcel for the project's northern agricultural buffer.

**Letter 72**

Shawn Smallwood, PhD  
3108 Finch Street  
Davis, CA 95616

Sherri Metzker, Principal Planner  
City of Davis Community Development and Sustainability Department  
23 Russell Boulevard, Suite 2  
Davis, CA 95616  
[smetzker@cityofdavis.org](mailto:smetzker@cityofdavis.org)

27 April 2020

**Re: Aggie Research Campus**

Dear Ms. Metzger,

I write to comment on the Supplemental Environmental Impact Report (SEIR) prepared for the proposed Aggie Research Campus (City of Davis 2020), which I understand would convert 185 acres of farmland into residential, office, and industrial uses, including renewable energy generation and storage. I wish to comment on impacts to wildlife posed by renewable energy generation, and on impacts to wildlife caused by habitat loss. I also comment on the Biological Resources Report (Sycamore 2020).

72-1

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

**SITE VISITS**

72-2

I have visited the site many times, starting in 1981. More recently I visited the site specifically to survey for white-tailed kites, a California Fully Protected species. I am attempting to repeat the surveys for this species that were performed 27 years ago in 1993 within 10 miles of Davis (Erichsen et al. 1995). This year I have discovered that the site is at the intersection of 3 white-tailed kite breeding territories, and is used intensively by breeding white-tailed kites for foraging (Photo 1). The site is central to

Letter 72

72-2  
Cont'd

the highest-density cluster of white-tailed kites I have found within 10 miles of Davis this year.

*Photo 1. A white-tailed kite foraging over the site of the proposed project spring 2020. White-tailed kites of 3 breeding pairs forage on this site.*



To date I have confirmed 6 breeding pairs of white-tailed kites in the same study area where 22 were documented in 1993. If I can confirm that white-tailed kites are indeed breeding at 2 more suspected sites, my total will be 8. That number might increase with additional surveys, but I suspect the number will not exceed half the number that bred within 10 miles of Davis 27 years ago. This species appears to be in serious decline. The site of the proposed project is central to the remaining breeding population.

72-3

Burrowing owls also reside at the site of the proposed project, and are attempting to nest along County Road 30B. The pair of burrowing owl pairs at this site might be the last remaining pair in Davis. As I have done for many years, I have been surveying around Davis for burrowing owls, but unlike in past years I have yet to find any others in the area so far. Two populations of burrowing owls were extirpated from the UC Davis campus 20 years ago. Burrowing owls along North Davis Canal were eliminated when the ground squirrel burrows in which they lived were filled and destroyed. Burrowing owls near the decommissioned land fill (now the go-cart track) were diminished by ground squirrel abatement (burrowing owls rely on ground squirrels for provision of burrows as refugia and nest sites, and for mutual predator alarm-calling). Burrowing owls along a canal north of the Frontier Fertilizer site were lost to development of all of their surrounding foraging habitat. A dozen pairs of breeding burrowing owls in Mace Ranch were infamously wiped out by disking of their breeding habitat, which was owned by Ramco Enterprises – one of the proponents of the project at issue. A breeding population persisted between the Wildhorse Golf Course and the adjoining agricultural buffer until the last pair quit their nesting attempt last year. A Hotel displaced another pair of burrowing owls recently. Now it appears the last burrowing owls in Davis are located at the site of the proposed project.

The burrowing owls on the project site appear on eBird (<https://ebird.org/map/>) as the only occurrence record in Yolo County within the last month. Suspicious that stay-at-



Letter 72

72-3  
Cont'd

home recommendations to mitigate COVID-19 might explain the lone record of burrowing owls in Yolo County over the past month, I searched for occurrence records of more common species and found many recent records for them. Birders are still getting out to look for birds. It might be that the sole reason the pair at the project site composes the sole record of burrowing owls in Yolo County this past month is that they are the last pair left. I would be surprised if there are none others somewhere in Yolo County, but regardless this species is at serious risk of extirpation from Yolo County. If steps are not taken immediately to conserve burrowing owls in Yolo County, we will lose the species here. Conservation needs to begin where we still have a pair of burrowing owls, and that is at the site of the proposed project.

72-4

At the project site, I also saw a foraging Swanson's hawk – a California Threatened species. I saw yellow-billed magpies, a U.S. Fish and Wildlife Bird Species of Conservation Concern. This siting was significant because few yellow-billed magpies remain after the arrival of West Nile Virus, which precipitated a >90% decline in the Sacramento Valley (Smallwood and Nakamoto 2009). I found California horned larks (Photos 2 and 3), a species on California's Taxa to Watch List. I also saw many red-winged blackbirds defending breeding territories (Photos 4 and 5), and a pair of snowy egrets (Photo 6), among other species. During brief visits this spring, I detected 30 species of vertebrate wildlife at or adjacent to the project site (Table 1). Seven of these species were special-status species. Multiple species listed in Table 1 displayed evidence of breeding.



Photos 2 and 3. A pair of California horned larks are currently breeding on the project site.

**Letter 72**

**Photo 4.** One of many red-winged blackbirds defending breeding territories across the project site, including in the wheat field.



**Photo 5, left.** Another of many red-winged blackbirds defending breeding territories on the project site.



**Photo 6, right.** A pair of snowy egrets flying over the site of the proposed project in April 2020.



72-4  
Cont'd

72-4  
 Cont'd

**Table 1.** Species of wildlife I observed during 3 spring visits in 2020 at the site of the proposed project.

Species	Scientific name	Status <sup>1</sup>	Note
Mallard	<i>Anas platyrhynchos</i>		
Snowy egret	<i>Egretta thula</i>		
Great egret	<i>Casmerodius albus</i>		
Great blue heron	<i>Ardea herodias</i>		
Red-tailed hawk	<i>Buteo jamaicensis</i>	FGC 3503.5	
Swanson's hawk	<i>Buteo swainsoni</i>	CT, BCC, CDFW 3503.5	
White-tailed kite	<i>Elanus leucurus</i>	CFP, TWL, FGC 3503.5	
American kestrel	<i>Falco sparverius</i>	FGC 3503.5	
Mourning dove	<i>Zenaida macroura</i>		
Rock pigeon	<i>Columba livia</i>	Non-native	Nearby
Eurasian collared-dove	<i>Streptopelia dacaocto</i>	Non-native	
Burrowing owl	<i>Athene cucicularia</i>	BCC, SSC2, CDFW 3503.5	
Northern flicker	<i>Colaptes auratus</i>		
Western kingbird	<i>Tyrannus verticalis</i>		
Say's phoebe	<i>Sayornis saya</i>		
Barn swallow	<i>Hirundo rustica</i>		
Tree swallow	<i>Tachycineta bicolor</i>		
Yellow-billed magpie	<i>Pica nuttalli</i>	BCC	
American crow	<i>Corvus brachyrhynchos</i>		
Common raven	<i>Corvus corax</i>		
American pipit	<i>Anthus rubescens</i>		
European starling	<i>Sturnus vulgaris</i>	Exotic	
Modesto song sparrow	<i>Melospiza melodia</i>	SSC3	
White-crowned sparrow	<i>Zonotrichia leucophrys</i>		
Red-winged blackbird	<i>Agelaius phoeniceus</i>		
House finch	<i>Carpodacus mexicanus</i>		
American goldfinch	<i>Carduelis tristis</i>		
California ground squirrel	<i>Otospermophilus beecheyi</i>		
Black-tailed jackrabbit	<i>Lepus americanus</i>		
Striped skunk	<i>Mephitis mephitis</i>		Roadkill

<sup>1</sup> Listed as CDFW 3503.5 = California Department of Fish and Wildlife Code 3503.5 (Birds of prey), TWL = Taxa to Watch List (Shuford and Gardali 2008).

**BIOLOGICAL IMPACTS ASSESSMENT**

72-5

I identified 54 special-status species of vertebrate wildlife possibly, probably or certainly occurring on the project site (Table 2). Despite intensive agricultural use of the site, it supports a potentially high richness of special-status species. Twenty-one special-status species have been documented on the project site, including 7 of them that I detected there just this spring. And yet, the SEIR addresses only 12 of the 54 species listed in Table 2. The SEIR falls far short of providing the information that decision-makers and

Letter 72

- 72-5  
Cont'd ↑  
the public needs to assess potential environmental impacts and whether the proposed mitigation would be adequate. The SEIR should be revised.
- 72-6  
Of the special-status species of wildlife that are addressed in the SEIR, assessments of potential occurrence likelihoods and project impacts are misleading. For example, the SEIR claims that the site provides no suitable nesting habitat for northern harrier. This conclusion is inaccurate. Northern harriers often nest in grasslands and wheat fields. I have personally found northern harrier nests in these types of environment.
- 72-7  
The SEIR downplays habitat suitability for most bird species based on the claim that the site provides marginal or unsuitable nesting habitat. The premise of these conclusions is that nesting habitat is more important to these species than are foraging, refuge, staging and stopover habitats. This premise is contrived and fallacious. Wildlife habitat is defined by the species' use of the environment, and not on a consultant's nifty categories of type of use that are copied from one environmental review document to the next. Members of no species can successfully breed without having successfully foraged and survived dispersal, migration, stopovers, and all the other places it needs to visit during both the breeding and non-breeding seasons. In other words, the focus on breeding habitat is a contrived means to narrow the environment in which a project can be concluded to cause significant impacts.
- 72-8  
For example, the SEIR concludes that the fringe of the project site provides only marginal breeding habitat for tricolored blackbird, which is now a California Threatened species. I would agree that the site provides marginal breeding substrate, but I have many times watched tricolored blackbirds gathering the food they need – even in the breeding season – in grasslands relatively far from nest sites.
- 72-9  
In a related example, the SEIR concludes nesting habitat is marginal for white-tailed kites because the Fremont cottonwoods used for nesting in the area are young and isolated. But white-tailed kites in our area often nest in isolated trees far from riparian areas (Erichsen et al. 1995), and besides, if white-tailed kites are nesting where they are seen nesting, then human observers are unqualified to declare the site “marginal.” White-tailed kites nest where they nest. And again, wherever the kites are able to nest, the nest will fail if the adults are unable to find sufficient forage. The project site is actively being used to support 3 ongoing nesting attempts in the area. If the site is developed, then Davis will very likely lose 3 of its last breeding territories of white-tailed kites.
- 72-10  
Due to the site's location within an agricultural landscape, Sycamore (2020) concludes American badgers have no potential for occurrence on the project site. However, I have detected badgers on agricultural landscapes throughout the Great Central Valley. Furthermore, the project site supports California ground squirrels, which are the primary prey of American badgers. It might be true that badgers do not use the site, but I would not rule out the species' occurrence potential based on the agricultural nature of the landscape.



Letter 72

**Table 2.** Occurrence likelihoods of vertebrate wildlife species at the project site, and whether reported on eBird (<https://eBird.org>), whether addressed in the SEIR, and whether covered by the Yolo County HCP.

Species	Scientific name	Status <sup>1</sup>	eBird	Occurrence potential	In SEIR?	Covered by HCP?
Pallid bat	<i>Antrozous pallidus</i>	SSC		Possible	Yes	No
Western red bat	<i>Lasiurus blossevillii</i>	SSC		Possible		No
Hoary bat	<i>Lasiurus cinereus</i>	WBWG Mod		Possible		No
Townsend's big-eared bat	<i>Plecotus t. townsendii</i>	SSC		Possible		No
Fringed myotis	<i>Myotis thysanodes</i>	WBWG High		Possible		No
Yuma myotis	<i>Myotis yumanensis</i>	WBWG Low-Mod		Possible		No
American badger	<i>Taxidea taxus</i>	SSC		Possible	Yes	No
Aleutian cackling goose	<i>Branta hutchinsonii leucopareia</i>	TWL	Nearby	Possible		No
Redhead	<i>Aythya americana</i>	SSC <sub>2</sub>	Nearby	Unlikely		No
American white pelican	<i>Pelicanus erythrorhynchos</i>	SSC <sub>1</sub>	Nearby	Overflights		No
Double-crested cormorant	<i>Phalacrocorax auritus</i>	TWL	On site	Overflights		No
Least bittern	<i>Ixobrychus exilis</i>	SSC <sub>2</sub>	Nearby	Unlikely		No
Sandhill crane	<i>Grus Canadensis tabida</i>	CT, CFP	Adjacent	Stopover		No
Long-billed curlew	<i>Numenius americanus</i>	TWL, BCC	Adjacent	Probable		No
Whimbrel	<i>Numenius phaeopus</i>	BCC	Nearby	Possible		No
California gull	<i>Larus californicus</i>	TWL	On site	Certain		No
Turkey vulture	<i>Cathartes aura</i>	FGC 3503.5	On site	Certain		No
Osprey	<i>Pandion haliaetus</i>	TWL, FGC 3503.5	On site	Overflights		No
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA, BCC, CE, CFP	Nearby	Probable		No
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, BCC, CFP	Nearby	Probable		No
Ferruginous hawk	<i>Buteo regalis</i>	BCC, TWL, FGC 3503.5	On site	Certain		No
Red-tailed hawk	<i>Buteo jamaicensis</i>	FGC 3503.5	On site	Certain		No
Red-shouldered hawk	<i>Buteo lineatus</i>	FGC 3503.5	On site	Certain		No
Swainson's hawk	<i>Buteo swainsoni</i>	CT, BCC, FGC 3503.5	On site	Certain	Yes	Yes
Sharp-shinned hawk	<i>Accipiter striatus</i>	FGC 3503.5, TWL	Adjacent	Probable		No
Cooper's hawk	<i>Accipiter cooperi</i>	FGC 3503.5, TWL	On site	Certain		No
Northern harrier	<i>Circus cyaneus</i>	SSC <sub>3</sub> , FGC 3503.5	On site	Certain	Yes	No
White-tailed kite	<i>Elanus leucurus</i>	CFP, TWL, FGC 3503.5	On site	Certain	Yes	Yes
American kestrel	<i>Falco sparverius</i>	FGC 3503.5	On site	Certain		No

**Letter 72**

Species	Scientific name	Status <sup>1</sup>	eBird	Occurrence potential	In SEIR?	Covered by HCP?
Merlin	<i>Falco columbarius</i>	FGC 3503.5, TWL	On site	Certain		No
Prairie falcon	<i>Falco mexicanus</i>	FGC 3503.5, TWL	Adjacent	Probable		No
Peregrine falcon	<i>Falco peregrinus</i>	CE, CFP, BCC, FGC 3503.5	On site	Certain		No
Burrowing owl	<i>Athene cunicularia</i>	BCC, SSC2, FGC 3503.5	On site	Certain	Yes	Yes
Great-horned owl	<i>Bubo virginianus</i>	FGC 3503.5	On site	Certain	Yes	No
Long-eared owl	<i>Asio otus</i>	SSC3	Nearby	Stopover		No
Short-eared owl	<i>Asio flammeus</i>	FGC 3503.5	Nearby	Probable		No
Western screech-owl	<i>Megascops kennicottii</i>	FGC 3503.5	Nearby	Probable		No
Barn owl	<i>Tyto alba</i>	FGC 3503.5	On site	Certain		No
Vaux's swift	<i>Chaetura vauxi</i>	SSC2	Nearby	Probable		No
Lewis's woodpecker	<i>Melanerpes lewis</i>	BCC	Nearby	Possible		No
Nuttall's woodpecker	<i>Picoides nuttallii</i>	BCC	On site	Certain		No
Willow flycatcher	<i>Empidonax traillii</i>	CE	Nearby	Possible		No
Olive-sided flycatcher	<i>Contopus cooperi</i>	SSC2	Nearby	Possible		No
Yellow-billed magpie	<i>Pica nuttalli</i>	BCC	On site	Certain		No
Horned lark	<i>Eremophila alpestris</i>	TWL	On site	Certain		No
Purple martin	<i>Progne subis</i>	SSC2	Nearby	Possible	Yes	No
Oak titmouse	<i>Baeolophus inornatus</i>	BCC	On site	Certain		No
Loggerhead shrike	<i>Lanius ludovicianus</i>	BCC, SSC2	Adjacent	Probable		No
Yellow warbler	<i>Setophaga petechia</i>	SSC2, BCC	Nearby	Possible		No
Yellow-breasted chat	<i>Icteria virens</i>	SSC3	Nearby	Possible		No
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC2	Nearby	Possible	Yes	No
Savannah sparrow	<i>Passerculus sandwichensis</i>	SSC3	On site	Certain		No
Modesto song sparrow	<i>Melospiza melodia</i>	SSC3	Adjacent	Possible	Yes	No
Tricolored blackbird	<i>Agelaius tricolor</i>	CT, BCC	On site	Certain	Yes	Yes
Yellow-headed blackbird	<i>X. xanthocephalus</i>	SSC3	Adjacent	Probable	Yes	No
Lawrence's goldfinch	<i>Spinus lawrencei</i>	BCC	Nearby	Possible		No

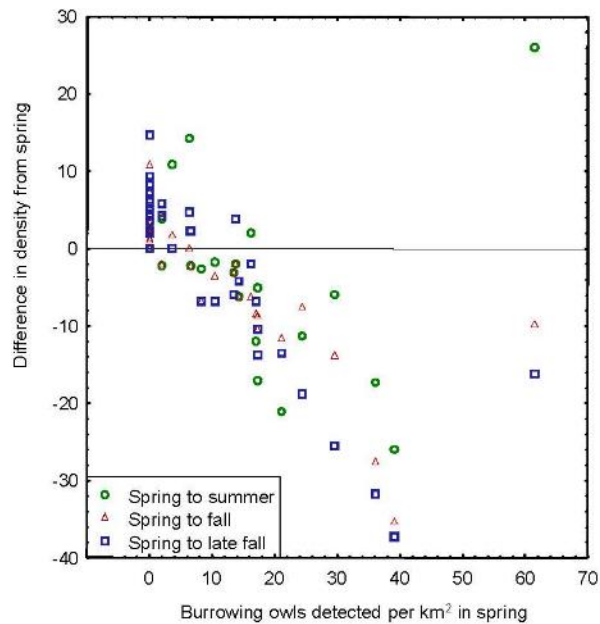
<sup>1</sup> Listed as BGEPA = Bald and Golden Eagle Protection Act; BCC = U.S. Fish and Wildlife Service Bird Species of Conservation Concern; CT & CE = California threatened and endangered; CFP = California Fully Protected (FGC Code 3511); FGC 3503.5 = California Department of Fish and Game Code on Birds of prey; and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, TWL = Taxa to Watch List (Shuford and Gardali 2008); WBWG = priority listing by Western Bat Working Group.

72-11

### Burrowing owl

The surveys performed for burrowing owls, and which are reported on within the SEIR, did not follow the California Department of Fish and Wildlife's survey guidelines (CDFW 2012). According to Sycamore (2012), more surveys were planned through the 2020 breeding season, but whether those surveys were performed and what might have been found is missing from the SEIR. This is important because one of the underlying reasons for the CDFW (2012) survey protocol's survey schedule is the recognition that burrowing owls often reside at fall/winter locations away from where they breed. This pattern can be seen in Figure 1, which shows the change in density among 46 randomized sampling plots during the non-breeding seasons relative to the densities observed in the same plots during the breeding season. The reason for the seasonal shift is likely one or more of the following: (1) escaping parasite loads, (2) escaping predator loads, (3) resting food supplies, or (4) exploiting forage elsewhere during the non-breeding seasons. Where the burrowing owls were found in August or January, as reported in Sycamore (2020), is not necessary where they would be found during the breeding season.

**Figure 1.** Change in burrowing owl density among 46 randomized sampling plots during the non-breeding seasons relative to the densities observed in the same plots during the breeding season, Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, California (K. S. Smallwood unpublished data).



Without the results of burrowing owl surveys that meet the standards of CDFW (2012), the SEIR is incomplete. This is especially important because since the City of Davis certified the EIR for the Mace Ranch Innovation Center, the status of burrowing owls has deteriorated to the point where the project site might support one of the last remaining pair of burrowing owls in Yolo County.

72-12

**Swanson's hawk**

I did not find any results of Swanson's hawk surveys that would have met the minimum standards of CDFG (1994).

72-13

**Potential Effects of Solar Panels on Birds**

The SEIR goes to some length to define levels of solar energy installations, but the only distinctions that are relevant to wildlife impacts are (1) between rooftop (distributed) and industrial-scale installations, and (2) between solar photo-voltaic (PV) and solar thermal (power towers receiving reflected sunlight from arrays of heliostat mirrors, and parabolic mirrors reflecting sunlight onto tubes of fluid within the troughs of the mirrors). I have yet to see evidence that rooftop solar installations cause bird or bat collisions, although I must point out that no studies of wildlife collisions with rooftop solar have been performed. Until such a study is performed, I will remain skeptical that rooftop solar poses significant collision risks to wildlife. Solar projects in industrial settings, however, have proven to kill many birds and a surprisingly large number of bats. The second distinction defined above matters to any impact assessment involving wildlife the mechanisms of fatality differ between solar thermal and solar PV. Furthermore, the evidence so far indicates that solar thermal can cause many more fatalities than does solar PV.

Reports of fatality monitoring at Solar PV projects were kept confidential for years, including those held by California's natural resource agencies. Recently, however, a Public Records Act request resulted in the release of a large number of files including data and fatality monitoring reports. I have been working with the reports and the data to independently estimate fatality rates using comparable metrics. For generation ties (gen-ties), medium voltage overhead power lines, and perimeter fence lines, I express fatality rates as fatalities/km/year. For arrays of solar PV, I express fatality rates as fatalities/MW/year, where MW represents the megawatts of rated energy-generation capacity. For project-level impacts, I add fatality estimates caused by gen-ties, overhead powerlines, fences, and PV arrays, and express the project's fatality rate as fatalities/MW/year and as fatalities/ha/year, where ha represents hectares of the PV solar arrays. With reasonable caution, these metrics can be extended to proposed new projects.

The fatality estimates coming from California solar projects are high, and they do not support the causal factors hypothesized in the SEIR. Most are not located next to lakes or ponds. Some are in natural areas and some are on what were agricultural fields. The primary causal factor for collisions with PV solar projects is the insertion of panels, fencing and wires into airspace normally empty of structures that birds and bats might fly into.

The SEIR concludes that project impacts to wildlife are expected to be minimal. It is unclear what the SEIR means by minimal nor is it clear how this conclusion was arrived at. The SEIR characterizes the solar project as 11.25 MW in size, the panels of which are to be installed at various elevations. If the panels are nearly flush to rooftops, then I



72-13  
Cont'd

would agree that collision impacts to birds would be minimal. If the panels are mounted on frames located on the ground, then I would rely on average fatality rates measured elsewhere projected to the 11.25 MW of proposed solar PV in this project. Another factor would be the extent of any gen-tie or powerlines, which remains unreported in the SEIR.

The average fatality rate I have documented to date at California solar projects is 15 bird fatalities/MW/year. This rate applied to 11.25 MW planned for the project, and assuming all of the capacity is ground-mounted, the impact would be about 169 bird fatalities per year. Most birds in California are protected by Governor Newsom's recent signing of AB 454, which amends California Fish and Game Code section 3513 and enacts California's version of the Migratory Bird Treaty Act. If solar panels are ground-mounted and take 169 birds per year, the impact would be significant.

The SEIR should provide more details about the solar project so that the public and decision-makers know whether the solar panels would be ground-mounted. It also should provide details about the types and lengths of powerlines and gen-ties. For example, if the solar project requires 0.5 miles of lines, then based on the average fatality rate among California solar projects I have reviewed to date, Aggie Research Campus would be expected to kill another 133 birds per year. The total number of collision fatalities based on the above conditions would be 302 per year. That would be a significant impact. The SEIR should be revised to provide more details.

#### MITIGATION

72-14

Only 4 of the 54 special-status species listed in Table 2 are covered by the Yolo County Habitat Conservation Plan. The SEIR claims that payment of HCP mitigation fees for the 4 covered species will also mitigate impacts to the other species considered in the SEIR, but it does not explain how this would happen. Each species has uniquely defined habitat; no two species share the same habitat because a species' habitat is defined by that species' use of the environment (Hall et al. 1997, Morrison et al. 1998). The SEIR's assurance that payment of HCP mitigation fees would mitigate impacts to all special-status species will remain an empty assurance until it explains exactly how the fees will conserve those other species.

72-15

Even for species covered by the HCP, more explanation is needed in the SEIR about how payment of the HCP mitigation fee would actually mitigate project impacts. For example, it needs to be explained how the fee would conserve burrowing owls when the last documented pair of burrowing owls in Yolo County resides on the project site. The HCP's conservation goal is to preserve 2 pairs of burrowing owls, but achieving this goal might prove difficult if the project takes the last pair. (The goal itself is absurdly weak. If only 2 pairs of burrowing owls are conserved, they will not remain conserved for long. Burrowing owls breed in loose colonies composed of about 9 to 16 pairs. When only a few pairs remain, such as was the case in the burrowing owl preserve established after the Mace Ranch population was destroyed, extirpation follows within a few years.)

Letter 72

- 72-16 The SEIR should identify actions already taken by the HCP to conserve special-status species in Yolo County. It should point out where funds have been spent, property protected, and the animals counted on protected habitat. I tried to learn of the effectiveness of the Yolo County HCP by visiting the HCP Conservancy website (<https://www.yolohabitatconservancy.org/>), but I could not find evidence of actual conservation success. The SEIR needs to demonstrate that payment of the HCP mitigation fee translates into actual conservation, or otherwise it ought to formulate a separate mitigation plan.
- 72-17 In the cases of burrowing owl and white-tailed kite, the project would devastate these species in Yolo County. The project could extirpate burrowing owls, and could reduce the remaining white-tailed kites by 20% to 40%, hence leaving the species on the brink of extirpation from the County. Even if the HCP manages to conserve 33,300 acres of habitat per its goal statement, this achievement will mean nothing to burrowing owls and white-tailed kites if these species are already extirpated by the time the goal is achieved. At this point, when the situation is critical for special-status species in Yolo County, relying on the HCP would likely doom these species in Yolo County, and would therefore prevent the HCP from achieving its stated goals.
- 72-18 Project impacts to burrowing owl and white-tailed kite would be more effectively mitigated on-site and very near-site mitigation in the forms of habitat protection and enhancements. If the project goes forward, the most effective mitigation would be to maintain the nest substrates for these species and additionally protecting neighboring fields and also converting those fields to grassland covers. These actions would also benefit the other Yolo County HCP-covered species, because both Swanson's hawks and tricolored blackbirds not only forage in grasslands, but they have been documented foraging right there in the neighborhood of the project site.
- 72-19 Given the estimated numbers of collision fatalities that would result from a ground-mounted solar project along with its powerlines, mitigation should include annual donations to a local wildlife rehabilitation facility. Some collision victims do not die immediately and so should be sent to wildlife rehabilitation facilities for treatment. Even if none of the victims survive, the mitigation would help other birds that were injured by other anthropogenic causes.
- If the project goes forward as planned, fatality monitoring at and around the solar panels and associated infrastructure should be required. Annual reports of monitoring should be made available to the public.

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**Letter 72**

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**LETTER 72: SHAWN SMALLWOOD, PHD**

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**Response to Comment 72-1**

This comment is introductory and primarily presents an overview of the commenter's biological qualifications. The letter contains an extended qualifications section, which does not relate to the Draft SEIR, and is included as Appendix 7 to this Final SEIR.

**Response to Comment 72-2**

Sycamore Environmental did not observe white-tailed kite nests in or near the ARC Project site during numerous field visits and surveys conducted during the breeding season (Draft SEIR Table 3-14). In conducting the general biological surveys and protocol burrowing owl surveys, Sycamore Environmental biologists are actively looking for raptors, including white-tailed kite and their nests. The CDFW 2012 burrowing owl survey protocol includes reporting of potential burrowing owl predators, including white-tailed kite. The locations of the white-tailed kite nests cited by the commenter were not provided and could not be validated by CNDDDB published or unprocessed records or eBird observations. Reported white-tailed kite nests have not been identified within the 0.8-mile foraging range of nesting kites (Yolo HCP/NCCP Appendix A) in those databases. The closest, most recent record of nesting white-tailed kites near the ARC site is from 2014 and is located 1.14 miles west of the site. The record is from CNDDDB unprocessed data and has not yet been evaluated by CDFW senior staff.

Foraging habitat was evaluated in Chapter 3 of the Draft SEIR and was found present on the ARC site for several species, including northern harrier, burrowing owl, Swainson's hawk, white-tailed kite, Modesto song sparrow, mountain plover, and tricolored blackbird. Wintering habitat was evaluated for the Modesto song sparrow. In all cases, ample suitable foraging and wintering habitat (agricultural and ruderal habitat types) exists off-site. Moreover, the ARC Project would be covered by the Yolo HCP/NCCP, and would mitigate impacts to foraging and wintering habitats consistent with that HCP/NCCP.

**Response to Comment 72-3**

The Draft SEIR suggests that more than one pair of burrowing owls are breeding around the project site. The location referenced by the commenter is Site A in Table 3-16 of the Draft SEIR. As noted in the table, Sycamore Environmental observed two owls at Site A in March 2020. Additionally, two owls were observed exhibiting courtship behavior at Site B, along the east side of CR 104, and Site E, along the west side of Mace Boulevard, approximately 100 feet west of the ARC site in an area where artificial burrows were constructed as mitigation for impacts to burrowing owls from the Residence Inn project southwest of the ARC site. As included in Impact 3-18 of the Draft SEIR, eBird observations of juvenile owls at Sites A, B, and E within the last three years indicate as many as three breeding pairs of burrowing owls in the area.

Burrowing owl conservation is being addressed regionally and the project will participate in that regional strategy through the Yolo HCP/NCCP. Cumulative impacts to the regional burrowing owl population are addressed in detail in Impact 3-89 of the Draft SEIR. In short, as a result of the

regional conservation strategy included in the adopted Yolo HCP/NCCP, the Yolo HCP/NCCP EIS/EIR concluded that the impact from future development anticipated in the Plan, which includes the ARC Project and the undeveloped portions of the Mace Triangle (see Table 3-1 of Yolo HCP/NCCP), would have a less-than-significant impact on western burrowing owl (Yolo HCP/NCCP EIS/EIR, pg. 4-61).

#### **Response to Comment 72-4**

The commenter provides background for his comments regarding species that potentially occur on the project site. Please refer to Response to Comment 72-5.

#### **Response to Comment 72-5**

The commenter simply lists species without identifying the species' habitat requirements, behavior during observation, or otherwise describing how these 54 species use/would use the project site. Many eBird records similarly lack detail regarding behavior and habitat use, and may include birds flying over the site. Rather than assembling a list of purported species that may use the site without provide any substantial evidence, the Draft SEIR bases its list of special-status species having a potential to occur on-site on extensive and relevant scientific inquiry, as stated on page 8 of the Biological Resources Evaluation (see Appendix C to the Draft SEIR). According to page 8:

Information on the biology, distribution, taxonomy, legal status, and other aspects of the special-status species was obtained from documents on file in the library of Sycamore Environmental. Standard references used for the biology and taxonomy of plants included Abrams (1923-1960); Baldwin et al. (2012); Hickman, ed. (1993); Mason (1957); and Munz (1959). References pertaining to biological communities include California Department of Fish and Wildlife (CDFW 2019c); Holland (1986); and Sawyer et al. (2009). Standard references used for the biology and taxonomy of wildlife included Behler and King (1979); Ehrlich et al. (1988); Jameson and Peeters (2004); Jennings and Hayes (1994); Mayer and Laudenslayer, eds. (1988); McGinnis (1984); Peterson (1990); Sibley (2003); Stebbins (2003); Udvardy (1977); Verner and Boss (1980); Whitaker (1980); and Zeiner et al. (1988; 1990a,b). On-line references used include, the Jepson eFlora (2020), California Native Plant Society (2020), and Consortium of California Herbaria (CCH 2020).

Lists of CDFW special-status species reviewed included *Special Animals List* (CDFW 2019a), *State and Federally Listed Endangered and Threatened Animals of California* (CDFW 2019b), *Special Vascular Plants, Bryophytes, and Lichens List* (CDFW 2020a), and *State and Federally Listed Endangered, Threatened, and Rare Plants of California* (CDFW 2020b).

A search of the California Natural Diversity Database (CNDDDB, dated 3 January 2020; CDFW 2020c) was conducted for the Davis and 8 adjacent USGS quads to determine known records of special-status species in or near the BSA. A CNDDDB summary report for the nine quads is in Appendix B. Table 2 lists the USGS quads evaluated.

**Table 2. USGS Quads Evaluated for the Aggie Research Campus Project**

Woodland	Grays Bend	Taylor Monument
Merritt	Davis	Sacramento West
Dixon	Saxon	Clarksburg

Sycamore Environmental obtained a list from the U.S. Fish and Wildlife Service Sacramento Field Office that identifies federal-listed species that potentially occur in or could be affected by projects on the Davis USGS quad or by projects in Yolo County (USFWS 2020; Appendix C).

The Biological Resource Evaluation (Appendix C to the Draft SEIR) evaluated special-status species listed as California- or federal-listed Threatened or Endangered (including Candidates for listing), California Fully Protected, or CDFW Species of Special Concern for their potential to occur on the project site. The evaluation considers proximity of known records of those species to the project site (within a nine-quad area surrounding the project site, over 500 square miles), the habitat available on the project site, and the habitat requirements of the species for specific behaviors (e.g. nesting, foraging, denning, wintering, etc.). In addition, as noted in the Certified Final EIR and the Draft SEIR, Sycamore Environmental has conducted numerous site visits and surveys during the appropriate seasons to identify special status species, consistent with the Yolo HCP/NCCP, as well as guidance issued by the USFWS and CDFW. The research and field surveys Sycamore Environmental conducted provide ample support for conclusions in the BRE related to species’ potential to occur on the ARC Project site.

**Response to Comment 72-6**

The ARC site is neither a grassland nor a wheat field. In Section 3.2, page 3-1 of the Draft SEIR, the ARC Project site is described as most recently planted with sunflowers. The City (northern) parcel has been dry farmed. In the Draft SEIR, the Evaluation of Special-Status Species Not Previously Considered (Table 3-13) notes that the site has also been planted recently with tomatoes and corn, neither of which is likely to provide suitable nesting habitat for northern harrier. The agricultural areas are regularly disked, further reducing or eliminating suitable nesting habitat for northern harrier. There are thin strips of weedy grasses present on the ARC Project site, primarily along the Mace Drainage Channel, and along the edges of agricultural fields. These strips of weedy grasses are located adjacent to active farm roads, do not provide adequate cover, and are not suitable nesting habitat for northern harrier.

**Response to Comment 72-7**

Bird species habitat use evaluations are in Table 3-13 of the Draft SEIR and Appendix C, Biological Resources Evaluation, of the Draft SEIR. The evaluation focuses on the threats to specific types of habitat use and/or life stages (e.g. nesting) that resulted in species classification as Species of Special Concern, Threatened, or Endangered, per guidance from CDFW (August

2019 Special Animals List) and Shuford and Gardali 2008. Please refer to response to comment 72-3 above.

### **Response to Comment 72-8**

Sycamore Environmental did not observe nesting tricolored blackbirds during any of the field surveys conducted during the typical bird breeding season (February 1 to August 30; see Table 3-14 of the Draft SEIR for survey dates). Records of nesting colonies within 1,300 feet of the BSA do not exist in the CNDDDB or eBird (Draft SEIR Appendix C).

Please refer to Responses to Comments 72-3 and 72-7. The Draft SEIR also acknowledges the presence of foraging habitat within the vicinity of the ARC site. Given the lack of nesting colonies in the vicinity of the ARC site, the foraging habitat is likely being used by migratory or non-breeding birds.

To ensure avoidance of impacts to tricolored blackbird, the project applicant would be required to obtain coverage under the Yolo HCP/NCCP. Per Mitigation Measure 3-20(b), the applicant would be required to implement AMM-21 to prevent impacts to tricolored blackbird, including its nesting and foraging habitat. In addition, the applicant would be required to pay applicable Yolo HCP/NCCP fees, which would be used by the Yolo Habitat Conservancy to preserve suitable foraging habitat. Ultimately, implementation of the Yolo HCP/NCCP will preserve 16,610 acres of tricolored blackbird foraging habitat (grasslands, cultivated lands/seminatural community), which will offset impacts to tricolored blackbird foraging habitat within the HCP/NCCP area. In issuing its Incidental Take Permit associated with the Yolo HCP/NCCP, CDFW determined that this impact would be less than significant under CEQA.

### **Response to Comment 72-9**

Sycamore Environmental did not observe white-tailed kite nests in or near the ARC site during numerous field visits and surveys conducted during the breeding season. As noted in Table 3-14 of the Draft SEIR, biological surveys were conducted during breeding seasons in June 2015 and August 2019. Other surveys were conducted during the white-tailed kite breeding season (see Yolo HCP/NCCP, p. 4-35) for other purposes, such as targeted burrowing owl surveys, during which nesting white-tailed kites would have been observable. No nesting white-tailed kites were observed during the February and March 2020 burrowing owl surveys.

Literature reviewed from CDFW indicates kites “typically” nest in dense tree stands from 20 to 50 feet above the ground (Draft SEIR Appendix C). The Yolo HCP/NCCP Appendix A (Species Accounts) includes a literature review of WTK biology. Citing Erichsen (1995), the description of nesting habitat states, “Kites will occasionally use isolated trees, but this is relatively rare. Most nests in the Sacramento Valley are found in oak/cottonwood riparian forests, valley oak woodlands, or other groups of trees (page A-59).”

The occurrence of nesting alone does not determine the quality of nesting habitat; instead, frequency and outcome of nesting in habitats of certain types/configurations can and often are used to classify quality of nesting habitat. The Draft SEIR focuses on the *likelihood* of white-tailed kite



individuals nesting in the young, isolated trees on the ARC site, based on existing literature regarding where nests are most often located. Moreover, while considered unlikely, the Draft SEIR does not entirely discount the possibility that white-tailed kites may nest in the trees on-site.

The ARC Project would obtain coverage under the Yolo HCP/NCCP. The Draft SEIR contains Yolo HCP/NCCP AMMs approved by CDFW to protect nesting white-tailed kite if individuals are found within 1,320 feet of the ARC Project area. Per Table 5-2(b) of the HCP/NCCP, injury or mortality of individuals would not occur with application of avoidance and minimization measures.<sup>1</sup>

### **Response to Comment 72-10**

Badgers or evidence of badger are rare in Davis. While a road killed badger was found west of Davis in 1997, urban and suburban development in and around the City of Davis would likely serve as a barrier to badger movement from known populations in the foothills west of Davis to the ARC site. Moreover, CNDDDB does not include any records of badger between Davis and the Sacramento River.

### **Response to Comment 72-11**

The applicant commenced protocol surveys for burrowing owl in January 2020, as shown in Table 3-14. As described on page 3-97, the surveys are ongoing through June 2020 to comply with CDFW 2012 guidelines. The Draft SEIR includes known locations of burrowing owls based upon surveys performed through March 4, 2020. Since March 4, 2020, three additional protocol breeding season burrowing owl surveys have been completed. The additional surveys were performed on April 2, April 24, and May 8, 2020. The additional surveys have not detected any new known locations of burrowing owl. Two more surveys are planned for late May and June. Based on consistent survey results over the 2020 breeding season, it is unlikely that additional breeding burrowing owls will be found during the final two surveys.

The Draft SEIR requires that the applicant comply with Yolo HCP/NCCP AMM-18, which was approved by CDFW to protect occupied burrowing owl burrows. AMM-18 follows CDFW 2012 guidance. Per Table 5-2(b) of the HCP/NCCP, injury or mortality of individuals would not occur with application of AMM-18.<sup>2</sup>

### **Response to Comment 72-12**

The CDFG 1994 Staff Report Regarding Mitigation of Impacts to Swainson's Hawks in the Central Valley of California referenced by the commenter are guidelines, not standards.

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<sup>1</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 5-21 to 5-25]. April 2018.

<sup>2</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 5-21 to 5-25]. April 2018.



Additionally, those guidelines are superseded by the 2018 Yolo HCP/NCCP Avoidance and Minimization Measure 16 (AMM-16) for Swainson's Hawk.

The CDFG 1994 Report included draft mitigation measures for impact to Swainson's hawk nesting and foraging habitat. The 1994 Report was updated in 2004 and included specific reference to requirements for Habitat Conservation Plans (HCPs) implemented beginning 1 January 2005. The 2004 Report included criteria for the type, extent, and quality of the habitat areas conserved for Swainson's hawk established within an HCP planning area. The Yolo HCP/NCCP identifies conservation goals and objectives for Swainson's hawk habitat conservation in Chapter 6.3.4 that were approved by CDFW's Findings of Fact under the California Environmental Quality Act and the Natural Community Conservation Planning Act and Natural Community Conservation Plan Permit (2835-2019-001-02) for the Yolo Natural Community Conservation Plan (January 2019).

The Yolo HCP/NCCP AMM-16 for Swainson's hawk meets the HCP/NCCP conservation objectives (YHC Table 4-1, pg. 4-19). The Draft SEIR requires that the applicant comply with Yolo HCP/NCCP AMM-16. The applicant conducted surveys for potential Swainson's hawk nest trees in accordance with AMM-16. Per AMM-16, suitable nest trees for Swainson's hawk identified within 1,320 ft of the project site will be surveyed for potential nests between March 15 and September 1, within 15 days prior to construction, according to the Swainson's Hawk Technical Advisory Committee 2000 Guidelines. If active nests are found, monitoring of disturbance within a 1,320-ft avoidance buffer by a qualified biologist will be implemented. Per Table 5-2(b) of the HCP/NCCP, injury or mortality of individuals would not occur with application of avoidance and minimization measures.<sup>3</sup> See page 3-106 of the Draft SEIR.

### **Response to Comment 72-13**

It should be noted that the ARC Project currently being considered by the City consists of program level entitlements. At this stage, all structure and building layouts and locations are conceptual; as such, the potential locations identified for solar are also conceptual. In the future, when project-level entitlements are sought from the City, the precise locations of any proposed solar panels will be identified, analyzed and approved by City staff.

Generally speaking, however, based on the ARC Project's conceptual design, the ARC Project could include a maximum of approximately 40 acres of photo-voltaic (PV) solar dispersed throughout site. The ARC Project will not include a solar thermal facility, which, as the commenter notes, likely causes many more collision impacts to birds than PV solar. The ARC Project PV solar would be comprised of approximately 16.5 acres in parking lots/areas (not garages), 4.5 acres within the internal 50 feet of the agricultural buffer, and 20 acres on rooftops. As the commenter notes, "panels that are nearly flush to rooftops will pose minimal risk to collision impacts to birds". In addition, the commenter opines that a primary causal factor of avian collisions is the presence of wires and power lines in airspace normally empty of structures. It should be noted that the electrical lines for the project will be installed underground.

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<sup>3</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 5-21 to 5-25]. April 2018.

### **Response to Comment 72-14**

The Yolo HCP/NCCP is intended to incidentally provide for habitat needs of non-covered native species associated with each of the natural communities through the implementation of three categories of Conservation Measures described in Chapter 6.1 of the Yolo HCP/NCCP. The Measures include establishing a reserve system of natural communities and species habitat, restoring habitats, and managing and enhancing the Reserve System. The Yolo HCP/NCCP is funded primarily with development fees paid by project proponents, based on the land cover/natural community type being impacted by a development project. Yolo HCP/NCCP land cover impact fees are used for acquisition of land to include into the Reserve System according to land cover/natural community type. The Yolo Habitat Conservancy (YHC) coordinates conservation efforts to ensure that preserve lands are selected consistent with a conservation strategy based on biological criteria, including selecting lands that will provide habitat to multiple species and that are located near other protected lands and riparian areas. Furthermore, the comment appears to be more focused on protection of species, not necessarily their habitats. The Draft SEIR includes mitigation measures to ensure preservation of all protected species, not just those covered under the Yolo HCP/NCCP. For example, Mitigation Measure 3-20(c) requires preconstruction surveys, and if detected, subsequent protection of, migratory birds and other raptors, including but not limited to northern harrier, mountain plover, Modesto song sparrow, etc.

Issuing incidental take permits associated with the Yolo HCP/NCCP, CDFW and USFWS HCP/NCCP's conservation strategy – including the payment of development fees – would adequately protect species and their habitats. Moreover, USFWS determined that the Yolo HCP/NCCP would have a beneficial effect on species (under the National Environmental Protection Act), while CDFW found that the Yolo HCP/NCCP would result in less-than-significant impacts to species under CEQA. The YHC consults regularly with CDFW and USFWS to ensure that the Yolo HCP/NCCP is successfully and sustainably implemented.

### **Response to Comment 72-15**

Regarding burrowing owl, please refer to Responses to Comments 72-3 and 72-11 above.

The Yolo HCP/NCCP Plan area supports an estimated 103,853 acres of modeled habitat for burrowing owls, of which covered activities will remove up to 3,172 acres (three percent). Such loss of habitat is not expected to adversely affect the long-term survival and conservation of the species due to the small amount of habitat loss.<sup>4</sup> Moreover, pursuant to incidental take permits issued by USFWS and CDFW, numerous requirements must be satisfied over the 50-year term of the Yolo HCP/NCCP to ensure the permanent protection of habitat for burrowing owls on a regional scale. As mentioned in the Response to Comment 72-14, the HCP/NCCP's mitigation requirements will be funded primarily by the payment of the development fee referenced by the commenter. Such requirements include the following:

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<sup>4</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 5-87 to 5-88]. April 2018.

- At least 4,500 acres of grassland must be protected, and 3,000 of these acres must consist of modeled burrowing owl habitat, with priority given to occupied sites.<sup>5</sup> Grassland is considered primary habitat for burrowing owl. Protecting grassland habitat will help maintain or increase burrowing owl nesting success by maintaining nesting habitat and prey availability necessary to rear and fledge young.<sup>6</sup>
- At least 14,362 acres of non-rice cultivated lands must be protected. Of this acreage, approximately 3,000 acres must be cultivated lands suitable for burrowing owl.<sup>7</sup>
- At least 3,649 acres of cultivated lands on public lands and/or lands already encumbered by existing conservation or agricultural easements were pre-enrolled into the HCP/NCCP's reserve system.
- Maintain a minimum of two active burrowing owl nesting sites within the preserve system, as well as two active nesting sites for each nesting pair displaced by covered activities (or a single owl site for each non-breeding single owl displaced by covered activities).<sup>8</sup>

Any lands acquired and incorporated into the HCP/NCCP preserve system must be managed and enhanced to encourage burrowing owl occupancy. Management practices include maintaining appropriate vegetation height, prohibiting rodenticides, minimizing the spread of invasive weed species, and encouraging the presence of ground squirrels. Enhancement activities include the installation of artificial burrows to augment natural burrows where they are lacking, creating berms as future burrowing sites, and creation of debris piles to enhance prey populations. Such actions are designed to maintain existing populations and encourage the expansion of nesting populations in the Yolo HCP/NCCP area.<sup>9</sup> As a result of this regional conservation strategy, the Yolo HCP/NCCP EIS/EIR concluded that the impact from future development anticipated in the Yolo HCP/NCCP (see Table 3-1 of Yolo HCP/NCCP), including the ARC site and Mace Triangle, would have a less-than-significant impact on burrowing owl (Yolo HCP/NCCP EIS/EIR, pg. 4-61). (See, *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4<sup>th</sup> 1018, 1027-1042, discussing the comprehensive nature of habitat protection under habitat conservation plans and upholding – on ESA, CESA and CEQA grounds – the payment of development fees as part of this comprehensive mitigation strategy.) Moreover, in addition to paying the HCP/NCCP fees and satisfying all applicable requirements of Yolo HCP/NCCP AMM-18, which will prevent injury or mortality of the burrowing owls, the ARC Project is proposing to implement the following measures within the outer, 100-foot wide passive use buffer, all of which would further minimize impacts to burrowing owls:

- Reduce or cluster trees to allow large expanses of grassland within the buffer,

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<sup>5</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 6-62 to 6-63]. April 2018.

<sup>6</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 6-62]. April 2018.

<sup>7</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 6-62 to 6-63]. April 2018.

<sup>8</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 6-62]. April 2018.

<sup>9</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 6-64]. April 2018.

- Implement seasonal mowing, or preferably, stock grazing of grassland areas in the buffer to maintain short grass height preferred by burrowing owls,
- Preserve any California ground squirrels that colonize the buffer grasslands, including their burrows, and
- Establish the three artificial burrow systems currently proposed in the buffer area. The buffer on the north side of the ARC site, east of County Road 104 is a particularly suitable location to establish one or more of the artificial burrows. Nearby, occupied burrowing complexes exist along County Road 104, on the Mace Boulevard curve, and along County Road 30B.

### **Response to Comment 72-16**

As mentioned above, the Yolo NCCP/HCP was analyzed pursuant to NEPA and CEQA and approved by USFWS and CDFW, and such agencies issued incidental take permits (ITPs) in reliance on the HCP/NCCP. The ITPs are conditioned upon the YHC's protection of approximately 33,300 acres of habitat over the 50-year term of the ITPs, funded primarily with development fees paid by project proponents. FWS and CDFW have retained full authority to determine whether HCP/NCCP implementation is proceeding in accordance with the terms and conditions of the issued ITPs. The terms and conditions include, for example:

- Acquisition of land consistent with the HCP/NCCP's Conservation Strategy (see HCP/NCCP, Chapter 6);
- A requirement that land be preserved ahead of habitat effects, so that rough proportionality is maintained between adverse effects on natural communities and conservation measures. The YHC will monitor the status of this "stay ahead" provision throughout the life of the Plan, and the agencies will evaluate the efficacy of this provision on an annual basis (see HCP/NCCP, Section 7.5.3);
- Compliance with the HCP/NCCP's schedule for major implementation tasks (see HCP/NCCP Table 7-1) and key deadlines for HCP/NCCP compliance (see Yolo HCP/NCCP Table 7-2);
- A requirement that project proponents provide land in lieu of paying the HCP/NCCP development fee, in the circumstance where the YHC determines (in consultation with the wildlife agencies) that the HCP/NCCP is at risk of noncompliance with the "stay ahead" provision described above (see Yolo HCP/NCCP, Section 7.5.3.4).

Pursuant to the HCP/NCCP, the associated implementing agreement, the ITPs and applicable federal/State law, the agencies have the ability to modify, suspend or revoke the ITPs if they determine that the YHC and/or the permittees (Yolo County and participating cities) are not in compliance with any of the terms of the ITPs, including protection of habitat. The measures all provide evidence in support of the agencies' determination that issuance of ITPs in reliance on the Yolo HCP/NCCP was consistent with the Federal and State ESAs and the impacts of such issuance would be less-than-significant under CEQA. (See *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4<sup>th</sup> 1018, 1031-1045.)

## Response to Comment 72-17

Regarding burrowing owl, please refer to Responses to Comments 72-3, 72-11, and 72-15.

With respect to white-tailed kite, AMMs were developed in line with HCP coverage requirements, which were designed to achieve NCCP/HCP goals including comprehensive protection of habitat and no injury/mortality to individual owls or white-tailed kites, per Table 5-2(b) of the HCP/NCCP.<sup>10</sup>

The Yolo HCP/NCCP Plan area supports an estimated 268,230 acres of modeled habitat for the white-tailed kite, of which covered activities will remove up to 11,239 acres (four percent). This loss of habitat is not expected to adversely affect the long-term survival and conservation of the species due to the small amount of habitat loss.<sup>11</sup> Moreover, pursuant to incidental take permits issued by the USFWS and CDFW, numerous requirements must be satisfied over the 50-year term of the Yolo HCP/NCCP to ensure the permanent protection of habitat for white-tailed kite on a regional scale. As mentioned in the Response to Comment 72-14, above, the Yolo HCP/NCCP's mitigation requirements will be funded primarily by the payment of the development fee referenced by the commenter. The requirements include the following:

- Protect at least 14,362 acres of unprotected, non-rice cultivated lands and 4,430 acres of unprotected grassland which will provide foraging habitat for white-tailed kite (Objectives NC-CL1.1 and NC-G1.1);<sup>12</sup>
- Maintain or enhance the habitat value of protected cultivated lands and grassland for raptor species (Yolo HCP/NCCP Objectives NC-CL1.4 and NC-G1.2), which will result help maintain or increase the abundance of the native rodent species that provide prey for white-tailed kite;
- Protect at least 2,800 acres of unprotected flooded rice (Yolo HCP/NCCP Objective NC-CL1.2) which may provide stubble during winter for white-tailed kite foraging;
- Protect, manage and enhance 1,600 acres of unprotected valley foothill riparian habitat and maintain/enhance this habitat which will provide nesting habitat for white-tailed kite (Yolo HCP/NCCP Objectives NC-VFR1.1 and NC-VFR1.2);<sup>13</sup>
- Protect at least two white-tailed kite nesting trees (a tree that has been occupied within at least one of the past five years) in the HCP/NCCP reserve system. This would represent 15 percent of the known nest sites in the HCP/NCCP area: a higher density than is typical for white-tailed kite (Yolo HCP/NCCP Objective WTK1.1.)

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<sup>10</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 5-21 to 5-25]. April 2018.

<sup>11</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 5-80]. April 2018.

<sup>12</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 6-58]. April 2018.

<sup>13</sup> Yolo Habitat Conservancy. *Yolo Habitat Conservation Plan/Natural Community Conservation Plan* [pg. 6-59]. April 2018.

Any lands acquired and incorporated into the HCP/NCCP preserve system must be managed and enhanced to encourage white-tailed kite occupancy. As a result of this regional conservation strategy, the Yolo HCP/NCCP EIS/EIR concluded that the impact from future development anticipated in the Yolo HCP/NCCP would have a less-than-significant impact on white-tailed kite (Yolo HCP/NCCP EIS/EIR, pg. 4-60).

### **Response to Comment 72-18**

As described in Chapter 3, page 3-14 of the DSEIR, the project applicant, in consultation with a biological expert, would build three artificial burrow complexes for burrowing owls within the agricultural buffer along the perimeter of the ARC Site. The burrow complexes would be located within the 150-foot wide agricultural buffer, but not within the drainage swales, or the 50-foot wide agricultural transition area, where bike paths, community gardens, and other potential uses could occur. A burrowing owl site management plan would be prepared consistent with applicable portions of Appendices E and F of the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation.

In recognition of the fact that burrowing owls require relatively short vegetation with sparse shrubs and taller vegetation and burrows for nesting, the ARC Project will implement the following measures within the external 100-foot buffer area to ensure that the existing and created habitat within this area will be beneficial for burrowing owls:

- Reduce or cluster trees to allow large expanses of grassland within the buffer,
- Implement seasonal mowing, or preferably, stock grazing of grassland areas in the buffer to maintain short grass height preferred by burrowing owls,
- Preserve any California ground squirrels that colonize the buffer grasslands, including their burrows, and
- Establish the three artificial burrow systems currently proposed in the buffer area. The buffer on the north side of the ARC Site, east of CR 104 is a particularly suitable location to establish one or more of the artificial burrows. Nearby, occupied burrowing complexes exist along CR 104, on the Mace Boulevard curve, and along CR 30B.

Neighboring fields are private property and are not currently owned or controlled by the ARC Project proponents, so the additional near-site mitigation measures suggested by the commenter are not feasible.

The Yolo HCP/NCCP adequately addresses the net benefit of offsite mitigation in the HCP Preserve areas in Chapter 5.6 of the HCP/NCCP document, and conservation objectives for grasslands, including as foraging habitat for burrowing owl, white-tailed kite, Swainson's hawk, and tricolored blackbird, in Chapter 6.4. The issue was subject to a comprehensive analysis in an EIS/EIR that occurred under ESA/CESA and CEQA. CDFW and USFWS approved the HCP/NCCP CEQA and NEPA findings in the EIS/EIR (CDFW 2019, USFWS 2018; respectively).

Moreover, CEQA clearly allows for the preservation of off-site lands as mitigation for impacts to protected species. (See, e.g., *California Native Plant Society v. City of Rancho Cordova* (2009))

172 Cal.App.4th 603, 614-626; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1038.)

**Response to Comment 72-19**

For the reasons discussed in Response to Comment 72-13, the commenter’s suggested mitigation is not warranted. Even in the event that avian mortalities occur, such incidents would be limited and would not trigger the applicable thresholds of significance in the Draft SEIR which hinge upon a project causing a *substantial* adverse effect on special-status species.

Letter 73

**From:** Diane Swann <dswann@comcast.net>  
**Sent:** Monday, April 27, 2020 4:57 PM  
**To:** smetzker@cityofdavis.org  
**Subject:** ARC SEIR public comment

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

Re: Aggie Research Campus Draft Subsequent EIR,

Date: April 27, 2020

I would like to offer the following comments to the Draft SEIR, in regard to the mitigation measures proposed to address the impact to Pedestrian and Bicycle Facilities, (3-75 in table 2-2). I serve on the steering committee for the CR 32A railroad crossing relocation as the Bike Davis representative.

- 73-1** Measure 3-75(b) 1) is a measure to widen CR 32A between CR 105 and the Causeway Bicycle Path to 14-foot travel lanes and 6-foot bicycle lanes. At the west end of this segment of CR32A the road narrows so much that there is insufficient right of way to widen it at all. In 2015 Yolo County applied for a SACOG grant to widen the bike lane only, from four to six feet, but had to limit the grant to 1.46 miles out of the 2-mile distance, due to space constraints at the west end. The application was denied, but for reasons having nothing to do with the space. Widening the road would also be a waste of time and money, given that the three most viable options the engineering firm has detailed for relocating this crossing call for moving it east. If that is done, bicyclists would have the use of the entire road coming from the Old Highway 40 path up to the point where it would intersect with the new road. Beyond that, to the east the plans call for a Class I path along the north side of CR 32A, giving bicyclists the option of a car-free route along this 2-mile segment of CR 32A. With a new road in the preliminary study phase, it does not make sense to put resources into widening the existing CR 32A.
- 73-2** The most appropriate mitigation measure is proposed in 3-75(b) 3), a 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, only it could extend farther to the west as ultimately it would need to, in order to meet the road planned for the new railroad crossing.
- 73-3** Given that it will take a number of years to relocate this crossing and the ARC brings a significant amount of traffic across the existing hazardous railroad crossing and creates significant negative impacts on bicyclists commuting to Sacramento, it would be wise to delay increasing the traffic on CR 32A to a later phase in the project, not in Phase I, as is currently planned.

Thank you for your consideration.

Diane Swann



**LETTER 73: DIANE SWANN**

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**Response to Comment 73-1**

Mitigation Measure 3-75(b) describes modifications to County Road 32A required in order to reduce the increased potential for bicycle-vehicle conflicts on County Road 32A associated with the ARC Project. As referenced by the commenter, one component of this mitigation measure would entail the widening of County Road 32A between County Road 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). As described in Mitigation Measure 3-75(b) implementation of the described improvements, or a set of improvements of equal effectiveness, would improve bicycle facilities on County Road 32A by reducing the potential for bicycle-vehicle conflicts.

Therefore, if physical constraints exist on portions of County Road 32A that would preclude its widening as described, improvements of equal effectiveness would need to be implemented in order to address the associated impact to bicycle facilities. These could include additional traffic calming measures to reduce the speed of vehicles traveling westbound on County Road 32A as they approach the sharp curve, enhanced striping, signage, or other technology to improve the visibility of crossing bicyclists, or other improvements of equal effectiveness. Further, the more substantial modifications to County Road 32A, the existing at-grade rail crossing, and connecting separated bicycle facilities described by the commenter could achieve the intent of the mitigation measure with respect to reducing the potential for bicycle-vehicle conflicts on County Road 32A associated with the ARC Project.

This comment has been forwarded to the decision-makers for their review and consideration.

**Response to Comment 73-2**

At this time, Yolo County, Union Pacific Railroad, and the City of Davis are in the process of developing and reviewing potential reconfiguration alternatives for the existing at-grade rail crossing of County Road 32A. Thus, it would be speculative to modify the extents of the new shared-use path referenced in Mitigation Measure 3-75(b) item 3) based on a potential and yet-to-be determined modification to County Road 32A, the existing at-grade rail crossing, and connecting circulation facilities. The specific extents and configuration of the potential shared-use path referenced in Mitigation Measure 3-75(b) item 3) would consider the reasonably foreseeable configuration of adjoining circulation facilities at the time of the design of the path. This comment has been forwarded to the decision-makers for their review and consideration.

**Response to Comment 73-3**

The comment appears to suggest that somehow project-related vehicles should be prohibited from using County Road 32A. County Road 32A is within the County of Yolo's jurisdiction, and the at-grade crossing is within UPRR's jurisdiction; therefore, the City does not have the authority to impose such a restriction, nor is it desirable from a traffic standpoint. The preferable approach is

to require the applicant to make a good faith effort to work with the County and UPRR to improve the at-grade crossing along County Road 32A, as required by Mitigation Measures 3-70(a).

Letter 74

**From:** Georgina Valencia <georginavalencia@sbcglobal.net>  
**Sent:** Wednesday, March 18, 2020 12:39 PM  
**To:** smetzker@cityofdavis.org  
**Subject:** RE: ARC Public Comment

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Ms. Metzker

I would like to add my comments on ARC, and they are as follows:

Our City needs housing and it needs housing that is affordable for:

1. young families (yf) -we don't have enough children in Davis to keep our schools at capacity.
2. young professionals (yp) - new teachers and faculty and staff coming into our town to work at Davis Schools and UC Davis

74-1

The housing needs to be priced at \$600K and under in order that these 2 overlooked groups (yf, yp) can afford to live in this community.

In addition to housing the City needs business. If we only provide housing and forget about business we will continue to be a bedroom community and that doesn't provide enough tax money for the city to operate.

If this project is to be approved then there are items that should be negotiated for from the builder:

\*deed restricted affordable housing

\*deed restrictions on all homes and business's that require a payment be made to the HTF each time the home or business sells. This was done in N.Natomas and the money was ear marked for additional affordable housing. This payment continues to day to be added to the HTF.

74-2

My biggest concern about ARC is the fact that it isn't contiguous with the community. How the site is integrated and how transportation is associated with this project will be critical. Mace Blvd is already a challenge and this project will certainly add to the traffic. Access to pole line to access hwy 5 and mace blvd for access to hwy 80 will be critical.

Thank you,  
Georgina Valencia  
Cal BRE #01044277  
Phone: (916)802-8044  
[www.georginavalencia.com](http://www.georginavalencia.com)



People will forget what you said.  
People will forget what you did.  
But, people will never forget how you  
made them feel.  
-Maya Angelou

**LETTER 74: GEORGINA VALENCIA**

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**Response to Comment 74-1**

Please refer to Response to Comment 51-3. The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 74-2**

Please refer to Response to Comment 60-1.

**From:** Colin Walsh <colintm@gmail.com>  
**Sent:** Wednesday, April 15, 2020 1:12 PM  
**To:** Planning Commission  
**Subject:** Fwd: ARC project  
**Attachments:** What is Measure R 4.13.2020.pdf

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

Dear Planning Commission Members,  
I am forwarding an email I just sent to the Recreation and Parks Commission.  
The lack of park space in this project is a serious concern about the project. As proposed it just meets the City requirements for the housing component without addressing the Park needs for the almost 6,000 employees, even while the developer notes these employees will be using the parks.

It is my hope the planning commission will help address this significant deficiency of the project.

Best Regards,  
Colin

----- Forwarded message -----

From: **Colin Walsh** <colintm@gmail.com>  
Date: Wed, Apr 15, 2020 at 12:46 PM  
Subject: ARC project  
To: Recreation and Park Commission <[RPC@cityofdavis.org](mailto:RPC@cityofdavis.org)>

Dear Recreation and Park Commissioners,

I am writing to express my serious concerns on a lack of park space in the ARC proposal.

The document from the developer included at the end of the tonights staff report starting at page 34 has the following details (<http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Recreation-and-Park-Commission/Agenda/2020-04-15/Meeting%20Packet/06A%20-%20ARC%20SR%20.pdf>):

- The current ARC proposal only has 12.7 Acres of Parks.
- The developer is required to provide 11.14 acres of parks for the 850 housing units under city code.
- There is no mention of park requirements for the
  - 1,610,000 sf of Office/R&D/Laboratory
  - 884,000 sf of Advanced Manufacturing
  - 100,000 sf of Retail

While it is true the developer is meeting the requirement for parks for the residential housing, there is little park land beyond that for the massive commercial properties. Apparently there is no specific requirement for parks for commercial use in City code, but the Rec and Parks Commission, Planning Commission and City Council can and should require sufficient park space to meet the needs of the proposal. A major new development like this should certainly be asked to include enough park space so other parks in Davis are not negatively impacted. Considering there will be 5,800 employees on site here every day using the parks, it is just going to need more park space.

75-1

**Letter 76**

75-1  
 Cont'd

The developer has specifically stated the ARC parks will be used by business park employees. Page 34 of the staff report also says the main 7.5 acre park "area is envisioned to serve the needs of **ARC sports leagues (i.e., corporate softball)** and other community leagues. The remaining three parks range from 1-acre to 2.5-acres and will primarily serve the needs of the residents and **employees** alike, though all ARC parks will be open to the public."

Clearly if 5,800 employees are going to be using the parks for "corporate softball" or other activities that will be a lot of park use. The configuration of the parks encourages this use by locating mixed use stores and restaurants around the main park and locating the transit terminal in the main park. (A small additional point, the transit terminal is located in the main park and appears to be counted as park land. It is .6 acres.)

By comparison, the previous MRIC business park proposal from the same developer that had no housing in it included 18.7 acres of parks. This can be seen in table 3-3 on page 3-31 of the MRIC EIR. <http://documents.cityofdavis.org/Media/Default/Documents/PDF/CDD/ED/projects/Innovation-Centers/Mace-Ranch/Draft-EIR/3 Project-Description.pdf> it makes no sense that the developer would include more parks in a business only proposal, and then drastically reduce parks in the ARC proposal that has every bit as much space for commercial and adds 850 residences. Notably MRIC project description even had slightly less commercial space.

Land Use	Size
<i>Research; Office; R&amp;D</i>	<i>1,510,000 sf</i>
<i>Manufacturing; Research</i>	<i>884,000 sf</i>
<i>Ancillary Retail</i>	<i>100,000 sf</i>
<i>Hotel/Conference</i>	<i>160,000 sf (150 rooms)</i>
<i>Green Space</i>	<i>64.6 acres</i>
<i>Landscaped Parking</i>	<i>12.6 acres</i>
<i>Transit Plaza</i>	<i>0.6 acres</i>
<b>Total Acres</b>	<b>212 acres</b>
<b>Total square footage</b>	<b>2,654,000 sf</b>

This table is from the MRIC project description can be seen on page 3-20 of this document <http://documents.cityofdavis.org/Media/Default/Documents/PDF/CDD/ED/projects/Innovation-Centers/Mace-Ranch/Draft-EIR/3 Project-Description.pdf>

In conclusion, It makes no sense to increase the intensity of use on the development site, add 850 residences and reduce the park space. The developer envisions parks being used by the 5,800 employees of the commercial tenants, but is only meeting the minimal requirement for parks based on the 850 residences. As a result the proposal has a significant lack of parks to serve the needs of both the residents and the business of ARC.

I recommend requiring the developer to provide significantly more park space as a baseline feature. I am attaching a short document about the history of measure R and Baseline features. It is important that the commission request any aspects of parks that are important to the project as baseline features so there is a guarantee that they will be built.

Finally, I want to draw your attention to a recreation use of the current property that will be lost once this project is built. "The Davis Ditch" is a drainage area popular with the regional skateboard scene and is located in the south east corner of the property. You can read more about it here. <https://www.davisite.org/2020/03/skating-the-davis-ditch.html>

I hope this is helpful. Please feel free to call 310-529-6906 or email me with any questions.

Colin Walsh



## Letter 76

What is Measure R, Citizens' Right to Vote?

Starting in about the mid 1980's Davis went through a period of high turmoil over new development that in many ways has shaped the perception of the City as "anti-growth" today, but looking at what happened at that time it is understandable that there was a popular reaction to rapid expansion without community input. Measure J passed in 2000 is a mechanism to give greater citizen input and provide more predictability for project developers.

In 1984 Developer Frank Ramos and partners proposed a "Davis Technology Center" that would be 94 acres on part of what is now Mace Ranch and unveiled a master plan for a huge 434 acre master plan including an additional 198 acres "research-and-development business park." What ensued is what the City of Davis website describes as a "high-stakes political showdown" ([site](#)). Ramos threatened to develop Mace Ranch without annexing it to the City of Davis (thus denying Davis any tax benefit) if they did not allow his project to move forward as part of the City. With the City Council in a very bad position they ultimately approved the development on a 3 to 2 vote in 1988, but Citizens were upset, and the council's actions were put on the ballot through 2 referenda. Ultimately Mace Ranch was approved on popular vote but only after a tumultuous campaign. (much more about this is available on the [City Website](#))

The 1988 referenda were followed by another drive to stop a large controversial expansion of the City in 1995 when again a citizen's committee launched a referendum this time on the City Council's split decision to approve the 425 acre Wild Horse. This campaign was even uglier, and ended in a near draw and multiple lawsuits, but the project was approved. What the 1988 and 1995 campaigns clearly showed, is there needed to be a better process for Citizens to participate in approving large peripheral developments without the chaotic referendum process.

The City of Davis initiative Measure J was passed in 2000 and then renewed as Measure R in 2010. The title of the initiative is, "CITIZENS' RIGHT TO VOTE ON FUTURE USE OF OPEN SPACE AND AGRICULTURAL LANDS" and it appears in the City of Davis Municipal code at [Article 41.01](#). For the last 20 years the Measure J/R process has replaced after the fact referenda to give Citizens direct input on large peripheral expansion projects.

Generally speaking, this measures J/R require a popular Citywide vote to approve all development's outside of the Davis City limits, or urbanizing agriculture, open space or reserve while also providing mechanisms to assure a required amount of new housing development.

The measure is intended to, "establish a mechanism for direct citizen participation in land use decisions affecting city policies for compact urban form, agricultural land preservation and an adequate housing supply to meet internal city needs, by providing the people of the City of Davis the right to vote, without having to evoke referenda" (41.01.010 (a) 1).

In placing J/R on the ballots the City Council found that "The protection of existing agricultural and open space lands, natural habitats and reserves surrounding the City of Davis, and within the Davis planning area, is of critical importance to the present and future residents of the City of Davis." (41.01.010 (a) 1.)

Since the Citizen's right to vote was enacted in Davis five projects have been considered by Davis voters: Covell Village, Wild Horse Ranch, Nishi 2016, Nishi 2018 and the West Davis Active Adult Community (WDAAC - Now Bretton Woods). Both Nishi 2018 and WDAAC were approved through this process and

**Letter 76**

the developers now have the right to build these projects as long as they stick to the “Baseline project features” they proposed to the voters.

The “Baseline project features” are an important component of measures J/R that describe the project before it is voted on. The features include “recreation facilities, public facilities, significant project design features, sequencing or phasing.” These baseline features give the public assurance as to just what the project is so voters can make an informed decision about supporting the conversion of agricultural or open space lands for urban use. The baseline features “cannot be eliminated, reduced or significantly modified without subsequent voter approval.” (41.01.020 (a)2.A) This assures that what Citizen’s approve, is really what is built.

Anything that is not included in the Baseline features can be changed later without a citizen vote. For example, if something is agreed to in the development agreement between the City and the developer but is not in the Baseline features a 3/2 vote of the council can change it. For example if the baseline features says there will be 15 acres of parks and the development agreement says there will be at least one playground area, the City Council can later vote to remove the playground, as long as they keep the 15 acres of park specified in the baseline.

Baseline features for previous projects have always included how much housing or other structures would be built; what the project would do to provide specifically Affordable housing; how much land will be used for parks; what the project will do to be more environmentally sustainable; and some amount of phasing information.

Phasing is an important part of Baseline Features because it assures timeliness of aspects of a project. For example, Covell Village required developers, “Complete all parks and open spaces within two years of starting each phase.” Nishi 2018 requires, “Construction of backbone infrastructure, including the central street, utility mains, and drainage improvements, may be commenced only after commencement of construction of the grade separated connection to UC Davis at Old Davis Road.”

Roads and transportation infrastructure has also been included in baseline features. For example, WDAAC had extensive specific improvements to Covell Blvd. and details about an onsite transit hub. Covell Village included, “Fund unlimited bus use by assessing Covell Village residents,” as a baseline feature. Nishi included a “a grade-separated crossing of the Union Pacific Railroad,” and other construction is not allowed to start on the project before construction of that crossing is begun.

Projects have promised a wide range of things as part of the baseline features like, new police cars, new fire stations, transit hubs, parking limitations, road improvements outside of the project, a wellness center and civic art to give just a few examples.

Measure R will need to be renewed in November of 2020 to continue giving Citizens the right to vote on future projects and helping Developers avoid the more unpredictable referenda process.



**LETTER 75: COLIN WALSH – APRIL 15, 2020**

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**Response to Comment 75-1**

Although the comment does not address the adequacy of the Draft SEIR, the following is provided for informational purposes. The commenter acknowledges that the project will meet the legal requirements for parkland dedication for its residential uses, but asserts it does not provide sufficient park uses for the 5,800 plus employees generated by its proposed commercial and office uses. Although the original Certified Final EIR calculated parkland impacts based on the Mixed Use Alternative’s residents and employees, the City has reevaluated that analysis and determined that it was inappropriate to include non-residential uses in its parkland dedication requirements. (Draft SEIR, pp. 3-209 to 3-210.) As explained in the Draft SEIR, the City’s parkland dedication requirements only apply to new residential subdivisions.

The City’s parkland dedication standards are based on and are in conformance with the Quimby Act. Under the Quimby Act, the City can impose a parkland dedication requirement of between 3 and 5 acres of parkland per 1,000 residents. Thus, the City’s standard of five acres per 1,000 residents is the maximum allowed under the Quimby Act. Under the Mitigation Fee Act, the City cannot impose additional parkland dedication requirements on the employment-generating uses of this project without adopting a fee program that is supported by a nexus study documenting the required nexus between such uses and parkland impacts. Commenter states that the project employees will generate demand for parks that greatly exceed the acreages provided and will negatively impact other community parks, but no evidence is provided to support the assertions.

A review of business park design standards and best practices in the development of commercial buildings and centers does not support the statement that employees will generate considerable demand for traditional park facilities or create conflicts with current residential use of parks. Primarily, industry standards indicate that incorporation of recreational amenities may be beneficial for the mental health of workers and can improve employee productivity. Common recreational amenities included in commercial centers are landscaped courtyards for break times and eating, walking paths that meander through the center, trails connecting to adjacent open spaces, and bicycle paths for recreation and commuter needs. Private gyms are also commonly included in modern commercial centers for use of the employees.

As discussed in the Draft SEIR, in addition to parks, greenways, and agricultural buffers, the project also includes 11.5 acres of private residential and commercial courts. Commercial courts would primarily be for the use of the employees of the proposed commercial uses. The project also includes 2.75 miles of Class I bike trails and walking paths that traverse and encircle the site. These are the recreational amenities that will serve the vast majority of recreational needs of the employees. The proposed zoning for the site includes “support retail” as a permitted use and specifically identifies “fitness center or gym.” Therefore, the project includes all recreational amenity types that appear to be best practice for commercial centers.

Furthermore, the times at which employees are likely to utilize the onsite or offsite City parks (Monday through Friday before work or during lunch) does not directly conflict with when those facilities are most utilized by the residents (evenings and weekends).

Commenter cites to a staff report for the Recreation and Park Commission indicating that the large park is “envisioned to serve the needs of ARC sports leagues (i.e., corporate softball) and other community leagues.” The comment then concludes that corporate league demand will monopolize park use. However, City staff indicated at that meeting that the City Parks Department would be responsible for scheduling use of any athletic fields located on the project site. As such, corporate leagues will be prevented from monopolizing all use of these facilities which City staff will ensure serve to not only accommodate ARC-related sports but also increase opportunities for existing city athletic leagues.

The recommendation that Council require more park acreage than required, and the reference to use of the “Davis Ditch” by skateboarders, have been forwarded to the decision-makers. It should be noted that the attachment to the letter regarding Measure R, does not address the adequacy of the Draft SEIR and is not responded to in this Final SEIR.

Letter 76

**From:** Colin Walsh <colintm@gmail.com>  
**Sent:** Tuesday, April 21, 2020 10:21 AM  
**To:** Planning Commission  
**Subject:** Suggested ARC DSEIR comment  
**Attachments:** NRC Feb. 24 - 6A.2 Attachment 1\_Sustainability Guiding Principles\_ARC.pdf; Parks April 15 - April 06A - ARC SR Pages 34-35.pdf; BTSSC April 9- ARC - Bike-Access-Offsite-Onsite\_04032020.pdf; BTSSC April 9 - ARC - Transportation Demand Management Plan\_04082020.pdf; Trees April 16 - Agenda-20200416-Tree-Commission pages 38-39.pdf

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

Dear City of Davis Planning Commissioners,

I am writing regarding the ARC Draft Supplemental EIR. Since the release of the DSEIR, the developer has produced several documents to City Commissions that expand on the project description in the EIR. These expansive documents offer new insight and details to the project description in the DSEIR. Since these new details are directly relevant to the analysis conducted in the EIR they should be included in the EIR process. I cordially request that the planning commission submit these documents as part of the formal commission comments on the DSEIR.

The MRIC, now ARC project has had many changes since it was first brought to the city in 2014 and is still vague in many places. Even as the SEIR process has unfolded, and even after the Draft SEIR was produced on March 13, the developer has revealed new aspects of the project, or shown changes or conflicting information. This can be seen in the various documents that have been presented to City of Davis Commissions.

76-1

I am a member of the Tree Commission writing for myself and I have attended every one of the Commission meetings where the developers discussed the documents mentioned below. The developer has represented that these documents are significant commitments and that many of these commitments will be in baseline features and the development agreement for the project. These commitments should not be overlooked in the EIR process.

I am including the following documents that I request the planning commission submit to the EIR process. All these documents were written and produced by the developer and submitted to City of Davis Commissions.

**Bicycle, Transportation and Street Safety Commission**

April 9 meeting

- BTSSC April 9- ARC - Bike-Access-Offsite-Onsite\_04032020
  - This exhibit depicts approximately 1.5 miles of bike path to the west of the ARC project site. These paths are being proposed by the ARC developers to connect the project to the City of Davis.
  - The paths were not included in the project description and have not been considered in the EIR.
  - The document includes additional project description information that should be included in the EIR process.
  - The impact of the construction of these paths and penitential traffic mitigation use will should be evaluated. For example, the biological survey for burrowing owls should be extended to these areas.
- BTSSC April 9 - ARC - Transportation Demand Management Plan\_04082020
  - This 32 page document was presented as a transportation management plan for the ARC Development. Clearly a traffic management plan and its effectiveness are relevant to an EIR. Every aspect of this plan needs to be evaluated as part of the EIR.
  - The document includes additional project description information that should be included in the EIR process.

76-2

**Letter 76**

76-3

**Natural Resource Commission**

February 24 meeting

- NRC Feb. 24 - 6A.2 Attachment 1\_Sustainability Guiding Principles\_ARC The ARC developers submitted this document containing the Environmental Sustainability Guiding Principals for the ARC project.
  - This four-page document has extensive information relevant to the EIR and it should be evaluated as part of the EIR.

76-4

**Recreation and Parks Commission**

April 15 meeting

- Parks April 15 - April 06A - ARC SR pages 34-35
  - This document contains the "Aggie Research Campus – Recreation and Parks Commitments" these commitments should be evaluated as part of the EIR.
  - These 2 pages were included in the packet presented to the Park Commission and was pages 34-35 of the agenda packet.◦ The document includes additional project description information that should be included in the EIR process.

76-4

**Tree Commission**

April 16 meeting

- Trees April 16 - Agenda-20200416-Tree-Commission pages 38-39
  - This "Tree Commitment" document was presented to the Tree Commission on April 16 and was pages 28-29 of the agenda
  - The document includes additional project description information (for example that 1,000 trees will be planted), that should be included in the EIR process.

76-5

Since these are clearly important and revealing documents that add to the ARC project description, I request that the planning commission submit a comment on the draft SEIR that includes these important documents requesting they be evaluated in the EIR process.

Thank you for your consideration.

Sincerely,

Colin Walsh

Additional attachments submitted by Colin Walsh are included as Appendix 8 to this Final SEIR.

**LETTER 76: COLIN WALSH– APRIL 21, 2020**

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**Response to Comment 76-1**

The description of a project subject to CEQA review must include the whole of an action that may result in either a direct physical environmental change or a reasonably foreseeable indirect change. (CEQA Guidelines Section 15378). To the extent that the project applicant has submitted additional materials since the release of the Draft SEIR aimed in part to provide greater detail regarding some of the project’s features, neither the project description, nor the environmental analysis of it, is rendered inadequate. The additional project information referenced by the commenter will be discussed in Responses to Comments 76-2 to 76-6. Suffice it to say that the lack of having this information during the preparation of the Draft SEIR did not limit the scope of environmental review by artificially narrowing the project description, thus minimizing the project’s impacts.<sup>14</sup> This information either provides more specificity regarding on-site features or preliminary information regarding how the applicant intends to comply with some of the SEIR mitigation measures (e.g., submittal of a preliminary TDM).

The one exception to note is the potential inclusion of a Class I bike/pedestrian path along the southern boundary of the property inside the Mace Curve, which would provide a safe route from the proposed ARC grade-separated crossing to Harper Junior High School and surrounding neighborhood. While this potential project feature would increase connectivity between the project and surrounding community features, it would be located on land that could be suitable for burrowing owl. A portion of this potential trail has already been surveyed for burrowing owl, as shown in Figure 3-13 of the Draft SEIR, with no reported detections. Should such a feature become part of a future phase of the project, the applicant would be required to obtain coverage under the Yolo HCP/NCCP and implement avoidance of minimization measures prior to construction. These requirements are already set forth in the Draft SEIR, but clarification is necessary regarding this potential project component. As a result, Impact 3-18, page 3-102 of the Draft SEIR is hereby clarified as follows:

Conclusion

Suitable burrowing owl habitat exists within the ARC BSA and Stormwater BSA. Impacts 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 project description section of this SEIR. In addition, the Urban Ruderal land cover type on the Mace Triangle Site (9.46 acres) is considered burrowing owl habitat. The potential Class I trail along the inside of the Mace Curve property, intended to provide a safe route connection between the Junior High School and surrounding neighborhood and the ARC grade-separated crossing, could also be suitable for burrowing owl. ARC Project and Mace Triangle impacts to burrowing owl habitat would be addressed through the applicant’s payment of the Land Cover fees for the impacted acreage where suitable habitat exists, as determined by the Yolo HCP/NCCP.

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<sup>14</sup> Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition* [pg. 12-8]. March 2020.

It is also noted that because the ARC Project would consist of a reduced development footprint, as compared to the proposed project, due to exclusion of the City's 25-acre property from the development footprint, the amount of burrowing owl habitat impacted by the ARC Project would be less than the MRIC Project. As previously discussed, the applicant proposes to use 6.8 acres on the City's 25-acre property as agricultural buffer. A portion of this 6.8-acre buffer area could be considered impacted acreage, thus, requiring land cover fees per the Yolo HCP/NCCP. Mitigation measures would be required for both the MRIC Project and the ARC Project in order to protect burrowing owl.

Overall, impacts related to burrowing owl under the ARC Project would be *less-than-significant* with mitigation.

The above modification to the Draft SEIR analysis does not change the conclusion of Impact 3-18 regarding burrowing owl, and the associated mitigation measures, requiring compliance with the Yolo HCP/NCCP, including implementation of avoidance of minimization measures and payment of land cover fees for impacted habitat, would continue to reduce the project's impact to a less-than-significant level.

### **Response to Comment 76-2**

The proposed TDM plan submitted by the applicant was intended for informational purposes to illustrate possible options and was not intended to be the final plan used to obtain building permits for the project. Therefore, no further analysis of the draft TDM plan is required at this time. If and when a future development proposal on the project site requires its initial building permits, the applicant would submit a TDM program for the project or a portion thereof, which would then be reviewed by City staff for consistency with Mitigation Measures 3-72(a) and (b). It warrants noting that several subsequent discretionary entitlements are required prior to such time.

### **Response to Comment 76-3**

The applicant's Environmental Sustainability Guiding Principles for the ARC Project provide some, though not in all instances, new information regarding the applicant's approach to reducing project impacts identified in the Draft SEIR, in accordance with mitigation requirements. Such an example of new information would be the applicant's commitment to maximizing clean energy production onsite and to implementing a program within the project to ensure that all structures consume 100 percent renewable electricity. While this was not accounted for in the GHG emissions analysis performed in the Draft SEIR, the lack of such details did not result in an analysis that inappropriately minimized the project's impacts, thus undermining public review. The opposite would be true in that this commitment would reduce the emissions estimate provided in the SEIR in accordance with mitigation measure requirements. For example, Mitigation Measure 3-38 regarding GHG, includes, among other available measures to reduce GHG emissions, that the applicant incorporate on-site renewable energy beyond the level anticipated in the SEIR analysis. The SEIR analysis assumed that the applicant would include on-site renewable energy generation sufficient to meet 50 percent of the project's electricity demand, whereas the applicant is now committing to 100 percent. There is nothing in CEQA that bars an applicant from advancing towards intended strategies to comply with mitigation measures included in the project environmental document. At the very least, it shows the applicant's commitment to the CEQA process and its intent. Such is also the case for the

applicant's identified commitment to implement an electric shuttle service during Phase 1, running weekdays from the AM to PM peaks, connecting the ARC to UCD and the Amtrak station. This would serve to reduce vehicle trips and VMT, compared to what was analyzed in the Draft SEIR; thus, not accounting for the shuttle in the Draft SEIR would not minimize the project's impacts and undermine public review of project impacts.

The Sustainability Guiding Principles document also references a TDM plan. Please see above Response to Comment 76-3.

**Response to Comment 76-4**

Much of the parks, recreation, open and gathering area information provided by the applicant and referenced by the commenter is already available in the Draft SEIR (e.g., see page 3-12). To the extent the information is new, it has no bearing on the adequacy of the environmental analysis, as this information pertains to on-site amenities.

**Response to Comment 76-5**

It is unclear why the commenter believes the inclusion of 1,000 on-site trees should have been evaluated in the Draft SEIR. The Draft SEIR identifies that the project would include 49.2 acres of green space, which provides ample opportunities for tree plantings. In addition, the City has parking lot and street tree shading requirements that must be met. The specific commitment to plant a minimum of 1,000 trees is a project feature that does not require analysis in the Draft SEIR.

**Response to Comment 76-6**

Please see responses to the foregoing comments in Letter 76. The comment has been forwarded to the decision-makers for their consideration.



**From:** Colin Walsh <colintm@gmail.com>  
**Sent:** Monday, April 27, 2020 2:19 PM  
**To:** Zoe Mirabile; Sherri Metzker  
**Cc:** City Council Members; Mike Webb; Ashley Feeney; Anne Ternus-Bellamy  
**Subject:** ARC SEIR

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

Zoe and Sheri,

There are documents missing from the City of Davis website and their absence is preventing me from completing my comments on the ARC Draft Subsequent EIR as a result, I request you extend the deadline for comment submissions.

I am looking for the City Council meeting minutes from November 19, 2013. They are missing from the City website. Additionally, the city council video for this meeting is missing the relevant portion of the video with council deliberation and voting on the Leland Ranch Property. The fact that both places where information about the council decision relating to the Leland ranch property and Mace 25 are missing from the City website is very significant.

Since the Mace 25 property that is included in the ARC Draft Subsequent EIR was discussed at this meeting and may or may not have been protected by easements during this meeting it is directly relevant for the ARC Draft Subsequent EIR which has comments do today by 5PM. It is also relevant what direction the Council may have given staff relating to Mace 25 if it was split from the rest of the Leland Ranch properties. Further, it is impossible to determine what actions the Council directed staff to take on Mace 25. The Leland Ranch property and and the parcel known as Mace 25 was discussed and the subject of Nov 19, 2013 Council meeting, Council direction and decision during that meeting. Some of this property is included in the DSEIR or is immediately adjacent. The decisions about these properties have direct implications for the ARC DSEIR and the public must have access to these decisions to adequately comment on the EIR.

If you can not provide the Minutes and missing council video within a timely way today and publicly post them allowing myself and others time to comment on the DSEIR. I request you extend the deadline for comments on the ARC DSEIR

This is an image of the City website demonstrating that the minutes are missing.

#### 2013

- [Minutes 2013-01-15 City Council Meeting](#)
- [Minutes 2013-01-29 City Council Meeting](#)
- [Minutes 2013-02-05 City Council Meeting](#)
- [Minutes 2013-02-12 City Council Meeting](#)
- [Minutes 2013-02-26 City Council Meeting](#)
- [Minutes 2013-03-05 City Council Meeting](#)
- [Minutes 2013-03-19 City Council Meeting](#)
- [Minutes 2013-03-26 City Council Meeting](#)
- [Minutes 2013-04-09 City Council Meeting](#)
- [Minutes 2013-04-23 City Council Meeting](#)
- [Minutes 2013-04-30 City Council Meeting](#)
- [Minutes 2013-05-21 City Council Meeting](#)
- [Minutes 2013-05-28 City Council Meeting](#)
- [Minutes 2013-06-11 City Council Meeting](#)
- [Minutes 2013-06-25 City Council Meeting](#)
- [Minutes 2013-07-02 City Council Meeting](#)
- [Minutes 2013-07-09 City Council Meeting](#)
- [Minutes 2013-09-24 City Council Meeting](#)
- [Minutes 2013-10-01 City Council Meeting](#)
- [Minutes 2013-11-12 City Council Meeting](#)

77-1

**Letter 77**

**77-1  
Cont'd**

The video of the November 19th Council meeting posted on the City website cuts 2:26:04 during the public comment period on the Leland Ranch property and picks up at an intermission before the next agenda item. All council discussion and any possible vote on the Leland Ranch property and Mace 25 are missing.

It is very unusual that multiple sources of information about the same council decision would go missing. Especially considering a portion of a video appears to have been removed. In light of these very unusual circumstances, it is only proper for the city to extend the deadline for comment on the ARC DSEIR.

Please advise me as soon as possible since this missing material from the city website directly inhibits my ability to complete my comments on the ARC DSEIR.

Sincerely,  
Colin Walsh

**LETTER 77: COLIN WALSH – APRIL 27, 2020**

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**Response to Comment 77-1**

The comment does not address the adequacy of the Draft SEIR, but rather pertains to information that the commenter requested from the City regarding the history of the City’s 25-acre parcel and whether protected easements were placed on the property. This question is unrelated to the Draft SEIR analysis which appropriately focuses on the project’s potential physical environmental impacts to the environment. To the extent that the ARC Project might impact the 6.8-acre easement on the City Parcel for construction of an agricultural buffer, these impacts are addressed throughout the Draft SEIR.

**Letter 78**

**ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh**

**Comments on the Aggie Research Campus Draft Supplemental Environmental Impact report**

**Submitted By Colin Walsh**

**April 27<sup>th</sup>, 2020**

Pleas accept these comments on the ARC Business Park EIR.

These comments are partial, and I was unable to complete analysis of the ARC SEIR for the following reasons.

**78-1**

1) Documents are missing from the City website for the November 19, 2013 (See exhibit A). These documents directly relate to the City property included in the ARC project proposal and are essential background information to be able to adequately comment on the draft SEIR. This can be seen as discussed in item 6 in Exhibit B, the agenda from this meeting. Further Exhibit C the staff presentation from the Nov. 19, 2013 meeting demonstrates that a range of options were considered but does not show what was decided. Without the video and minutes, it can not be determined what the council directed staff to do, this must be resolved before any part of Mace 25 is used in the project. The deliberations of the Council from the Nov 19, 2013 meeting must be considered in evaluating the project description and the DSEIR.

**78-2**

2) It was impossible to tell from the available documents what takes precedence when dealing with the old certified EIR and the new draft SEIR. Do mitigation programs in the old EIR still apply? Is ALL the old analysis considered superseded or only some of it? If so what part?

**78-3**

3) Do to the COVID-19 Emergencies impacts on me and my family it was challenging to do a proper analysis such as I did for the Scoping period, or even to follow up on my scoping comments properly.

4) Do to many City of Davis Commission cancellations stemming from COVID-19, and then the subsequent compaction of commission meetings into a very short time frame it was nearly impossible to stay abreast of considerations relating to the ARC Project.

5) Do to the cancellation of school on the very same day the draft SEIR was released and subsequent child care and home schooling it was very challenging to do proper analysis of the Draft SEIR.

**Letter 78**

**ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh**

**Table of Contents**

- I. New Documents Released by Developer Must Be Evaluated**
- II. Planning Commission Comment Transcripts**
- III. Inadequate Park Space Impacts**
- IV. Housing**
- V. Mace 25**
- VI. Open Space Comments**
- VII. Alternatives**
- VIII. Other Comments**

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-4

## I. New Documents Released by Developer Must Be Evaluated

The ARC developer has produced several documents to City Commissions that expand on the project description in the DSEIR. These expansive documents offer new insight and details to the project description in the DSEIR. Since these new details are directly relevant to the analysis conducted in the EIR they should be included in the EIR process. I cordially request that these documents be analyzed as part of the EIR.

The MRIC, now ARC project has had many changes since it was first brought to the city in 2014 and is still vague in many places. Even as the SEIR process has unfolded, and even after the Draft SEIR was produced on March 13, the developer has revealed new aspects of the project, or shown changes or conflicting information. Many of these documents will impact the analysis of the EIR. This can be seen in the various documents that have been presented to City of Davis Commissions and have been added to the City website.

I am a member of the Tree Commission writing for myself and I have attended every one of the Commission meetings where the developers discussed the documents mentioned below. The developer has represented that these documents are significant commitments and that many of these commitments will be in baseline features and the development agreement for the project. These commitments should not be overlooked in the EIR process.

I am including the following documents that I request the planning commission submit to the EIR process. All these documents were written and produced by the developer and submitted to City of Davis Commissions.

### **Bicycle, Transportation and Street Safety Commission**

April 9 meeting

- **Exhibit 1**  
**BTSSC April 9- ARC - Bike-Access-Offsite-Onsite\_04032020**
  - This exhibit depicts approximately 1.5 miles of bike path to the west of the ARC project site. These paths are being proposed by the ARC developers to connect the project to the City of Davis.
  - The paths were not included in the project description and have not been considered in the EIR.
  - The document includes additional project description information that should be included in the EIR process.
  - The impact of the construction of these paths and penitential traffic mitigation use must be evaluated. For example, the biological survey for burrowing owls and other flora and fauna should be extended to these areas.
  - The potential use of these paths on Traffic must be considered.
  - Additionally, it was revealed during the tree commission meeting on April 15, 2020 that these paths will have 0% canopy coverage. This will reduce bicycle use during the summer. That must be considered when use of these paths are analyzed.
- **Exhibit 2**  
**BTSSC April 9 - ARC - Biking Distances\_Figure\_04012020**

Letter 78

78-4 Cont'd	<p><b>ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh</b></p> <ul style="list-style-type: none"> <li>○ This document shows distances to local schools, shopping and other notable landmarks. It should be considered as part of the traffic analysis.</li> </ul>
78-5	<ul style="list-style-type: none"> <li>• <b>Exhibit 3</b>  <b>BTSSC April 9 - ARC - Transportation Demand Management Plan_04082020</b> <ul style="list-style-type: none"> <li>○ This 32 page document was presented as a transportation management plan for the ARC Development. Clearly a traffic management plan and its effectiveness are relevant to an EIR. Every aspect of this plan needs to be evaluated as part of the EIR.</li> <li>○ This document reveals that the developer plan on doing significantly less than recommended in the SEIR and therefore the traffic and greenhouse gas emissions must be reevaluated with a scenario that this is the only traffic mitigation measures taken. This is after all the document presented by the developer themselves. The EIR must consider that what is included in the transportation management document is the only measures the developer will be taking to manage transportation impacts.</li> <li>○ The document includes additional project description information that should be included in the EIR process.</li> </ul> </li> </ul>
78-6	<p><b>Natural Resource Commission</b>                  February 24 meeting</p> <ul style="list-style-type: none"> <li>• <b>Exhibit 4</b>  <b>NRC Feb. 24 - 6A.2 Attachment 1_Sustainability Guiding Principles_ARC</b> <ul style="list-style-type: none"> <li>○ The ARC developers submitted this document containing the Environmental Sustainability Guiding Principals for the ARC project.</li> <li>○ This four-page document has extensive information relevant to the EIR and it should be evaluated as part of the EIR.</li> <li>○ The EIR must consider that these are the only mitigations that the developer will undertake for environmental impact since this developer created document is the only commitment it was willing to make to the NRC.</li> </ul> </li> </ul>
78-7	<p><b>Recreation and Parks Commission</b>                  April 15 meeting</p> <ul style="list-style-type: none"> <li>• <b>Exhibit 5</b>  <b>Parks April 15 - April 06A - ARC SR pages 34-35</b> <ul style="list-style-type: none"> <li>○ This document contains the "Aggie Research Campus – Recreation and Parks Commitments" these commitments should be evaluated as part of the EIR.</li> <li>○ These 2 pages were included in the packet presented to the Park Commission and was pages 34-35 of the agenda packet.</li> <li>○ The document includes additional project description information that should be included in the EIR process.</li> </ul> </li> </ul>
78-8	<p><b>Tree Commission</b>                  April 16 meeting</p>

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-8  
Cont'd

- **Exhibit 6**  
**Trees April 16 - Agenda-20200416-Tree-Commission pages 38-39**
  - This "Tree Commitment" document was presented to the Tree Commission on April 16 and was pages 28-29 of the agenda
  - The document includes additional project description information (for example that 1,000 trees will be planted), that should be included in the EIR process.

## II. Planning Commission Comment Transcripts

The City of Davis planning commission has addressed the ARC Business park at 2 meetings.

I am attaching transcripts for both of these meetings. All commissioner comments need to be addressed in full from both meetings.

78-9

- **Exhibit 7**  
**Planning Commission ARC Workshop February 26, 2020**
  - In this workshop format meeting the planning commissioners offered significant critical input on the project. All planning commissioner input from this meeting should be analyzed as part of the EIR.
  - I am formally submitting all of the planning commissions discussion of the ARC project as my own. All comments in these transcripts for the SEIR must be considered.
  - Public commenters appeared at this commission meeting. All of the public needs to be considered as part of the SEIR.
  - It was announced at this meeting that all comments would be included in the EIR analysis.
  - I am formally submitting all of the public comments from this planning commission meeting as my own as part of my comments for the SEIR.

78-10

- **Exhibit 8**  
**Planning Commission Comments April 22, 2020**
  - In this planning commission meeting offered significant critical input on the project, and specific EIR comments. All planning commissioner input from this meeting must be analyzed as part of the EIR.
  - This full and complete transcript of the meeting needs to be analyzed in the EIR instead of a staff summary, because these are the actual comments from the planning commissioners as they wish to have them submitted
  - I am formally submitting all of the planning commissions discussion of the ARC project in this meeting as my own, as part of my comments for the SEIR.
  - Public commenters appeared at this commission meeting. All of the public needs to be considered as part of the SEIR. It was announced at the meeting that all public comment submitted at this meeting would be considered as part of the SEIR.
  - I am formally submitting all of the public comments from this planning commission meeting as my own, as part of my comments for the SEIR.



ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

### III. Inadequate Park Space

- The current ARC proposal only has 12.7 Acres of Parks.
- The developer is required to provide 11.14 acres of parks for the 850 housing units under city code.
- There is no mention of park requirements for the
  - 1,610,000 sf of Office/R&D/Laboratory
  - 884,000 sf of Advanced Manufacturing
  - 100,000 sf of Retail

78-11

While it is true the developer is meeting the minimum legal requirement for parks for the residential housing, there is little park land beyond that for the massive commercial properties. Apparently there is no specific requirement for parks for commercial use in City code, but the Rec and Parks Commission, Planning Commission and City Council can and should require sufficient park space to meet the needs of the proposal. A major new development like this should certainly be asked to include enough park space so other parks in Davis are not negatively impacted. Considering there will be 5,800 employees on site here every day using the parks, it is just going to need more park space.

Inadequate park space for the demand in the development, this will have significant impact on other area parks. The impact on these other parks must be considered in the EIR.

Inadequate park space in the development will cause people to drive to other parks to meet their recreation need. These additional vehicle trips need to be considered in the traffic analysis

The developer has specifically stated the ARC parks will be used by business park employees. Page 34 of the April 15 staff report (exhibit 5) for Parks also says the main 7.5 acre park "area is envisioned to serve the needs of **ARC sports leagues (i.e., corporate softball)** and other community leagues. The remaining three parks range from 1-acre to 2.5-acres and will primarily serve the needs of the residents and **employees** alike, though all ARC parks will be open to the public."

Clearly if 5,800 employees are going to be using the parks for "corporate softball" or other activities that will be a lot of park use. The configuration of the parks encourages this use by locating mixed use stores and restaurants around the main park and locating the transit terminal in the main park. (A small additional point, the transit terminal is located in the main park and appears to be counted as park land. It is .6 acres.)

Heavy corporate commercial and transit use of the main park in the project will drive residents to seek other park opportunities for their families, and because this project is located .5 miles from the nearest park with a playground that will likely mean driving for

78-11  
 Cont'd

**ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh**

many families with small kids. This additional transit needs to be analyzed in the EIR. This additional use of Davis parks needs to be evaluated.

Corporate sport leagues for a business park with nearly 6,000 employees will monopolize park space in the arc forcing children's teams to use other parks in Davbis. This additional transit needs to be evaluated in the EIR

The parks in ARC are likely insufficient for corporate needs, so it would be expected that corporate and adult needs will need to use other parks in Davis. These additional impacts to the parks needs to be evaluated in the EIR. This includes both the impacts to other Davis Parks but also the transit to and from these other parks. The same is true for corporate events.

By comparison, the previous MRIC business park proposal from the same developer that had no housing in it included 18.7 acres of parks. This can be seen in table 3-3 on page 3-31 of the MRIC EIR.

[http://documents.cityofdavis.org/Media/Default/Documents/PDF/CDD/ED/projects/Innovation-Centers/Mace-Ranch/Draft-EIR/3\\_Project-Description.pdf](http://documents.cityofdavis.org/Media/Default/Documents/PDF/CDD/ED/projects/Innovation-Centers/Mace-Ranch/Draft-EIR/3_Project-Description.pdf) it makes no sense that the developer would include more parks in a business only proposal, and then drastically reduce parks in the ARC proposal that has every bit as much space for commercial and adds 850 residences. Notably MRIC project description even had slightly less commercial space. The New EIR does not directly address the reduction of park space and its impacts. These need to be more thoroughly evaluated in the EIR.

This table is from the MRIC project description can be seen on page 3-20 of this document

<b>Land Use</b>	<b>Size</b>
<i>Research; Office; R&amp;D</i>	<i>1,510,000 sf</i>
<i>Manufacturing; Research</i>	<i>884,000 sf</i>
<i>Ancillary Retail</i>	<i>100,000 sf</i>
<i>Hotel/Conference</i>	<i>160,000 sf (150 rooms)</i>
<i>Green Space</i>	<i>64.6 acres</i>
<i>Landscaped Parking</i>	<i>12.6 acres</i>
<i>Transit Plaza</i>	<i>0.6 acres</i>
<b>Total Acres</b>	<b>212 acres</b>
<b>Total square footage</b>	<b>2,654,000 sf</b>

[http://documents.cityofdavis.org/Media/Default/Documents/PDF/CDD/ED/projects/Innovation-Centers/Mace-Ranch/Draft-EIR/3\\_Project-Description.pdf](http://documents.cityofdavis.org/Media/Default/Documents/PDF/CDD/ED/projects/Innovation-Centers/Mace-Ranch/Draft-EIR/3_Project-Description.pdf)

**Letter 78**

**ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh**

**78-11  
Cont'd**

In conclusion, It makes no sense to increase the intensity of use on the development site, add 850 residences and reduce the park space. The developer envisions parks being used by the 5,800 employees of the commercial tenants, but is only meeting the minimal requirement for parks based on the 850 residences. As a result the proposal has a significant lack of parks to serve the needs of both the residents and the business of ARC. This lacer

As noted above, this lack of park space will stress other Davis parks and that needs to be evaluated in the EIR.

I recommend requiring the developer to provide significantly more park space as a baseline feature. I am attaching a short document about the history of measure R and Baseline features. It is important that the commission request any aspects of parks that are important to the project as baseline features so there is a guarantee that they will be built.

Finally, I want to draw your attention to a recreation use of the current property that will be lost once this project is built. "The Davis Ditch" is a drainage area popular with the regional skateboard scene and is located in the south east corner of the property. You can read more about it here. <https://www.davisite.org/2020/03/skating-the-davis-ditch.html>

I hope this is helpful. Please feel free to call 310-529-6906 or email me with any questions.

**78-12**

## **IV Housing**

- **Exhibit 9  
Millstein Letter April 25,2020**
  - I am submitting this email from Millstein to the Rec and Park Commission as my own comments on the Draft SEIR.
  - Ms. Milstein accurately points out that the Developer is doable counting open space land in submissions to the Rec and Park Commission.
  - This is also true of the Draft SEIR. All comments in this letter should also be applied to the SEIR documents.
  - An alternative EIR needs to be prepared where no double counting is done.

**60% of the 850 housing units must have at least one employee**

**ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh**

78-12  
Cont'd

On September 19, 2017, the City Council adopted Resolution 17-125, certifying the Final Environmental Impact Report ("EIR") for the Mace Ranch Innovation Center project ("MRIC"). The following language appeared in the Resolution.

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

But the subsequent EIR has decoupled the VMT analysis from the housing. Without workers living in the project the MRIC Mixed use alternative would not have been the environmentally superior option, and it calls into question the resolution of certification.

**Housing Phasing**

78-13

There is a big difference between the MRIC Mixed Used Alternative and the ARC SEIR. In the MRIC MU, no housing was built until phase 2. In the ARC DSEIR, 270 residential units are built in phase 1. This move up of the housing makes it even more likely that the housing will be occupied by people not living in the project.

P3-23 of the ARC DSEIR includes housing

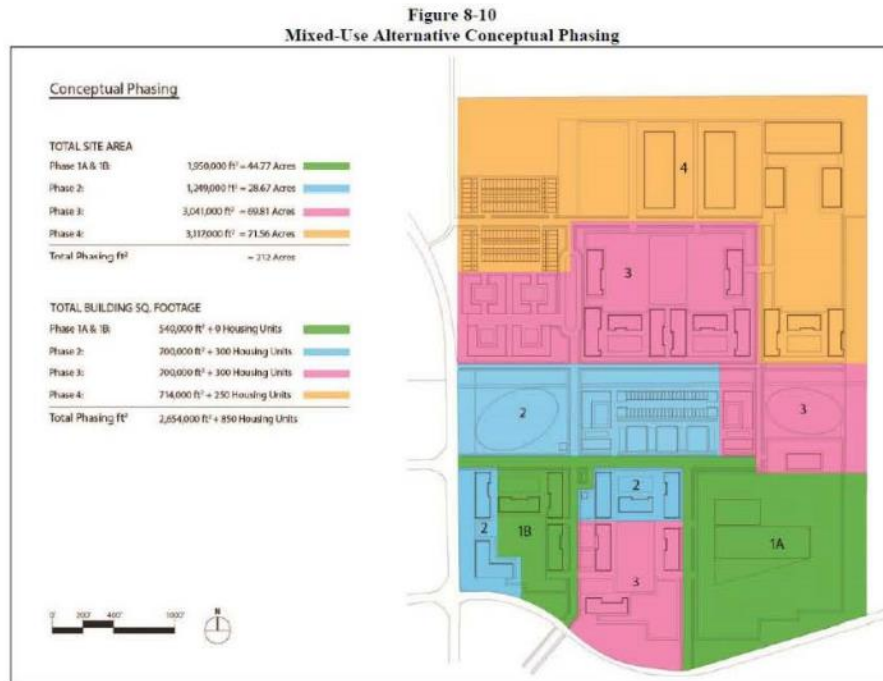
Phase 1 is anticipated to consist of approximately 45 acres in the western portion of the site and would include 540,000 sf of non-residential building space and up to **270 residential units comprised of attached single- and multi-family housing types. Construction of the residential units would be timed to slightly trail the employment-generating development so that jobs are created on-site prior to offering housing.** Housing would be permitted at the ARC Site at a ratio of one unit for every 2,000 sf of non-residential development. Construction of residential units would not be allowed until a minimum of 200,000 sf of employment generating space is developed at the ARC Site. The goal, if possible, is to time the availability of the homes to be concurrent with the creation of the jobs so that the likelihood that employees at the proposed project will occupy the units is maximized, thereby maximizing the environmental benefits of including housing at the ARC Site. The housing is planned to include a variety of mixed-use, rental, and for-sale residential options catering to the needs and demands of future project employees. However, the housing at the ARC Site would not be restricted to employees only but would, consistent with Fair Housing Act requirements, be available to the community at large.

Although there is language in the ARC DSEIR about commercial space being built before the housing, it is actually requires less commercial space be built before housing than the MRIC MU EIR did. This shift will decrease the likelihood that ARC employees will live on site. This needs to be considered in the EIR.

78-13  
 Cont'd

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

Page 8-24 of the MRIC EIR shows that that that Mixed use alternative prioritized building commercial properties first. Figure 8-10 clearly illustrates that no housing is built in phase 1.



Further, The MRIC MU EIR shows that housing is not completed until phase 4. Fig 8-10 notes that 250 housing units are built in phase 4. By comparison the ARC DSEIR states on page 3-24, "All on-site housing would be complete prior to the start of Phase 4." This policy of front loading the housing before the construction is a shift from the previous MRIC EIR and needs to be evaluated in the EIR.

This frontloading of housing is a significant change from the MRIC MUA to the ARC DSEIR and needs to be noted as such and properly analyzed.



ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

## V. Mace 25

The current project uses 6.8 acres of the 25 acre parcel known as Mace 25 which is owned by the City. There are 2 specific problems with this that will disallow this use. As a result the project can not go forward as described and must be redesigned.

1. Land purchased with Measure O funds cannot legally be given to the by the developer by the City
2. Ag Buffer Requirements cannot legally be met with City owned land

Measure O which can be found at Article 15.17 of the Davis Municipal Code is specific about the Allowable use of funds

### Article 15.17.070

Revenues collected under the provisions of this article shall be deposited in a special fund called the open space preservation special tax fund. The special tax fund shall be used only for the following purposes:

- (a) Acquisition in fee or easement of open space lands within the Davis planning area;
  - (b) For the improvement, operation, maintenance and/or monitoring of open space lands currently owned by the city in fee or easement of acquired by the city in the future, including, but not limited to, the restoration, enhancement and preservation of habitat areas, maintenance of open space lands, and monitoring of habitat and agricultural conservation easements;
  - (c) For the acquisition, improvement, and operation of only those bicycle trails designed to connect Davis to open space areas outside the city and with other regional bicycle facilities;
  - (d) For the construction and maintenance of facilities necessary to preserve or enhance open space properties for open space purposes (i.e., the construction or maintenance of water wells and irrigation systems to serve the property and land uses, the creation and/or maintenance of access facilities where appropriate to promote public education and enjoyment of the open space, etc.); and
  - (e) For the incidental expenses incurred in the administration of this tax, including, but not limited to, the cost of elections, and the cost of collection.
- Revenues may be used to operate, maintain and monitor properties owned in fee or easement jointly by the city and other public agencies and/or land trusts whose mission includes the preservation of open space lands within the Davis planning area. (Ord. 2033 § 1, 2000)

Nowhere in here does it say measure O lands can be traded with a developer to help them build an innovation park, or that measure O lands can be used to provide a ag buffer for a developer as is legally required in City Code chapter 40 Right to Farm and Farmland Preservation. Absent this allowance the developer must remove the 6.8 acres

78-14

**Letter 78**

**ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh**

**78-14  
Cont'd**

from the project description and redesign the project. The EIR can not be certified with illegal land use included in it.

Even if it is determined that this used of measure O land is legal, the project needs to be redesigned to remove the 6.9 acres from the project because the community will not approve the project with this use of land purchased with open space money. An alternative must be given to the developer for the project to be viable and for CEQUA requirements to be met.

Even if a determination is made that a land sway or purchase is legal the EIR still must be amended to state that such a land swap or payment is allowable, and how that will be determined and what the impact is.

Even if the use of Measure O land is determined to be allowable, which I contend it is not, City Municipal Code Chapter 40 Right To Farm and Farmland Preservation requires the developer to provide the land.

40A.01.050 states that "the city has determined that the use of property for agricultural operations is a high priority." But the current project description removes 6.8 acres of city owned land from agricultural use. Since this is specifically against the stated priority of the Ag buffer law it is not allowable.

40A.01.050 (c) states that the one hundred foot part of the ag buffer must be given to the City "The property shall be dedicated to the city in fee title, or, at the discretion of the city, an easement in favor of the city shall be recorded against the property, which shall include the requirements of this article.

40A.01.050 (D) states that the one fifty foot part of the ag buffer must be given to the City "the land shall be dedicated to the city."

Since the entirety of the ag buffer must be transferred to the City, it cannot start in the Cities ownership. Therefore the map must be redrawn to account for this, significantly changing the project description. This must be done int

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

VI Open Space Comments

78-15

COMMENT	
<b>General Comments</b>	
Satisfaction of City's ag buffer ordinance	<p><b>Issue:</b> The ARC project proposes to use 6.8-acres of the City parcel just to the northwest of the project, often called the "Mace 25," to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. This proposal calls for the City to provide a buffer (part of the Mace 25) for its own land (the remainder of the Mace 25). However, it is not clear that this use satisfies the spirit or the letter of the municipal code, which states "all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required to provide an agricultural buffer/agricultural transition area" [emphasis added], and "the land shall be dedicated to the city," implying that the land for the buffer is not already owned by the City.</p> <p><b>Importance:</b> The ARC proposal should not be in violation of the City's ordinance.</p> <p><b>Recommendation:</b> The SEIR needs to clearly state this potential conflict between the City's ordinance and the ARC's proposed agricultural buffer. The SEIR also needs to state that a change will need to be made to the ARC proposal – to use the developer's land rather than the City's land to satisfy the ag buffer requirement – if it is found to be in violation of the City's ordinance. Finally, on p. 3-14 the SEIR implies that the ag buffer proposal is "consistent" with the City's ordinance. This should be corrected since the proposal may not in fact be consistent with the ordinance.</p>
Use of Open Space Protection Tax money to satisfy ag buffer ordinance	<p><b>Issue:</b> The ARC project proposes to use 6.8-acres of the City parcel just to the northwest of the project, often called the "Mace 25," to satisfy the agricultural buffer requirement spelled out in Davis Municipal Code 40A.01.050. However, given that the City's parcel was purchased with money from the Open Space Protection Tax, it is not clear that this use is legal. City-required ag buffers are not on the list of approved uses for this money (see <a href="http://qcode.us/codes/davis/view.php?topic=15-15_17-15_17_070">http://qcode.us/codes/davis/view.php?topic=15-15_17-15_17_070</a>).</p> <p><b>Importance:</b> The ARC proposal should not be in violation of the City's ordinance.</p> <p><b>Recommendation:</b> The SEIR needs to clearly state this potential conflict between the City's ordinance and the ARC's proposed agricultural buffer. The SEIR also needs to state that a change will need to be made to the ARC proposal – to use the developer's land rather than the land purchased with money from the Open Space Protection Tax to satisfy the ag buffer requirement – if it is found to be in violation of the City's ordinance.</p>



Letter 78

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-15  
 Cont'd

<p>Size of ag buffer</p>	<p><b>COMMENT</b></p> <p><b>Issue:</b> The adequacy of the 150-wide agriculture buffer was challenged in an ARC SEIR scoping comment letter from the Director of the County of Yolo Department of Community Services ("County Director Letter"). The letter encouraged the City to "...refer to policies in the Countywide General Plan that seek to protect existing farm operations from impacts related to the encroachment of urban uses through use of an increased minimum buffer, as opposed to the City's minimum standard." Policy LU-2.1 in the County's Land Use and Community Character Element "...recommends a minimum 300-foot setback for ensuring the proposed development will not adversely affect the economic viability or constrain the farming practices of agricultural operations" (emphasis in County Director Letter). Further, "County staff concur with Yolo County Local Agency Formation Commission (LAFCo) that provision of a 'minimum' agricultural buffer as prescribed by the City's Municipal Code "...may be insufficient for the significance of the proposed project." Even the City's Code states, "Optimally, to achieve a maximum separation and to comply with the five-hundred-foot aerial spray setback established by the counties of Yolo and Solano, a buffer wider than one hundred fifty feet is encouraged" (Davis Municipal Code 40A.01.050 Agricultural buffer requirement).</p> <p><b>Importance:</b> The agricultural buffer needs to be wide enough to do its intended job, i.e. "To minimize future potential conflicts between agricultural and nonagricultural land uses and to protect the public health" (Davis Municipal Code 40A.01.050 Agricultural buffer requirement). The SEIR's analysis of potential impacts on surrounding farmland is insufficient.</p> <p><b>Recommendation:</b> Either the ag buffer needs to be widened from the current proposed 150 feet or the SEIR needs to be amended to acknowledge greater impacts on surrounding farmland than the SEIR currently describes.</p>
<p>Annexation of 25 acre City-owned parcel</p>	<p><b>Issue:</b> It is clear that the ARC project proposes <i>annexing to the City</i> the City-owned 25 acres (Mace 25) at the northwest of the project. However, in some places the SEIR reads as if it is proposing to annex the entire Mace 25 to the project. For example, p. 2-1 refers to "annexation of the entire 229-acre project site, including the Mace Triangle Site, into the City of Davis," where just above it is clearly stated that the Mace 25 is part of the 229 acres. Similarly, p. 2-13 states, "The project annexation area includes a 25-acre parcel owned by the City, a portion of which is being proposed to serve as the City-required agricultural buffer along the project's northern boundary." See also pages 3-1, 3-4, and 3-30.</p> <p><b>Importance:</b> Other places in the SEIR state that only 6.8 acres of the Mace 25 would be part of the ARC Project, not the entire 25 acres, so there is a contradiction.</p> <p><b>Recommendation:</b> The SEIR needs to clearly state that the entire Mace 25 is not proposed as a part of the ARC Project. Language that suggests that the entire parcel would be annexed to the project on the above identified pages should be removed or modified.</p>
<p>Description of project size</p>	<p><b>COMMENT</b></p> <p><b>Background:</b> Page 3-1 states, "For CEQA purposes, the "ARC Site" is comprised of approximately 194 acres, and defined as the 187-acre, privately-owned property containing the Aggie Research Campus development footprint, and a proposed 6.8-acre easement on the City Parcel to satisfy the City's 150-foot Agricultural Buffer requirements along a portion of the project's northern boundary."</p> <p>Page 3-2 states: "The ARC Site, as depicted above, and described on the preceding page, includes the 187-acre privately-owned Aggie Research Campus development footprint, as well as a 6.8-acre easement on the City Parcel to satisfy the City's 150-foot Agricultural Buffer requirements. The Agricultural Buffer area represented in the figure includes a total of 22.6 acres. Of the 22.6 acres, 15.8 acres are located within the privately-owned property containing the ARC development footprint and an additional 6.8 acres of easement area is located within the City Parcel. All 22.6 acres are considered to be part of the ARC Site for the purposes of this analysis."</p> <p><b>Issue:</b> Several places in the SEIR refer to the size of the ARC project as 187 acres, instead of 194 acres, and compare it to the Mixed-Use Alternative at 229 acres. However, as p. 2-5 shows, the size of the Mixed-Use Alternative is 212 acres, not 229 (229 includes the 16.5 acre Mace Triangle, which is not part of either project proposal, but it is part of both annexation proposals). The 212 acres includes all of the required agricultural buffer (see p. 8-110 of the Mixed-Used Alternative). <b>An apple-to-apples comparison, including the complete ag buffer in both projects, is 194 acre ARC to 212 acre Mixed-Use Alternative.</b></p> <p><b>Importance:</b> The mistake has the effect of making ARC look smaller than it is and the Mixed-Use Alternative look bigger than it is, exaggerating the difference between them. The actual difference in acreage is 212 acres - 194 acres = 18 acres (not 42 acres).</p> <p><b>Recommendation:</b> Every page where the complete size of the ARC project is referred to as 187 acres should be corrected to 194 acres. Every page where the complete size of the Mixed-Use Alternative is referred to as 229 acres should be corrected to 212 acres (especially pages 2-5, 2-6, 2-7, 2-8 (two places), 2-9).</p>

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-15  
Cont'd

Page 3-44

**Issue:** The SEIR states, "Specifically, the MRIC Site includes approximately 159 acres of Prime Farmland and 39 acres of Farmland of Statewide Importance, a substantial portion of which the EIR concluded would be converted to urban uses with buildout of the MRIC Project," noting that ARC would use somewhat less because not all of the Mace 25 is included in the project. Nonetheless, the ARC SEIR concludes that even with mitigation "the impact would remain significant and unavoidable" because "active agricultural land would still be permanently converted to urban uses" (p. 3-44). However, the impact of the loss of agricultural land in the context of climate change is not discussed. The IPCC has stated that "climate change has already affected food security due to warming, changing precipitation patterns, and greater frequency of some extreme events" (<https://www.ipcc.ch/srocl/chapter/summary-for-policymakers/>). New studies suggest that agriculture can help reduce climate change through carbon sequestration (<https://ww3.arb.ca.gov/cc/natandworkinglands/draft-nwl-ip-1.7.19.pdf>).

**Importance:** New facts about climate change increase the significance of the loss of agricultural lands because usable farmland is reduced with climate change, yet certain farming practices can help to mitigate the effects of climate change.

**Recommendation:** The SEIR should factor in a discussion of climate change when evaluating the significance of the loss of Prime Farmland and Farmland of Statewide Importance that the ARC Project would bring.

Page 3-100

**Issue:** Since the Mixed-Use Alternative was evaluated, a number of factors have changed or been recognized. There is much more burrowing owl activity on the ARC site and vicinity, as the SEIR and related documents describe. Other Davis sites where burrowing owls can be found are now seen as being flawed for burrowing owls, e.g., because of an orchard adjacent to the Wildhorse Ag Buffer. With respect to the Mace 25, the City now has a policy of preventing the owls from using the site, e.g., by not mowing and by leaving the vegetation as tall and dense as possible. The limited burrowing owl habitat in the Davis area makes the situation for burrowing owls all the more precarious. Yet on p. 3-100 the SEIR states, "Overall, impacts related to burrowing owl under the ARC Project would be less-than-significant with mitigation."

**Importance:** Burrowing owls are designated as a Species of Special Concern in California. In recent years their numbers have plummeted in the Davis area, as documented by the Burrowing Owl Preservation Society. Mitigation can sometimes reduce harms but it does not eliminate them, especially when habitat alternatives are simply not available. Analogous to the loss of farmland described in the SEIR, where even with mitigation "the impact would remain significant and unavoidable" because "active agricultural land would still be permanently converted to urban uses" (p. 3-44) the loss of burrowing owl habitat and thus the impacts to burrowing owls would remain significant and unavoidable because their habitat would be permanently converted to urban uses.

**Recommendation:** The SEIR should take into account the loss of burrowing owl habitat in the Davis area and acknowledge that the ARC Project would bring significant and unavoidable impacts to the burrowing owl.

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-15  
Cont'd

Conclusions based on project size comparisons

**COMMENT**

**Issue:** In several places in the Executive Summary – Aesthetics, Biological Resources, Cultural Resources, Geology, Soils, and Mineral Resources; Hydrology and Water Quality – the SEIR claims that there is a reduced impact due to the reduced footprint of ARC as compared to the Mixed-Use Alternative. However, as described in the previous point, that difference in footprint has been exaggerated by using mistaken numbers for both ARC and Mixed-Use Alternative. Furthermore, the more detailed discussions in Chapter 3 of each of the issue areas do not make the argument for the small change in footprint to have a detectable or noteworthy change in impact (thus, those claims are not “summaries”).

**Importance:** The claims for reduced impact made in the Executive Summary are based on false numbers, unjustified, and questionable.

**Recommendation:** The claims for a reduced impact based on a reduced footprint in the Executive Summary should be deleted for the following areas: Aesthetics, Biological Resources, Cultural Resources, Geology, Soils, and Mineral Resources, Hydrology and Water Quality. (Not all of these fall within the purview of the OSHC, but for consistency’s sake they should all be changed).

Total green space (on p. 1-3 but connected to other general issues).

**Issue:** On p. 1-3, the SEIR states, “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 nearly entirely offset by the removal of the City’s 25-acre property from the development footprint.” However, as noted above, an apples-to-apples comparison between the Mixed-Use Alternative and ARC, should include the 6.8 acres of ag buffer as part of ARC. Only approximately 18 acres (25 minus 7) of the City’s land has been “removed” from the project.

**Importance:** The SEIR incorrectly states that the reduction of green space in the project is “nearly offset” by the removal of Mace 25 from the proposal.

**Recommendation:** Page 1-3 should be corrected to state that 18 acres, not 25 acres, would be part of the ARC project, and the false claim about the loss of green space being “nearly entirely offset” should be deleted. Also, the SEIR should show how 49.2 acres of green space is part of the proposal, since earlier ARC documents stated there would be 37.7 acres of green space.

**p. 3-36**

**Issue:** The SEIR states, “officially designated scenic highways, corridors, vistas, or viewing areas do not exist within the City’s planning area and established scenic vistas are not located on or adjacent to the ARC Site” (p. 3-36). This is incorrect. The City’s document, “Open Space Priorities with Public Lands as of 2013,” appearing on the City’s website at <https://www.cityofdavis.org/home/showdocument?id=2854>, depicts views of the Sierra Nevada and the Sacramento skyline looking east from the City.

**Importance:** Aesthetic values, including scenic vistas, are one of the five values used to evaluate open space areas in the City.

**Recommendation:** The SEIR should state, and factor in, that the ARC Project would entail the loss of the views of the Sierra Nevada and the Sacramento skyline that citizens have when looking east from Mace Boulevard and the Mace curve, increasing the significance of the negative aesthetic impact of the project.

Letter 78

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-15  
Cont'd

Page 3-78

**Issue:** On p. 3-78, the SEIR states that because only 6.8 acres of the City's open space parcel is part of the ARC Project, instead of the entire 25 acres that was included in the Mixed-Use Alternative, "this results in a reduced amount of disturbance to burrowing owl habitat and Swainson's hawk foraging habitat." However, in a Davis Vanguard article, Assistant City Manager Ash Feeny wrote concerning a new City policy discouraging owls from using that land by, e.g., letting grass grow long. He stated: "It would be irresponsible to promote a sensitive wildlife species to use a site where they could potentially be placed in harm's way (i.e., because "an adjacent development application is under review where, though not agreed to, a portion of the property is being sought for an ag buffer." <https://www.davisvanguard.org/2020/03/brief-response-from-city-staff-on-the-owl-issue/> This is clearly referring to the ARC Project.

**Importance:** Burrowing owls are designated as a Species of Special Concern in California. Even prior to the approval of the ARC Project, the Project is already having a negative impact on burrowing owls that were found on the parcel.

**Recommendation:** The claim that only using 6.8 acres of the City's 25 acre open space parcel would result in a reduced amount of disturbance to burrowing owls needs to be deleted, since the owls on the western portion of the site have already been negatively impacted, and, according to the Assistant City Manager, would continue to be negatively impacted by the project.

Page 3-78

**COMMENT**

**Issue:** On p. 3-78, the SEIR states, "Of the four bat species mentioned above, only the pallid bat (*Antrozous pallidus*) is designated as a Species of Special Concern by the CDFW (2019a)." That is incorrect. The hoary bat (*Lasurus cinereus*) is also listed as a Species of Special Concern. <https://nrm.dfg.ca.gov/FileHandler.aspx?DocumentID=109406>

**Importance:** Species of Special Concern should get greater attention in the SEIR.

**Recommendation:** Page 3-78 of the SEIR needs to be corrected to acknowledge that the hoary bat is a California Species of Special Concern and it should get additional evaluation as a result, as was done for the pallid bat.

Page 3-79

**COMMENT**

**Issue:** Concerning bats, on p. 3-79, the SEIR states, "The foraging habitat in the Study Area is marginal and of minor extent when compared to the quality and extent of foraging habitat available in the greater region in and surrounding the Yolo Bypass." However, this claim is unsupported by evidence. As the SEIR itself admits, "Bats known to occur in the region would be expected to forage in and over the Study Area during summer evenings, when conditions are appropriate (i.e., warm and calm)." Yet bats were not studied during these months, only in the winter months, and they were not studied during the evenings. There could be greater use of this area for foraging by bats than expected. Without study, this is unknown, and the claim is unsupported.

**Importance:** There are at least four bat species that frequent this area, as the SEIR acknowledges, and two of them are Species of Special Concern: the pallid bat (*Antrozous pallidus*) and the hoary bat (*Lasurus cinereus*).

**Recommendation:** Bat presence needs to be studied in the summer months and during the evenings. The unsupported claims about the lack of importance of the ARC Site for bat habitat need to be amended.



ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-15  
Cont'd

Page # 2-39 - Impact 3-18

Impacts to burrowing owls

**COMMENT**

As written, the avoidance and minimization measures in the SEIR for impacts to burrowing owls do not reduce potential impacts to a level of less than significant, in the event that an active burrowing owl burrow is discovered within the proposed development limits of the Aggie Research Campus (Project) site. If the Project will result in the permanent loss of active burrowing owl burrows, a qualified biologist should prepare a mitigation and monitoring plan in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation* (2012). The Mitigation and Monitoring Plan should be submitted for CDFW review and approval prior to the start of Project activities. The Mitigation and Monitoring Plan should include the permanent protection of occupied burrowing owl habitat, at a mitigation to impacts ratio acceptable to CDFW, through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. Habitat should not be altered or destroyed on the Project site, and burrowing owls should not be excluded from burrows until mitigation lands have been legally secured and are managed for the benefit of burrowing owls according to Department-approved management, monitoring and reporting plans; and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.

Page # 2-39 - Impact 3-18

Impacts to burrowing owls

**COMMENT**

I believe it is important that the EIR include an avoidance and minimization measure requiring that either a qualified biologist or a trained biological monitor perform a daily inspection of the areas where construction activities are planned for that day, prior to starting project construction each day. Burrowing owls can be attracted to minor amounts of land disturbance, associated with construction sites (e.g. dirt mounds, mounds of concrete rubble). This includes equipment staging and soil stockpile areas outside of the active construction sites. Once the site has been deemed clear of burrowing owls by a qualified biologist or trained biological monitor, construction activities can begin for the day. It looks like the EIR already has a measure giving a qualified biologist the authority to stop work in order to avoid harming wildlife, but this same authority should be extended to biological monitors, if used.

Page # 2-39 - Impact 3-18

Impacts to burrowing owls

If the project is proposing to construct artificial burrows within the agricultural buffer surrounding the ARC development site, the artificial burrows should be monitored and maintained yearly to ensure they function as intended (i.e. the project proponent should develop a monitoring and maintenance plan that specifies criteria for when and how artificial burrows will be cleaned out of debris in order to continue their function as being suitable nest burrows. Without this maintenance, artificial burrows are not likely to be successful in the long term.

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-15  
Cont'd

Pages 3-38 and 3-69

**Issue:** On pages 3-168 and 3-169, an alternative is described for storing water runoff from the ARC Site on the easternmost parcel owned by the City of Davis, adjacent to the MDC and Yolo Bypass levee (APN 033-300-015: 204 acres). The SEIR states that two other sites could alternatively provide the necessary storage (APN 033-300-001: 248 acres and 300-650-006: 327 acres). To provide storage for increased volume from ARC Site and the Mace Triangle Site during major storm events, 100 acres of topsoil would be removed and stockpiled, the selected area excavated to the design depth, and the topsoil then spread back over the lowered field. Excavated materials, not including the temporarily removed topsoil, would be imported to the ARC Site. The impact of the excavation, the impact on the ability to farm or have viable habitat on the chosen site, and other possible impacts are not discussed in the SEIR.

**Importance:** The Replacement Storage Alternative would increase by approximately 50% the acreage that is impacted by the ARC project – possibly more if the "unused" parts of the chosen parcel were impacted. It would also be a substantial use of City-owned land, in addition to the proposed use of the City's 6.8 acres for a required ag buffer.

**Recommendation:** The environmental impacts of the Replacement Storage Alternative need to be studied and described for each of the three proposed City-owned areas, as separate EIRs or as part of the main EIR (with alternative uses considered), including but not limited to effects that this large-scale excavation would have on wildlife, plant life, habitat, soil compaction, and subsequent agricultural use.

**COMMENT**

Impacts to burrowing owls

I believe it is important that the EIR include an avoidance and minimization measure requiring that either a qualified biologist or a trained biological monitor perform a daily inspection of the areas where construction activities are planned for that day, prior to starting project construction each day. Burrowing owls can be attracted to minor amounts of land disturbance, associated with construction sites (e.g. dirt mounds, mounds of concrete rubble). This includes equipment staging and soil stockpile areas outside of the active construction sites. Once the site has been deemed clear of burrowing owls by a qualified biologist or trained biological monitor, construction activities can begin for the day. It looks like the EIR already has a measure giving a qualified biologist the authority to stop work in order to avoid harming wildlife, but this same authority should be extended to biological monitors, if used.

Page # 2-39 - Impact 3-18

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ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-15  
Cont'd

Pages 3-38 and 3-69

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**Importance:** The Replacement Storage Alternative would increase by approximately 50% the acreage that is impacted by the ARC project – possibly more if the “unused” parts of the chosen parcel were impacted. It would also be a substantial use of City-owned land, in addition to the proposed use of the City’s 6.8 acres for a required ag buffer.

**Recommendation:** The environmental impacts of the Replacement Storage Alternative need to be studied and described for each of the three proposed City-owned areas, as separate EIRs or as part of the main EIR (with alternative uses considered), including but not limited to effects that this large-scale excavation would have on wildlife, plant life, habitat, soil compaction, and subsequent agricultural use.

## VII Alternatives

### Page 2-3

#### 2.5 SUMMARY OF ALTERNATIVES TO THE ARC PROJECT

78-16

Chapter 7, Alternatives Analysis, of the Certified Final EIR evaluated the following range of alternatives:

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.

This demonstrates that no dispersed alternative was considered, even though the dispersed alternative had been the preference of the Cities earlier studies.

The DSEIR goes on to state, “substantial changes in circumstances have not occurred since the 2015 alternatives analysis that would require major revisions to the previous EIR.” But this ignores 100,000 square feet of retail in downtown Davis that has become vacant since that time anchored by the old ACE building and the Old Whole Foods Borders building. That is a substantial change of circumstances and must be considered. Additionally schilling robotics/technipFMC has announced it will be moving out of their very large facility. These factors must be considered and all of them favor a dispersed infill alternative.

A dispersed alternative would also provide a competitive distinction over the Woodland Innovation Park and the Aggie Square Innovation park in Sacramento. All of these parks could

Letter 78

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-16  
Cont'd

be opening at about the same time, but only a Dispersed Infill Alternative model in Davis would offer better integration into the community. This advantage should be considered.

Additionally, the Downtown Davis Plan is being reworked and is on track for zoning that will allow for considerably more business and commercial space in the downtown. This favors a dispersed infill alternative.

Additionally, PG&E has entered bankruptcy, possibly making the PG&E yard available. All of these factors need to be considered. This favors a dispersed infill alternative.

Most notable of all, "It is noted that the Certified Final EIR considered but dismissed from further consideration the Infill Alternative." But the EIR should be considering an Dispersed Reduced Project Alternative. This alternative would have the smaller space requirements, but the benefits of using spaces already in the community without peripheral expansion.

The DSER states on 2-11 that, "The most environmentally superior alternative is the Reduced Project Alternative." But it was never compared to an Dispersed Reduced project Alternative. A new analysis should be done of a dispersed infill reduced size alternative.

VIII Other Comments

78-17

Page 1-1

"As part of the applicant's current proposal, referred to as 'Aggie Research Campus', **minor** changes to the Mixed-Use Alternative have been proposed." Page 1-1 the new project is considerably denser than the former project, and with a new assumption that no appreciable amount of ARC workers will be living in the housing, and with frontloading the housing these are not minor changes. This language needs to be changed to demonstrate that significant changes have been made to the project.

78-18

Page 1-2

"The Mixed-Use Alternative provided the same non-residential square footage and land uses as the proposed MRIC Project"  
This statement is untrue and is demonstrated in the following 2 figures.



ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-18  
Cont'd

Figure 8-1  
Mixed-Use Alternative – Site Plan



ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-18  
 Cont'd

Figure 3-2  
 ARC Project – Site Plan



The Ancillary retail space increased by 60,000 square feet in the ARC project over the MRIC mixed Use Alternative. The additional impact of this 250% increase in retail space must be considered. Where is that analysis of how this increase in retail space will or will not cannibalize existing retail? What impact will this have on the Target mall on second street that still has empty store fronts despite being developed nearly 20 years ago. Where is the analysis of what the increased impact on the down town will be? All of these things must be analyzed.

ARC Business Park Draft SEIR Comments 4/27/2020 submitted by Colin Walsh

78-19

Figure 3-7  
ARC Project General Plan Amendment



Additionally Fig 3-7 shows that an additional area is being rezoned for general commercial, but there is no assessment in the EIR of what impact that additional commercial space will have. How will all of this new commercially zoned space compete with other parts of the City? Will it cannibalize the second street crossing mall or downtown? What impact with the traffic drawn off the freeway for this additional freeway adjacent commercial have? These impacts must be analyzed.

# Exhibit 7

**ARC Business Park Draft Subsequent EIR Comments**  
Submitted by Colin Walsh  
April 27, 2020

**Letter 78**

Planning Workshop 2020.02.26

**Planning Workshop 2020.02.26**



<https://scribie.com/files/980b74e356a9478ab49a38fac33ddb576e0cdf5>

04/27/20

Page 1 of 34

Letter 78

Planning Workshop 2020.02.26

[background conversation]

**0:00:02 Speaker 1:** Sounds good, so we will have public comment, go ahead and line up here, we'll give three minutes per comment. This is a workshop format, so I don't see any need to... I think we have plenty of time at three minutes each to get a substantial amount of comments in. So please state your name and we'll begin. Thank you.

**0:00:29 Alan Pryor:** Yes, my name is Alan Pryor, I'm a member of the Natural Resources Commission, although I'm speaking tonight as a private citizen. Two nights ago, the Project Sustainability Guiding Principles were presented to the NRC for consideration. Their submission was premature however, in that they were presented without consideration of the findings of the supplemental EIR and the traffic study, which have yet to be released. In fact, the NRC voted to request that the applicant bring a revised sustainability plan back to the NRC once these additional documents were prepared. I did find it personally troubling that the applicant does not yet have a plan to ensure that a minimum percentage of the proposed 850 housing units be occupied by employees of the project's tenants.

**0:01:12 Alan Pryor:** The whole basis for consideration of allowing housing at the projects was that it would reduce VMT, vehicle miles traveled, of employees getting to work and back. Indeed, that was why it was determined to be the preferred environmental alternative and why the decision was made by Council to even include housing in the project at all. However, if no housing residents are actual employees, then the housing and the project is not the preferred environmental alternative. So why is the housing still being considered at all in the face of a looming climate emergency?

**0:01:48 Alan Pryor:** It's also extremely important for the proposed housing to accommodate employees of the project because the project is otherwise scheduled to produce 14,000 or more trips per day. 7000 in, 7000 out. And if you do the math, let's only assume that 4000 of those outward bound trips, are trying to head east on I-80, which would probably be the preferred direction during the evening to our commute period. We know that the traffic meters allow a car every 13 seconds, even if the HOV ramps double that frequency, we can multiply 4000 cars times 13 seconds, and divide that by three, and then divide that further by 3600 seconds per hour and you'll find out that it will take almost five hours to get all of that traffic onto the freeway every evening. Obviously, this is a huge, huge problem and would likely result in total gridlock on the entire southeast side of Davis and back up the entire I-80 corridor every day, all the way to Dixon. Clearly, the traffic impacts of this project, have not been thought out, is a car-centric project despite what the applicants are telling you.

**0:03:01 Alan Pryor:** One suggestion to the applicant was to phase in the project tied to any specific measurable improvements in traffic flow in Mace Boulevard and the I-80 corridor, but nothing has been proposed by the applicant in this regard, and until such a detailed traffic management plan is presented, this proposal should be considered dead on arrival. Thank you.

**0:03:24 Speaker 1:** Thank you, sir, next.

04/27/20

Page 2 of 34

78-20



Letter 78

Planning Workshop 2020.02.26

78-21

**0:03:29 Allan Hirsch:** Good evening, Alan Hirsch. I think I was one of the biggest critics of this project. In 2016, I passed out flyers about the 8200 parking spaces. It was bigger than [0:03:40] [redacted] parking lot. I think the project has improved considerably, and I wanna call out some of the wonderful things it did. We cut the parking in half which I think is a real progress, which means a commitment to transit. We've basically committed... It was LEED Silver, it's LEED Gold... Well, actually it's Reach Code, better than LEED Gold equivalent. And the [0:03:57] [redacted] tree thing. They are basically committed in theory to the state of the art tree things where I've been trying for 10 years to get the City to commit. We have a developer who's willing to do that. Of course, we need to put teeth in the proposal because we saw on the Target parking lot, they made great promises and nobody enforced them. So that was... So we need to fix that.

**0:04:14 Allan Hirsch:** I think the flexibility for what they're asking for, in terms of, the thing, I think is inappropriate. 'Cause we can't forecast 20 years out. 20 years ago, if we had put this thing together, we would have put single family homes in there, and that's particularly inappropriate. We would've had the 8200 parking spaces, which is clearly inappropriate now. So I think the flexibility is an important component in there. It's not a negative, it's a positive. What I'm quite concerned about is the deal with the traffic here. This has to be a transit-oriented development. So people are encouraged to basically take buses in and out of this development, and I don't see it here yet. It can be fixed, but it's not here. The transit project, if you look at the map, the transit plaza is next to, is in the park, not your high density where people work and live, but in the park. We wanna have density around the transit plaza, so people can really walk close to it and not have a park around it. And also, you wanna have buses up and down, fast bus service, which means that the transit should be on Mace Boulevard, so everyone else coming in through the rest of Davis isn't slowed by having to dippy-do into this development and dippy-do out and add five minutes of commute time on every bus thing.

**0:05:23 Allan Hirsch:** I think we need to rethink the transit-oriented development and put the density right on Mace, put the bus stop right on Mace, so it's really express buses, and then use Unitrans or the shuttle bus to get people into this, a big, a bus station right on Mace, which would actually... With the proposals to increase the 42 and the 43 bus. Only buses that leave 10 or 15 minutes on that thing, which is like a train station. And that's the key. Make it faster. And then also, we need to widen Mace so there's the bus lanes that jumps around the queue jump, and this development can give the City land to widen Mace Boulevard, so we have a bus [0:06:00] [redacted] this thing. This project is fixable. I think it's a positive contribution, if it's transit-oriented development. It's a greenfield development, and that is a problem and they can't be fixed, but if this is transit-oriented development, this might be fixable and it might be a really good project for the City. So thank you very much.

**0:06:19 Speaker 1:** Thank you, sir.

**0:06:24 Susan Kirby:** Good evening. My name is Susan Kirby. My husband and I came to Davis over 26 years ago to come to graduate school, and we never left. The last 10 years I served as the internship coordinator at Da Vinci High School here in Davis, giving students an opportunity to explore careers. I also serve, currently serve on the board of directors for the Davis Chamber of Commerce. I would like to share with you tonight why I strongly support this proposal for the

04/27/20

Page 3 of 34

Letter 78

Planning Workshop 2020.02.26

research campus. I see this as a tremendous opportunity for the City of Davis. We have so many businesses continually come in and end up leaving, because they want to grow, and there's just no space, no place to put them, and we don't have suitable facilities for this.

**0:07:17 Susan Kirby:** I want to see businesses start here in Davis, stay in Davis, and grow in Davis. I believe the Aggie Research Campus will attract industry leaders in Ag, medicine and clean technology. I also want to see that very talented UC Davis students stay here with their expertise, instead of continually leaving, because there is no place for them to be. I want them to feel like there is a place for them in this community to share what they know and make a real impact on this community. Lastly, having an innovation center in Davis would open up opportunities for not only my Da Vinci students, for internships, but all high school students in Davis.

**0:08:13 Susan Kirby:** I currently placed a lot of students at UC Davis and I think an innovation center, like the Aggie Research Campus would give us lots of opportunities for that. Our high school students, I think, would greatly benefit from having cutting technologies available to them, right in our own backyard. So it's time for this to happen in Davis, it's been way too long. So let's make this happen. Thank you.

**0:08:49 Speaker 1:** Thank you, ma'am.

**0:08:54 Carolyn Stiver:** Good evening. My name is Carolyn Stiver and I'm here as the immediate past chair of the Chamber of Commerce, and I wanna read a note in support of this project. You've already, as was stated earlier, you've already received our letter of general support, but I wanted to say that I am happy to be here this evening to speak in favor of the Aggie Research Campus. If I could actually speak that would be a happy thing. As you know, the City's financial situation goes increasingly dire. Every year, our City is becoming more reliant on parcel taxes, we've seen Measure H and I in 2018, Measure H again in 2016, Measures D and E in 2012, and that does not include Measure G, which is on the ballot for this March. For our City to produce sustainable revenue, it is obvious, we need economic development.

**0:09:53 Carolyn Stiver:** This project is the biggest economic development proposal we have, it would provide \$2.2 million annually to our City. Simultaneously, it would provide jobs and business opportunities for Davis residents and UC Davis graduates. I hope you'll join me in supporting the Aggie Research Campus and recommend that the City Council do the same. Also as a business owner, on that east side of Davis, on the west side of Mace Boulevard. I would welcome this project to bring the energy and employment opportunities to that neighborhood. Thank you.

**0:10:30 Speaker 1:** Thank you.

78-22

**0:10:33 Charlene:** I'm Charlene Henwood, and I am a South Davis resident speaking with the voice of experience from over a year of watching the Mace Mess unfold. First, let's set the record straight. Despite the use of the word Aggie in the project name, the Aggie Research Campus ARC Project has nothing to do with UCD. It is not sponsored or sanctioned by the university, it is a City developer collaboration to increase tax revenues to the City. However according to the last fiscal analysis, after all of the construction is done, the City may reap only \$1 million a year in net

04/27/20

Page 4 of 34



Planning Workshop 2020.02.26

78-22  
Cont'd

↑ revenues after expenses. To put this into perspective, the City has blown nearly 4 million, making a hash out of South Mace Boulevard, and they're still spending like drunken sailors, trying to fix the mess they made.

**0:11:25 Charlene:** So just a few words to let you know what we're in for, if this project goes forward. The current Mace Mess is caused by only 400 additional commuter trips per two-hour peak commute period, diverted to Mace by the Waze driving application. Residents living in neighborhoods off Mace are routinely blockaded in their neighborhoods for two to three hours on Thursday and Friday evenings, and on afternoons before holidays. The City's traffic engineers have predicted that the ARC Project will generate 14k plus new daily car trips, with most concentrated in the peak commute periods. The City wants us to believe they can manage 14k trips per day on the existing roadway when they can't even manage 400 extra trips over a two-hour peak commute period, without gridlocking Mace both north and south of I-80. I'm pretty sure that adding 14k car trips a day will make congestion and gridlock a permanent, every day feature for all of Mace Boulevard.

**0:12:24 Charlene:** It is not just the traffic gridlock that is a problem. All South Davis residents living near Mace have had to deal with increased pollution and noise as cars idle for hours in a mile long line in front of their homes, and we have seen dozens of accidents and near-misses as frustrated Waze drivers zoom through residential neighborhoods, trying to bypass the Mace gridlock to get to I-80. All of this is so the City can maybe bring in an extra million bucks a year. Please reject this irresponsible development. It is a throwback to the car-centric developments of the 1970s and has no place in modern urban planning, and certainly not in Davis. Thank you for listening.

**0:13:05 Speaker 1:** Thank you, ma'am.

**0:13:12 Joshua Mason:** Hi, my name is Joshua Mason. I'm a PhD student in Sociology at the UC, and I'm also the Legislative Affairs Director for our graduate student association. I'd like to speak in support of this project for a few key reasons. First, it's no secret that there just aren't enough locations in Davis for folks to put their skill sets to use when they're getting out of their graduate programs. Graduate students, faculty, and their partners need a place to work and find places for stable employment in private industry, many of them would love to go into private industry, but simply can't. Folks wanna stay in the community, too. And as was mentioned before by a prior speaker, there just aren't the opportunities here for that to happen, unfortunately. We think that this project would be a great way to open up opportunities like that.

**0:14:00 Joshua Mason:** Additionally, it's just not healthy for folks to be spending so much time commuting to go find other places where they're trying to employ their skill sets. This also applies to the partners of faculty and staff, graduate students as well, so that would be a net benefit for everyone there. Finally, this would open up a lot of doors for undergrads who are trying to get internships as well as graduate students, that just, needing more opportunities additionally to go into private industry there. And finally, the fact that this is such an important housing initiative, my understanding is that this would be historically one of the biggest housing initiatives in the history of Davis and also the need for affordable housing would be really important for the community. So thank you very much, hope that the Commission will do what they can to see this through in a

04/27/20

Page 5 of 34

**Letter 78**

Planning Workshop 2020.02.26

smooth process.

**0:15:00 Speaker 1:** Thank you.

**0:15:07 Corey:** To the members of the Planning Commission, thank you for your time and the opportunity to speak in support of this important initiative.

**0:15:15 Speaker 1:** Please state your name, sir.

**0:15:16 Corey:** My name is Corey Day and I'm an Davis resident of 14 years. I moved here with my wife for undergrad, and we never left, and that's been hard. We came here because of the university and we chose to stay because of the community. We've seen more and more of our friends move to surrounding neighborhoods because there just aren't opportunities in town. Davis has a problem. We are squandering our most valuable resource, the people. UC Davis is a stone's throw from this Chamber, it's developing the top town in this region but there aren't businesses to utilize that talent. There aren't places to put those businesses and there aren't places for those people to live. In the United States, there are 174 universities with research campuses. UC Davis is not one of them. Despite that limitation, UC Davis is nationally ranked in the top 20 for research in universities and has been in the top 10% of research universities in global rankings. This is impressive and should be commended, however, these outcomes fall short of our potential. UC Davis has been talking about the concept of an innovation center for over 25 years, a quarter of a century.

**0:16:37 Corey:** Think of all the innovations developed over the past 25 years; medical treatments, food processing, technological developments. Now, imagine the greater role UC Davis and our community could have played in those developments if we started this 25 years ago. Think of the problems that could have been solved if we started 25 years ago. The City of Davis looked at this 10 years ago and decided that this is what we should do, at least the innovation task force. Imagine what we could have done if we started this 10 years ago.

**0:17:12 Corey:** When the City put out a request for proposal, three different proposals came in, inaction made us lose out on those opportunities. The North Davis Project moved to another community, the First Nation proposal lost by a few hundred votes. Now we are faced with the last chance to support innovation in Davis. This last chance is more than just the opportunity to be the 175th research campus. This research campus means more for our community: Jobs, retaining talent, and getting in housing. Let's not squander that opportunity, let's embrace it. With that I thank you for your time and when the time comes to make a decision, I hope that you also recommend that the City Council approve the Aggie Research Campus. Thank you.

**0:17:58 Speaker 1:** Thank you, sir.

**0:18:00 Molly Mermin:** Good evening, my name is Molly Mermin, I am a student at UC Davis, as well as the Executive Director for the Davis College Democrats. I am here to speak in support of the project and I'm sure everyone here is aware, Davis is in the midst of a housing crisis. We have an extremely low vacancy rate, and the only way to fix that while continuing to be a thriving city is

04/27/20

Page 6 of 34

Letter 78

Planning Workshop 2020.02.26

to build more housing. This project would contribute 850 units to the housing supply in Davis. Additionally, Davis is in desperate need of spaces for high skilled jobs to be filled by graduates of our university. Personally, I'm majoring in Pharmaceutical Chemistry and would love to get a job in biotech or another similar industry after graduation, while being able to remain in Davis. However, there are currently very few opportunities for me post-graduation here. I hear the concerns about traffic and I really urge the City to consider expanding bus services to the area should this project move forward. Bus lanes should be considered. Transit-oriented development is essential in combating the climate crisis, also essential in combating the climate crisis is build housing near job centers to decrease commuter emissions.

**0:19:08 Molly Mermin:** This project does that. This project simultaneously creates much needed good paying jobs, as well as housing, including affordable housing. This town has adopted an anti-growth mindset that is simply no longer feasible. Davis needs to grow our economy and grow our housing stock with it. Please support this project. Thank you.

**0:19:27 Speaker 1:** Thank you.

78-23

**0:19:35 Adam Hatefi:** Good evening, members of the Planning Commission. My name is Adam Hatefi, I'm the External Affairs Vice President for Associated Students UC Davis, here representing the undergraduate student body of UC Davis. At the moment, we are not officially taking a position on Aggie Research Campus. A lot of things I was gonna say, Molly just said, so I'll just cut to the chase. A couple of things, one about the transportation piece. I live near Mace and the issue of getting on the highway is a real problem. I would imagine that bus service to this development would be essential and if the developers in the City would like Unitrans to service this area, a conversation with Jeff at this point would be prudent, especially since, if the developers... I imagined Unitrans would need the developers to pitch in substantially in order to be able to effectively cover the area.

78-24

**0:20:41 Adam Hatefi:** The other thing is the housing piece. It is a great idea to have the housing next to the job center. My understanding is that students will be able to intern at this research campus, students will be working at this research campus, so as the developers in the City are looking at affordable, the affordable housing piece for the housing, including everybody in that affordable housing, including students, would be very much appreciated by us. We are receptive to this project. Again, we're not taking an official position yet, but we're looking forward to see where we end up. Thanks for the time.

**0:21:17 Speaker 1:** Thank you, sir.

**0:21:21 Gwen Chodur:** Good evening, members of the Planning Commission. My name is Gwen Chodur. I'm the External Vice President of the Graduate Student Association for UC Davis. I'm also a resident of South Davis myself. One thing that has consistently been brought before me, in my role, is that many of our graduate students are underserved by the existing housing options in Davis, and also by the existing technological innovation plans in campuses, and opportunities for their partners. Our partners are generally highly skilled, unfortunately many of them end up commuting to the Bay. I have members of my cohort who live in Walnut Creek or Fremont and commute to Davis every day because that is where they can live with their partners and split the distance, and

04/27/20

Page 7 of 34

Letter 78

Planning Workshop 2020.02.26

both drive two hours each way to find work.

**0:22:14 Gwen Chodur:** And that's terrible and unacceptable. And if we're going to combat the climate crisis, part of that means building jobs and building sustainable innovation and affordable housing in our community, where we live. I am strongly in support of this project. I will echo the concerns about the transportation and again, give the recommendation that bus service does need to be a consideration on a priority, as well as potentially, a linkage with the train and Amtrak in the Capitol [0:22:45] [REDACTED] Corridor. But thank you for your consideration, I hope that you recommend this project moving forward.

**0:22:50 Speaker 1:** Thank you.

78-25

**0:22:56 Dan:** I'm Dan Ray. I'm a resident of Davis. I've been here for 19 years, returning after having been at grad school. I was really attracted to come back because I'm a lifetime member of the American Institute Of Certified Land Use Planners, and I really appreciated that the City had a solid traditional land use planning and just adopted the plan almost when I came back. And so it's been sort of dismaying to me that since I returned, that most of the effort I've read about in the paper and participated in a little bit have not been efforts to implement that plan, but to amend it repeatedly. And so you're faced here now with a big decision. And what was innovative, the real innovative thing about the land use plan, was an intention that I hear again and again in the community: Let's grow up not out. There's nothing really innovative about popping a business park and multi-family housing on farm land at an off-ramp on the edge of town. I think we know how to do that in California pretty well. So I urge you to be planners. I told Cheryl what's happened is, you're just [0:24:08] [REDACTED] act to be reactors, and one scheme after another comes before you, and you've got to like to sort 'em through. Well, let's plan.

**0:24:18 Dan:** 'Cause reacting, we're just doing a bunch of serial adjustments to a scheme that was pretty well-thought out and endorsed by the community when it was adopted. Now, the timeline was interesting to me, but one thing that I thought was left out was the rezoning of the property where the Target Center is now located. And I had a chance to go back, Google that story: 2005, the Buzz Oates Company and the Ramos firm were before this body and before the City Council, saying there was no need for office space and the other kinds of uses that were allowed by the existing zoning at that site, we needed retail and so... And we needed big retail, so people were saying, "Oh let's have the retail up at Alhambra and Mace where the plan said it should be." "Oh no, we needed it here." So we approved it and then what's happened? Well, downtown probably had been hollowed out by firms that might as well have located down there. And then what's going on at Alhambra and Mace? Well, corporate office space that could have been located where the Target Center is, is going in up there and now, here is Oates and Ramos saying, "Whoa, you need office space and you need housing, and this is the only place for it."

**0:25:43 Dan:** Well wait a minute, you've got a downtown plan that's about to be approved, it's gonna have also space for housing and offices. We see in San Francisco, innovation happens up, you don't have to pave over the best farmland in the world like the Silicon Valley guys did, you've got choices. So I urge you, be planners. Look how this all fits together. Yeah, look to the future, but let's think about the fundamental values we're trying to accomplish. There are two key things that were pitched as advantages of the plan. One was, it's gonna be such an innovative, sustainable

04/27/20

Page 8 of 34



Letter 78

Planning Workshop 2020.02.26

78-25  
Cont'd

↑ thing, but the sustainability plans, oh, that'll come later. That decision is deferred. We've heard a lot about the transportation issues, transportation management plan. If I heard it right, that will be deferred. So let's make sure you do your job as planners, have a time to do that, don't let people rush you by an artificial deadline, and let's keep the long-term big picture in mind as you respond to this initiative. Thank you.

0:26:47 **Speaker 1:** Thank you, sir.

0:26:56 **Todd Edelman:** Good evening, Commissioners, my name is Todd Edelman. I'm a member of the Bicycling, Transportation and Street Safety Commission. I'm speaking tonight on my own behalf. Just briefly, I'm curious about the term workshops, workshop for this, it's really not really a workshop, it's a meeting without a decision, especially because the resolution on the old video system for City Hall is so bad that no one at home could read this. So that's not at all like a workshop. Anyway, about a week ago, the Davis Vanguard published a filtered version of sustainability guidelines provided by the City that had been given to them by the developer. And so, I just have some impressions on that.

78-26

0:27:45 **Todd Edelman:** But first, I want to react to the term 'transit-oriented development'. No true transit-oriented development, which I liked, because it's the same initials as my first name, is just about adding buses to something or a shuttle to the train station nearby. The UC Davis campus, now that's transit-oriented development, that's bicycle-oriented development, it's difficult to park there, too impossible. And it's really great to bike there on campus and pretty good getting there. So it's not just about throwing some buses on something and saying that's an incentive. That's definitely not enough. So, in the sustainability guidelines, there was a transportation, the management plan... Oh, actually, I'm sorry. I'm kind of being a little casual, I'll back up. About a month ago, the developers sent, I think, to all members of the BTSSC at the time, some proposals for transportation for the area, but it was all about cycling, and it was like, okay, this is a really serious developer that's done their homework and so on, they say and been working hard at this for years and all they sent to us kind of like to let us know things are gonna be okay was just stuff about having some bike paths to the proposed campus.

0:29:13 **Todd Edelman:** So that kind of let me say, think like well how serious are these people if they're not talking to us about other initiatives? Anyway, I kinda went on with all that stuff kind of improvised. So I just have a lot of trepidation about the real quality of this project as far as transportation goes, a lot of the other commenters have given some more details of projections, which are ominous. And I urge you to seriously consider this project as being a negative. We need housing, we need job creation. This is not the place to do it. Thanks.

0:29:58 **Speaker 1:** Thank you.

[pause]

78-27

0:30:13 **Ron Artell:** Hello. Yes, my name is Ron Artell, and I'm opposed to this project. Just straight out. If it was inside the Mace Curve, I'd be fine with it, like the other Nugget headquarters, that kind of thing. But to me, Mace Boulevard is a logical boundary for the City. I wanted to speak about demand for this. We know there's already been two or three other sites converted or lost to the

04/27/20

Page 9 of 34

Letter 78

Planning Workshop 2020.02.26

78-27  
Cont'd

↑ City. To me, that tells me that there's really not a demand for this in the first place, unless housing's included, that's where the money is for the developer appears. The one site that was at the WDAAC site, that one's moved to Woodland now, and even that one has housing included with it. And by the way, these students and others, I don't mean to pick on them, but that's where they'd end up living anyway, 'cause it's cheaper there. And the same kind of thing's gonna be there, seven miles away as opposed to five. That's a reality. To me, this thing shouldn't even be allowed to use the name Aggie, but that's a whole nother thing. Anyway. Yeah, this talk about, moving toward a car-less future. This thing has 4,340 parking spaces associated with it.

**0:31:42 Ron Artell:** Alan Pryor covered this pretty well, in terms of the impact on traffic, the Mace Mess was mentioned, all that's gonna be impacted by this thing. So, this argument that... Well, then get rid of the parking spaces now, you don't need em, 'get rid of 'em. The word bait and switch was used. I was here about three or four years ago, when the proposal came forward, as a commercial proposal, as the whole purpose of it. I decided since the City went at that time to approve that, I said, "Okay, I'm not gonna get involved with this now, I'm involved, 'cause it's been switched. There's no purpose for this [0:32:28] [REDACTED] anymore. The housing is going to reduce the money that's supposedly gonna be received from the City for this, there's costs associated with housing long-term and if it's not on-site, it's also gonna be off-site as well. This is gonna lead to another peripheral development. There's no doubt in my mind, it's gonna be on Shriners property or Covell somewhere. It's a growth machine, assuming it's even viable, the commercial part. So in any case, yeah, you'll probably be seeing me again regarding this, so thank you.

**0:33:10 Speaker 1:** Thank you, sir.

**0:33:20 Scott Powell:** Members of the Planning Commission. Good evening, thank you very much for your service. My name is Scott Powell, I'm the Senior Vice President of the Greater Sacramento Economic Council, and I'm also a Davis resident. I stand here before you today to voice our support for this project, both as a resident, and for the Greater Sacramento Economic Council. If we remember back about 12 years ago during the Great Recession, the Greater Sacramento Region was hit probably harder than almost any other community throughout the nation. And part of that was due to our lack of tradable sector jobs. To prevent this, we need to figure out how to grow those tradable sector jobs. Davis has a vacancy rate according to the CoStar below 4% in the office space, the region is right around 9%; nationwide, right around 12, and we're not seeing a lot of product being built, which hinders our ability to bring in new jobs and to increase tradable sector industries.

**0:34:09 Scott Powell:** Furthermore, only 30% of UC Davis' students actually remain within the Greater Sacramento region, more go to the Bay Area and 30%, shocking that is, to me, is actually an improvement over the past five years. We are losing. This community spends a lot of time and resources educating those students, only to send them somewhere else. As we all know, strong communities are grown with a strong business community. This project is critical to help bringing in more jobs, and growing the tax base in the regional economy. And without that, we can't support... We can't support people at all income levels. So I encourage you to support this project. Thank you very much and have a great evening.

**0:34:50 Speaker 1:** Thank you, sir.

04/27/20

Page 10 of 34

Planning Workshop 2020.02.26

78-28

**0:34:51 Eileen Semitz:** Good evening, Commissioners, Eileen Semitz. To begin with, the entire reason why this project was originally proposed was because the City was looking for revenue-producing commercial, so the concept of the Mace Ranch Innovation Center was to be commercial-only. One complaint when the developers were coming up with that plan, was that they were saying, well, the project really was needed to be even larger than even it was like over 200 acres. And so well then, the project conveniently morphed into a bait and switch to a mixed use project where they're now magically, could shoehorn in 850 units. But yet, remember it wasn't big enough, it really wasn't big enough originally to have enough commercial, so it's interesting how they can wave their magic wand on things like this. So anyway, it gets worse, because the project is also now trying to use City land for part of its Ag buffer. So why is the subsidy being given to this developer using land paid for by the City tax payers? No City property should be used for Ag buffer for this project. Also, it's ridiculous and outrageous that this ARC Project which is completely different than the MRIC commercial-only project is trying to get away with using the original EIR for MRIC.

**0:36:27 Eileen Semitz:** There's no way that should be allowed, because the impacts are completely different of a mixed-use project versus a commercial-only project. The design, and to try to get away with using a supplemental EIR Band-Aid is ridiculous, also. So I hope this commission, really does not let that happen, because it would be a travesty. Furthermore, a cumulative impacts report is needed, and a fiscal analysis needs to be done, to even determine if the either mixed-use or even the commercial-only project would bring any revenue, otherwise, we shouldn't even be going through this fire drill.

**0:37:12 Eileen Semitz:** Another issue is that the MRIC EIR relied entirely upon the assumption that 60% of the workers would live on-site, yet the developers really haven't come up with any enforceable mechanisms to make this magic happen. But there's been a suggestion about a master leasing, but two things: Number one, if anything like that happens, that's not the entire solution. Number one, it needs to be in the baseline project features. Two, the university, any university use of that site should not be allowed to have master leasing, otherwise the City gets cheated out of all the revenue as they've been doing for years. Also, what about the affordable housing component that they tried to get away with doing none of, with vertical mixed-use?

**0:37:55 Eileen Semitz:** So the ARC Project is more of a housing development, which is really basically got commercial window dressing, it doesn't look like an attractive tech park, it looks like an ant farm, which you see all this stuff crammed in there. The project should not divide the project into two commercial parks. That's ridiculous, it shouldn't. The housing should be all together if there was housing and but all the commercial needs to be together. And in closing, this project has no business being anything other than a commercial-only project. Otherwise, it's just a Trojan horse and the city's getting screwed.

**0:38:30 Speaker 1:** Thank you.

**0:38:35 Francois Kaepelin:** Hello, my name is Francois Kaepelin, I'm a UC Davis student, as well as the chair of the Unitrans Advisory Committee. So I have two main things that I wanna address. First of all, the name Aggie Research Campus can be really confusing at times. During our UAC meeting, I actually mentioned the ARC, since the UAC is starting to look at plans to have a Unitrans shuttle between the ARC and on campus. Unfortunately, the ARC also stands for the

04/27/20

Page 11 of 34

**Letter 78**

Planning Workshop 2020.02.26

Activities and Recreation Center, which is a gym that a lot of UC Davis students use. The second thing is that I understand there's a lot of concerns about traffic, and currently in the Unitrans Advisory Committee, we're looking to mitigate some of those things by trying to service areas, like as many people as we humanly can. Unfortunately, we don't have enough buses and unfortunately, Davis doesn't have enough bus lanes to make a bus service easy on us. So I think that once of the shuttle service ideas between Unitrans and then the developers of the ARC start developing, I think we may be able to mitigate much of the traffic concerns, especially around the area of the Mace Mess. Thank you.

**0:39:57 Speaker 1:** Thank you.

**0:39:57 Julia Connor:** Good evening, Commissioners, my name is Julia Connor and I'm here to speak in favor of the Aggie Research Campus. I came to Davis for the same reason most people my age came to this town, that's for the university. The campus is an anchor for people like me, but an opportunity for everyone in the community. However I worry that once I graduate, there will no longer be a place for me in this community. Outside the university there aren't many job opportunities here. I recently heard that UC Davis only retains 23% of the students in Sacramento region. I don't think this is because 77% of the students don't wanna stay here. I think it's because of a lack of opportunities. I support the Aggie Research Campus because it would provide students, like myself, the same opportunity, most of our community members had: To come here for school, to find a career and to start a life in this community. Thank you, thank you for your time.

**0:40:55 Speaker 1:** Thank you.

**0:41:00 Madeline Ransom:** Evening, I'm Madeline Ransom, and I live in South Davis. I just have actually two questions. One is, what is the real cost to the City of Davis? And there have been a lot of economic studies that show that the cost to the local community turns out to be so much higher than people had estimated. And I heard an estimate this evening about a million. So the net to City of Davis is about a million. So my request is that we really look at the cost to Davis for enforcement, for road maintenance, for anything that you all know about that the City provides. And the second thing is a question of, who's gonna live in that housing? I mean, can you make the employees live there? Suppose they wanna live in the housing in the city in South Davis? So that's to me a question. Who's gonna live there? Thank you.

**0:42:11 Speaker 1:** Thank you. If anyone else is gonna speak, please stand up and get in line now, thank you.

**0:42:23 Josh Jones:** Hi. My name is Josh Jones, I've lived in Davis for about 12 years now, and I want you to know that I'm all for research and development. But about 14,000 car trips a day to and from the workplace is a lot. Now half of 14,000 is about one job each. So, you could estimate about 7000 people working there each day. On the other hand, estimate for housing is about 850 units so apparently the housing units are far less in ratio than 7,000 jobs, unless the plan calls for nine people living in each housing unit, which I don't think that's what the plan is. I guess my point is that UC Davis is already a huge job draw in Northern California. It's one of the biggest in Northern California. So 7000 or so new jobs is great, but it would seem some kind of high-rise apartments should be built on campus to absorb housing student needs.

04/27/20

Page 12 of 34



Letter 78

Planning Workshop 2020.02.26

**0:43:33 Josh Jones:** I think a lot of people talked about that for a long time, and it does seem to be pressing, the students seem to agree as well. [0:43:42] [REDACTED] Much more student housing would greatly reduce traffic. Clearly, the ARC Business Park is not going to help alleviate student housing needs in Davis, since the ratio is so much smaller to the jobs available but it would produce a lot of traffic and it would increase air pollution, which is... We don't want in Davis, we wanna get rid of global warming. So again, it seems like the ARC center might be great, but there does need to be some offset of student housing high-rise, like Sproul Hall, nine-stories apartments. Thank you.

**0:44:22 Speaker 1:** Thank you, sir.

78-29

**0:44:30 Les Portelo:** Good evening, my name is Les Portelo. I've lived in Davis too long to count. And I just wanna address a couple of points here. This is a major leapfrog development. I don't think we can deny that. And as far as saying we justify it because there's little or no land of available, it hasn't been that long since I remember the PG&E proposal for example, on the south side of I-80. And there's gonna be other aggregations of land that are gonna take place in the next few years. I'm troubled by the fact that there doesn't seem to be a plan to recognize that Woodland isn't gonna go away. We seem to be focused on the traffic effects on at I-80 and the Mace Boulevard Interchange, and... But what are we gonna do about what's gonna happen to the north? One indication of that is the corner of Poleline Road and Covell. In the evening, the left-hand lane is so blocked that there's only the right-hand lane available. So, you're blocked both ways. If you're gonna turn north, you just can't go anywhere. So I think the plan ought to address the issue of the future access to whatever is contemplated for traffic to the City of Woodland.

78-30

78-31

**0:46:00 Les Portelo:** There's no line to grow. We already mentioned that PG&E and there's gonna be more and more of the farmland at Yolo County that's going to go under. Specific to the issue of the development and transportation, I don't see any kind of an aviation component. I'm not suggesting that we replicate the university airport, but I do think that the future lies in airborne vehicles, whether they're Amazon delivery vehicles or something that needs to be accommodated in there somewhere. Also the issue of light rail, and I think we need to be planning to get the buses off the road. I think we need to look at what Sacramento has done. For example, in The Cannery development, in North Sacramento, light rail comes in there, there's a specific stop and then the rail takes people downtown. And I think that's one issue with respect to Covell Boulevard that needs to be looked at. And the funding needs to be provided upfront by the developer, it shouldn't be on the citizens of Davis. We need to plan for that. How are we gonna expand Covell Boulevard and Mace Boulevard into six or eight lanes? Anyway, those are my comments. Thank you very much for the opportunity.

**0:47:24 Speaker 1:** Thank you, sir.

**0:47:31 Stephanie:** Hello, Commissioners, my name is Stephanie and I am a UC Davis student in support of the Aggie Research Campus. A lack of rental vacancies and soaring rent prices have caused an extraordinary housing crisis in Davis. According to the UC Davis Vacancy Survey, the current apartment vacancy rate is below 1%. Rent prices rose almost three times higher than the inflation from 2018 to 2019. Just last year, rent increased 5.5 and other recent years saw a 7 to 8 increase. Meanwhile, almost 18 of UC Davis students have experienced homelessness or housing

Letter 78

Planning Workshop 2020.02.26

security. I understand the housing that would be built at the Aggie Research Campus would not be geared towards students, but the workforce. I also understand that we need a new workforce housing to relieve housing pressure. That 850 housing units the ARC would build are desperately needed and exemplify best practices in having the opportunity to live where you work, making car-free living accessible. While I came here for school, I love to come to love this town and its community. I hope to stay here. And the ARC provides that chance. Thank you.

0:48:48 Speaker 1: Thank you.

78-32

0:48:54 Nancy Price: Good evening, I'm Nancy Price, I just have two comments. I know that you received from Rick [0:49:01] [REDACTED], a long document about planning and its relationship to infill. And whereas we were told earlier that there are something like 80 acres that could be used for infill, the problem was that they're configured in complicated ways and may not be suitable for that. But I would like to say that it is a requirement that infill be looked at, in regard to approving any external development. So I just wonder if you were inclined to make any effort to look at the infill and see if by using some of those lots, you could reduce the size of this project or change aspects of this project; of the 80 acres that were mentioned that would reduce this project to something like a 150 acres. And maybe that would be worth looking at.

78-33

0:50:02 Nancy Price: Secondly, I understand that the Social Services Commission had many questions about the issue of affordable housing, whether that's going to be supplied on this site or not, or that you developed or allowed to pay in-lieu fees for affordable housing place elsewhere. Thirdly, sorry, I have a third point. Thirdly, I just like to say that as someone who has lived here at the inception of Measure J and J-R now, and there's this rush and pressure to get it on the ballot or make decisions by July, early July to then have it on the ballot November, I really caution you to take the comments about the the needs that what is put before the voters in November, the decisions that you have to make by July about this project will fully meet the Measure J-R requirement for what is needed for that to be voted on. I think to slight any of the requirements of Measure J-R would be a terrible precedent to set.

78-34

0:51:22 Nancy Price: And so there is a lot to think about in the pressure and already, people saying they approve this project, when in fact all the details aren't worked out, even for the Measure J-R vote. So I really would like to say that there's an aspect of process here that I think is most important. So that Measure J-R maintains the integrity it's meant to have. Thank you very much.

0:51:47 Speaker 1: Thank you, ma'am.

78-35

0:51:52 Roberta Millstein: Good evening, I'm Roberta Millstein, Chair of the Open Space and Habitat Commission, but I'm here speaking just for myself. So I'm mainly here to talk about the ARC projects use of city and land for the Ag buffer. This is commonly referred to as Mace 25, it's 25 acres of prime farmland that was purchased with open space funds from the open space tax, it was originally part of a larger parcel and that parcel was later dubbed Leland Ranch. Just as an aside, when people use the term 'open space', they need to be a little bit more careful. The developer was mixing together park with habitat and farmland, and not all of that is the City's technical use of open space.

04/27/20

Page 14 of 34



Planning Workshop 2020.02.26

78-35  
Cont'd

**0:52:36 Roberta Millstein:** Only habitat and ag should be called open space, right? We call [0:52:42] [redacted] park, a park. Anyway, that's an aside, but I think it's important when we start to talk about the total amount of open space in the project. Okay, speaking of other things that are misleading, we removed the 25 acres from the project, that is, I'll just say misleading, because the ARC Project is proposing to use a a portion, we learned tonight, 6.8 acres of the Mace 25 to satisfy the Ag buffer requirement that's spelled out in Davis Municipal Code 48.01.050. And on the other hand, it's just not clear that ARC's proposed use actually satisfies the spirit or the letter of this municipal code, which I will quote from, "All new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required", and this is the keyword, "to provide an agricultural buffer/agricultural tradition transition area. And the land shall be dedicated to the City."

**0:53:53 Roberta Millstein:** So I believe that the code is implying that the land for the buffer is not already owned by the City with the proposed use instead of a developer providing all of the land for the required Ag buffer as the code seems to imply, the City is providing; they're proposing the 6.8 acres of land that was purchased with funds from Davis's open space tax. I think this is a potential legal problem that the Planning Commission should consider. Furthermore, I suggest that the Planning Commission consider whether it makes sense to take a portion of the 25 acres of Ag land and designate it as a buffer for the remainder of the Ag land. That seems kind of perverse to me. Shouldn't there instead be a buffer for the entire 25 acres using the developer's land?

**0:54:39 Roberta Millstein:** In effect, this represents a reduction of 6.8 acres of open space within the City since Mace 25 should already be open space anyway, was purchased with those funds and since the developer is not adding the full amount of the Ag buffer to the total amount of open space in the City. Finally, please consider the environmental impact, failing to have a buffer for the entire Mace 25, especially given the burrowing owls that have been seen in area, burrowing owls are species of special concern, and also the potential use of ag land to help address climate change. Thank you.

**0:55:14 Speaker 1:** Thank you.

**0:55:19 Colin Walsh:** Good evening, Commissioners, thank you applicants and City staff. A couple things. So last Wednesday, there was...

**0:55:28 Speaker 1:** Please state your name, sir.

**0:55:29 Colin Walsh:** Oh, certainly, Colin Walsh. So last Wednesday, there was a kick-off meeting, a kick-off rally at Spafford & Lincoln, Spafford & Lincoln is a local Davis PR firm that Mr Ramos has hired and almost immediately, you saw an uptick in blog posts and apparently, meeting attendance as well. So the reason I bring this up is, I would really encourage you to take a minute and really look at the project, kick the tires on this. That's why we're here, we're not here to say yes, we're not here to say no tonight. We're here to ask questions. And with that, I have a couple of questions.

04/27/20

Page 15 of 34

Letter 78

Planning Workshop 2020.02.26

**78-36** **0:56:09 Colin Walsh:** So the housing, there's... One of the ideas about the housing is that it's... And you guys had it right with the 60% has to be there for it to be the preferred environmental option. The developer says that they're gonna do this by staging it and they're gonna have a certain amount of space build out in the development for commercial, and then they're gonna have the housing, but if you look at it and you do the math, the housing gets built out long before the commercial space gets built out.

**78-37** **0:56:44 Colin Walsh:** The developer would like to tell you that the housing trails the commercial, and indeed maybe the first part of housing trails the commercial, but in reality, in the long term, the commercial trails the housing. This was a big discussion at the NRC the other night and the developer kept putting forward these ideas, these little bit misleading ideas that housing was gonna trail when in reality, the housing is built out by their proposal long before, long before the commercial is done. So that could negate the effect and take away this environmentally preferred option. So when I was here before, I believe, at one of your last meetings, I brought up the affordable housing issue. This is an important aspect of this as well. I won't go into it too much because you have my letter from before, I just wanna remind you that we need to know where this affordable housing is gonna go. The developer's representative at the Social Services Commission meeting suggested that they wanted to do in-lieu fees and that they wanted to possibly locate it off-site, if they build it at all. With housing, it's interesting, we've had this idea put forward tonight that we need the 850 units, but let's remember, this is gonna bring way more people to Davis than the housing would provide for.

**78-38** **0:58:03 Colin Walsh:** Davis already has a massive imbalance because UC Davis is a regional draw. UC Davis brings people in from all over California, and that's okay, that's fantastic. People will also then leave and go to other places. We don't need to provide jobs for everybody who comes to UC Davis, 40,000 undergrads a year, we're not gonna provide jobs for every undergrad that comes to UC Davis. With that, I'd like to thank you so much for your time and I look forward to seeing you kick the tires.

**0:58:35 Speaker 1:** Thank you, sir. Is there anyone else that wishes to speak on this? Okay, great, so how about if we take a five-minute break, that work? Thank you.

[pause]

**1:08:17 Speaker 1:** Commission meeting back to order. So I wanna thank all the folks that spoke, very helpful to get public input on this, so we're [1:08:32] [redacted] here, represent the public, so it's very, very helpful to get this kind of input and now we're going to discuss within the Planning Commission and share some ideas and thoughts on this, so I wanted to check with the Commissioners here to see what kind of process? Do we wanna just do one commissioner at a time and just come up with a list of...

**1:09:03 S?:** I suggest we just go around, start with Emily and just if everybody has questions, comments...

[background conversation]

04/27/20

Page 16 of 34

Letter 78

Planning Workshop 2020.02.26

1:09:10 S?: More flexibility to kind of kick around things...

[background conversation]

1:09:18 S?: We're asking questions. We're not making a case one way or the other.

1:09:25 Speaker 1: That's right.

[background conversation]

1:09:26 Speaker 26: I'm sorry. My point was I agree with the format, I just wanted to make it clear that we're asking questions and we're not discussing the pros or the cons of the project.

1:09:41 Speaker 27: I don't know that I agree with that statement. I think that our role here tonight is both to ask clarifying questions, but also to provide our comments and share our concerns with the applicant and give them an opportunity to refine this proposal and come forward with an improved iteration of this project if necessary, to address any of those concerns.

1:10:01 Mr Roberts: I agree, but I also think that the questions themselves will evidence concerns about the project, generally. So, it's hard not to state a position or at least a concern at the same time. Yeah, go for it.

1:10:16 Speaker 27: Sure, I'm not interested in limiting my remarks to questions only.

1:10:22 Speaker 1: I think that's fine, I think that's fine. Would you like to start or would you like us to start? We have the option to start on the other site. Why don't you start, Mr. Roberts? You're always last in the vote, so take it away, sir.

1:10:39 Mr Roberts: Okay, I'll try to be as quick as possible. Concerns. First of all, it was a great dialogue tonight, I found it very informative. For me it exposed to a lot of gaps in understanding and gaps always create concerns for me. The 850 homes here, it's described as being this part of the project because it's the preferred alternative; question is, are the 850 homes and tenants a mitigation of the burdens created by the project or is it intended to meet existing housing demands in the community? 'Cause those are two very different directions we go. If it's to meet existing demands of the community, hard to justify this project. One of the things that's always been important to me is providing housing to reduce numbers of trips. Okay, so if we're moving away from a project that is really using this housing as what I consider a mitigation of impacts, traffic impacts, then I'm gonna have real concerns with this as we move along. The other thing is traffic. I live in North Davis. But often, to try to avoid as much of the I-80 problems at commute times, I'll go along Mace and get on at Mace, and trying to go up the Mace overpass from North Davis is often very problematic and that's without this project.

78-39

1:12:22 Mr Roberts: And I hear 7,000 trips in the evening, and that is significant to me how we're gonna mitigate that because I don't hear anything about widening overpasses or additional lanes, which wouldn't make any difference anyway once you get to 80 because 80 is a total gridlock along

78-40

04/27/20

Page 17 of 34



Letter 78

Planning Workshop 2020.02.26

78-40  
Cont'd

that whole stretch in the evening hours, the commute hours, you can't get past that. So, I need to understand how that's going to be addressed. One of the things I know that made this project feel appropriate was the fact that we do have skill sets that are being lost, because we don't have employers that match. And if it was truly meeting that group, then I would have a lot more comfort in it. But if it doesn't do that, then it's a large generator of traffic. Okay, if they're coming from the university or they're living on that campus, that incubator campus, that's one thing. But if they're not, if that's not the ultimate vision or outcome, then I'm very concerned.

**1:13:53 Mr Roberts:** So traffic and the use of the housing is very critical to me going forward on how we study it. I just noticed an article from the Sacramento Business Journal, that one of the housing projects in Davis recently sold and the people who bought it are gonna convert it into four-bed rentals, that it's not currently set up that way, but they're converting it. And I only bring that up in the context of this project, which is specifically being proposed as a unit project, not a bedroom project appropriately because it's employees rather than students. But as a community, we haven't yet come to grips with where we wanna go in the future in this unit versus bedroom. And so, I hope some time before we move too much further along, we come to grips with that. So that's all I have.

**1:15:02 Speaker 29:** Well, thank you and I wanna thank everyone who came out and spoke tonight and kept everything very congenial. And to the point. I thought it was a very, very good conversation that we had this evening and a lot of good points from both those who support and those who oppose it. And I guess that's the benefit of Measure J and R right is that it's meant for us to think about these projects outside of our growth boundary in, and really make sure it's gonna be something that meets the need of everyone and then everybody comes in, says their 2 cents about it, and it goes to the vote of the people.

**1:15:44 Speaker 29:** And if the majority of the City wants it, it's done. If not, back to the drawing board or off to something else. So I think with me, I appreciate this project, knowing that we can't just close up our borders and build a big wall around the town, we have to figure how growth is gonna happen. And I don't think the City ever really planned for future growth outside of what these are, and that's been some of the challenges I've had when we sat here that everything's been kind of piecemeal. But I do have a few concerns with this project and I know I've spoken to the applicants about this, one is the housing piece itself. I'm really torn on it. I'd like to see it included in the project, affordable housing especially, you know, I mean that we can be creative, we need to be creative.

**1:16:42 Speaker 29:** I'm really hoping that we get a few different types of scenarios coming from the applicants in this. I know again, we've had a few projects recently that have come to us that have been a little bit different than what you've normally thought as a traditional affordable housing project, in-lieu fee scenarios and things like that. So I'd like to see some options come back to us around that, but really let's not just say, we're gonna meet the need off-site somewhere, we're not just gonna meet the need through in-lieu fees, but go to the drawing board, be a little creative on this project.

78-41

**1:17:23 Speaker 29:** The buffer zone, the Ag buffer also, I'm a little torn on it. I understand the challenges with this and the 6.8 acres. I think we need to stick to the intent of the open space mitigation, and that 6.8 acres should be owned by the applicant, not taken out of the City's land. The

04/27/20

Page 18 of 34

Planning Workshop 2020.02.26

78-41  
Cont'd

↑ buffer is meant to maintain space between cities and county land, so that we're not just looking like the South Bay where just one urban youth after another. You can't tell the difference between cities when you drive from San Jose up to San Francisco. So definitely don't want us looking like that at any point. And so having that Ag buffer outside of the development I think would be very helpful.

**1:18:28 Speaker 29:** There are a few other things I think that I've also mentioned to the applicant around the natural vegetation in the Ag buffer, the native riparian vegetation along the ditch and having native species for landscaping throughout. That to me, I think are some of the things I'd like to see within this project as well but how to make this a truly transit-oriented development without having real transit options in town, I don't know how we can do that; mitigating the traffic issues that we're gonna have. Oh, I avoid Mace Ranch. Or that Mace, turn off as often as I can. It's awful. I hit commuting hours all the time and I get stuck in that, and I know it's a mess but it's a much greater problem than just the City's. It's the State's, it's Caltrans, it's a lot of other folks that need to be part of figuring out this solution with our traffic area around here.

**1:19:36 Speaker 29:** I do think we have to think about some sustainable economic development opportunities, and this, to me, seems like a very good project to meet that, having these options for innovation. I mean, I'm sorry, the gentleman's name that came up in a part of your project team did it very creative and get your mind going. I really liked the idea of the wireless charging along streets and all that, that I thought was kind of cool, but again, this could be a project that shows some of that innovation and moves forward in a lot of different ways.

**1:20:19 Speaker 29:** Where else am I at? I guess the last point really is going back to the housing, I think it's pretty clear that we do not have the appetite for student-oriented type housing anymore in this town, that we wanna move away from one bed, one bath private type things, that it needs to be traditional housing units for families and if singles want to get together and lease it out, that's fine, but no master leasing, nothing to that extent, especially with the university, that would just defeat the purpose of having an economic generator if the university master leases a bunch of this stuff and we don't get that tax revenue from it. So I think there's a lot of merit to this project. I'm anxious to see how this process plays out. I don't think it's rushed. I was surprised, I was listening to it on my way in and Cherry, I hear you said that it started like in 2008, that kind of blew my mind, think about, wow, it has been that long, so it's not like this is something that all of a sudden, we just like... Oh, wait, here it goes, let's get this on the November ballot.

**1:21:36 Speaker 29:** It's been in the making for a while, and I know that the applicants put a lot of time and effort into trying to think of doing the project that's right for the City of Davis. So with that, I think that's kind of where I'm at. I'm anxious to see how it goes through the other commissions and comes back to us in a couple of months here.

**1:21:54 Speaker 30:** I have a couple of comments that I don't think of have been fully explored yet. The first one has to do with the nature of the project itself. What it seems to me, and I wanna make it clear, at this point. I'm neither for nor against the project, because I don't have enough information. But there are some things that stick out that I am concerned about. One of those, this project is an example of what in the literature has become known as agglomerated innovation incubators, and those are fancy words that have shown up in the last probably decade, but they're not really new. You can go back to the 1950s, to people like Fairchild's, Hewlett-Packard's and

04/27/20

Page 19 of 34

Letter 78

Planning Workshop 2020.02.26

ultimately Jobs, and forgotten what his buddy was, he doesn't... Anyway. And they were really the prototypes of what we're talking about today in terms of a large development that caters to these agglomerated innovation centers. And the keyword here is agglomeration. That is the thing that makes them work and there's plenty of literature out there to show that at the stage of the game. The thing that makes them work, is that they concentrate large numbers of individuals with like minds, like talents and like skills to interact with each other in a face-to-face relationship.

**1:23:58 Speaker 30:** So proximity matters and that's one of the hallmarks of these agglomerated innovation centers is that they put high talented people together in one spot with the idea that something is supposed to spark. And that's all good and well. But if you look at, what this proposal appears to be on or appears to be trying to do, is what I call a Fly Paper Approach, that is they're hanging out this development, hoping that something will come along, something will come along and stick. And from that, I've got a couple of questions. First one is, you heard a little bit about the nature of this agglomerated innovation center as having something loosely to do with agriculture or maybe biotech. But there's really nothing in anything I've read that says that's what it's gonna be, that with the Fly Paper Approach, if someone else comes along, another Mori Seiki, for example, they'd be happy with them too.

**1:25:39 Speaker 30:** So there isn't a conscious focus there, and that raises a number of questions. What endorsement from UC Davis is there about this, is there on this project? I haven't seen anyone here tonight, that represented themselves as being part of UC Davis, and particularly part of UC Davis Research Administration, which this would seem to be a hardcore connection to. I'm wondering where these officials are, if in fact, UC Davis is a latent endorser or a provider of good will or whatever, to help focus this development on things that UC Davis does.

**1:26:41 Speaker 30:** And so the fact that UC Davis personnel are not here to back this project, leaves me with a question, what's the focus of this demand? Where does it come from if it doesn't come from UC Davis? The second question is really following on the first, and that is, I'm unclear what the distinctive advantage of this project is, located in Davis. Except for potentially agricultural research and development, which doesn't seem to be the only or primary focus, as it's been discussed so far, it makes me wonder about the outcome of this project down the road. If you're just looking for an undifferentiated innovation center or incubator, there are tons of them in the Bay Area, and there's lots of capacity that hasn't been filled yet. Most of the folks that I know all up and down 101 and 680 will tell you that they've got lots of square footage that isn't being utilized for the purpose of agglomerated innovation incubators.

**1:28:26 Speaker 30:** So we're out here quite away, 50, 60, even 90 miles from where the "real action" is in the San Francisco Bay Area. What gives us any competitive advantage over what's already existing there and closer [1:28:43] [REDACTED] it? On the other hand, if somehow we can associate with UC Davis and its research capacity, which is quite large, especially in agriculture and in medicine, it seems to me that we could create a foundation for having a research and development facility here in Davis. I'm also a little bit perplexed about the lack of UC Davis participation in this. It raises the question in my mind whether this is the best location for it, especially vis-à-vis UC Davis. If you look on the west side of the campus, the other side of 113, there's several thousand acres out there that the UC Davis campus owns. Why haven't they proposed or joined with us or join with some developers to put the research park there, much like Stanford did with its research



Letter 78

Planning Workshop 2020.02.26

parks which now surround the campus itself? And Stanford is not the only example, you can go back east to the Ivy League schools, they all do that in major sorts of ways.

78-42

**1:30:19 Speaker 30:** This campus, supposed Aggie campus, is what, five or six miles from the campus itself, the UC campus, when in fact, it could be literally next door across 113 with the amount of land that's out there. So I'm concerned about what this project is, and hoping it's not a Fly Paper Approach. Fly Paper approaches tend not to be associated with good outcomes, in my experience. And the last comment that I have is on entirely another subject that is the transportation issue, which I think was right on. If you look at the location of this project, and when and how people would come and go from this project, either for work or their purposes, it seems to me that if you're thinking that a lot of the folks, obviously, because the housing won't house all 7,000 people that might be working there, if you're thinking about where those people might live, I would guess, a fair number of them might live in West Sac, as opposed to Downtown Davis or Wildhorse or things of that nature, which says to me that with some rejiggering of the outlet or portal streets on Second Street, that traffic would not even necessarily have to go through Mace Boulevard if it was rightly correctly routed.

**1:32:22 Speaker 30:** If I look at the map correctly, which I think is still up there on the wall, if you look on the left of the west side of that, best as I can tell, looks like there's one, two, three, outlets onto Mace Boulevard in a very short distance, and that the way it's designed, it seems to me that it's augmenting car traffic towards Downtown Davis, so, towards the core of Davis. Now if we're really a bike community or a scooter community or whatever it happens to be, as opposed to automobiles, why do we need all of those exit routes or entrance routes, depending upon how you look at it, on that side of the project, the cars that will most be utilized, in and out of that project, it seems to me, if you're taking bikes seriously in Davis, we'll probably be headed for the causeway, either West Sac or some other location. And yet there's really only two portal outlets, in comes, on Second Street, why isn't there a third one over there on the east side next to the buffer for automobiles? If you think about it then, Second Street, which goes all the way to the causeway, and then onto the causeway itself, should be the major entrance and exit in the project. But the way it looks like it's designed to me is it's through exit automobiles all towards the southwest, which happens to be Mace overpass.

**1:34:29 Speaker 30:** And the entrances and exits off of I-80. So from my thinking, some minimal rejiggering of the traffic pattern might solve at least a portion of what I've heard lots of people tonight concerned about regarding congestion and gridlock, on or about the Mace overpass and its various tributaries.

**1:35:01 Speaker 1:** Thank you, I wanna take a few minutes to... I think I need to read Greg Rowe's comments. I don't believe they've been circulated to the public yet. So should I just go ahead and read those for folks?

**1:35:19 S?:** Certainly.

**1:35:20 Speaker 1:** Thank you. Alright, so Commissioner Greg Rowe is not able to be here tonight, he sent an email message on February 19th. And so I'm going to read that now. Greg says, "I met on January 7th for over two hours with Dan Ramos and Attorney Matt Keasling at Taylor & Wiley.

04/27/20

Page 21 of 34

Letter 78

Planning Workshop 2020.02.26

Below are a few of the questions I asked and their responses. This information may be relevant to next week's workshop. Number one, UC Davis, its anchor tenants and property tax exemption. The consultant's scope of work for the updated fiscal analysis says that it will be assumed that UCD will be one of the early anchored tenants. If this turns out to be the case, will the developer apply for a property tax exemption? This is a concern because elsewhere in Davis, it has been the pattern of practice for commercial and residential developers, property owners, to file for a property tax exemption on properties leased by UC Davis. Answer: Ramos said he would not do this, he is philosophically opposed to this practice. I replied, "this is Greg speaking, "I replied that if that is the case, such a provision needs to be included in the Development Agreement, more important, it must be included in the baseline conditions because Council can at any time amend the Development Agreement, but cannot alter the baseline conditions approved on a Measure J-R-ballot."

**1:37:00 Speaker 1:** Number two. Student housing. Greg said that, "In my opinion, any multi-family housing apartments should not follow the same design as recent student-oriented housing projects, like Sterling, Lincoln 40, etcetera, in which each unit has multiple locking bedrooms. Each with its own bathroom, I.e, a rent by the bed, format. Any multi-family apartments constructed at the ARC site should be explicitly designed and intended for rental by workers at the site. Answer: Ramos said that of course, ARC residential developers cannot discriminate that it would be his intention to have apartments constructed according to the needs of ARC workers and not UCD students. Number three, why the name Aggie Research Campus, which is very similar to UCD'S Aggie Square in Sacramento. Answer: Discussions with potential tenants showed strong positive feelings for association with UCD by use of the word 'Aggie' in the project title. UCD said Aggie is not a copyrighted name, so the university has no objection."

78-43

**1:38:21 Speaker 1:** Number four, affordable housing. They emphasized a strong desire for maximum flexibility in how the City's requirements would be met. "I," this is Greg again, "Said that they need to... The City to, they need to take City's [1:38:42] obligations into account, which they recognized. They also said that... I also said that I am very concerned about bait and switch, such as the Planning Commission experience with The Cannery project during 2018. Number five, environmentally superior alternative in the Mace Ranch Innovation Center final EIR. Upon the recommendation of the Planning Commission, the City Council concurred, that in order for the equal weight alternative to be environmentally superior, 60% of the on-site housing units must be occupied by at least one ARC employee. I question how this criteria could be met, especially if the project's affordable housing requirements were allowed to be met by providing affordable housing off-site."

78-44

**1:39:37 Speaker 1:** Number six, traffic. Greg again cited the traffic study for the Buzz Oates Nugget project, along with the Fehr & Peers study of the impacts of Waze on Mace Boulevard, and also cited my personal observations of afternoon traffic backups on Mace and Second street, especially on Friday afternoons. On the spaces, I question whether any amount of mitigation by the ARC developer would prevent congestion from becoming appreciably worse. Answer: They recognize this is a big challenge. Number seven, the other partners/ Greg again asked why other development partners, Buzz Oates and Reynolds and Brown, were never seen at any of the public meetings."

**1:40:27 Speaker 1:** Answer the other partners have delegated such responsibilities to Ramco. The

Letter 78

Planning Workshop 2020.02.26

project managers of the other two companies are not local, especially Reynolds and Brown. So getting to meetings is difficult. Number eight, can Ramco be trusted? Greg cited the chapter in the City's online book about the history of development in Davis, as it relates to development of Mace Ranch and how Ramco attempted to leverage the city and county against each other. I said that, in my opinion, many Davis residents with long memories may be skeptical of the ARC Project or any other project involving Ramco. Answer: Ramos conceded. This is something that will have to be dealt with, but is of the opinion that Ramco had no choice with regard to Mace Ranch because in his opinion, the City was unresponsive. Greg says, "I hope this information is useful, have a good meeting. Regards, Greg." Thank you.

**1:41:37 Speaker 31:** Couple of questions and comments. The Mace Ranch Innovation Center, believe included the Triangle with Ikedas and Park and Ride. So my question is, why was the choice made to exclude it? Except for perhaps frontage improvements? Transportation demand management, What incentives could be put in place to discourage people from driving alone? Parking fees could be one of them. As part of the bus situation, Unitrans, YoloBus have been mentioned, as Mr. Hirsch's work, 'cause he was there too. The Causeway Connection is gonna be starting April 6th, the electric buses will be going to the Park and Ride across the street, so, for traffic going, they're increasing the number of trips from 14 to 29 between Sacramento Regional Transit and Yolo County Transportation District. So what difference will that make the traffic projections? And then lastly, the hotel, there was quite a discussion several years ago about how much hotel space could be accommodated in town? So now that we have both the Marriott Residence Inn nearby just about to be occupied, and a Hyatt House Center construction, what is the realistic demand for that hotel at this time?

**1:43:10 Speaker 31:** I had a couple of questions that I was hoping maybe staff or the applicant could actually answer them now, they're not... They're questions that I think answers would be useful to have as we consider this in the future. These are both questions from people who weren't able to make it tonight. We received a, my gosh, five-page letter from Roberta Millstein. And one of the questions that she asked is, "What if, subsequent to Measure R approval, this were to be transformed into an all-housing project?"

**1:43:53 Speaker 32:** If the chair, if you're okay with us answering the questions, I know afterward, we would come back up after and address some of the other questions that were brought up, but I'm happy to address that now. I'm happy to answer the question. It's just...

**1:44:05 Speaker 1:** Is everybody okay with...

**1:44:06 Speaker 32:** Yeah, okay, great. Commissioner Mikesell, so, that would be one of the things with respect to the baseline project features and the zoning, there is certainty that can put into place because it is a Measure J-R project. So things that are important with respect to baseline project features that want to be locked in, that can certainly happen. That's one of the great things about that. So from a zoning perspective, in the project description, all that's shown here, it's 850 units, that's the project proposal. All the other zoning designations are for advanced manufacturing, commercial designation, so that would be, require a rezone and a revisit for a Measure J-R.

**1:44:54 Speaker 31:** Another vote of the people, I know.

04/27/20

Page 23 of 34



Letter 78

Planning Workshop 2020.02.26

**1:44:56 Speaker 32:** That's right.

**1:45:00 Speaker 31:** I knew the answer to that, I just wanted to get that out there. And second one unfortunately, I'm gonna have to get my computer back up. Or do you happen to have a copy of Mr Rowe, Commissioner Rowe's... And this one, I don't know the answer to and I'm interested in it. And it was the very first point that he makes and that is that he implies, it's a common practice for private owners of office space to lease... Lease it to the University of California at Davis, and seek a property tax exemption for then.

**1:45:44 Speaker 32:** There are definitely examples of that within the City of Davis. Our understanding from our colleagues over at campus is they are going away from that practice, but certainly that's been something that's been done here in the City through development agreements on other projects. There have been negotiations, and some of those have actually gone into baseline project features as well, where it kinda speaks to not... If the campus did lease property, for instance, and certainly an innovation business park, they would probably be a great [1:46:20]            to have...

**1:46:21 S?:** Oh I'm sure.

**1:46:21 Speaker 32:** They would be attractive, but one of the things that's been done, for instance, I believe on the Nishi proposal, one of the baseline project features there or was in the development agreement basically said that, should there be leasing done by campus, that the property owner would have to make the City whole on the property tax. And so that's something that certainly can be talked about with this project as we continue on in the discussions.

**1:46:51 Speaker 31:** Well, that sounds like a serious point. I, I really did, I gather, I know Commissioner Rowe rather well and I'm sure that he did his homework on this, and I did not realize that that had been a... Would you regard it as a common practice or...

**1:47:09 Speaker 32:** Yeah, it has been a practice over time, that there is a property tax exemption when a campus leases space. And so that was something, certainly under the past Council, there's a lot of focus on that, certainly as the MOU with the City, and campus was being discussed, that was an area that the City's raised a lot of concern with. Because that's right, from a revenue standpoint, I mean, a project like this has ability to generate a lot of revenue for the City. If it's on campus, the City doesn't benefit from the revenue, so if for instance, if there was an auxiliary, if there was an innovation park built on campus, while we may serve that university, by way of a lot of trips and things of that nature, that we'd come through the City, there wouldn't be any benefit from a fiscal standpoint. If it's within the city limits, there is a fiscal benefit, but that leasing issue that you're speaking to, that would certainly need to be addressed as part of the negotiations.

**1:48:16 S?:** Done?

**1:48:16 Speaker 31:** Yep, I'm done.

Letter 78

Planning Workshop 2020.02.26

78-45 **1:48:22 Speaker 27:** I think a lot of the questions and comments that I was going to make on other topics have been covered, and so I will focus what I have to say on transportation, which is I'm happy to hear a concern expressed by a lot of people, not only on this commission but from the public. I think it's extremely concerning to me that a lot of the very critical decisions about this project are being pushed off until later until after this vote goes through. And you have the security of knowing that this has been annexed. One of the first things that you said to us this evening was that you want this to be the most sustainable tech campus in the United States and yet, you've come to us with a car-dominated, auto-centric proposal on the edge of town, far from the Capitol Corridor station, not linked to good transit, with huge parking lots and parking structures.

78-46 **1:49:26 Speaker 27:** And a lot of the conversation tonight, has concerned traffic, and I don't want to be misunderstood or have the conversation go towards widening these streets because that is not the answer. Widening Mace Boulevard is not gonna solve this problem, it's gonna induce more demand, it's gonna make the people who currently choose other modes of transportation choose other routes, choose other times of day, they're gonna go back to the street and we're gonna have all of this new demand.

78-47 **1:50:00 Speaker 27:** I think that we need to get serious about other sustainable modes of transportation. If you wanna build this project, and you wanna be an innovator and bring value to this community, that you need to do that right. And that is bigger than your project. And that requires working with outside partners and getting better transit to this site. And I know that that's not entirely within your control, but without more specific information and plans and guarantees on these things, I don't know that I can recommend this project in good faith because this is going to be more of the same kind of development that has brought us... I don't wanna be melodramatic but has brought us to the brink of the climate emergency that we're at, so that that concerns me.

**1:50:56 Speaker 27:** Small picture, within this development, your buildings aren't oriented to the street, this is not friendly for people who are walking on these sidewalks, you abandon them at the edge of a parking lot and force them to then walk to a building that doesn't actually address the street. The off-site improvements that were described in the project feel like token things thrown in to sort of paint this as a multi-modal and sustainable project, the report mentioned an overpass over Mace Boulevard for people, and underpass. I don't know where that is based on any of your plans or where that actually touches on the other side away from your project. The only other specific that was mentioned was closing a gap in the bicycle lane on Mace Boulevard, which is a horrifically inadequate bike facility for a corridor of that speed, and that volume, that again if you wanna be serious about being the most sustainable campus in the United States, you need to be implementing the most innovative, current best practices in bicycle and pedestrian connectivity, both to and within your project.

**1:52:07 Speaker 27:** And the final thing that I will say is that I am also apprehensive at the schedule that was laid out at the beginning of this in the staff presentation with these Commission hearings kind of running a gauntlet from now through that July date, that I don't see where in that schedule there's time for your team to make any kind of meaningful revisions or incorporate any of the feedback that you're hearing and come to us with anything different from what we're being shown tonight, which makes me feel like I'm not confident that any of this input is gonna be incorporated in any kind of meaningful way before that July 7th deadline that we're rushing towards

04/27/20

Page 25 of 34

Letter 78

Planning Workshop 2020.02.26

at full speed. And that's concerning.

**1:53:00 Speaker 1:** Thank you. So do any Commissioners have any other questions for staff before I make my comments? Go right ahead.

**1:53:12 Speaker 33:** It had to do with parcel ownership. I heard that there's talk about large lot subdivision that would occur in here and one of the things that was brought up by the applicant was innovation. And if the property is owned by several different owners, how do you actually carry out innovations in the future when you don't control the other parcels? So I would have concerns about some sort of master planning or whatever is gonna be in place to allow those conversions of things like parking structures. And I agree with you, don't get me wrong, but if it's there and you talk about being able to convert it, how do you do that if it's owned by one of the other owners? So something to think about.

**1:54:02 Speaker 1:** Alright, I do have some comments and questions. Let's see. Mr. Boschken brought up a concern that I also share and or a question, I guess, in how is this innovation center special or unique, how is it gonna be competitive with regards to the proposed innovation center in Woodland, it's close by and other facilities in the region? Affordable housing. I'm gonna cite various pages, primarily page 30 of 37 of the staff packet mentions affordable housing. Let's see, and this was minutes from the Social Services Commission meeting. Perez, one of the Social Service Commissioners [1:55:37] [REDACTED] had a strong preference for on-site affordable housing units and that motion was approved. I think that having those units on-site are really important. I think more importantly to me would be that there's a real connection between the cost of housing on-site and the wages that are paid to the workers. I think that connection needs to be really strong. We need very low, low and moderate income housing in Davis for workforce housing. I would guess that you... You'd have a wide range of wages paid in these facilities. Some employees will be folks that are cleaning the rooms in the hotel and serving the food.

78-48

**1:56:40 Speaker 1:** Some will be janitorial staff, and some will be highly skilled scientists. So I would like to see an affordable housing plan that actually ties the wages paid, proposed to be paid to the affordable housing plan. So there is a true connection there. As part of the disconnect that we currently have in Davis transportation, I share certainly a lot of the concerns that I've heard expressed both from the Commissioners here and also many members of the public. I'm confident that the supplemental EIR will look very closely at that issue and we'll have more information to be able to make a good decision. I especially agree with Emily's thoughtful comments about how important it is to come up with a comprehensive and innovative sustainable transportation system for this. If it's gonna happen here on the edge of Davis, it needs to be world-class. There's a... You mentioned briefly the bike lane along Mace Boulevard curve being the bike route to schools, it's not appropriate, it's not a safe bike route to schools. So how are children living in some of these 850 units gonna get to school safely? That's critically important to make that clear and I think that should be made clear before the Measure R vote.

78-49

**1:58:53 Speaker 1:** On page nine... Sorry, I'm going back and forth, but that's what happened... The land use table on page 9 of 37. There's a note on the last paragraph, it says, "To be clear, the proposed square footage of ancillary retail and office R&D are inversely proportional within the site." So that makes sense to me, although I hope it's not inversely proportional in both ways, and

04/27/20

Page 26 of 34



Planning Workshop 2020.02.26

78-49  
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that's not clear on this Staff Report. I would like to see on the table, the residential category, it lists 850 units with an average density, I would like to see a minimum density listed, minimum allowable density listed for development there, in the acreage, I was estimating if it's 850 units at average of 30 DU per acre, that it's 28 acres. But that's listed as a maximum of 28 acres, allowable, potentially. The ancillary retail also listing that, if it's 100,000 square feet, is that a maximum? If so, let's list it. The hotel conference center is listed at 160,000 square feet. Is that a maximum? Because what we're trying to do is keep that obviously as ancillary uses, and the primary use as being the research and development. So the ancillary retail of 100,000 square feet, I believe, the Target store itself is 130,000 square feet, about 130.

**2:01:06 Speaker 1:** And so, for comparison, we're talking about three-quarters of a Target on that site. Page 8 of 37. The last paragraph talks about the proposed land uses and it states the diversity of non-residential uses allowed in one setting offers a unique research to market opportunity. It is rare to find locations at which corporate board rooms, research and development, prototyping, and advanced product manufacturing can all occur adjacent to each other. I think like Mr. Boschken here, sounds like a great thing. So why would it work here? If it's so rare that it's not done in other places? What is it about the location or about the timing that makes this a unique research to market opportunity? I think that is a really important thing to be able to describe to us, so that we understand why it's worth the impacts that may occur on this.

**2:02:37 S?:** I used the word distinct advantage and I think that it comes from a marketing concept that's widely used, but when you're producing a product, or thinking about producing a product, and you're thinking, who's gonna buy this product? The first thing that comes to mind is what sort of advantage do you have over a competitor, that's what you're...

**2:03:03 Speaker 1:** Thank you, yes, I think that that's exactly it. So on page 11 of 37, you list some accessory uses. The following accessory uses are permitted in the ARC PD zoning district, and it gives several uses. And it seemed to me like there are some additional uses that may be useful to have in this area for the folks that work and live there potentially, would be a car rental as an accessory use. It's helpful for folks that if they don't wanna own a car to have a car rental easily available. Storage facilities, vehicle and equipment maintenance. I don't know if the City or the school district is interested at all in moving some of their 5th Street Corporation Yard facilities further out of town, but if this innovation center might be the place for vehicle and equipment maintenance that those operations are currently handling, we should think about whether that accessory use makes sense.

**2:04:47 Speaker 1:** Amenities for families and children. This is a really large residential development, it's very large, for Davis. There's been no discussion at all about amenities for family and children. Is it early in the project? Yeah, maybe it's too early in the project, I don't know but if you can't cast that vision out to people so that they get a sense of what the possibilities are for housing here, or what can be provided to families and children that live here, that's different than every other housing project we've ever seen here. We look very closely at, are you creating a livable neighborhood? Are you creating a livable community? The quality of life is really important. So I think that would really help a lot of folks to understand what are those amenities that you can put in the documents to the baseline features.

Letter 78

Planning Workshop 2020.02.26

**2:06:03 Speaker 1:** The hotel. Just a kind of a personal preference as a designer myself of several hotel projects, and also my experience traveling and looking at these types of developments. I did some extensive research this past year in North Carolina and other places and the hotel can be a center of visitor and community activities. Instead, it's set off to the side as just a place to sleep, instead of being a place that can really provide some 24-hour coffee shops for folks that are working there late. Provide a place to grab a bite to eat before you catch the bus to go home. A place for a community room for meetings. You're gonna have 850 units, so you've got people there that are gonna wanna meet and you want them... You want facilities where they could meet. So a hotel as the center of community activities and visitor activities is a really nice amenity.

**2:07:43 Speaker 1:** Several places, including on pages 15 and 16 of 37 mention single family units and townhomes. And that confused me because I thought somewhere it was saying that single-family homes weren't allowable here. So that's actually a question that I hope can be answered tonight. Are single-family homes allowable here?

**2:08:18 Speaker 33:** What the applicant is proposing are single-family attached. So it is not your traditional lot and block subdivision, where houses sit on a parcel with 5 or 10-foot side yard setbacks. It's more of your townhouse or row house or whatever you wanna call it that, kind of development.

**2:08:40 Speaker 1:** Okay, so the difference in here between single-family and townhomes are, they're kind of interchangeable?

**2:08:49 Speaker 33:** They are in this particular instance, it is one family that lives in a townhouse. Townhouse is probably more of a descriptor of the actual style of the building than who lives in it.

**2:09:01 Speaker 1:** Yeah, okay, those are the... The comments that I have. Anyone else have more? Alright, did you wanna wrap us up?

**2:09:19 Matt Keasling:** No, Madame Chair, there was a number of comments out and I know, I know we're getting later into the evening but at the pleasure of your Commission, I believe the applicant could probably expand on some of the questions that came up here or may want to have an opportunity to answer some of those questions.

**2:09:38 Speaker 1:** I think that'd be very helpful. Yeah, let's do that.

[background conversation]

**2:09:48 Matt Keasling:** I appreciate some additional time. Matt Keasling again. We would like to run through a few the questions that were posed recognizing that the comments are more feedback for us and we appreciate the time you've taken to give us that feedback. We do recognize it is a rushed timeline or feels rushed to get to June. We do have a team that's actively recording everything you said and we will do our best to respond to all of it, and would look forward to additional opportunities to understand exactly comments if we're not clear, so that we can make sure we're incorporating responses as we come back. I was just gonna run through real quick. You'd



**Letter 78**

Planning Workshop 2020.02.26

made the comment about, "Is this housing intended as mitigation?" When the original proposal was designed, the idea of having that mixed use alternative was to say, "Could we create an alternative that because it included housing, internalized trips and thereby minimized external trips and had altogether traffic improvement? So that is still our intent.

**2:10:47 Matt Keasling:** I will say that the EIR which should be released within a few weeks to a month, does talk about that at length and that's a large part of the supplemental subsequent EIR that will be coming out, but that absolutely is not intended to be housing for the sake of housing, it's housing to capture the workforce that we know will be creating that demand and manage, find a way to keep it on-site and in Davis, so that it's not external long commutes to other jurisdictions. To Commissioner Rutherford's six points, most of them I think were points for us to hear... Yes, thank you. So, to Commissioner Boschken, we appreciate your comments. I will say, you asked where UCD is in the room. UCD has a policy that does not involve itself or take formal positions on local land use matters. It is not within their jurisdiction and therefore, they stay out of it. We have been in discussions with UC Davis, we look forward to continuing discussions with UC Davis. They are very aware of our project. I'll just say that much, but I don't think that you will see them at Planning Commission meetings 'cause it is not their practice and they likely will not come to council either.

**2:12:13 Matt Keasling:** As Ash mentioned though, one of the benefits to this community of having an innovation campus that feeds off of the university, has a relationship with the university but is not on university-owned land or in Yolo County land is then the tax benefits of having that innovation center come to the City, which is a large reason the City started looking at this 15 years ago as a recognition that we should be looking to capture some of the intellectual capital that's created here and figuring out a way to have it benefit back to the community, and make it come full circle. We agree with you that a lot of the drivers coming from this site will likely go back across the Causeway. So I was intrigued by your comment about looking at how to realign traffic to continue north. A lot of the design there was based upon a grid which was discussed a little bit by our consultant, and quite frankly, just the proximity to the Mace Ramp, on and off-ramp, I think means that the majority of people driving to and from the site are gonna come from that location. It also is a much greater capacity than that Chiles Road on-ramp is. Moving on...

**2:13:31 S?:** Except during rush hour. And now 24/7.

**2:13:36 Matt Keasling:** Very true, I will say have a subsequent EIR, subsequent EIR, I believe it will be not a supplemental EIR that's coming out, and there was a lot of time energy and money dedicated to the traffic. 'Cause if anything has changed since 2015 when we were last here, traffic in Davis, traffic in the region has changed considerably. A large part of the problem on the causeway is the number of people that live in Sacramento and commute all the way to the Bay Area because Bay Area housing is through the roof and insane. I would love to think that we can commit some of those folks to work here and therefore not have them drive all the way to the Bay Area and instead they just have to come here to this center, that would be a VMT benefit for all of us. To Commissioner Streeter, we are still proposing to have the Triangle annexed into the City, that is still a part of this project. The reason it wasn't brought forward tonight is that hasn't changed at all since last time. So what you saw before is still what's being proposed; Bring it in, put commercial on the Ikeda piece and otherwise, it just flows right in, looking more or less the way it does now, but we have to annex it or else we create an island of county land surrounded by City land.

04/27/20

Page 29 of 34

Letter 78

Planning Workshop 2020.02.26

**2:14:47 Matt Keasling:** And TDM measures, you brought up and matter of fact, many of you did, and it is obviously traffic is going to be the issue we need to look at here, I will say part of the reason there is not a TDM already is because there's not a traffic analysis already, but when that traffic analysis is done, part of our mitigation measures will be a long laundry list of TDM measures that we need to put in place, and it will then become incumbent on the applicant to figure out which of those measures we can utilize to hit certain target ranges. And the way that mitigation to our understanding from talking to the traffic consultant is designed is that we are creating a certain amount of congestion that we need to mitigate for, and they know by implementing certain measures, we can reach those objectives but it's not clear how effective any one's gonna be, and so we have this requirement that we do annual check-ins and quarterly, or on each phase, we do a major traffic report that both shows how well we're doing, how poorly we're doing...

**2:15:48 Matt Keasling:** And what needs to be done to offset that, and as part of our DA, we'll have annual check-ins that come back through the City. So I think really, truly the answer on TDM is that it's going to be a continual process of: Try this. Is it working? If it's working great, let's expand upon it. If it's not working, what should we do different? And it is gonna be a growth process, but with a 20 to 25-year buildout of this project site, there's gonna be a lot along the way. And then that pivots me to a point, and if... Does that overhead work?

[background conversation]

**2:16:27 Matt Keasling:** Commissioner Mikesell, by the way, before I jump to Commissioner Shandy's comments, yes, on that tax issue. Dan has thought about that. And we are ready to talk to the City about putting that in our commitments to not have the property tax as one of the key reasons for this project, so we're sensitive to that issue. I did just wanna say we have been looking at Transit and I would set this down here. We've got a Transit map that we started creating to look at all the existing... This is strictly just buses. This is Yolobus and Unitrans, both of whom we've met with, the executive directors of both. We've talked about their current lines, their current service, what they're looking at in their 10-year plans to provide more service. We've talked to them about the new RT-Yolo bus connection that goes to Aggie Square and to campus, which by the way, stops at the Park and Ride right by this site.

**2:17:19 Matt Keasling:** It also should be pointed out that it doesn't just go to Aggie Square, but it actually pulls off and does P and Q through Downtown and Midtown Sacramento before hitting Aggie Square, and because it's no longer university-operated, but it is RT and Yolobus, it's not just for students and faculty, it's now for everybody, commuters going back and forth. This is a huge opportunity for us to be a part of it and we are absolutely having those conversations with them. You will not hear them commit to this site, because they won't commit to anything that doesn't actually exist, but they are aware of us and they are intrigued by... The analysis comes back, we're at about five and a half thousand jobs, not 7000 jobs that will be created here, but absolutely when we create that kind of demand for transit, they'll be looking to increase services.

**2:18:05 Matt Keasling:** I believe there's three AM peak trips that go to the Park and Ride and four PM peak trips that go to the Park and Ride, and that's just for that regional connection. Unitrans has six buses that come by here every hour and they're running 15-minute headways on one that goes

04/27/20

Page 30 of 34

Letter 78

Planning Workshop 2020.02.26

from the university to the Amtrak Station, down Second, back on Alhambra to Fifth and does that loop. Daily 15-minute headways.

**2:18:30 Matt Keasling:** I work in projects in Downtown Sacramento, that don't have that good of headway service for buses. This is transit-rich, for a greenfield development, we were blown away by the amount of bus service, however those buses are really well used. Davis and particularly, David students use buses quite a bit. So we recognize there will be a need for us to increase the number of buses not necessarily the frequency, but I think if we add a certain amount of capacity, they're gonna need additional buses, and we're aware of that, and are having those discussions. We met with Jeff Flynn at Unitrans. We had a good talk.

**2:19:07 Matt Keasling:** Secondly, bicycle connections, I pulled up here the city's bicycle map and all your bicycle lanes. And then just extended them across our property. The beauty of the property is that is where our underpass is, right there, at the drainage channel, and with the Nugget center actually, the trail comes up behind, and comes across on this piece of property, it will then continue directly through our site. There is a City easement that runs across the farm next to us, that the city kept, that can be added trail, and then the trail comes down to we're actually taking people off of the southern lane, if they wanna stay totally off of roads, they can come straight [2:19:42] across, that's about a half mile, this is about a full mile. That now you would have a totally bike-dedicated, not on roads, not sharing that with vehicles. Once students, potential students that live on our site, get to Mace and go under Mace, safely crossing, we're looking to improve the bike trail on the inside of the curve to get up to the street.

**2:20:04 S?:** Trail or lane?

**2:20:09 Matt Keasling:** That's a wonderful question that I'll need to qualify. Trail would imply that it's off the road...

**2:20:17 S?:** Yes. And would be very appropriate for the Mace Boulevard context. Your project report currently says Lane, which is a four-inch wide painted stripe between you and a driver doing 55 miles an hour.

**2:20:29 Matt Keasling:** Probably not the best for a seven-year-old.

**2:20:31 S?:** No.

**2:20:32 Matt Keasling:** We'll come back to you on the return with that one. Yeah, so that is interesting to point out too, [2:20:41] there actually is a trail system that...

**2:20:43 S?:** No, no, no. [2:20:43] straight on across.

**2:20:44 S?:** Straight across.

**2:20:44 Matt Keasling:** Right here? The school, so there's actually a back route to the schools that you don't have [2:20:48] ...

04/27/20

Page 31 of 34



Letter 78

Planning Workshop 2020.02.26

**2:20:50 S?:** And it connects to the Greenbelt.

**2:20:51 Matt Keasling:** It connects to this one?

**2:20:53 S?:** To the other schools.

**2:20:53 Matt Keasling:** So totally off the road, all the way and connects across, now that [2:21:00]  
[REDACTED].

**2:21:12 Matt Keasling:** I guess the last thing I would say that we heard from several of you, including Chair Essex, is affordable housing, and wanting to know more information. We recognize that we need to figure out how to provide more information. I will say we are absolutely committed to complying with the City's affordable housing ordinance. It was stated by a member of the public, that what we are looking to do is codify the current ordinance, we're saying we're creating 850 homes, we recognize that that creates a demand for affordable housing, and we will meet that demand. What we have asked for is the ability to look at that as we come forward with a recognition that we don't know who our home builders are yet, and the idea was to have those home builders make their own proposals. But what has come back to us from both Social Services Commission as well as you tonight is a strong interest in seeing at least a good portion of those affordable units on-site.

**2:22:09 Matt Keasling:** And that there'd be a mix of affordability, levels on-site, and we absolutely have heard that, has always been our intent. You can tell by the level of density that we have there, 15 to 50 units an acre is rather dense. The 15 unit in acre piece which is the townhomes is a for-sale product type, which the City also stressed to us, they wanted not just rental, but a mix of rental and for sale. So we're looking to get for sale, but a for-sale product type, that probably comes in at a lower price point than your average home in Davis, so that we can accommodate maybe a brand new first-time home buyer that's likely to get a job at this site. And then the rental, the rental piece of it is a higher density four and five-story structures. We are not looking to do student designed, where you would have multiple four-bedroom, four-bath style. It is intended to accommodate the worker.

**2:23:07 Matt Keasling:** And it actually was mentioned that we said it was gonna trail the jobs, but it's really before the jobs, it does trail the jobs. We're required to build 200,000 square feet of commercial, create the jobs before we get to build a single house and the way it transitions is for every 2000 square feet of non-residential, we get one residential unit. So 200,000 square feet, build, create jobs, you get 100 units to trail it. So if I'm a business and I'm locating there and I'm attracting somebody to come and work at my center, they're like, "Where am I gonna live?" You say, "By the way, they're building an apartment building right there. You should go talk to them, and put your name on the list." And by doing it in that fashion, you should be able to make sure that a good percentage of those units are going to people that are getting the jobs at the site. Now, what happens unfortunately though, is that we have only 850 units, and so at that ratio of building it out, at some point, we've built all the houses somewhere around the third phase, there are no more houses and there's still more non-residential to be built.

**Letter 78**

Planning Workshop 2020.02.26

**2:24:11 Matt Keasling:** That doesn't mean that our residential doesn't trail the creation of the jobs, it absolutely does, and then they're intended to go lock step, but it just so happens that we run out of houses before we run out of commercial space. We are hopeful that in the 25 years in which we're building out, and the 15 before we run out of housing, the City will see the fruition of its downtown plan coming to be, and whatever new growth measures come along in the next 15 years, and there will be new places for people to live locally, but maybe we'll all have beautiful clean electric cars by then and it won't even matter. I think that was all the questions that I had [2:24:56] [redacted] if I missed any, I'm happy to answer now.

**2:25:00 S?:** I have a just super brief follow-up, who is doing the traffic study for your EIR?

**2:25:06 Matt Keasling:** Fehr & Peers, the City's traffic.

**2:25:08 S?:** Thank you.

**2:25:10 Matt Keasling:** So they actually, part of this is that they were doing the analysis, the City went back to them after some of the issues were happening south of Mace so they had just recently updated a lot of their accounts on Mace Boulevard anyway, which is kind of why the City looked at us and said, "Hey, light bulb, Mace has changed. We probably need to do a larger traffic analysis."

**2:25:31 Speaker 1:** Thank you. Any more questions? Any more wrap up?

**2:25:38 S?:** I think Cherry did a great job of covering the intro, but this will come back to your Commission when the CEQA document is in the 45-day review period. Certainly more discussion. I can say and I think speaking for both of us, very helpful to hear these comments tonight. It's 10:30. So I'm glad that we had this introduction and I think it was really helpful. I can say for staff, I'm sure it was for the applicant, also for the public to be able to come out and communicate their thoughts on the project for the Planning Commission. So thank you.

**2:26:09 Speaker 1:** Yeah, great, thank you, thank you. So let's move on.

**Letter 78**

Planning Workshop 2020.02.26

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# Exhibit 8

**ARC Business Park Draft Subsequent EIR Comments**  
Submitted by Colin Walsh  
April 27, 2020

**Letter 78**

Planning Commission Comments2020.04.22

**Planning Commission Comments2020.04.22**



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04/27/20

Page 1 of 36



Letter 78

Planning Commission Comments2020.04.22

0:00:00 Madam Chair, Cheryl: Thank you, Zoe. Let's start. Comment number one.

**0:00:04 Samantha Feather:** Hello, commissioner. My name is Samantha Feather, I am a resident of Davis, in the east side of Davis. I wanted to leave a comment for tonight's Planning Commission meeting regarding the Aggie Research Campus, the ARC Project. I do know that the environmental impact for this concept has been reviewed for over three years now, and the environmental impacts of this project are progressing towards resolving the issues that have been coming up for the past years. I just wanted to share my support and really push that this project is necessary for the entrepreneurs, the creators, the scientists here in Davis, and we just need an opportunity and a space to have a foundation and have a platform for us to really give back to the city. And I just want to support and share my support, and hopefully have you all vote to approve this project, and to vote to approve the SEIR, and hopefully we can get this project moving forward. I really appreciate all the work that's been going on, and the concerns that have been shared among the city and obviously the public. Alrighty, thank you.

0:01:28 Madam Chair, Cheryl: Alright, thank you very much. Next comment.

**0:01:34 Francesca:** Hello, commissioners, my name is Francesca and I'm a Davis resident calling to comment on the Aggie Research Campus Project. I know that many people have lost their lives and businesses due to the COVID-19 crisis, and I do support efforts to protect the public health, but we need to be a little more realistic about the long-standing economic effects that we're going to face and do something more about it. Essential city business must continue with the renewed eye on ways to improve our city and regional economy. We are very fortunate that the Aggie Research Campus is this far along in its approval process, and I do urge you to vote to bring it to the council without delay.

**0:02:08 Francesca:** The Supplemental Environmental Impact Report does tell us what we have always expected, the ARC is a major boon to Davis. And while every sufficiently large project requires careful planning around environmental impacts like traffic and others, the ARC is ready to meet those challenges. I have heard that the Davis Chamber of Commerce supports the ARC and I want to echo those sentiments. At this critical time, in this critical moment we need to take yes for an answer and embrace a project that will help our city better weather the storm that is already at our doorstep. Thank you as always for your public service on such an important commission.

0:02:44 Madam Chair, Cheryl: Thank you very much. Comment number three.

78-50

**0:02:47 Marica Papagianis:** Hi, my name is Marica Papagianis and I'm a long-time resident of Davis, California. I'm calling about the ARC development proposal. I am extremely concerned that the developer is being allowed to use any part of our city-owned land that was purchased with funding obtained from our tax dollars, from Measure O, which if I'm recalling correctly, had to do with open space. And in our parcel tax, we were supposed to have long-term sustainable stable funding for open space in Davis, and this development seems woefully inadequate for the topic of open space. I think this is misuse of our tax dollars. I don't know how we could purchase land for

04/27/20

Page 2 of 36

Letter 78

Planning Commission Comments 2020.04.22

**78-50**  
**Cont'd** ↑ this purpose under Measure O funds, and then turn around and turn it into a development with insufficient open spaces. Thank you, I hope you'll consider this.

0:03:57 Madam Chair, Cheryl: Thank you. Next comment, please.

**78-51** **0:04:00 Roberta Millstein:** Hi, this is Roberta Millstein, I'm a citizen of Davis, also chair of the Open Space and Habitat Commission, but I'm speaking for myself. I'm calling to leave comment on the Mace SEIR. I'm sorry, the ARC SEIR. So I sent you all an email and I just wanted to kinda briefly summarize that and then make some general comments. So, one of my concerns is about the legal issues concerning Mace 25. As I've said, I don't... Not convinced that it satisfies the city's ag buffer ordinance, and I'm not certain that it's a legal use of the city's open space funds. And then aside from the legal issues, I don't think it fits the spirit of those either, that ag buffer's intended to be provided by the developer, and that the open space funds are intended to protect space, not be used by developers to satisfy ordinances.

**78-52** **0:04:51 Roberta Millstein:** I'm concerned that the buffer isn't big enough. The county has given some concerns about that thinking it should be a 300-foot buffer, not a 150-foot buffer. I'm concerned about some inconsistencies in the way the SEIR describes the size of the project, and those inconsistencies lead to some faulty conclusions about impacts of the project, and also, faulty conclusions about the total amount of green space. I'm concerned about the aesthetics of the SEIR, it doesn't mention the loss of views to the Sierra Nevada, the Sac Skyline, that's an omission. I'm concerned about agriculture. It doesn't discuss the loss of prime farm land in light of climate change. I'm concerned about biological resources. It's not taking into account the loss of burrowing owl habitat throughout the area, the Davis area, and there's not enough study to detect bats and birds, the study's not been done during the right months, in the right times of day, especially for the hoary bat, which is a species of special concern. And finally, I'm concerned about the hydrology section. There's absolutely no analysis of impacts of the proposed use of the city's Howatt/Clayton Ranch properties, not to mention...

0:06:05 Madam Chair, Cheryl: Oh shoot. Time's up, unfortunately. We have an automatic timer, I believe. So next comment, please.

[pause]

**0:06:20 Julia:** Hello, my name is Julia and I'm a Davis resident. I wanted to comment on the ARC Project for tonight's commission meeting. First and foremost, thank you for working during the [0:06:30] [redacted] unusual times, I never expected to be leaving a comment for the commission while having to shelter in place. I'm in support of the Aggie Research Project and its predecessor, the Mace Ranch Innovation Project, because companies have left Davis. Companies that would have stayed here if we had a space for them to grow. We didn't, and we still don't, and that's why so many community leaders have identified the Aggie Research Campus as an essential development for Davis. When I look at the supplemental EIR, I see willingness of the [0:07:05] [redacted]. [0:07:06] [redacted]. I'm also impressed by their commitment to clean energy, which comes as no surprise when you understand the kinds of innovative businesses the property is designed to attract. [0:07:35] [redacted] but that's what we have with the Aggie Research Campus. And after you review the Aggie Research Campus, I hope that you do vote for it. Davis needs this. Thank you.

04/27/20

Page 3 of 36

Letter 78

Planning Commission Comments2020.04.22

0:07:54 Madam Chair, Cheryl: Unfortunately, I found that phone call garbled and very difficult to understand. So, I hope that the caller will send written comments that can be included in the public record on that. Next call.

**0:08:13 Sehalo Machandrin:** Hello, my name is Sehalo Machandrin, and I'm calling to leave a public comment for the Planning Commission for April 22nd, regarding the Aggie Research Campus. I'm calling to urge you to vote in favor of the Aggie Research Campus and approve the SEIR. I believe in building smart, and the Aggie Research Campus provides the vision and forward-thinking that I want from a project of its scale. It comes to the city and university with numerous concrete assurances that improvements will come with development, including a grade separation on Mace Boulevard that is of particular importance especially to Davis's bicycling community. I believe that the SEIR is comprehensive and it shows that this project should be approved. It's a green project with elements that we need, such as a space for R&D, and advanced manufacturing, housing that is especially affordable, and proximate access to transit, bike routes and downtown. I hope you'll vote to move it forward in the public planning process. Thank you so much for your time and I hope you guys are having a good day. Thank you.

0:09:12 Madam Chair, Cheryl: Great, thank you very much. Next comment.

**0:09:17 Agay:** Hello, Commissioners. My name is Agay and I'm a Davis resident. I wanted to leave a comment for tonight's Planning Commission's meeting regarding the Aggie Research Campus. The environmental impacts for this concept have been reviewed for over three years, the environmental impacts of this project are actually less than the previous MRIC project. The ARC project is environmentally superior to the MRIC and that EIR was certified in 2017. By this point, we know the impacts, I urge you to vote to approve the SEIR and to support this project as it is objectively good for Davis. Thank you.

0:10:04 Madam Chair, Cheryl: Thank you very much.

**0:10:05 Ron Artel:** My name is Ron Artel and I'm commenting on the ARC proposal. I'm not sure which number that is. I'm just gonna basically repeat what's in my email to you. I just recommend that the Planning Commission reject the proposal. It's... There's quite a bit undefined about it at this time. At sort of a minimum, more time is needed to analyze the proposal, it's pretty massive. I'd like to start with the 6000 parking spaces for a freeway-oriented development, and how does that meet the city's goal of reducing greenhouse gases? And then, of course, not to mention all the impacts on the roadways, which was noted throughout the traffic studies. Davis already has a net inflow of commuters due to the abundance of jobs at UCD. This proposal would increase that net inflow or imbalance. Then there's the 850 residential units, which aren't even related to the city's initial goal for innovation centers. That's more, I think that's quite a bit more units than are actually contained in The Cannery. And in addition to these 850 units, I understand the EIR notes that 1200 additional units, basically are needed in Davis without really specifying how that would be achieved. So, that's a total of 850 on-site, plus 1200 off-site in Davis. And of course, that doesn't approve it, that doesn't include additional housing that would be needed outside of the city. That's all in the EIR.

▼ **0:11:46 Ron Artel:** Then there's the lack of the affordable housing plan, it's been discussed a

04/27/20

Page 4 of 36

78-53

Letter 78

Planning Commission Comments2020.04.22

78-53  
Cont'd

number of times. But also the proposal includes the use of two city-owned sites. One, for its own purposes, one the adjacent 25-acre site or a portion thereof, and a larger site near the causeway for drainage, which would also require the removal and partial replacement of top soil. So, I don't know why the city is sacrificing its own land for this development. Although, there's no fiscal analysis at this point, the total cost of serving the development, including both on-site and off-site housing would reduce any claim to fiscal profit from the proposal. Since that's the primary justification of the proposal why is... Why is it... Why is the... Has it reached this point without even the fiscal analysis being done? In any case, and during this time of this coronavirus emergency, trying to rush it on to the November ballot, I... It... I would think even supporters of the proposal would be concerned about this schedule. Thanks very much again. This is Ron Artel, bye.

0:13:08 Madam Chair, Cheryl: Thank you. Next, next comment please.

78-54

**0:13:10 Rodney Robinson:** Hello, this is Rodney Robinson and I'm calling with regard to the ARC item on the Planning Commission agenda and the supplemental EIR. Too many traffic issues involved there. At present, they need to be severely restricted or reduced. And then, the issue of the Ag mitigation on the Mace 25 open space area. I think it's outrageous that a developer can... Or the city staff or the Planning Commission might consider allowing double-dipping on the 25 acres. The city already owns and operates that property and to cede 6.8 acres plus or minus to the developer for their pretty bogus proposal I think, is outrageous. This is not what open space is all about with Measure O, and it's time to take this giveaway of the 6.8 acres, the Mace 25 away and take it off the table. Thank you very much. Talk to you later. Bye now.

0:14:31 Madam Chair, Cheryl: Thank you. Next comment.

78-55

**0:14:34 Russell Pengrin:** Hello, my name is Russell Pengrin and I have a general public comment about the ARC project. I do not agree with the city giving land away for free to private entities for a private profit. The city should not give seven acres to developers of the ARC project, especially if that land was bought with Measure O money. The Measure O land money was intended to buy lands to maintain open spaces, not for private developers. Thank you, bye.

0:15:03 Madam Chair, Cheryl: Thank you. Next comment.

78-56

**0:15:07 Ellen Dean:** My name is Ellen Dean and I live in Davis at 2550 Sycamore Lane. And my comment is on the ARC SEIR that you are reviewing at the Planning Commission today. And my big concern as a biologist is that the biological surveys have not been adequate. I'm especially concerned about the effect on raptors and burrowing owls. I know that they occur there and so I don't believe that the surveys that have been done have been adequate. I'm also concerned that the developer is being allowed to use part of a city-owned property as part of the project, Mace 25. The land was purchased with tax money from Measure O and is meant to preserve open space and I'm extremely concerned that this is being allowed in this project. Quite frankly, I don't think the project should be going forward at this time. I don't believe you're allowing enough time for commentary, given the state of emergency in California right at the moment. And I'm just not really certain that the campus is going to be needed, since we're probably going to be going into a recession. Okay, that's my comment. Thank you, bye-bye.

04/27/20

Page 5 of 36



Letter 78

Planning Commission Comments2020.04.22

0:16:47 Madam Chair, Cheryl: Thank you. Next comment, please.

78-57

**0:16:49 Jean Jackman:** Hello, Jean Jackman from Davis. A Planning Commission comment regarding ARC SEIR. I hope you review the Measure O brochure sent by the city in 2000. We were shown a map. We voters were shown a map of the preferred purchases for open space surrounding the city. And what do we have? We have conservation easements two and three miles from the city. We have new property on Mace across from old open space purchased before the tax. We have three acres of new habitat on F and Anderson, and now, you wanna take seven acres of the only 25 acres that the city owns for open space that... Taking that seven acres makes the space less usable. I'm also concerned with the off-site affordable housing. That is not analyzed in the EIR and the developer may not build affordable housing. And if you're gonna have that project, people who work in that project need housing. The traffic on 80 is already horrific. We do not need more commuters from Sacramento.

78-58

**0:18:13 Jean Jackman:** You've only had a December 2016 winter survey in the EIR and that's totally inadequate, because anyone who visits the Yolo Flyway knows that during the migratory times, birds come by the thousands. There is no biological survey on the proposed drainage, and this is one of the last places around with burrowing owls due to things that the city and the university have done. Please don't rush through this at a fast pace, use due diligence. We already have the bright night solar deal that was rushed through, which angered so many of us and we feel it is going to... Should be rescinded. We need more time for comment on a project that will generate much traffic and be built on prime farmland and possibly exterminate burrowing owls. Thank you very much, bye.

0:18:55 Madam Chair, Cheryl: Thank you. Next comment, please.

**0:19:24 Sean Glance:** Hello and good evening. My name is Sean Glance and I am expressing my support for the Aggie Research Campus. I teach science and computer science at Da Vinci Charter Academy. I have been a teacher in Davis for the past five years, so I will speak to the positive impact the ARC would have on Davis students. Developing authentic connections with professionals and industry is a huge benefit to our students. It can expand their horizons for potential career pathways, serve as motivation to excel in school, and empower students from diverse backgrounds to pursue opportunities outside their scope of experience. I look forward to fostering a rich relationships between our school's computer science career and technical education pathway, and the industries and professionals this project will bring to our community. I'd also like to highlight the financial benefits to our school district that this project will support. Our community values education as they've demonstrated repeatedly, and recently with the approval of the Measure G parcel tax.

**0:20:18 Sean Glance:** While this measure was a step in the right direction, our district and union recognized the need to continue exploring opportunities to ensure we are able to recruit and retain the best educators, while are also providing program for our students to pursue a wide variety of interests. The revenue generated by this project will go a long way in supporting education and build our assets and our community. Thank you for considering my perspective.

0:20:43 Madam Chair, Cheryl: Thank you. Next, next comment please.

04/27/20

Page 6 of 36

Letter 78

Planning Commission Comments2020.04.22

78-59

**0:20:48 Josh Jones:** Hi. This is Josh Jones, I've lived here with my family about 13 years in Davis. And this is for a public comment. The item number is item number six. So I've been reading through some ARC studies and earlier connected studies, and I wanted to talk about a particular one from June 30th, 2015, titled drainage study for Mace Ranch Innovation Center Mixed-Use Alternative. So it's pretty interesting. And on page 14, table five, it talks about storm event, increase in runoff, and it cites... In the table it describes 10-year storm event could have a total volume increase of 24-acre feet, and a 200-year event, storm event could have up to 89, an increase in 89-acre feet.

**0:21:56 Josh Jones:** And so, it goes on to talk about that. And it's essentially for the ARC site, even though it's titled with an earlier title, but it calls for the establishment of a large retention pond to mitigate storm water flooding. And then it kinda goes on to talk about scraping soil from a property near the Yolo Bypass, like taking off one foot of top soil, setting it aside, something like one to two feet of sub-soil removed and taken to the ARC, probably to raise it so that it's not in the flood zone as much, and then replacing the top soil.

**0:22:37 Josh Jones:** And so my understanding is that the environmental impact for the parcels, and these are the parcel-based site that is possible places, parcel 033-300-015, which has 204 acres. So obviously if you took that down one foot, then you'd have, 200, more than 200 acre feet, which is plenty to deal with the 89-acre feet increase in flood water from the ARC site being built with mostly non-permeable surfaces. And then there is a 300-650-006, which is 327 acres, and there's 033-300-001 at 248 acres, and so that would form emergency retention ponds, doing that. But my understanding is that no, this is the important point I'm getting at I think is that I see this, I read this, but I don't remember any impact studies for this purpose and these sites.

0:24:03 Madam Chair, Cheryl: Great, thank you very much. Next comment please.

78-60

**0:24:11 Rick Keller:** Hi, my name is Rick Keller and I am commenting as a concerned citizen about the ARC project. I will be discussing the inadequacy of the SEIR, as well as some general thoughts about the project. Given the unnecessarily accelerated timelines for consideration of the project. If you do not put the breaks on and demand adequate time to evaluate the SEIR, you will find as planning commissioners, you will have maybe just one more meeting to discuss the project before it goes to City Council for a vote on possible inclusion in the November ballot. I, along with many other commenters, provided hundreds of pages of comments on the scoping process for the SEIR, based on inadequacies of a previous EIR for the MRIC project. So I've not been provided adequate time to review all the revisions, because of the rush to push this through by city staff. It appears that most have not been addressed. I don't have the time to get into details in this comment, so I will talk about the big picture.

**0:25:06 Rick Keller:** First, infill development, is a central adopted City of Davis planning and economic development strategy, but the SEIR does not treat it as such. It briefly discusses and dismisses an infill alternative, based on outdated data, faulty assumptions, and backwards logic. The consultants need to be directed to work with city staff to thoroughly develop and analyze an actual infill alternative. It looks at the ability of the large amount of vacant, underutilized and redevelopable properties, already within the city to meet substantial objectives of the ARC project.

04/27/20

Page 7 of 36

Planning Commission Comments2020.04.22

78-60  
Cont'd

0:25:40 **Rick Keller:** The EIR defines the city's economic development goals far too narrowly. It does not consider that the same types of uses could be provided for in scattered sites with sufficient development capacity to meet 20 to 25-year need. The objectives are defined too narrowly and EIR's treatment of alternative is inadequate, because they unreasonably limit alternatives analysis. The Watsonville Pilots Association versus City of Watsonville 2010, California Appeals fourth district. Second, in January 2019, the City of Davis released an updated commercial land inventory. However, this inventory does not address, "city-owned property, commercially viable property outside the city limits or those properties maybe zoned commercially but under-utilized, and therefore, pose potential redevelopment opportunities like the PG Corporation yard, for example."

0:26:33 **Rick Keller:** It also doesn't address the actual development potential of these properties. The city stated that this initial inventory was, "The starting point for preparing analysis of what vacant, commercially designated land offer in potential commercial square footage available for economic development. Staff would like to return to Council with an in-depth discussion of this vacant commercial land inventory in the context of the city in the region, the potential uses and theoretic commercial square footage capacity of the undeveloped land, and recommendations for the next steps in using this and other key information to build an economic development strategy that align with the goals of the council." However, this has not been done and staff keeps delaying it. It is impossible to conduct an actual analysis of an infill alternative...

0:27:26 Madam Chair, Cheryl: It sounds like you exceeded the time. Thank you very much. Next comment.

0:27:31 **Sue Greenwald:** Hi, my name is Sue Greenwald and I am Sue Greenwald, the former mayor of Davis, California. I'm calling to leave a comment on the ARC item at the Planning Commission, the business park. Thank you. I'd just like to express my general concern with approving a huge new business park at this point in time. Due to the pandemic, many economists fear that we will be entering the worst economic recession or depression of our lifetime. This is no time to approve a huge peripheral business park. The danger of entitling land, a peripheral land that is unlikely to be filled is that we risk losing all control of the planning. The state is putting huge pressure on cities for unfettered housing growth and it is quite likely that we will lose the ability to enforce our requirements on entitled land, if it can't be developed according to our intended use.

78-61

0:28:27 **Sue Greenwald:** In the best of times, large peripheral business parks are very hard to fill. They're actually passe from the planning perspective. They constitute poor environmental planning and they are unlikely to bring net new revenue to a city, since they are likely to cost as much or more to service as they bring in tax revenue. To go forward with planning a large peripheral business park today is doubly unwise. High-tech companies these days tend to want to locate in town, near train stations and environments, where there are workers within walking distance of urban restaurants and amenities. As we face tough economic times, more of this preferred space is going to open up, making it even harder to fill peripheral business parks.

0:29:12 **Sue Greenwald:** According to many economists, we are facing a potential depression of a magnitude not seen in our lifetimes. Far from expanding, businesses are contracting. High-tech companies who tend to gravitate towards existing high-tech hubs anyway are unlikely to be making

04/27/20

Page 8 of 36

Letter 78

Planning Commission Comments2020.04.22

78-61  
Cont'd

major expansion plans in today's environment. By the time cities make the tax concessions necessary to attract high-tech businesses, they will be likely to end up revenue neutral or revenue negative because we still have to provide services for them, and the revenue is invariably disappointing. We've seen too many overly optimistic economic analyses from consulting firms. We must enforce realism. From so many perspectives, this is the wrong project at the wrong time. Thank you.

0:30:00 Madam Chair, Cheryl: Thank you. Next comments, please.

78-62

**0:30:04 Christine Armstrong:** Hi, my name is Christine Armstrong. I'm a resident of Davis. I am calling in regards to agenda number six, and I want to make a comment for the Planning Commission regarding the ARC business park. And my concern is that the off-site affordable housing is not being analyzed in the EIR, and I have a desire to see affordable housing in the project as someone who works for UC Davis, and I have for 20 years. Affordable housing, it's hard on a single mom like me, and so affordable housing is really important for me to see those things beyond every housing commission.

**0:31:14 Christine Armstrong:** And I am concerned that the developer may only offer in-lieu fees and not actually build affordable housing in that construction project. Also, that the people who work on this project, they need housing, like service workers and cleaning crews and ground crews, and if there're premium prices, those people who... It's really hard to afford. And I think housing for them is important because of the transportation impacts and the carbon emissions and such. I'm a climate change scientist. And so, I really feel that commuting into Davis because we can't afford to live here is really bad for our environment. So, those are my comments. Thank you for listening. Bye-bye.

0:31:38 Madam Chair, Cheryl: Thank you. Next commenter, please.

78-63

**0:32:21 Pam Cannell:** Hello, this is Pam Cannell and I wanted to comment tonight on item 6. My over-arching concern about the ARC is the location of the project on the periphery of Davis. I think this goes against the city's best land use guiding principles. Additionally, I think the city has not adequately identified and seized on infill opportunities that would accommodate these business uses. Infill maximizes city resources by using an existing infrastructure and it meets the goal of creating a compact urban form with a strong downtown that is less reliant on the automobile. The ARC is a car-centric project with acres of parking. Additionally, it calls for dense housing in a location that is not in walking distance to downtown, has poor transit connections, and is far from the train station.

**0:33:17 Pam Cannell:** With the recent process of creating the downtown Davis plan that calls for significant densification of business and residential downtown, the ARC seems to be a bit of a planning outlier. If Davis does need a business park space that's larger and not available in the city, that is one thing, but I think to couple a business park to 850 units of housing is very different, especially in light of the fact that there is no mechanism identified to restrict housing to employees of the ARC. Therefore, the housing will be market rate and available to anyone under fair housing practices. It is notable that the FDIR traffic study no longer assumes that employees will live on-site unlike the original project EIR. Thank you for doing work during this time of COVID-19.

04/27/20

Page 9 of 36



Planning Commission Comments2020.04.22

0:34:16 Madam Chair, Cheryl: Thank you. Next comments, please.

**0:34:21 Sharlington Wood:** Sharlington Wood calling about agenda item 6A, public hearing on the ARC DS EIR. The commissioners have no doubt heard of the Mace Mess. In 2018, the City Council and staff decided to change the main thoroughfare in Davis, Mace Boulevard, into a residential street. Citing unsubstantiated concerns about bicyclist and pedestrian safety, they collected grant money and began construction. It didn't take long for South Davis residents to realize that the changes were dangerous and were causing major problems. In early 2019, over 800 residents petitioned the City Council that Mace be restored to its original design. Residents have also created traffic incident reports and submitted them to the council and commented repeatedly at City Council meetings.

78-64

**0:35:08 Sharlington Wood:** The city's South Mace design has caused gridlock, blockaded entire neighborhoods for hours at a time, destroyed the property values of residents with homes facing Mace, and changed a situation where waste traffic could quickly clear to complete gridlock during commute hours. It has been a year and four months, and except for remodeling the curves at Mace and Cowell, which the city had to do because tractor trailers and city buses were hanging up on the corners, nothing has been fixed. The ARC Project states it will put 24,000 additional car trips a day on Mace Boulevard. The resident traffic and through commuter traffic that causes the Mace Mess is a small fraction of the new car trips planned for North Mace by the ARC.

**0:35:51 Sharlington Wood:** East Davis residents will be blockaded in their neighborhoods during commute hours and lines of idling cars trying to get to I-80 will cause pollution, noise, and in our experience, crazy driving. Please request adequate time to review the ARC proposal. If ARC is built without in-depth review, no matter how much trouble it causes for existing neighborhoods, the city will not fix it in a timely manner, if at all. Thank you for listening. Goodbye.

0:36:22 Madam Chair, Cheryl: Thank you. Our next commentor which would be number 20, I believe.

**0:36:27 Gwen Coder:** Hello, my name is Gwen Coder, and I am a resident of South Davis. I'm calling in regard to item 6A, the Aggie Research Campus. So, I'm not convinced that it's true, but I've heard people saying that the Aggie Research Campus is only going to attract employees from far away and won't help us meet our greenhouse gas reduction goals. I did see in the environmental impact reports traffic chapter that the project's average vehicle miles traveled are considered a significant impact, but I was struck by the regional VMT map on figure 319, which shows that most of Davis, other than downtown and the UC Davis Campus, exceeds the regional VMT average. On that figure, it's striking how much of the city is shaded orange-red which indicates a very high VMT. And table 339 shows that the project's average VMT is actually lower than both the average for the city and for the city with UC Davis included.

**0:37:23 Gwen Coder:** As I understand it, the project's average VMT was determined to be lower than the city's current average without any of the project's transportation demand management measures being implemented. Implementation of that plan with its focus on further improving transit services will only reduce further average VMT. Context is important and it's clear that the

04/27/20

Page 10 of 36

Letter 78

Planning Commission Comments2020.04.22

Aggie Research Campus actually performs better than most of the city on VMT. This project is a great opportunity for the city. It is more environmentally friendly than the status quo and more sustainable than any other project we've seen come forward. I feel the project's benefits far outweigh its possible impacts, and I think the community can be confident that the project plans effectively mitigate for those issues. Please, for our jobs, for our financial health, for our future, keep advancing this project. Thank you.

0:38:13 Madam Chair, Cheryl: Thank you. Next commenter, please.

**0:38:18 Cornelius Burke:** Good evening, my name is Cornelius Burke. I'm calling in strong support for item number 6A on the April 22nd City of Davis Planning Commission agenda. Please support the Aggie Research Campus draft Supplemental Environmental Impact Report. This project is a win-win for the City of Davis, for the Sacramento and Northern California region. It provides much needed jobs, research, housing, and community development to our community. I strongly support this project. We need this project in the City of Davis to support the ongoing research and educational opportunities at the University of California at Davis, and for the economic growth and vitality of our region. Please support item 6A, the Aggie Research Campus on the Planning Commission agenda, and look forward to the project being continued to the City Council and ultimately to the voters of Davis. Thank you so much.

0:39:26 Madam Chair, Cheryl: Thank you. Next comments.

**0:39:29 Bid Long:** Hi my name is Bid Long and I live in North Davis, and I just wanted to call in my support of the Aggie Research Campus. After looking at the summary of the Supplemental Environmental Impact Report, I don't think there is new surprises compared to the old Mace Ranch Innovation Center EIR. And yeah, I do appreciate the updated studies, particularly the traffic, but I think it showed that this project is ready to go. Thanks for your time.

0:40:02 Madam Chair, Cheryl: Thank you. Do we have any more comments?

**0:40:08 Commissioner Emily Shandy:** Yes, we have six additional comments.

0:40:10 Madam Chair, Cheryl: Right, thank you.

**0:40:15 Larry Gunther:** Hello, this is a public comment for the Aggie Research Center discussion. My name is Larry Gunther. I am speaking on my own behalf. Just some comments to make about this project. There are quite a lot of issues with it. Not... So, I would encourage the Planning Commission to ask for an extension from the time to submit comments, given the current situation. It's pretty difficult to get things done in a normal fashion. The 24,000 new vehicle trips on Mace is a big concern. We've got traffic. In the 25 years I've lived in Davis, traffic has gotten worse and worse, and obviously, this will make it worse. This project would make traffic on Mace [0:41:07] worse. So, are we willing to just go ahead and have worse traffic at the expense of... In favor of income to the city, or are we gonna try and do something real about those vehicle trips?

78-65

**0:41:23 Larry Gunther:** The affordable housing component, again, the ordinance has just been put off again or continued, I guess, is a better word, and we need more affordable housing. The people

78-66

04/27/20

Page 11 of 36

Planning Commission Comments2020.04.22

78-66  
Cont'd

↑ that really need to live on the site, if they're gonna work there, are food industry workers, low-paying people, and having housing for them that is inclusive and a place that people would want to live seems like a very real need. The Mace 25 issue, these are only, by the way, comments that I have addressed to the Planning Commission. I believe the buffer that we're supposed to put in front of Measure O open space lands is supposed to be a buffer between developments and open space, it's not taking part of the open space and calling it a buffer. And that really, really concerns me. There are many, many things on this that concern me. I hope you will consider this very deeply, as I know you will, and please help the community discussion be very robust on this project. Thank you very much.

0:42:45 Madam Chair, Cheryl: Thank you. Next comment.

78-67

0:42:53 Collin Walsh: This is Collin Walsh. This is a comment for the Planning Commission ARC item. Happy Earth Day, Planning Commissioners. First of all, I have to say, it is very disappointing that the developer is asking to front load the housing by moving it up to Phase 1, versus the MRIC mixed-use projects. This gives the project even less opportunity to capture employees of the park as tenants of the housing. But let's talk about 24,000 vehicle trips. It's a lot. Those cars; where are they gonna be parked? So, the development has 16.4 acres of parking and it will all start as service lots. There is no place in the plan where the parking is under any of the buildings. This is a huge oversight, the development is very dense except for the parking [chuckle], the parking seems to be an outlier, it is so dense, it barely meets the minimum requirement for parks for the housing and it provides no parks for the business park aspect of the project.

78-68

0:43:53 Collin Walsh: The project is so dense that it has to use the city's land purchased with Measure O open space money to provide the ag buffer. This should not be allowed to happen. And the 25 acres definitely does not belong in the project description. This land needs to be zoned as ag land and the Planning Commission needs to ask to have it removed from the project description. One thing the development can and should do is put some, as much as possible of the parking under the buildings, either underground or with some pedestal design. This should be evaluated in the EIR. And I ask that the planning permission request this.

0:44:34 Collin Walsh: Also, I sent an email referencing several developer documents and asked that you request they be evaluated in the EIR, too. These are descriptions of the project in the developer's own words and elaborate and go beyond what is in the project description. For example: They include bike paths to the west of the project connecting it to the city of Davis. I believe one of these paths that's inside the Mace curve is actually even responsive to comments from this very commission. This needs to be evaluated in the EIR. It may even have positive impacts on traffic. It also needs to be included in a further biological survey. After all, there are burrowing owls immediately across the street.

0:45:15 Collin Walsh: The sustainability plan presented to the NRC is important, too. The effectiveness of these mitigation measures needs to be evaluated, if not, the developer will be able to make claims without any substantiation. If the Planning Commission request these documents of developer commitments, it will carry greater weight than if individual citizens do. Frankly, the developer should have asked for this themselves, since it is their documents. So please, ask that the developer commitment documents be properly vetted as part of the EIR. Thank you so much for

▼

04/27/20

Page 12 of 36

Planning Commission Comments 2020.04.22

78-68  
Cont'd

taking your time and evaluating this carefully. Last of all, I would say... I would request that there be an extension so a greater period for public comment, considering the unusual COVID circumstances. Thank you for your time.

0:46:02 Madam Chair, Cheryl: Thank you. Next comment.

**0:46:06 Cece Garofoli:** Hello, good evening. I'm calling for agenda item number six, the Aggie Research Campus. Good evening, commissioners. My name is Cece Garofoli and I'm the political affairs director for the Davis College Democrats, but tonight I'm just here as a Davis citizen. I came to Davis because of its reputation and being from Oakland in the Bay Area where we're big on sustainability, I was drawn to Davis because of its commitment to sustainability. And I've been happy to make Davis my home for the past two years, but unfortunately there are not a lot of opportunities for undergraduate students who graduate and wanna stay in the area. The Aggie Research Campus project can change that, though.

**0:46:47 Cece Garofoli:** I think the subsequent EIR shows that the project's benefit definitely outweigh the potential negative impacts. This project can help Davis continue to be a leader in sustainability and research. I also wanna applaud the ARC, The Aggie Research Campus developers for committing to 100% renewable energy. That is awesome. Thank you for your time and for holding such an important meeting, during these uncertain times. I know there's no action being taken tonight, but I want to urge you to support this project, nonetheless. Thank you.

0:47:20 Madam Chair, Cheryl: Thank you. Next commenter please.

78-69

**0:47:29 Allen Hersch:** Hi, this is Allen Hersch. I wanna comment on the Aggie Research Campus. This has the potential of being a very innovative project and a good contribution to the economic development of the city. But it must be done right, so it doesn't also impose any unnecessary cost on the city. So there are four things I would like the Commission to basically ask for review on the revision of the environmental impact statement. First is, has land use been used aggressively or at all to mitigate the transportation impacts? For example, we want to encourage people on buses, and so we wanna basically put the bus stops in a route where most of the people are, so it's an easy walk to the bus stop. Instead, they place the bus stop in the middle of a big open space area instead of near where all the jobs are. This seems inappropriate. We should be thinking about how to re-do that thing.

78-70

**0:48:19 Allen Hersch:** The second is the plans, the project seems to want to deviate every single Yolobus commuter bus into the development to service it. This will slow down commute times for every other transit bus user in the city who wants to commute into Sacramento. This should be discussed and the land use should be used to basically so buses can stay on Mace Boulevard instead of having to deviate just to service this development.

**0:48:46 Allen Hersch:** Second is phasing of transportation, the impacts and land use. This project may only be built out one-third or two-thirds in the next 20 to 30 years. We don't know the exact timing of it. So what does the project look like and what are the transportation impacts if it's built only one third? For example, will they build all 6000 parking spaces in the first one-third and then hold it or use it? So that's a real concern. We need to look at each individual phase and the land use

04/27/20

Page 13 of 36



Planning Commission Comments2020.04.22

78-70  
Cont'd

in that phase, 'cause we may be stuck in one of those phases for a decade or longer.

78-71

**0:49:14 Allen Hersch:** Third is, the project has increased its parking footprint from 4000 to almost 6000 spaces. Where are those spaces going? How will it rip through the entire project, impact parking. Parking lots are a significant impact on the landscape and we need to look at how that works. The fourth is trees. The city... The tree plan for this project is very innovative, but there is no, the city... The landscape plan, every previous developer has proposed for the city of Davis has never been fully implemented. The city has no way of implementing, of assuring the development, the promises on trees are implemented. How will that be addressed if tree plan fails? How are we going to change things so we don't make the same mistake? Again, this is a wonderful project, if it's done right. I'm hopeful that these projects, these can be addressed in the revised EIR. Thank you very much. Allen Hersch.

0:50:05 Madam Chair, Cheryl: Great. Thank you. Next comment please.

78-72

**0:50:09 Dirk Gently:** Hi, this is Dirk Gently. I am calling about the ARC project with the Planning Commission, and making my comment. The Planning Commission should keep in mind overarching general plan policy. This is the constitution for local land use decisions, despite what some claim, including the EIR, the 200 acre site for business research park is not an adopted city objective, nor is it adopted city policy. In fact, general plan Chapter 5, economic and business development, economic development element, states under action F, under policy ED3.2 "Designation of a peripherally sited URRP, University Research Park, shall only occur after; A, it is determined that lands within the city limits would not meet the needs for research-oriented business park uses. And B, specific guidelines for development projects on the periphery are adopted."

**0:51:09 Dirk Gently:** The city has not conducted the studies to make the determination of the required by A, nor has it produced policy to fulfill B. Consideration of such a proposal as the ARC is premature and violates the city's own general plan. Furthermore, the SEIR is required to discuss consistency of the project with the general plan. And it never discussed it, this violation of the specific policy that addresses this type of project. The Planning Commission needs to recommend that the SEIR is inadequate and it also needs to insist that the city call its own procedures and policy that are set forth in the general plan and how they're adopted policy guidance. Thank you.

0:51:55 Madam Chair, Cheryl: Thank you. Do we have any other comments?

78-73

**0:52:00 Eileen Sammits:** This is Eileen Sammits. I'm calling regarding the ARC project. I submitted a letter today regarding many concerns and comments regarding the project and its associate EIRs. One of the biggest concerns is that the project will create an enormous amount of traffic with, at least, 24,000 more car trips. This, undoubtedly, will impact the city, particularly East and South Davis as well as the Mace over crossing and traffic off of I-80. Will just, obviously, back up and spillover to impacts on the neighboring neighborhoods.

**0:52:32 Eileen Sammits:** The project's EIRs regarding the traffic and circulation are all relying on the unwarranted assumption that, at least, 60% of the 850 housing units will be occupied by, at least, one ARC worker. However, the ARC developers have no plan that they've come up with, with how to implement this occupancy requirement. In fact, the developers have basically been giving

04/27/20

Page 14 of 36

Planning Commission Comments2020.04.22

78-73  
Cont'd

↑ reasons for why they can't achieve this. So, the bottomline is this is a fictitious traffic and circulation, EIR assumptions and so this cannot be applied to this project.

**0:53:25 Eileen Sammits:** More concerns is on housing and how there is no affordable housing defined and basically, this is unprecedented. They have not come up with a proposal of how they will provide affordable housing and they're talking about off-site affordable housing and in-lieu fees and that's not what we need. We need affordable housing. And finally, there's open space and drainage issues which are related because it is unprecedented that they are trying to use not only open space land, seven acres of open space land that was purchased with Measure O money, which is public funding, but they're trying to use, at least, two feet of soil from Howatt Ranch.

**0:54:15 Eileen Sammits:** And there is no way the city should be, in any way, subsidizing this or any project. And let's think about the impacts on Howatt Ranch and how it, can it be still farmed or it's going to be impacted by losing that much soil. So, I urge the commission to please make clear that this project and the subsequent EIR and its associated EIRs are inadequate, and this project should not be moving forward. Thank you.

0:54:52 Madam Chair, Cheryl: Thank you. Are there any more comments?

**0:54:56 Commissioner Emily Shandy:** Yes, we have one additional comment. This is our final for this item.

0:55:00 Madam Chair, Cheryl: Thank you.

78-74

**0:55:03 Alan Prior:** This is Alan Prior, speaking to the ARC SEIR review. I'd like to mention the fact that the applicant has proposed taking two feet of 100 acres of land at Howatt Ranch and transporting that over to the ARC site. First of all, there is no mention of any cost to be paid to the city for this taking of the land nor has there been any evaluation of what that will do to the land, either in terms of it being able to be used for agricultural applications or for the potential flooding impact this may have. If you are raising the entire 200 acres of ARC by approximately one foot, that's gonna significantly change the flooding profile of that parcel. There's been no geomorphological engineering analysis of that.

**0:55:58 Alan Prior:** We have no idea where that water is going to go. We already know the ARC site results in flooding to a number of parcels to the north of that. This may exacerbate that problem. It's not being addressed in the DSEIR and I think it's mandatory that it should be. Additionally, the applicant just has to tell us how much they're going to be paying for destroying that 100 acres of agricultural land and the taking of 100 acres times two feet of dirt for their own private use. Thank you.

0:56:32 Madam Chair, Cheryl: Thank you. So, that was, I believe, I counted a total of 29 comments from the public. I should appreciate that. Of course, I urge folks again to submit your comments in writing within the next five days, whether you've spoken tonight or not. So, let's see. Next, I believe, is a chance for the Planning Commissioners to ask any questions, clarifying questions that they have. I believe we do have the project proponent here, Mr. Ramos and then, of course, the city staff and the consultant for the EIR available. So, I'm going to query each of you in order, listed on

04/27/20

Page 15 of 36

Letter 78

Planning Commission Comments2020.04.22

the agenda to see if you have any clarifying questions for the team that's assembled here. Mr. Boschken.

**0:57:43 Commissioner Boschken:** I guess my comments are in the form of a question, but there are several things that I'd like to reiterate upon from the prior time this project came before us. In a general sense it seems to me that the EIS, the supplemental EIS included, is missing or inadequate in a couple of specific ways, in addition to those that have already been vocalized this evening, and by others through mail. For example, Greg Rowe's comments, I think, were superb and very detailed regarding his concerns about the EIS. Mine speak mostly to the nature of this project, and it's unclear to me what that is. And I got to this last time by referring to it as a flypaper approach.

78-75

**0:58:54 Commissioner Boschken:** And what I meant by that is that this project really, except in name only, is simply a business park, a conventional business park. That is to say that I can find, and maybe someone else can show me, that there are no restrictions placed on this either by the developers or the city, on use of this as a research park only. And to me therein lies a major problem. That is we see lots of enthusiasm, especially by students who seem to have mobilized for this project, around the notion that somehow it's going to in fact be a research park. I have great doubt about that given a number of characterizations, but that could easily be resolved if the developers or the city put in a restriction that said, "This park can only be used for research, or research related business activities, or business use."

**1:00:21 Commissioner Boschken:** And that doesn't seem to be forthcoming, and it adds to the mystery when we have heard nothing from UC Davis in support of this project. And so I wonder, where are those folks? Now the developers last time when we met on this retorted after I asked that question, and said "UC Davis has a policy not to address city projects." And that simply is patently untrue. In the last two years there have been at least two occasions where university administrators have come forth to testify on projects that they felt were of significance to them. And so it's simply untrue that UC Davis is not present because they have a policy against that. It seems to me that without some evidence of either UCD support or indifference, that we can't or shouldn't be calling this a research park.

**1:01:41 Commissioner Boschken:** Because in fact the only basis upon which it is identified as a research project, is it's proximity to UC Davis and the somehow promise that faculty and former students will be able to form their own startups locally here, and move forward with big investments that will be of use to the city of Davis, and it's constituencies. But there's no evidence of that in my understanding of the project. And so with the silence that I see at UC Davis and the number of other characteristics of this project, I'm left to conclude that this is not a research development at all, but a conventional business park, where any businesses could select, choose to locate.

**1:02:46 Commissioner Boschken:** And if that's the case, then it seems to me there's another major issue here that is lacking in analysis in the EIS, and that is the potential for cannibalizing other areas of Davis with regard to business activity, and that includes not only other business parks currently existing in the city, but also the downtown. And I mention the downtown, because one example of a downtown business in fact is one of this project's economic consultants. So the question is open, would someone like that who has a major facility in downtown Davis, be likely to move out to this

04/27/20

Page 16 of 36

Planning Commission Comments2020.04.22

78-75  
Cont'd

↑ peripheral development? And with regard to business parks closer in, I note that there are several... There are a couple business parks that have large swaths of open acreage that could be developed for either business park purposes or research park purposes.

**1:04:03 Commissioner Boschken:** South Davis, for example, has a number of locations very sizable that simply are not being utilized at this point, apparently because there's no demand. I also note a comment that came to me the other day, that FMC would like to move out to this peripheral development, "because they need more land." So there are some indications that this project, in order to survive, will be cannibalizing other businesses already in Davis. And what do we get from that is a loss, or at least no net gain as a result.

**1:04:50 Commissioner Boschken:** So standing on those comments alone, I think that it would be necessary, at least for my vote eventually in certifying the EIS, for the EIS to contain an economic analysis, that takes these factors into account, and clarifies exactly who the customer is for this development. Is it some sort of research consortiums, or enterprises, or is it simply an open business park where as the flypaper approach suggests, anyone can come from anywhere to locate here if they chose to? And frankly I have no problem with it simply being a conventional business park, except for the fact that if you look out throughout the Bay Area and up and down the valley, there are lots of business parks sitting out there that don't even have any building on it at all.

**1:06:01 Commissioner Boschken:** That is, there no longer seems to be a regional demand for business parks, to say nothing about research parks in general. So I'm very concerned about that aspect of the EIS. That it seems to be completely mute on any analysis that suggests the viability, or the specific nature of this development. And then lastly, a second issue which has really not been discussed a lot, is what I would call the target impact, and specifically the target impact on the existing downtown. This project, yes, has lots of business park attributes to it, but it also has significant amounts of housing and retail that are supposedly built into it. I think specifically with regard to retail there's a 100,000 square feet, that's supposed to be set aside for such activity.

**1:07:07 Commissioner Boschken:** And I'm wondering with its proximity to Target, whether we're beginning to see sort of that incremental or accumulated growth in retail or formally downtown activities, that will be ultimately taking business away from the downtown even more than it already has. So those are my comments, and I don't see... Those comments are with respect to a complete absence as far as I can tell, where the EIS spells all these things out, and analyzes them to the degree that one can reach a conclusion of necessity for such a development of this kind.

1:07:57 Madam Chair, Cheryl: Thank you for your comments there Mr. Boschken. Mr. Mikesell. Do you have any clarifying comments Mr. Mikesell?

1:08:11 Mr. Mikesell: Now I was on this commission when we recommended that the City Council certify the previous EIR, and I think we gave it a pretty thorough reading at that time. And I think so did all of the other commissions that looked at it. So I'm gonna focus my comments on what I understand it to be. And that's one of the reasons why I complimented Nick on his presentation, there is a reasonably narrow focus to what we're being asked to do. There is a certified EIR that analyzes almost all of the impacts associated with this project, that the supplemental EIR is meant to analyze some... Whether or not in the course of the last three years, I guess that's about all that it's



Letter 78

Planning Commission Comments2020.04.22

been, I think, since the last EIR, have those conditions changed, and what are the new impacts?

78-76

1:09:18 Mr. Mikesell: And are those being analyzed? And it seems to me that most of those are adequately... With the big issue that everybody talks about, which is traffic, I thought those are pretty carefully analyzed in the transportation section appendix, as I recall. The one issue that came up repeatedly in the public comments, and it was bothersome to me that it wasn't addressed a little more thoroughly than it was, and that is the potential of using this... There's a Davis 25, and there's a Davis 100. And using the bigger parcel out by the causeway.

1:09:54 Mr. Mikesell: As I recall, the way that's discussed in the project description and discussion of drainage is that that's a site that the project proponent would like to use as a place of storing flood water under extreme conditions. But that strikes me as... If that is in fact the preferred site for that, I do think that the public comments were germane, in that if you were going to destroy, essentially destroy by removing all of that top soil, which seems to me you are destroying prime ag land.

1:10:53 Mr. Mikesell: Well, first of all, is that in fact prime ag land? I really don't know, I've never been out to see that parcel. First of all, is it in fact prime ag land? And number two would, if that is a preferred alternative for dealing with those excess flood waters, is that a significant impact that isn't analyzed adequately in the draft version? That's sort of the big issue for me.

1:11:25 Madam Chair, Cheryl: Thank you, Mr. Mikesell. Do we wanna go ahead and get answers to those questions maybe? Mr. Pappani?

1:11:35 Mr. Mikesell: Well, what I... Well, I would love to hear what the answers are. But I was raising these as something that might be looked at more thoroughly in the final version.

1:11:46 Speaker 34: Exactly!

1:11:49 Madam Chair, Cheryl: Yeah, we could certainly do that. Okay. Thank you very much!

1:11:54 Sherry: Madam Chair?

1:11:55 Madam Chair, Cheryl: Yes.

1:11:57 Sherry: So just for point of clarification then these are the comments that the commission will have addressed in the final.

1:12:04 Madam Chair, Cheryl: Okay.

1:12:05 Sherry: Okay. Alright.

1:12:07 Madam Chair, Cheryl: Great. Thank you, sorry about that. Mr. Robertson?

78-77

1:12:12 Commissioner Robertson: Yes, I want to stay as tight on the EIR issues as possible and not the merits of the project. Question I have is, now with the new guidelines, we can't evaluate or aren't allowed to address intersection LOS or segment LOS. My question for probably Nick is, how

04/27/20

Page 18 of 36

Planning Commission Comments 2020.04.22

78-77  
Cont'd

are wait times addressed as far as the creation of additional pollutants? In other words, if you have a segment or an intersection that has a two minute, five minute, whatever wait, that increases pollution locally from the vehicles. If we're only going by VMT, how does that come into the equation for environmental analysis?

**1:13:05 Nick Pappani:** Yes! Can you hear me okay Commissioner?

**1:13:12 Commissioner Robertson:** Yes!

**1:13:13 Nick Pappani:** Okay great, yeah, good question. We did actually evaluate the concentrations of carbon monoxide at intersections within the environmental document. I think you're kind of referring to the hot spots that sometimes arise due to significant delay generated by vehicles because of congestion and that analysis is in the air quality section. We basically utilized a dispersion model to predict concentrations at the worst operating intersections identified in the traffic study and compared those to the thresholds identified by the district. And we found that the concentrations would be below the standards. So I can point you... I can find that and kinda point you this specific impact, but that was covered.

**1:14:06 Commissioner Robertson:** Okay, and then the next one has to do with the housing itself. I'm concerned that the 850 homes or units rather that are identified, won't go to people who actually work there, not even the 60%. I'm hoping that... This project comes before us has the affordable housing component then we're gonna have 15% that are gonna be set aside for that, which are likely not workforce housing. That leaves us 85%, so then we have this assumption that 1700 of the units necessary to house the employees at the ARC will be in the region, 1200 will come from the City of Davis itself, and then 850 will come from the project itself.

78-78

**1:15:08 Commissioner Robertson:** What reality is there to that 1200 coming from the city, when we already have low levels of vacancy? So in other words, I can easily see those 850 units going to non-employees. Simply because there is no mechanism that's been identified and the EIR should be evaluating really potential worst case. So we're gonna have additional trips generated by the 850 residents who are working in Sacramento or somewhere else than the project itself. In other words, I believe that the DSEIR understates the trips, because it assumes that those 850 or some percentage of them will be non-trips, because the people live and work inside the project.

**1:16:12 Commissioner Robertson:** As it says on page 3199 of the DSEIR, it says that 54.6% of the new ARC employees would live in Davis similar to the inference made for existing Davis area employees based upon empirical commute patterns. But the thing is, our existing commute patterns are based upon historical patterns, namely people got here while there were still homes to be had. But going forward, where's the housing stock that's gonna accommodate those 1200 that are assumed to be living in Davis, but not within the project. Is that new growth? And if so, where is that coming from? Because it says in the DSEIR also, that it took into account I believe Housing availability, or what housing stock could come about.

**1:17:26 Commissioner Robertson:** It says as a result, the increase in housing demand associated with the ARC project could be met within the city rather than the surrounding SACOG region.

Letter 78

Planning Commission Comments 2020.04.22

78-78  
Cont'd

↑ What is that based on? Because we're told over and over, we don't even have enough housing for students, let alone additional employees of a project that might be approved. So, I'm really skeptical of the determination being 1700 in the SACOG region, 1200 in the City of Davis outside the project, and 850 on the project and what they do as far as generating assumptions with regard to trip generation. In other words, if you took the full 3700 units that would be necessary for this project and assumed that none of them were met by the project itself even though there is an 850-unit component to the project, what would that do to the assumptions as far as trip generation?

1:18:35 **Nick Pappani:** Would you like me to respond?

1:18:37 **Commissioner Robertson:** I think a little bit, because it's a kind of crucial issue.

1:18:41 **Nick Pappani:** Okay. Absolutely. So, yeah, I appreciated those comments. And I think the first thing I would say is the analysis you're talking about within the population and housing section is focused on trying to determine what the project's fair share of housing would be in terms of how many units should be included on-site, how many units do we think could be accommodated elsewhere within the city based on the housing element, the green light sites and so forth, and how many units do we think could be reasonably met within the surrounding region. The traffic analysis is actually based on empirical data from several hundred other mixed-use sites and Greg Behrens is available if we need to get into that, from Fehr & Peers, in more details here, but the traffic analysis is based on empirical data from other mixed-use centers, similarly situated, similar type uses.

1:19:53 **Nick Pappani:** And so, that was the source of the trip estimation data to determine what a reasonable internalization rate would be for the trip estimation of this project. It wasn't tied specifically to the math used to try to determine the project's fair share in housing. So, the trips and hence the air quality and the greenhouse gas analysis is based upon the dataset modeling done for other mixed-use centers that Fehr & Peers has developed and utilized for other projects. So, that's what we believe is... For the quantitative analysis of the environmental components, again, traffic air, that's the appropriate methodology to utilize for the trip component. Is that...

1:20:44 **Commissioner Robertson:** So, the trip component, in essence, is divorced from the housing analysis.

1:20:53 **Nick Pappani:** It's not directly related in terms of the math used to determine what the project's fair share of housing can be expected for the site and the number of employees generated. Correct. It's not directly linked to the math done for the trip generation which is based on empirical modeling for other mixed-use centers. We felt that is the most robust and substantial evidence to utilize for the trip generation methodology.

78-79

1:21:26 **Commissioner Robertson:** Okay. So, does the trip generation methodology assume vehicle miles traveled, based upon an allocation of 1700 regional trips, 1200 in-town trips and 850 internal project trips? Or, does it assume, "Look, this is a mixed-use and in mixed-uses, we can assume, generally, this kind of spread of vehicle miles traveled."

1:22:04 **Nick Pappani:** So now... Right, the latter, but Greg can get into the details.

04/27/20

Page 20 of 36

Letter 78

Planning Commission Comments2020.04.22

**1:22:08 Greg Behrens:** Yeah, Nick and then, Commissioner Robertson. Good question. This is Greg Behrens from Fehr & Peers, as Nick and Sherry mentioned we prepared the transportation study for the SEIR. So, the study took a look at two hypothetical scenarios. One was existing conditions with the addition of the ARC project. The other was future or cumulative conditions with the addition of the ARC project. So, for existing conditions, the only change in land uses that we assumed was the inclusion of the project. We didn't make any changes or inferences about changes to the other local housing supply within Davis.

**1:22:43 Greg Behrens:** And in doing so, because there was additional housing demand being generated by the project and the supply that it would provide, a lot of those employee trips would need to be imported from elsewhere outside of the City of Davis. So, for that particular scenario, we're not assuming any additional growth within the city. For the cumulative or future scenario, we do assume that some degree of growth occurs, that's informed by the city's general plan. So there is additional absorption by ARC employees that could occur within the local housing supply. So, that is reflected in the cumulative analysis but not in the existing conditions analysis. Hope that helps.

**1:23:21 Commissioner Robertson:** It does help but I guess what it comes down to then is this desire for, that the commission expressed earlier, not tonight, but when they saw the MRIC, that 60% of the employees actually live in the project. That really doesn't inform the environmental analysis, as far as trip generation.

78-80

**1:23:51 Greg Behrens:** Correct, yes, correct. Yes, so there's documentation in the EIR you may have seen that describes how that assumption is no longer included as part of this analysis. Instead, as Nick mentioned, we took data that we've collected at mixed-used sites all over the country to inform what the trip internalization would be, that would result from people who choose to live on the site, but it's not 60%. It's just based on what's been observed elsewhere.

**1:24:20 Commissioner Robertson:** Right. And in essence, would it be fair to say that the trip generation numbers would not be appreciably different with or without the 850-house component to the project?

**1:24:38 Greg Behrens:** With or without in terms of... I think the mix would change if you were to make assumptions about who is staying on the site. People who live and work on the site are more likely to walk or bike to work instead of drive to work, obviously. So, that particular variable would influence the trip generation. The overall number of dwelling units would as well but...

**1:25:03 Commissioner Robertson:** It would, but it didn't.

**1:25:04 Greg Behrens:** It didn't because that's held constant between the two.

**1:25:07 Commissioner Robertson:** Understood. So, what we were looking at is really a project, as far as environmental analysis, that doesn't give... To the applicant for having, reducing potential ▼ trips that would be generated by the project. Question.

Planning Commission Comments2020.04.22

78-80  
Cont'd

**1:25:34 Greg Behrens:** Sorry. Could you restate that? You actually cut out mid-question on my end. Apologies for that.

**1:25:38 Commissioner Robertson:** Okay. I'm sorry. Is it fair to say that the fact that there is a residential component is not affecting determinations with regard to trip generation? Therefore, there is no credit, in a sense, given to the project for having a residential component.

**1:25:58 Greg Behrens:** I mean, in terms of credit...

**1:26:00 Commissioner Robertson:** As far as trips generated, vehicle miles traveled.

**1:26:07 Greg Behrens:** There are some benefits in terms of having co-located housing and employees, of course, but the...

**1:26:12 Commissioner Robertson:** No, but I mean as far as the analysis. In other words, there's no change in the numbers. If we were to say, "Hey, this ought to reflect a 60% occupancy by people who actually work in the project," then that would generate a change in vehicle miles traveled.

**1:26:35 Greg Behrens:** Correct.

**1:26:35 Commissioner Robertson:** But that is not the case. In other words, the fact there are 850 residential units planned for this project doesn't modify the outcome with regard to environmental impacts related to traffic vehicle miles traveled.

**1:26:54 Greg Behrens:** Not in the sense that any assumptions were made about a significant number of those residents working on the site as well.

**1:27:01 Commissioner Robertson:** Okay. Then Sherry this is a question I have for you or for the city generally, and that is, has a mechanism been identified that would allow the project applicant to actually allocate even any percentage of the units to people who actually work there?

**1:27:24 Sherry:** No. So far, all of the discussion has resulted in the same conclusion that it would, in all likelihood, be a violation of the fair housing laws. And so, we don't believe we have that ability.

**1:27:38 Commissioner Robertson:** Right. Nothing's changed since I stopped practicing. We're basically looking at a situation where the "Affordable Housing", with a capital "A" component of this project, which I again say I hope is not an in-lieu situation, but because of the size and the number of units is actually an on-site meeting of the affordable housing requirements that currently stand, and the fact that we can't put a mechanism in place that would actually allocate any of the housing specifically to the people who are employed there. And the fact that we don't have any information from the university that in fact, this desired synergy between the university and this project even exists. The question is whether or not the housing component really ought to be part of the project. So, anyway, I don't have any other comments. I wanna commend and thank Commissioner Rowe for his fabulous work. I read your comments as well, after looking through the



Letter 78

Planning Commission Comments2020.04.22

DSEIR, and I share many of your concerns, but the one that hit me the most was this whole thing about the housing and the assumptions made. Thanks.

1:29:14 Madam Chair, Cheryl: Thank you very much, Mr. Robertson. I appreciate your comments. Let's see. Let's go to Mr. Rutherford.

78-81

**1:29:25 Commissioner Rutherford:** Thank you, chair. First question, I guess, really jumps back into the 6.8 acres. To Nick, I think is where this question goes to but how exactly does the 6.8 acres of the city land play into the SEIR and what kind of impacts does that have, whether or not those 6.8 acres stay in the project and the developer finds another 6.8 acres to meet the open space mission. But, explicitly, how does that play into the SEIR itself?

**1:30:15 Nick Pappani:** And thank you, commissioner, Nick Pappani again. It's certainly included as part of the project, hence we identified a total of 194 acre project area. Given that that's the applicant's proposal, although it hasn't been agreed upon yet and is under review, we evaluate the applicant's proposal. So we have anticipated the potential use of that 6.8 acre component of the city property. So that factors into analysis throughout the various chapters. So for example, when we're talking about habitat disturbance, we acknowledged that that area would be a component of the agricultural buffer potentially, and the first 50 feet would be potentially a bike/pedestrian trail component, and that the outer 100 feet would be an area for drainage, but also creation of burrowing owl habitat.

**1:31:24 Nick Pappani:** We identify that there's a... Under the HCP that's been adopted by the county, that there may be need to mitigate for some of the disturbance of that area. That's captured in our biological section of the document, and so the HCP would determine if there's a temporary impact fee that's required as a result of the construction of the ag buffer or whether there's any permanent land cover fee component. Mitigation that's in the biological section that deals with species habitat does account for off-site improvements, which would include the ag buffer if the HCP determines that there's the need for payment of fees for that disturbance area. That's probably the most specific example in terms of impacts. But any questions in that regard, I'm happy to discuss that further.

**1:32:24 Commissioner Rutherford:** Sure. So I guess in my kind of relation, my comments that relate to the 6.8 acres itself is that... Well, I guess the other question would be, if the applicant met the spirit of the open-space requirement and found an additional 6.8 acres that they would purchase and then deed to the city to make up for what they're including in the project, would that have any implications on the SEIR?

78-82

**1:33:00 Nick Pappani:** No, it wouldn't. I think that's more kind of a city component and a policy and dealing with their ordinance, but [1:33:09] [REDACTED] for the environmental document if it was just dedicated open space.

**1:33:14 Commissioner Rutherford:** Right. That's kind of what I assumed and kind of figured because, to me, the way that it is being proposed does not meet the spirit of the open-space requirement that the city has put into policy in that the project should find an additional 6.8 acres to mitigate that if they are to use this within the project, which it sounds as if it has to be now that it's

04/27/20

Page 23 of 36

Letter 78

Planning Commission Comments 2020.04.22

78-82

Cont'd

part of the SEIR. One other question for you, Nick, before I move on to something else is, I believe there were some discussion in regards to the traffic mitigation plan, and going east up 2nd or whatever the frontage road is to the off-ramp or on-ramp near the levy. Can you elaborate a little bit more on that, as to whether or not that was part of the traffic mitigation plan? I apologize if I missed something there, but I just... That was the thought that came to my mind.

**1:34:29 Nick Pappani:** No. I'm gonna have Greg chime too but the short answer is yes, that segment was evaluated and there is a identified mitigation component with respect to bicycle use of County Road 32. But Greg, do you wanna add anything to that?

**1:34:49 Greg Behrens:** Yeah, absolutely, yes. The traffic analysis took a look at multi-model operations on County Road 32A between the project site, east to the 32A interchange at I-80. And there were a number of impacts as Nick mentioned that were identified, one was a bike impact at the point where cyclists merge into the class 2 bike lanes on 32A, basically east of County Road 105, all the way to the freeway interchange. And so there's mitigation measures related to that. There are operational impacts for vehicles identified at the actual 32A interchange off-ramps. So you'll see that there are mitigations related to that. And then finally, there were impacts related to the at-grade rail crossing near the 32A and County Road 105 intersection. So they're also mitigations related to that. So several different locations for various topics that the study looked at.

78-83

**1:35:48 Commissioner Rutherford:** Okay. Because I think that partially gets to some of the concerns that we've heard as far as the congestion on the Mace Ranch on and off-ramps there. But that does create other issues further down the highway, which I know we all experience during commute hours. Folks getting on the freeway going east, yeah, going east, and the backup that we have in there. It's a huge mess, and this project, yeah, it will add additional challenges to the mess we already face there. But something to, just for everyone to keep in mind that outside of this project itself it's gotta be addressed with. I thank you guys for that. I again wanna reiterate to the applicants that the developer should be finding another way to meet their open space commitment, not rely on this 6.8 acres land. To meet that, they should go above and beyond it, and wholeheartedly support the open space habitat commission comments in that regard.

**1:37:14 Commissioner Rutherford:** Cheryl the other comment I or... Sherry I'm sorry. The other comment I had and I know these are all out of order but is in regards to the timing of all of this, wasn't the timing of this project laid out before COVID-19 took all of our attention away? Didn't we already have this process played out so that this project could potentially meet the ballot in November.

**1:37:50 Sherry:** We are still working towards that endeavor, we hope to work on the final EIR during May come to the Planning Commission in June and the City Council in July.

**1:38:07 Commissioner Rutherford:** And all of this was already laid out prior to COVID-19, correct?

**1:38:13 Sherry:** Oh yeah.

04/27/20

Page 24 of 36

Letter 78

Planning Commission Comments2020.04.22

**1:38:13 Commissioner Rutherford:** Yeah and so I'm really getting tired of this whole excuse of COVID-19 response should be something that stops city business and things, we've all had to adapt to it and we as commissioners have... We've taken an oath to uphold a duty as volunteers, and if we are not able to uphold that duty, then we as commissioners regardless of what commission we sit on should recuse ourselves from that position and let someone else who's in a better position to take care of it, move on. I think we're all busy, we all have to adapt to it and we have to realize that there's a new normal going on. So, so I think it's time to move beyond that discussion from the public and we need to just deal with what's at hand, and continue to move forward with the commitment which we have made and adjust accordingly, to meet that commitment. So that's part of my soapbox. I'll step off for just a minute until I get on to it again.

**1:39:20 Commissioner Rutherford:** I really appreciate, Commissioner Boschken's comments on how this project is being characterized as being this research park to me, it's just a business park, always has been, it always will be. Especially with the way that things are laid out and even when I'm discussing this with my fellow residents of Davis. I'm always prefacing it as that, this is essentially a business park, it's just a fancy name of calling it a business park. So unless there are gonna be things that really tie this into being a research-oriented center, then let's call it what it is, and analyze it for what it is. It is just a fancy way of calling a business park something else?

**1:40:22 Commissioner Rutherford:** I also wanna thank Commissioner Robertson for his comments on housing and how workforce housing is being analyzed here and give kudos to Commissioner Rowe for his thoughtful analysis, and response, very, very, very helpful both of you guys and I appreciate what you guys have said. Everybody knows where I fall on all of this and I think for this project to really be analyzed correctly, it needs to be analyzed with on-site housing and not necessarily that being of just gonna be those who work there, are gonna be living there and without any type of mandate in place that's gonna require folks that work there, live there. We cannot be analyzing it as such.

78-84

**1:41:18 Commissioner Rutherford:** But in regards to the housing piece in general, I think it's a little bit inadequate when we get to the affordable housing component. Again, there should be a strong preference for the affordable housing to be on-site. We do not need this to be off-site, we do not need to find others, there's not any other area we can really identify unless the developer is willing to purchase properties that are under-utilized or need major rehabilitation and deed that to affordable housing then make the affordable housing on-site and plan for it accordingly. I know you can't say this is what affordable housing is gonna be like so on and so forth, but it can be zoned to really accommodate those needs or you can even pull aside, some acreage and say, this acreage is gonna be set aside just for affordable housing.

**1:42:21 Commissioner Rutherford:** We need to be very creative in meeting the needs of the folks who need an affordable place to call home and when we define affordable housing, it's defined as 555, so that's five as 80% below median income, 50% below median income and then a 5% for 30% below median income. Those are things that we need to really make sure that this project addresses and if the applicant cannot think of a creative way to address that and develop a project that would meet those needs then I would say... I would recommend that they pull together a blue ribbon committee of sorts to help them think through how they could do this so that it could pass a measure or vote. So that it could get to the voters and the voters can see within the baseline features as to

04/27/20

Page 25 of 36



Planning Commission Comments2020.04.22

78-84  
Cont'd

how this project is gonna meet the needs of this community.

**1:43:11 Commissioner Rutherford:** We can be very creative. There are many ways to be doing this and it doesn't just require the developer to be developing this in a silo, but they could do it in a very transparent and open way, so that the rest of the community will be supportive of this. Otherwise, that's gonna be one of the issues that opponents are gonna jump on they're gonna market against it and it's gonna end up causing a lot of issues. If you guys are really wanting this project to move forward on it, I would heavily suggest you do something more creative in these features to get to that point.

**1:44:16 Commissioner Rutherford:** Give me one more second I wanna make sure I hit all my points on my notes. The last thing, I guess, that I really have is kudos, to council member Carson. I appreciate you being an alternate council member. Yet, I've seen you engaged in the Planning Commission a number of times and I really, really appreciate seeing your presence here tonight as well, as in other meetings and opportunities. And by the way, your wife did a wonderful job on your haircut.

**1:44:53 Carson:** Thank you so much. I'll let her know you appreciate it, but she's not taking other clients.

[chuckle]

**1:45:00 Commissioner Rutherford:** I appreciate that, 'cause I need one. [chuckle] Okay, thank you, commissioner. I'm done.

1:45:07 Madam Chair, Cheryl: Thank you Commissioner Rutherford, Commissioner Streeter.

**1:45:20 Commissioner Streeter:** You can hear me now?

1:45:21 Madam Chair, Cheryl: Yes.

78-85

**1:45:21 Commissioner Streeter:** Okay, I wanted to go back to the February 26 meeting, a moment I too appreciate Greg Rowe's comments, but he threw in there March 26. I said, "I don't think we met in March 26", but the summary of the February 26 meeting, talked about commissioner comments which I presume are gonna be addressed as well. 'Cause many of them are related to the subsequent EIR. So let me just read this, it's not very long, but commissioner comments included concerns regarding traffic issues, which we talked about some more tonight. Need for better transit to the site. I believe you Cheryl mentioned relocating the transit hub to a different spot. Interest in affordable housing plan as well as proposed wages to be paid to those working on site, like to see natural vegetation along ditch, etcetera, need traditional units for families consider parking fees to discourage drivers. Question whether a hotel is a realistic demand, concerned that widening Mace Boulevard will induce more demand. One thing we've discovered and asking about the bike connection to Harper Junior High was if they had a creative way to go to the back of the high school or the junior high rather that was good news in that regard.

Letter 78

Planning Commission Comments2020.04.22

**78-86** **1:46:41 Commissioner Streeter:** And a hotel demand, that's interesting 'cause most of us remember that that was a concern of the city council at one point and that debate came up when the Hyatt Residence Inn, and the Marriott residence rather the Hyatt House came up and both of those ended up going forward. I think the affordable housing and traffic have been covered in great detail.

**78-87** The comment about the 60% of future employees occupying some of the housing it's the same challenge that Bretton Woods previously, the West Davis Active Adult community had. That it's a great idea but how do you do it? And if there's some mechanism that can be nailed down, that would be fine, but it is a hurdle to be overcome. I think other topics have been covered well enough. I won't belabor it if I have something else to add to the discussion, I'll do it by Monday. The timeline that is put in place for getting comments in time, so thank you for letting me add a few comments. Thanks.

1:48:00 Madam Chair, Cheryl: Great, thank you very much Commissioner Streeter. Mr. Rowe you've been mentioned several times during this. I can say, I also appreciate your dedicated study in analysis, so I'm looking forward to your comments.

**1:48:24 Commissioner Greg Rowe:** If it's so okay with the chair, I wouldn't mind deferring my comments and going to Commissioner Shandy and then coming back, if she'd like to go first.

1:48:37 Madam Chair, Cheryl: I'm fine with that. Commissioner Shandy.

**78-88** **1:48:42 Commissioner Emily Shandy:** Thank you Cheryl, I have a handful of clarifying questions and then some comments that I will run through. Early on in the staff report, there's a statement that the rejected alternative in this environmental document failed to meet city and applicant goals of innovation center of about 200 acres. And I'm curious how that 200 acre figure was derived given the discussion this evening on the location of a facility like this on the periphery of town compared to infill opportunities that may not offer a single large parcel but may be a better fit to address some of the other impacts. So how was that 200 acre number derived?

**1:49:35 Sherry:** I believe, and I'd have to go back and double check but I believe that that number came out of that study that was done in the early 2000s that where the city commissioned whether or not we had enough land to do a long-term economic development and viability project, and that's where it came from. The one that I talked about early on in my staff report.

**1:50:08 Commissioner Emily Shandy:** Yeah, so, that's potentially a 20-year outdated figure and may or may not necessarily represent the needs in today's circumstances.

**1:50:20 Sherry:** I don't think we believe that. I think that all of these plans are meant to be very long-term plans anyway, so we believe there's still a viability. In fact, one of the very first meetings that I went to when I came to work at the city of Davis, there was the speaker who just talked about the synergy between the university and the great economic development potential for R&D uses in this community and how we really needed to capitalize on that. And most of the land that's still available along 2nd Street, is far too small in size for the type of projects that we're talking about here in this area. Not to mention the fact that one of them is still having hazardous waste issues on it and probably won't be developed for quite a while. So I think if the city does wanna move forward with these economic development goals, we have to look to other areas.

04/27/20

Page 27 of 36

Letter 78

Planning Commission Comments2020.04.22

78-89

**1:51:27 Commissioner Emily Shandy:** What phase of the project are the bike-ped under-crossing of Mace Boulevard and the off-site bike-ways proposed to be constructed in?

**1:51:38 Sherry:** Well, I'm sorry I don't know the answer to that off the top of my head.

1:51:45 Madam Chair, Cheryl: Someone else on the team that can answer that question?

**1:51:54 Nick Pappani:** I'm looking it up and we'll report back to you.

1:51:57 Madam Chair, Cheryl: Thank you, Nick.

78-90

**1:51:58 Commissioner Emily Shandy:** There is also in the supplemental EIR, there is no mention of an east-west bicycle and pedestrian path from that proposed under-crossing directly west to connect to the bike path that goes north-south to the under crossing of Covell, if that makes sense? That bike path was shown as proposed on one of the exhibits that was presented to The Bicycle Transportation and Street Safety Commission a few weeks ago, and I'm curious why it's not reflected in any of the figures or discussion in this EIR.

**1:52:50 Sherry:** We'll have to address that one in the final, I'm sorry.

78-91

**1:52:56 Commissioner Emily Shandy:** Okay. Is there any information about how many bicycle parking spaces are being proposed? There is more than a full page devoted to discussion of vehicle parking and where it's going to be located and how it might be allocated or flexed between different uses, and there remains a single mention of bike parking buried in a sentence among the list of other amenities to be provided. Has any calculation or commitment been made on the quantity and type of bicycle parking that would be provided and where that might be located?

**1:53:38 Sherry:** Given that this is a general plan and a zoning document really, I'm gonna... We boil it down to its salient points, it's general plan and zoning so it's land use. So the only characteristics of development standards that are included are generally those that are probably going to be different from what is included in our standard zoning because we are doing a plan development in this particular location. So no, we haven't identified where the bike parking is going to go, we haven't identified how much, because I believe the applicant is going to simply meet the requirements of our code.

1:54:36 Madam Chair, Cheryl: Anything else, Emily?

**1:54:37 Commissioner Emily Shandy:** No, it seems like maybe providing comments in written format is the way to go for this evening. Thank you.

1:54:45 Madam Chair, Cheryl: Thank you very much, Ms. Shandy. So let's see, are we back to Mr. Rowe?

**1:54:54 Commissioner Greg Rowe:** Hi. Can you hear me?

04/27/20

Page 28 of 36

Planning Commission Comments2020.04.22

1:54:55 Madam Chair, Cheryl: Yes.

78-92

**1:54:56 Commissioner Greg Rowe:** So, I have a lot of comments and questions related specifically to the EIR. A couple of things I'd like to address some statements that were made during the comments. I think Herman made some reference to FMC and the best information I have is from a neighbor who works for FMC who told me a few months ago that they actually have three locations, the one on 2nd Street we're familiar with, another one elsewhere in Davis and then one in Eldorado Hills and they're working on a plan to consolidate all three of those in West Sac, so it wouldn't seem that the ARC is a candidate for that. A couple of people made reference to the applicant's proposal to excavate up to two and a half feet of soil from the city's 700 acres near the bypass. And they alluded to the fact that maybe the soil that the applicant wants to move to the ARC site is being used to raise the foundation level and that actually isn't the case.

**1:56:03 Commissioner Greg Rowe:** It's identified in the August 2015 draft EIR that in fact the ARC site has some deficient soils, expansive clay soils and an engineering study has been done that said they need to correct that, and the method they're proposing to do that is to import 130,000 cubic yards of soil from the Howatt/Clayton Ranch to the ARC site to improve soil conditions there, it isn't necessarily to raise it above flood level or anything like that. And Herman had a question about, "Will the site attract businesses from elsewhere in Davis?" And that's actually addressed in pages 3... Section 3, 181 through 183, in the draft EIR does have an economic study that says in fact there most likely will be some movement of companies from elsewhere in Davis to the ARC site.

78-93

**1:57:03 Commissioner Greg Rowe:** So I'd like to address what I think are some real deficiencies in the EIR. One of them was alluded to by one of the speakers who mentioned that, just in the last couple of weeks, the city from the applicant has received a sustainability plan, the transportation demand management plan and a tree plan. But those came in so late that they're not evaluated in the draft EIR, and I would request that those be incorporated into the final EIR.

78-94

**1:57:33 Commissioner Greg Rowe:** For me, the biggest challenge of this draft supplemental EIR, or subsequent EIR is that you can't really understand what the project is, and what the potential impacts would be if you just read this document. I found that, in order to really understand it and put it all together in a way I could understand it, I had to go back and look at three other documents. I had to look at multiple chapters from the August 2015 draft EIR. A lot of questions are answered in the final EIR from January of 2016 and in the staff report from September 19th 2017. And to me, the biggest single thing that isn't addressed in this EIR is really the directive the council gave that 60% of the units have to be occupied by at least one person who works there. And where this derives from is from the mixed use alternative that was evaluated in August 2015. It made the assumption that 100% of the units would be occupied by at least one employee at the MRIC.

**1:58:53 Commissioner Greg Rowe:** So then they determined, when they got around to looking at the final EIR, that that's probably an unrealistic assumption, that 100% of 850 units are gonna have at least one employee. So they did a sensitivity analysis where they looked at what happens of 0, 25, 50, 75, or 100% of the units were occupied by at least one employee. They were trying to get like what's the break point where the advantages of that mixed use project go away and it's no more beneficial, in terms of things like VMT or greenhouse gas emissions and traffic delays, than the

04/27/20

Page 29 of 36

Planning Commission Comments2020.04.22

78-94  
Cont'd

▲ basic project itself. And that's where they came to 60%. Once you had anything less than 60% of the units occupied by at least one employee at the ARC, the environmental advantages disappeared.

**1:59:49 Commissioner Greg Rowe:** And it's really deficient for this draft to have not taken that into account, especially when the resolution adopted by the council said that that mixed use alternative, that's the whole basis of the ARC, has to have at least 60% of the employees living on site at least in one unit. And that final EIR actually listed potential four ways that that could be achieved, things like contracts between employers and employees that would require them to live on-site and other things. I don't know if that's ever been examined by an attorney to determine whether any of those four might be doable.

**2:00:31 Commissioner Greg Rowe:** The other factor that weighs into this, is that that analysis that was done earlier, that concluded that the mixed use alternative was a superior environmental alternative, was based on the assumption of only 15,550 daily trips. Well, the new methodologies that had to be employed for this draft show a 54% increase in that, it goes up to 23,888. So it seemed to me for this to really be a valid analysis that we as a commission could look at and say, "it's adequate, and complete," is it needs to go back and run the numbers again to say, "Okay, there's gonna be almost 24,000 daily trips. What impacts does it have on the number of units that need to be on the site, to have any appreciable environmental benefits in terms of reduction of the VMT, greenhouse gas emissions, traffic delays, etcetera." And so that sensitivity analysis needs to be redone. It was actually done between August of 2015 and January, 2016, that's four years ago. I just don't think the analysis is up to par to really get to where it needs to be.

78-95

**2:01:56 Commissioner Greg Rowe:** There were about 26 issues mentioned in the memo that a couple of you mentioned, I'm just gonna touch on a few of them. In terms of using almost seven acres of city measure O open space I think that finally EIR should look at a couple of alternatives. One alternative would be putting the whole 150 feet inboard of the boundary with the Mace 25. In other words, make that 150 feet come out of the developer's land, rather than out of city land. Another alternative that needs to be examined is, a letter from the county of Sacramento in early December pointed out, that under their land use policies, a 300 foot ag buffer is needed to prevent negative impacts on nearby ag. It seems inconceivable to me that the city would wanna go to the county of Yolo and say, "By the way, we wanna annex all this land, and in so doing, we're gonna completely ignore what you've determined to be a policy that's protective of nearby Ag space. So the EIR needs to look at another alternative that's somewhere between 150 feet and 300 feet.

78-96

**2:03:06 Commissioner Greg Rowe:** To see what kind of benefits, if any, that that could produce. I'm also concerned in the urban decay category that if you look at the UC Davis website, and the kinds of businesses they're trying to attract to Aggie Square, it's all the very same businesses that this tech park is trying to attract. The UC Davis website says they are trying to create a unique environment for "Live, work and play", does that sound familiar? To foster collaboration, creativity for entrepreneurs, companies, and workers who will feature state-of-the-art research activities, modern office space and mixed use space, coupled with world class amenities.

**2:03:49 Commissioner Greg Rowe:** So in other words, they're going after the same tenants that the ARC is, but on top of that, you've got the Woodland Tech Park at County Road 25A and 113. It seems to me that with three tech parks trying to go out to the same clientele, we're looking at over-

Planning Commission Comments 2020.04.22

- 78-96  
Cont'd
- saturation of the market. So that leads me to say, I think the EIR needs to examine precisely what the competition should be or could be from those parks and it also needs to look at what will happen if the kind of tenants they're trying to attract, don't ever appear. What's the alternative, does it mean they're gonna come back to the city and say, "Well we don't have the research, the R&D, the manufacturing, so now we wanna build a 1000 or 1500 units of housing". Those are some of the alternatives that I think need to be in this final EIR that in other words, what happens if the goals aren't met, what's the plan B?
- 78-97  
Cont'd
- 2:04:51 Commissioner Greg Rowe:** This issue of the offsite drainage, the thing that needs to be kept in mind is the applicant is essentially trying to kill two birds with one stone. They're proposing to take 100 acres of land somewhere within the 700 acres that comprise the Howatt/Clayton Ranch, they wanna excavate two and a half feet down, set that soil aside, braid that parcel, put some of the soil back and then transport 130,000 cubic yards of it over to the ARC site. So, they're getting the benefit of a flood detention, they're getting the benefit of approving their site, but there's no environmental analysis, anywhere in the EIR or the impacts of doing that. People have mentioned what's the impact on the ag, what's the impact of 10,000 truck trips, each carrying 12 cubic yards of dirt over a 30-day period, 720 truck trips a day to that site. There's nothing mentioned about the environmental impacts, the county's registered concerns about traffic on 32A in terms of impacting with garbage trucks going to the dump. What about the impact of all those truck trips, those heavy duty diesel truck trips in terms of emissions and traffic impacts on the county.
- 78-98
- 2:06:11 Commissioner Greg Rowe:** Some people have mentioned the fact that the plan has provisions for improving transportation. The day that the BTSSC met, the applicant delivered a 36-page transportation demand management plan. When you look at that, there's only three pages of meat in it, the only last three pages talk about precisely things that could be implemented. The rest of it's either blank pages or a description of what's already there in terms of bus routes, who travels on them, where they go, etcetera. There's no meat in it and as I've pointed out, it really would be an error for the city to look at a transportation demand management program and say that's gonna solve all the problems. I've had experience working with these plans for many, many years. They're extremely hard to keep going. They rely upon a high level of self-interest that people will say, "I will ride a bus, even though it's more inconvenient. I will carpool even though it's not convenient". And it relies upon a full-time transportation manager, well what happens when financial conditions decline? First thing that's gonna get eliminated is that position to try to coerce people into riding the bus, and car pooling and van pooling and that type of thing. I think it's just a false hope to rely upon TDN to ameliorate what's gonna be a big increase in traffic that this project will generate.
- 78-99
- 2:07:48 Commissioner Greg Rowe:** I think one of the things that a member of the BTSSC, also focused on is when you look at this draft EIR in effect says that the wider streets, the higher capacity streets that would be needed to accommodate this project, are probably going to discourage bike riding. It's gonna make the average, novice bike rider very reluctant because of the high traffic levels and the wide intersections to ride a bike.
- 78-100
- 2:08:15 Commissioner Greg Rowe:** The other thing I think is contradictory about the plan is, it addresses traffic calming. In the one place it says there's already heavy traffic on some of the regional streets like Covell, 2nd Street and what not. Then it also says there's a lot of cut through traffic from people trying to avoid the problems on Mace etcetera, by going through neighborhood

04/27/20

Page 31 of 36



Letter 78

Planning Commission Comments 2020.04.22

78-100  
cont'd

↑ streets. And so it says, "Well, we'll do traffic calming in those neighborhood streets, things like traffic circles to deflect the traffic back out to the regional streets". So it's contradicting itself it's saying "Mace, 2nd, Covell are already too busy, the neighborhood traffic is too busy, so we'll just figure out a way to get more of it back out of the neighborhood, onto the big streets." That makes no sense. That needs to be evaluated in a whole lot more detail, it just seems to contradict itself.

78-101

**2:09:04 Commissioner Greg Rowe:** Anyway, I did submit about six pages or eight pages of comments that are specific to things that I think are shortcomings in this document. I could not support this document at this point being adequate and complete. I think the fact that as Greg Behrens said they didn't take the city council directive about 60% into consideration at all. That's extremely disappointing. It's actually downright frightening. I just don't see how legitimately this document can be regarded as adequate and complete if it ignores what's already been a directive that's come from the council.

**2:09:46 Commissioner Greg Rowe:** So anyway, I have a lot more comments. Sherry has them. Sherry, if you would consider those as my formal comments on this. And I will be following up by the 27th with something a little longer, but these are things that are directly related to the draft, subsequent EIR. And thank you for putting up with that.

2:10:09 Madam Chair, Cheryl: Thank you, Mr. Rowe. We really appreciate your analysis and your willingness to submit that in writing. I'm sure that will make it a lot easier for the subsequent research to look closely at those issues and come back. So I wanted to see if anyone else had any additional comments that they wanted to make from the commission. Mr. Streeter, I think you had wanted to wait a few minutes. Did you have anything additional?

**2:10:49 Commissioner Streeter:** Not really. I'm fine. I think Greg covered a lot of the points and prior commission comments on traffic and affordable housing and so forth. So I think he covered the waterfront quite well.

2:11:02 Madam Chair, Cheryl: Great. Thank you. Mr. Robertson?

78-102

**2:11:04 Commissioner Robertson:** Yeah. Just a couple of comments. One, Greg mentioned the sensitivity analysis. And while I don't disagree with the value of it, in the absence of a mechanism to actually enforce the 60% requirement, it's wasted effort. And I really don't believe that we can find a mechanism that allows us to require 60%. So, I think the project needs to be evaluated on the basis that that can't occur. Second thing I meant to mention earlier is a lot of the mitigations for traffic are identified as not being completely within the control of the applicant, offsite improvements, that sort of thing. And a question that I would have or I hope it's addressed by the time we see this are zones of benefit. In other words, if the city were to require the applicant to contribute toward mitigation, but not be in a position to do full mitigation then it's not mitigation until you have all the money necessary to actually achieve it, which generally is done by identifying a zone of benefit.

**2:12:23 Commissioner Robertson:** And the question that I would have is, where could we possibly come up with future land owners because it'll either be city general fund type of contributions or new projects that also generate the need for the mitigation that would contribute

04/27/20

Page 32 of 36

Planning Commission Comments 2020.04.22

78-102  
Cont'd

toward paying for the mitigation. But given the size of this project and the unlikelihood that they're gonna be subsequent projects in any foreseeable future that would be contributing, are we gonna be in a situation where we've identified mitigations that can't be accomplished because we don't have a sufficient pool within a time that makes the mitigation concurrent with the impact?

2:13:16 Madam Chair, Cheryl: Thank you. Appreciate that. Does anybody else have any additional comments that they wanted to make?

2:13:25 **Commissioner Emily Shandy:** I have a couple if I could Madam Chair.

2:13:27 Madam Chair, Cheryl: Yes, Emily.

2:13:29 **Commissioner Emily Shandy:** Thank you, I appreciate the opportunity. One of my comments was related to what Commissioner Robertson just brought up and related to some of the off-site mitigations that are called for in the draft EIR, specifically in the transportation section of it, including things like the off-site bicycle and pedestrian path. Have the environmental impact of those facilities been investigated at all? What happens if closer to implementation of those mitigation measures, they're determined to have significant and unavoidable environmental impacts that makes them infeasible and the applicant is no longer able to use those as mitigation for the effects of the project?

78-103

2:14:16 Madam Chair, Cheryl: Thank you. Thank you. Really helpful. I do not have much to add. I think the comments from the public, we had a substantial amount of 29 members of the public comment and brought up a number of issues. And then of course, Mr. Rowe's in-depth analysis and very helpful comments on housing from Commissioner Robertson in particular. So I think we are...

2:14:57 **Commissioner Emily Shandy:** Well, actually Madam Chair, I was hoping for a response to that question. That wasn't the final comment that I had. I didn't know if the project team had any answers for that and how those are addressed.

2:15:07 Madam Chair, Cheryl: I'm sorry. Yeah, that wasn't entirely clear. Sherry, did you have a...

2:15:17 **Commissioner Emily Shandy:** Yeah or Nick or Greg can speak to that.

2:15:19 Madam Chair, Cheryl: Give it a try Nick or Greg.

2:15:21 **Sherry:** I was gonna let Nick try.

2:15:25 **Nick Pappani:** Yeah. Yeah, just, commissioner, just so make sure I understand your question. Is it whether the off-side improvements, the indirect effects from those mitigations been analyzed and considered in the environmental document? Is that correct?

2:15:40 **Commissioner Emily Shandy:** That's correct. And what happens to those required mitigations if they are determined at a later date to be infeasible?

04/27/20

Page 33 of 36



Letter 78

Planning Commission Comments2020.04.22

**2:15:44 Nick Pappani:** Sure. Sure. Excellent question. I'm looking for the specific page, but we do have a discussion within the traffic section that discusses indirect effects of mitigation measures themselves because that is something that we need to consider in the environmental document. The CEQA guideline says that we do need to consider those potential effects, but we can do it at a level of detail lesser than the project analysis itself. But the short answer is yeah, and primarily with reference to potential impacts to biological resources and potential cultural resources. We have discussion of those indirect effects and the mitigation measures for example in the cultural, the bio section have been worded such that survey work needs to be done within, for example, let's say County Road 32A, where we discussed the potential widening of that as a result of the bike discussion. There's a potential giant garter snake habitat along a portion of that, and that's associated with the ditch along the railroad component.

**2:17:01 Nick Pappani:** And so if that improvement was to be implemented, again, it requires county approval as well, so there would have to be a multi-agency effort to do that, but there would be mitigation pre-construction survey requirements, that would have to be carried out before any ground disturbance work could occur out there to determine if there's any sensitive species. So that's kind of the longer answer, but the short answer is, yes. Good comment.

78-104

**2:17:31 Commissioner Emily Shandy:** Thank you, I appreciate that. The other comment I had was related to how impacts to bicycle facilities in particular are discussed. In appendix F, in that transportation analysis, on page 50, it talks about the potential of increased traffic volumes generated by the project, to diminish the performance of bike and ped facilities, talking primarily about crossings and potential conflicts with traffic. But it doesn't address whether that increase in traffic volume diminishes performance along roadway segments with relationship to the adequacy of separation between traffic, and bicycle, and pedestrian facilities. For example, that might warrant a separated bikeway, or an off-street path, as opposed to a simple bike lane on the street, and whether those bike lanes that are existing in the project area would become inadequate facilities under the increased traffic volume. So I would like to see discussion of that impact added in that section.

**2:18:36 Nick Pappani:** Okay.

78-105

**2:18:37 Commissioner Emily Shandy:** And early in the supplemental EIR itself, under areas of controversy, again, bicycle and pedestrian connections are called out, but it specifically speak to 32A. And I believe that that area of controversy ought to be widened to consider bicycle and pedestrian impact as a whole, on Mace Boulevard, as well as those other surrounding streets. I think that that area of controversy is inappropriately narrow in the way that it's stated currently. And that concludes my comments for this evening. Thank you, Madam Chair.

**2:19:17 S?:** Thank you.

**2:19:18 Commissioner Greg Rowe:** Cheryl?

**2:19:19 Madam Chair, Cheryl:** Yes?

**Letter 78**

Planning Commission Comments2020.04.22

**2:19:19 Commissioner Greg Rowe:** This is Greg, can I make a brief comment?

2:19:22 Madam Chair, Cheryl: Sure, Greg.

**2:19:24 Commissioner Greg Rowe:** So I'm assuming, and Sherry can correct me, that the final EIR is gonna come out some time in May, and then at one of the two regularly scheduled dates in June, the Planning Commission will have this back and we'll be making a recommendation to council. My only request, and see, people have heard me say this before, as much as a commission appreciate the public comments, I would just request the people not deluge the Planning Commission in the two, or three, or four hours before the Planning Commission meets. I must have received, as everybody else did, probably 10 or more email comments today. And I think for most of us, there's no way to adequately digest those in the afternoon prior to the meeting. So, if people can think about composing and transmitting their comments to us at least a few days before the next Planning Commission meeting, I think that would be helpful to both the commission and to staff. Thank you.

**2:20:29 S?:** My answer to that is, I don't read those if they come in an hour or two before the meeting.

**2:20:37 Commissioner Greg Rowe:** Generally, I don't either. Whether they're pro or con. I'm trying to eat dinner before the meeting. I don't have time to do that and read those comments, too.

2:20:51 Madam Chair, Cheryl: Thank you. Point well taken. Folks, members of the public, you're more likely to have your written comments thoughtfully reviewed if you can send them at least 24 hours before the meeting. Okay, let's see. Sherry, I think that we are wrapped up with with this items.

**Letter 78**

Planning Commission Comments2020.04.22

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# Exhibit 9

**ARC Business Park Draft Subsequent EIR Comments**  
Submitted by Colin Walsh  
April 27, 2020

Letter 78

**From:** Roberta L Millstein <[roberta.millstein@rlm.net](mailto:roberta.millstein@rlm.net)>  
**Sent:** Wednesday, April 15, 2020 2:55 PM  
**To:** Recreation and Park Commission <[RPC@cityofdavis.org](mailto:RPC@cityofdavis.org)>  
**Subject:** Double counting of park and open space land in ARC proposal

Dear Recreation and Park Commission,

I am Chair of the Open Space and Habitat Commission, although what I write here should not be taken to be the opinion of the rest of the commission.  
**I am writing to you because I think that what is written about the amount of park space on p. 34 of the PDF in your staff report is extremely misleading. It portrays the open space agricultural buffer as "park," when in fact it is open space.**

78-106

Let me explain. Most of you probably know the difference between the purview of your commission and mine -- I know that you've all been on the Rec and Park Commission for awhile -- but sometimes people do get confused about the term "open space." As defined and used by the City of Davis (e.g., for Measure O, the open space tax fund), "open space" includes farmlands, agricultural lands, and agricultural buffers. These lands may or may not permit "passive recreation," such as walking or biking, but they are not intended for active recreation, such as ball playing. Parks, on the other hand, do include areas that are meant for active recreation, and they include the greenbelts around the City. As you know, they are often (but not exclusively) turf.

An example of open space is the Ag Buffer for Wildhorse. It is a buffer between the ag lands and the developed areas. It is maintained with open space funds, and it contains habitat, most notably for burrowing owls, but also for native plants. There is a trail through it, which permits biking and walking, but it is still considered open space. Ag buffers, it should be noted, are required by [Davis Municipal Code 40A.01.050](#). I encourage you to look at the ordinance to see what uses are permitted. According to this ordinance, the ag buffer should be "a fifty-foot-wide agricultural transition area located contiguous to a one-hundred-foot-wide agricultural buffer located contiguous to the agricultural, greenbelt, or habitat area." In most cases, no public access is allowed on the 100 ft area that is adjacent to the land that is being protected. On the other hand, public access is allowed on the 50 ft area adjacent to the development; furthermore, "The following uses shall be permitted in the fifty foot agricultural transition area: bike paths, community gardens, organic agriculture, native plants, tree and hedge rows, benches, lights, trash enclosures, fencing."

As you can see, these uses are more consistent with open space uses, not park uses. So, whenever a new project proposes an ag buffer, my commission looks to see whether the ordinance has been satisfied, and as mentioned already, once in place the ag buffer is maintained with open space funds. Ag buffers are open spaces, not parks.

According to the Subsequent Environmental Impact Report for ARC, "The Agricultural Buffer area represented in the figure includes a total of 22.6 acres. Of the 22.6 acres, 15.8 acres are located within the privately-owned property containing the ARC development footprint and an additional 6.8 acres of easement area is located within the

**Letter 78**

**78-106  
Cont'd**

↑ City Parcel" (emphasis added)." Those 22.6 acres should not be considered to be park land. (It is also worth noting that my commission is currently considering whether the 6.8 acres is a legal and appropriate use of City land to satisfy the ag buffer ordinance, given that the City land in question, aka the Mace 25, was purchased with open space tax funds).

**So, on p. 34 of your staff report, where it says that the ARC proposal includes 49.8 acres of park area and includes ag buffer in that acreage, that is incorrect. The ag buffer does not count for both open space and park -- that is double counting. It counts for open space alone.**

**Thus, what might sound like a lot of park space in fact is considerably less. Some parts of the ag buffer do not allow public access at all, and the rest do not allow for uses like company softball games. I urge you to recommend sufficient park space for future residents and employees at the ARC site.**

Sincerely,

Roberta Millstein

**LETTER 78: COLIN WALSH – APRIL 27, 2020**

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**Response to Comment 78-1**

Please see Response to Comment 77-1.

**Response to Comment 78-2**

CEQA Guidelines, Section 15162(d), states that, “A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.” (see page 1-5 of the Draft SEIR for such a reference). A subsequent EIR need not supersede the prior analysis if the information is still relevant to the new project; instead it revises the analysis to account for the new project. Such is the case with the ARC Draft SEIR. The SEIR contains an analysis of all relevant issue areas that were previously evaluated in the MRIC EIR. The mitigation measures that are applicable to the ARC Project are included in the SEIR and Chapter 4 of this Final SEIR, Mitigation Monitoring and Reporting Program.

**Response to Comment 78-3**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 78-4**

Please refer to Responses to Comments 76-1 and 76-2.

**Response to Comment 78-5**

Please refer to Response to Comment 76-2.

**Response to Comment 78-6**

Please refer to Response to Comment 76-3.

**Response to Comment 78-7**

Please refer to Response to Comment 76-4.

**Response to Comment 78-8**

Please refer to Response to Comment 76-5.

**Response to Comment 78-9**

Please refer to Responses to Comments 78-20 through 78-49 below.

**Response to Comment 78-10**

Please refer to Responses to Comments 78-50 through 78-104 below.

**Response to Comment 78-11**

Please see Response to Comment 75-1.

**Response to Comment 78-12**

It is not clear where the referenced letter from Ms. Millstein is located. The only letter from Ms. Millstein incorporated by the commenter is included as Comment 78-105, though the date is different than the commenter's reference. Please also see Master Response #1 regarding employee occupancy of on-site units.

**Response to Comment 78-13**

As stated on page 3-23 of the Draft SEIR, Phase 1 will include the development of up to 270 residential units, with housing permitted at a ratio of one unit for every 2,000 square feet of non-residential development. The section further states that construction of residential units would not be allowed until a minimum of 200,000 square feet of employment-generating space is developed at the ARC site. This phasing was analyzed in the Draft SEIR. Such limitations will be part of the baseline features of the ARC Project, and thus, are limitations to which the applicant will be required to comply.

**Response to Comment 78-14**

Please refer to Master Response #2.

**Response to Comment 78-15**

Please refer to Responses to Comments 12-1 through 12-15.

**Response to Comment 78-16**

Please refer to Master Response #4.

**Response to Comment 78-17**

Please refer to Response to Comment 26-1.

**Response to Comment 78-18**

The commenter's first assertion is incorrect. The "Mixed-Use Alternative" did in fact provide the same non-residential square footage and land uses as the proposed "MRIC Project." Compare Table 3-2 with Table 8-1 of the MRIC Draft EIR.



The second assertion that the ancillary retail space increased by 60,000 square feet in the ARC Project over the MRIC Mixed-Use Alternative is also incorrect. Per Table 8-1 of the MRIC Draft EIR, the Mixed-Use Alternative, up to 100,000 square feet of ancillary retail was allowable in the MRIC Mixed-Use Alternative. The commenter appears to not be aware of footnote 2 in Figure 8-1, Mixed-Use Alternative – Site Plan. Footnote 2 reads, in pertinent part, “Please note that supportive commercial uses, which include ancillary retail and hotel conference, may comprise up to 260,000 square ft<sup>2</sup> (10%) within MRIC.” Per Table 3-1 of the Draft SEIR, the ARC Project would also be allowed a maximum 100,000 square feet of ancillary retail.

Furthermore, the Draft SEIR, as did the Certified Final EIR, includes Mitigation Measure 3-54(a) which 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 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. Please refer to Master Response #5.

#### **Response to Comment 78-19**

The requested General Plan amendment to change the General Plan land use designation of a portion of the Mace Triangle Site from Agricultural to General Commercial is consistent with what was originally analyzed in the Certified Final EIR (see Figure 3-4 of the MRIC Draft EIR), and what is currently evaluated in the Draft SEIR (see Table 3-1). Thus, potential impacts associated with the General Plan Amendment have been sufficiently analyzed. Please refer to Master Response #5.

#### **Response to Comment 78-20**

Please refer to Master Response #1. It is also noted that Mitigation Measure 3-70(b) requires the MOA for the project to determine, at the time of issuance of first certificate of occupancy, the baseline peak hour I-80 mainline vehicle trips by which to determine the project’s change to peak hour I-80 vehicle trips for City review. During the annual TDM monitoring, the MOA shall determine the number of AM and PM peak hour vehicle trips that utilize I-80 on the segments identified in the Draft SEIR, and implement TDM strategies to reduce project-related peak hour vehicle trips on I-80 to an amount less than five percent of baseline levels, to the extent feasible.

#### **Response to Comment 78-21**

Please refer to Responses to Letter 33.

#### **Response to Comment 78-22**

The commenter opines on the effects of the ARC Project on Mace Boulevard traffic operations. Impacts to peak hour traffic operations (i.e., delay and LOS) on Mace Boulevard between North El Macero Drive north to the Mace Curve are addressed in detail in Impact 3-70 and Impact 3-104 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively.

Page 3-217 of the Draft SEIR describes the current use of navigation apps (e.g., WAZE) and related diverted regional traffic onto study roadway facilities. The Draft SEIR traffic operations analysis utilizes traffic count data collected on Thursday, May 30, 2019 and Thursday, October 16, 2019 for the purposes of establishing baseline conditions. The traffic count days were intentionally selected because Thursdays typically experience very high levels of diverted regional traffic onto study roadway facilities, particularly Mace Boulevard. Field observations, including real-time monitoring of navigation app route recommendations, confirmed that these conditions were present on both traffic count days.

As shown in Table 3-31 of the Draft SEIR, some Mace Boulevard study intersections experience higher levels of delay (e.g., LOS D or LOS E) during the PM peak hour under existing conditions. However, all Mace Boulevard study intersections operate acceptably under existing conditions based upon applicable delay and LOS significance thresholds. Moreover, field observations indicate that while lengthy vehicle queues do exist on northbound Mace Boulevard south of the I-80 interchange and on southbound Mace Boulevard north of the I-80 interchange during the PM peak hour, queues progress steadily and do not physically prevent vehicle ingress/egress at connecting roadways or driveways (i.e., queues progress at a rate that leaves gaps at intersections for other vehicle maneuvers). Finally, alternate egress routes are available to residents living on either side of the Mace Boulevard corridor who would prefer to avoid delays on Mace Boulevard when traveling to destinations outside of their neighborhoods. For example, residents of El Macero can exit the neighborhood via North El Macero Drive, proceed west across Mace Boulevard at an all-way stop-controlled intersection, and travel west on El Macero Drive to destinations throughout Davis.

With respect to pollution from idling vehicles, please refer to Response to Comment 13-34.

### **Response to Comment 78-23**

Mitigation Measure 3-76(a) in the Draft SEIR states the following:

- 3-76(a) *Prior to the issuance of the first certificate of occupancy 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.*

Based on the above, the project applicant would be required to coordinate with Unitrans and Yolobus before relocating the proposed bus stops from Mace Boulevard to the ARC Project transit

plaza. In addition, it is noteworthy that since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station.

**Response to Comment 78-24**

Please refer to Response to Comment 51-3.

**Response to Comment 78-25**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. Please refer to Master Response #4 and Response to Comment 67-91.

**Response to Comment 78-26**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. It is noted, however, that since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UCD and the Amtrak station.

**Response to Comment 78-27**

Please see Master Response #5. Please also refer to Response to Comment 78-22.

**Response to Comment 78-28**

Please see Master Response #2 regarding the use of the City parcel for the project's northern agricultural buffer. As discussed in Response to Comment 69-3, the Draft SEIR includes a detailed cumulative analysis for all topics, and was updated as needed, to address changes in circumstances since certification of the MRIC Final EIR. Please also see Response to Comment 69-4 regarding the fiscal analysis, Master Response #1 regarding employee occupancy of on-site units, and 51-3 regarding affordable housing.

**Response to Comment 78-29**

Please see Master Response #4.

**Response to Comment 78-30**

Impacts to peak hour traffic operations (i.e., delay and LOS) are addressed in detail in Impact 3-70 and Impact 3-104 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively. These analyses include study roadway facilities within the vicinity of the locations referenced by the commenter. The intersection of East Covell Boulevard/Pole Line Road

is included as a study intersection in the Existing Plus Project conditions traffic operations analysis. East Covell Boulevard east and west of Pole Line Road and Pole Line Road north and south of East Covell Boulevard are included as study roadway segments in the Cumulative Plus Project conditions traffic operations analysis.

The cumulative transportation impact analysis considers reasonably foreseeable land use and transportation system changes expected to occur by the 2036 analysis year, including the completion of the proposed ARC Project. These include planned and approved land use development throughout the City of Davis and on the UC Davis campus, as well as future changes to land use throughout the greater Sacramento region (e.g., Sacramento, West Sacramento, Woodland, etc.) as identified by SACOG in the adopted *2016 Metropolitan Transportation Plan/Sustainable Communities Strategy*. Pages 3-319 and 3-320 of the Draft SEIR provide additional information regarding the land use and transportation system changes contemplated in the cumulative transportation impact analysis.

**Response to Comment 78-31**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. It is noted, however, that Mitigation Measure 3-72(a), requires the applicant to develop a TDM program, which may include enhancements to Capitol Corridor or other regional rail service. Mitigation Measure 3-70(c) requires the applicant to widen Mace Boulevard, near the curve, subject to determining this meets the goal of the Mace Boulevard corridor plan to be funded and completed by the applicant, in accordance with Mitigation Measure 3-75(a).

**Response to Comment 78-32**

Please refer to Master Response #4.

**Response to Comment 78-33**

Please refer to Response to Comment 51-3.

**Response to Comment 78-34**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 78-35**

Please refer to Master Response #2 and Response to Comment 13-38.

**Response to Comment 78-36**

Please refer to Master Response #1.

### **Response to Comment 78-37**

The commenter calls into question statements from the applicant that the on-site residential uses will “trail” the commercial uses. As stated on page 3-23 of the Draft SEIR, Phase 1 will include the development of up to 270 residential units, with housing permitted at a ratio of one unit for every 2,000 square feet of non-residential development. The section further states that construction of residential units would not be allowed until a minimum of 200,000 square feet of employment-generating space is developed at the ARC site. Such limitations will be part of the baseline features of the ARC Project, and thus, are limitations that applicant will be committed to.

### **Response to Comment 78-38**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

### **Response to Comment 78-39**

Please refer to Master Response #1. The 850 proposed on-site residences are considered a component of the ARC Project; inclusion of such homes in the ARC Project is not considered mitigation pursuant to CEQA. However, as described on page 3-215 of the Draft SEIR, the inclusion of on-site residential uses provides for increased trip internalization opportunities relative to the MRIC Project. Issues related to traffic congestion at local roadway facilities, including Mace Boulevard, are addressed in Impacts 3-70, 3-71, 3-74, and 3-104 of the Draft SEIR. While the Draft SEIR identifies potential impacts to roadway facilities along Mace Boulevard, mitigation measures are included to reduce the identified impacts to the maximum extent feasible.

### **Response to Comment 78-40**

Table 3-29 of the Draft SEIR indicates that the ARC Project and the Mace Triangle component would generate an estimated 2,561 net new external vehicle trips during the PM peak hour. Therefore, the commenter’s statement that the project would generate “7,000 trips in the evening” is incorrect.

Impacts to peak hour traffic operations (i.e., delay and LOS) are addressed in Impact 3-70 and Impact 3-104 of the Draft SEIR for Existing Plus Project and Cumulative Plus Project conditions, respectively. The traffic operations analysis examines project impacts to study intersections and study roadway segments expected to serve project-related vehicle traffic, as well as freeway mainline operations on I-80 within the vicinity of Davis. Mitigation Measures 3-70(a), 3-70(b), 3-70(c), 3-104(a), 3-104(b), and 3-104(c) describe the roadway improvements required by the project applicant to address project impacts to traffic operations on study roadway facilities, several of which are subject to interagency approval. These strategies include constructing additional capacity on Mace Boulevard as well as modifying lane configurations and traffic controls at several study intersections to lessen project impacts to peak hour traffic operations. These also include strategies to improve freeway mainline operations on I-80 near Davis, including contributing to the planned I-80 HOV project and implementing TDM strategies to reduce peak hour project-related travel demand on I-80.

This comment has been forwarded to the decision-makers for their review and consideration.

### **Response to Comment 78-41**

Please refer to Master Response #2. As noted on page 3-28 of the Draft SEIR, the proposed sustainability features would include maximizing the use of trees and native landscaping on-site. Per Mitigation Measure 3-4, final landscaping plans would be subject to review and approval by the Department of Community Development and Sustainability. Issues related to traffic congestion at local roadway facilities, including Mace Boulevard, are addressed in Impacts 3-70, 3-71, 3-74, and 3-104 of the Draft SEIR. While the Draft SEIR identifies potential impacts to roadway facilities along Mace Boulevard, mitigation measures are included to reduce the identified impacts to the maximum extent feasible.

### **Response to Comment 78-42**

The commenter questions the need for multiple project access points on Mace Boulevard and suggests adding one additional project access point to County Road 32A near the eastern edge of the project site, thereby increasing the number of project access points on County Road 32A from two to three. The commenter theorizes that this modification would encourage project vehicle trips to use the I-80/County Road 32A/Chiles Road interchange instead of the I-80/Mace Boulevard interchange.

Reconfiguring the project vehicular access points as proposed by the commenter could alter the distribution of vehicle trips entering and exiting each project access point. However, the project access point modification proposed by the commenter would not be likely to materially alter the volume of project vehicle trips utilizing the I-80/Mace Boulevard interchange relative to what was analyzed in the Draft SEIR. For example, increasing the number of project vehicular access points on County Road 32A (which becomes 2<sup>nd</sup> Street west of Mace Boulevard) from two to three would simply provide additional capacity for outbound vehicle trips desiring to travel west towards the I-80/Mace Boulevard interchange and east towards the I-80/County Road 32A/Chiles Road interchange from the project access points on County Road 32A. The current proposal for two project access points onto County Road 32A provides sufficient capacity for egressing motorists to travel west or east based on their preferred travel route. The Draft SEIR already anticipates that a substantial portion of project vehicle trips traveling east towards Sacramento would choose to use the I-80/County Road 32A/Chiles Road interchange over the I-80/Mace Boulevard interchange. In other words, the access point modification proposed by the commenter would not be likely to make use of the I-80/Mace Boulevard interchange any less desirable, or use of the I-80/County Road 32A/Chiles Road interchange any more desirable, for project vehicle trips relative to what was already analyzed in the Draft SEIR.

### **Response to Comment 78-43**

Please refer to Response to Comment 64-7 and Master Response #1.

**Response to Comment 78-44**

Please see Response to Comment 51-11.

**Response to Comment 78-45**

It is noteworthy that since publication of the Draft SEIR, the applicant has released their Environmental Sustainability Guiding Principles. Pursuant to the Principles, at Phase 1, the applicant has committed to implementing an electric shuttle service running weekdays from the AM to PM peaks, connecting the ARC to UC Davis and the Amtrak station. The shuttle service demonstrates the commitment of the project applicant to encouraging alternative modes of transportation.

Please see Response to Comment 9-2 regarding the concern about critical decisions being pushed off.

**Response to Comment 78-46**

The commenter's statement regarding the relationship between potential widening of Mace Boulevard and induced travel demand is correct. Page 3-246 of the Draft SEIR describes the secondary effects of the roadway modifications included in Mitigation Measures 3-70(a), 3-70(b), and 3-70(c) with respect to induced vehicle travel demand. The City will consider these factors when evaluating future improvements to the Mace Boulevard Corridor and other roadways as part of implementing Mitigation Measure 3-70(a) of the Draft SEIR.

**Response to Comment 78-47**

The commenter's concerns regarding project design have been forwarded to the decision-makers for their consideration.

**Response to Comment 78-48**

Please see Response to Comment 71-3.

**Response to Comment 78-49**

As discussed on page 3-5 of the Draft SEIR, the project includes a maximum of 260,000 square feet (sf) of supportive commercial uses, anticipated to consist of a 160,000-sf hotel and up to 100,000 sf of ancillary retail space. The maximum of 260,000 sf will be a baseline feature included on the ballot and subject to voter approval, and thus, cannot be exceeded without further environmental review. As indicated in Table 3-1, the project will have an average density 30 du/ac. The density range specified on page 3-10 is between 15 and 50 du/ac.

**Response to Comment 78-50**

Please refer to Master Response #2.

**Response to Comment 78-51**

Please refer to Master Response #2.

**Response to Comment 78-52**

The concerns referenced by the commenter are addressed as follows:

- Agricultural buffer width: see Response to Comment 64-2
- Aesthetics concerns: see Response to Comment 12-7
- Climate change impacts on farmland: see Response to Comment 12-8
- Loss of burrowing owl habitat: see Response to Comment 12-12
- Insufficient study of bats: see Responses to Comments 12-10 and 12-11
- Biological study not done during right times of year: see Response to Comment 13-12
- Lack of analysis of proposed use of Howatt/Clayton Ranch: see Master Response #3

**Response to Comment 78-53**

Please refer to Responses to Comments 51-1 through 51-4, 64-7, and Master Responses #2 and #3.

**Response to Comment 78-54**

Please see Master Response #2.

Pursuant to CEQA Guidelines Section 15088(c), as recently amended, the level of detail contained in a response may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). The general traffic concern raised by the commenters is addressed, in general, as follows:

- Issues related to traffic and transit are addressed in Impacts 3-70, 3-71, 3-74, 3-76 and 3-104 of the Draft SEIR. While the Draft SEIR identifies potential impacts related to vehicle traffic, mitigation measures are included to reduce the identified impacts to the maximum extent feasible.

**Response to Comment 78-55**

Please refer to Master Response #2.

**Response to Comment 78-56**

Please refer to Responses to Comments 13-12 and 13-13.

**Response to Comment 78-57**

Please refer to Response to Comments 64-7 and 78-54.



**Response to Comment 78-58**

Please refer to Response to Comment 13-14.

**Response to Comment 78-59**

Please refer to Master Response #3.

**Response to Comment 78-60**

Please refer to Master Response #4 and Response to Comment 40-3.

**Response to Comment 78-61**

Please refer to Master Response #5.

**Response to Comment 78-62**

Please refer to Response to Comment 9-12.

**Response to Comment 78-63**

Please refer to Master Responses #1 and #4.

**Response to Comment 78-64**

Please refer to Response to Comment 78-22.

**Response to Comment 78-65**

Please refer to Response to Comment 78-22.

**Response to Comment 78-66**

Please refer to Response to Comment 51-3 regarding affordable housing and Master Response #2 regarding use of the City parcel or the project's northern agricultural buffer.

**Response to Comment 78-67**

Please refer to Responses to Comments 75-1, 78-37, and 11-20.

**Response to Comment 78-68**

Please refer to Master Response #2, Responses to Comments 76-1 through 76-6, and 11-20.

**Response to Comment 78-69**

Please refer to Response to Comment 78-23.

**Response to Comment 78-70**

Please refer to Response to Comment 13-27.

**Response to Comment 78-71**

Please refer to Response to Comment 13-28.

**Response to Comment 78-72**

Please refer to Response to Comment 40-3.

**Response to Comment 78-73**

Please see Response to Comment 78-22 regarding concerns about spillover traffic effects on neighborhoods; Response to Comment 51-3 regarding affordable housing; and Master Responses #1, #2, and #3.

**Response to Comment 78-74**

Please refer to Master Response #3.

**Response to Comment 78-75**

Please see Response to Comment 13-32 and Master Response #5.

**Response to Comment 78-76**

Please refer to Response to Comment 13-33.

**Response to Comment 78-77**

Please refer to Response to Comment 13-34.

**Response to Comment 78-78**

Please refer to Master Response #1.

**Response to Comment 78-79**

Please refer Response to Comment 13-35.

**Response to Comment 78-80**

Please refer Response to Comment 13-35.

**Response to Comment 78-81**

Please refer to Response to Comment 13-38.

**Response to Comment 78-82**

Please refer to Response to Comment 13-39.

**Response to Comment 78-83**

Please see Response to Comment 13-40.

**Response to Comment 78-84**

Please refer to Response to Comment 64-7.

**Response to Comment 78-85**

Please refer to Response to Comment 13-42.

**Response to Comment 78-86**

Regarding the concerns about demand for the hotel, see Master Response #5.

**Response to Comment 78-87**

Please refer to Master Response #1.

**Response to Comment 78-88**

Please refer to Master Response #4.

**Response to Comment 78-89**

Please refer to Response to Comment 13-46.

**Response to Comment 78-90**

Please refer to Response to Comment 71-3.

**Response to Comment 78-91**

Please refer to Response to Comment 13-48.

**Response to Comment 78-92**

Please refer to Response to Comment 13-49.

**Response to Comment 78-93**

Please refer to Responses to Comments 76-1 through -3.

**Response to Comment 78-94**

Please refer to Master Response #1.

**Response to Comment 78-95**

Please refer to Master Response #2. Please see Response to Comment 64-2 regarding the width of the agricultural buffer.

**Response to Comment 78-96**

Please refer to Master Response #5.

**Response to Comment 78-97**

Please refer to Master Response #3.

**Response to Comment 78-98**

Please refer to Responses to Comments 64-26 and 67-91.

**Response to Comment 78-99**

Please refer to Response to Comment 13-53 and 71-4.

**Response to Comment 78-100**

Please refer to Responses to Comments 13-54 and 67-88.

**Response to Comment 78-101**

Please refer to Master Response #1.

### **Response to Comment 78-102**

Please refer to Master Response #1 and Response to Comment 13-55.

### **Response to Comment 78-103**

Indirect effects of traffic mitigation measures are discussed on pages 3-244 through 3-247 of the Draft SEIR.

### **Response to Comment 78-104**

Please see Response to Comment 13-56.

### **Response to Comment 78-105**

Please refer to Response to Comment 71-1.

### **Response to Comment 78-106**

The following is a direct quote from the April 15, 2020 staff report to the Recreation and Park Commission:

- The Project site, including a proposed offsite 6.8-acre agricultural buffer easement area, is a total of ±194 acres. **49.8 acres of the Project site, or roughly 25%, is dedicated to public gathering spaces and open areas, which include a mix of parks, plazas, greenbelts, courtyards and the agricultural buffer.** (emphasis added) The approximately 50-acres of various forms of green space does not include a landscaped setback area that will encircle the site or the open-air stormwater bioswales that will be located within and adjacent to all paved areas.

The statement does not say that, “the ARC proposal includes 49.8 acres of park area and includes the ag buffer in that acreage...” It correctly describes that there are 49.8 acres of the ARC project site dedicated to the use of gathering spaces and open areas through a mix of open space uses. Please refer also to Master Response #2.

Letter 79

**From:** Colin Walsh <colintm@gmail.com>  
**Sent:** Monday, April 27, 2020 4:45 PM  
**To:** Zoe Mirabile  
**Cc:** Sherri Metzker; City Council Members; Mike Webb; Ashley Feeney; Anne Ternus-Bellamy  
**Subject:** Re: ARC SEIR

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79-1

Thank you Zoe,  
Were can I find the complete video for the Nov. 19, 2013 meeting?  
Given you sent this with only 20 minutes left before the deadline, I assume there will be an extension for comment submissions. How long is the extension?  
Colin

On Mon, Apr 27, 2020 at 4:37 PM Zoe Mirabile <[ZMirabile@cityofdavis.org](mailto:ZMirabile@cityofdavis.org)> wrote:

Colin,

Attached are the November 19, 2013 City Council Minutes. They will be posted to the city's webpage momentarily.

Thanks, Zoe

Zoe Mirabile

City Clerk

City of Davis

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(530) 757-5648

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[www.cityofdavis.org](http://www.cityofdavis.org)

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**From:** Colin Walsh <[colintm@gmail.com](mailto:colintm@gmail.com)>

**Sent:** Monday, April 27, 2020 2:19 PM

**To:** Zoe Mirabile <[ZMirabile@cityofdavis.org](mailto:ZMirabile@cityofdavis.org)>; Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>

**Cc:** City Council Members <[CityCouncilMembers@cityofdavis.org](mailto:CityCouncilMembers@cityofdavis.org)>; Mike Webb <[MWebb@cityofdavis.org](mailto:MWebb@cityofdavis.org)>; Ashley Feeney <[AFeeney@cityofdavis.org](mailto:AFeeney@cityofdavis.org)>; Anne Ternus-Bellamy <[aternus@davisenterprise.net](mailto:aternus@davisenterprise.net)>

**Subject:** ARC SEIR

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Zoe and Sheri,

**LETTER 79: COLIN WALSH – APRIL 27, 2020**

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**Response to Comment 79-1**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

Letter 80

**From:** Matthews Williams <mattwill@pacbell.net>  
**Sent:** Wednesday, April 22, 2020 5:06 PM  
**To:** Planning Commission  
**Cc:** Sherri Metzker  
**Subject:** Update Re: Aggie Research Campus—Subsequent Environmental Impact Report Traffic and Circulation -- memo and recommendation  
**Attachments:** 2020-04-08 BTSSC Item 7B Aggie Research Campus—Subsequent Environmental Impact Report Traffic and Circulation - post meeting version.docx

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Planning Commissioners, two weeks ago I sent you individually and as a group the attached e-mail with its attached file containing my four completeness and accuracy concerns about the Transportation portion of the SEIR. To date I have received no communication from either staff or the consultant about the issues raised. Nonetheless I have continued to listen to the comments made in Commission meetings and done my own further due diligence.

As a result the four areas I identified as not complete or accurate still stand. A recalculation of the data supporting the third of my points has narrowed the AM discrepancy to 13% and the PM discrepancy to 11% ... better, but still both substantial and concerning. I have attached a filke containing the recalculations.

As I offered to the BTSSC members, to Planning staff, and to the transportation analysis consultant, I am very willing to meet with anyone to discuss the information I have shared further.

Respectfully submitted.

**Matt Williams**  
Speaking as an individual, not for any group or organization

On Wednesday, April 8, 2020, 10:42:20 PM PDT, Matthews Williams <mattwill@pacbell.net> wrote:

Sherri and Cheryl, please accept this formal submission for inclusion in the official Planning Commission meeting packet with the rest of the meeting materials for April 22nd. It is my understanding that the Planning Commission is scheduled to review and comment on the ARC draft SEIR at that meeting.

Attached you will find a 4-page Word document that contains my deep dive analysis of Appendix F - the Transportation Impact Analysis of the Aggie Research Campus Draft Subsequent Environmental Impact Report as well as the traffic-circulation section of the main document, which relies on Appendix F for its conclusions.

To eliminate any suspense, my memo to the Bicycle Transportation Street Safety Commission (BTSSC) concludes with the following Recommendation. The material provided leading up to that Recommendation clearly illustrates significant examples where the Transportation Impact Analysis, and therefore the SEIR, is neither complete nor accurate

**Recommendation**

Because of all the above examples where the SEIR Appendix F – Transportation Impact Analysis is neither adequate nor complete, I

80-1



**Letter 80**

80-2

recommend that the Bicycle, Transportation & Street Safety Commission (BTSSC) approve the following resolution addressed to both the Planning Commission and the City Council.

*That the BTSSC does not consider the Aggie Research Campus Draft Subsequent Environmental Impact Report to be either complete or accurate.*

*That the BTSSC will not consider the Aggie Research Campus Draft Subsequent Environmental Impact Report to be complete or accurate until the substantial discrepancies and omissions identified in Appendix F – Transportation Impact Analysis are remedied.*

*That the BTSSC recommends that neither the Planning Commission nor the City Council certify any Aggie Research Campus Environmental Impact Report until the Transportation Impact Analysis is both complete and accurate.*

Respectfully submitted,

Matt Williams  
530-297-6237

**LETTER 80: MATTHEW WILLIAMS – APRIL 22, 2020**

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**Response to Comment 80-1**

The attachment to the comment letter was further updated, and the commenter has revoked this version of the comment and attachment. The commenter requested that a later comment submitted, referred to herein as Comment 81, serve as the commenters one and only comment. Please refer to Response to Comment 81-1.

Letter 81

**From:** Matthews Williams <mattwill@pacbell.net>  
**Sent:** Monday, April 27, 2020 3:57 PM  
**To:** Sherri Metzker  
**Subject:** Official comments from Matt Williams on the Draft Subsequent EIR for Aggie Research Campus  
**Attachments:** 2020-04-27 Aggie Research Campus Draft Subsequent Environmental Impact Report - official input and comments.docx

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

81-1

Sherri, please accept this formal, official, and complete submission by me of my comments and input for the Aggie Research Campus Draft Subsequent Environmental Impact Report. To eliminate any confusion due to our past communications, I revoke any of those past communications between the two of us, and declare this e-mail submission, with its attached pdf file to be my one and only submission of my comments and input. The e-mails below provide context for the attached pdf file. The comments and input contained in the pdf file are the "meat and potatoes" of my submission to you for the SEIR review process.

Thank you for your help in providing me with the Fehr and Peers raw data in Excel format.

All my best.

Matt Williams

----- Forwarded Message -----

**From:** Matthews Williams  
**To:** Sherri Metzker  
**Cc:** David Greenwald ; GREG ROWE  
**Sent:** Thursday, April 16, 2020, 4:34:44 PM PDT  
**Subject:** Public Comment on SEIR Transportation Operations Analysis

Sherri, I send you this e-mail as follow-up to the public comment document I submitted to the BTSSC on Thursday, April 9th. A number of things have happened since that submission, all of which are partial contributors to the reason I send this e-mail to you. Those partial contributors are:

81-2

1. In his BTSSC presentation Greg Behrens mentioned "five entrances to ARC" and when I dug down into the data I realized I had missed one of the entrances in my initial analysis. Feedback like that is very helpful in ensuring the information shared is correct. I have updated my public comment document accordingly.
2. After I published the corrected version of the Public Comment [in the Davis Vanguard](#), one Vanguard reader asked whether I had spoken to "the Traffic Engineers" prior to submitting the public comment. His point was *"in my view, you should have had a conversation with either them prior to sending the letter. That way you could have seen what the city's thoughts were and figure out if you were missing something. Neither Sherri nor Ash at this point are going to be proactive, but they will be responsive. The risk of doing it this way, is it simply gets disregarded which it was whereas if you had sat down with them (by phone these days), you would have had a better chance to see if you really did catch an error or shortfall in the process."* It was/is a point well taken.

Letter 81

81-2  
Cont'd

3. In his BTSSC presentation Greg Behrens mentioned that the City had received two written submissions, and that both were "meaningless" (it could have been a different but similar word). I read the other comment, a 12-page submission by Greg Rowe, and I wouldn't characterize his comments as meaningless. If either I or Greg have missed something it would be good to understand what has been missed.
4. The Planning Commission meeting next Wednesday will be another place where the SEIR will be discussed, and I would like to ensure that the quality of anything I submit to the Planning Commission is both meaningful, and a good use of their time.

So with that said, do you believe a discussion by telephone or ZOOM would be useful.

Respectfully submitted,

Matt Williams

=====  
----- Forwarded Message -----

**From:** Matthews Williams  
**To:** Sherri Metzker  
**Cc:** Ashley Feeney  
**Sent:** Saturday, March 21, 2020, 2:02:25 PM PDT  
**Subject:** Re: Draft Subsequent EIR -- Appendix F - Transportation Impact Analysis

Sherri, taking your advice that "all the available information for the analysis is on the website," I took a deep dive into that information. Here are some of the results of that deep dive.

I started with the Tables of Contents of both Volume 1 and Volume 2 of Appendix F. Since the Technical Appendix for Volume 2 stops at page 46, excluding the Volume 2 Technical Appendix, I created a Table of Contents for that 111-page portion of Volume 2, which I have attached. That Technical Appendix Table of Contents illustrates the following information that is not available in what is on the website:

- Regarding the Information Graphics on pages 2 through 33:
  - Pages 2 through 17 provide the AM and PM Peak volumes for Existing Conditions and for Existing Conditions Plus Project, but they do not provide the AM and PM Peak volumes for the incremental volumes of the Project alone.
  - Pages 18 through 33 provide the AM and PM Peak volumes for Cumulative Conditions with No Project and for Cumulative Conditions Plus Project, but they do not provide the AM and PM Peak volumes for the incremental volumes of the Project alone.
  - In addition, nowhere in pages 2 through 33 are the AM and PM Peak volumes for the incremental Cumulative volumes above Existing Conditions provided.
  - In addition, nowhere in pages 2 through 33 are the AM and PM Peak volumes for the Potential Operational Enhancements provided. That would be the underlying data that supports the "rightmost four columns in both Table 7 on page 31 of Volume 2 and Table 12 on page 47 of Volume 2.
- Regarding the Information Graphics on pages 34 through 41, they are a repeat presentation of the graphics on pages 26 through 33. One can only assume what actual graphics were intended to be presented in pages 34 through 41, but hopefully they were the Cumulative Conditions Plus Project Conditions with Potential Operational Enhancements graphics referenced in the bullet point just above this one.

81-3

Letter 81

81-3  
Cont'd

The missing incremental volumes of the Project alone would be easy to calculate and analyze if the intersection-by-intersection HCM and SimTraffic data tables provided in pages 42 through 161 were provided in an Excel spreadsheet, as well as the pdf images provided on the website. There is a workaround that the public can use should the Excel spreadsheets not be provided. That workaround is to read the data from each individual table from pages 42 through 161 with an OCR program, copy the resultant text into Excel, and then parse the values out into individual cells in the Excel spreadsheet. To get a sense of the cumbersomeness and time involved in that workaround, I did that process for the HCM 6th Signalized Intersection Summary of AM Peak Hour Existing Conditions for the Birch Lane & East Covell intersection on page 42 of the Volume 2 Technical Appendix. That process began at 9:55am with the extraction of that single page from the 111-page pdf, the OCR read of the single page completed at 9:57am, and the parsing of the text data into individual Excel fields and validation of the OCRed values ended at 10:39am ... a total of 44 minutes. Multiply 44 minutes by 20 intersections and you get 880 minutes per scenario. With six scenarios in the tables (Existing Conditions, Existing Plus Project, Existing Plus Project - Mitigated, Cumulative No Project, Cumulative Plus Project, Cumulative Plus Project w/ Operational Improvements), at 880 minutes each, that brings the total process time to 5,280 minutes, or 88 hours. I believe that is an unreasonable burden to impose on each member of the public who wishes to answer any of the following three questions (1) "What is the incremental volume impact of the Project on this individual intersection?" (2) "How does the incremental volume impact of the Project change from intersection to intersection along a particular route?" and (3) "What is the incremental volume impact of the Proposed Operational Improvements on this individual intersection?"

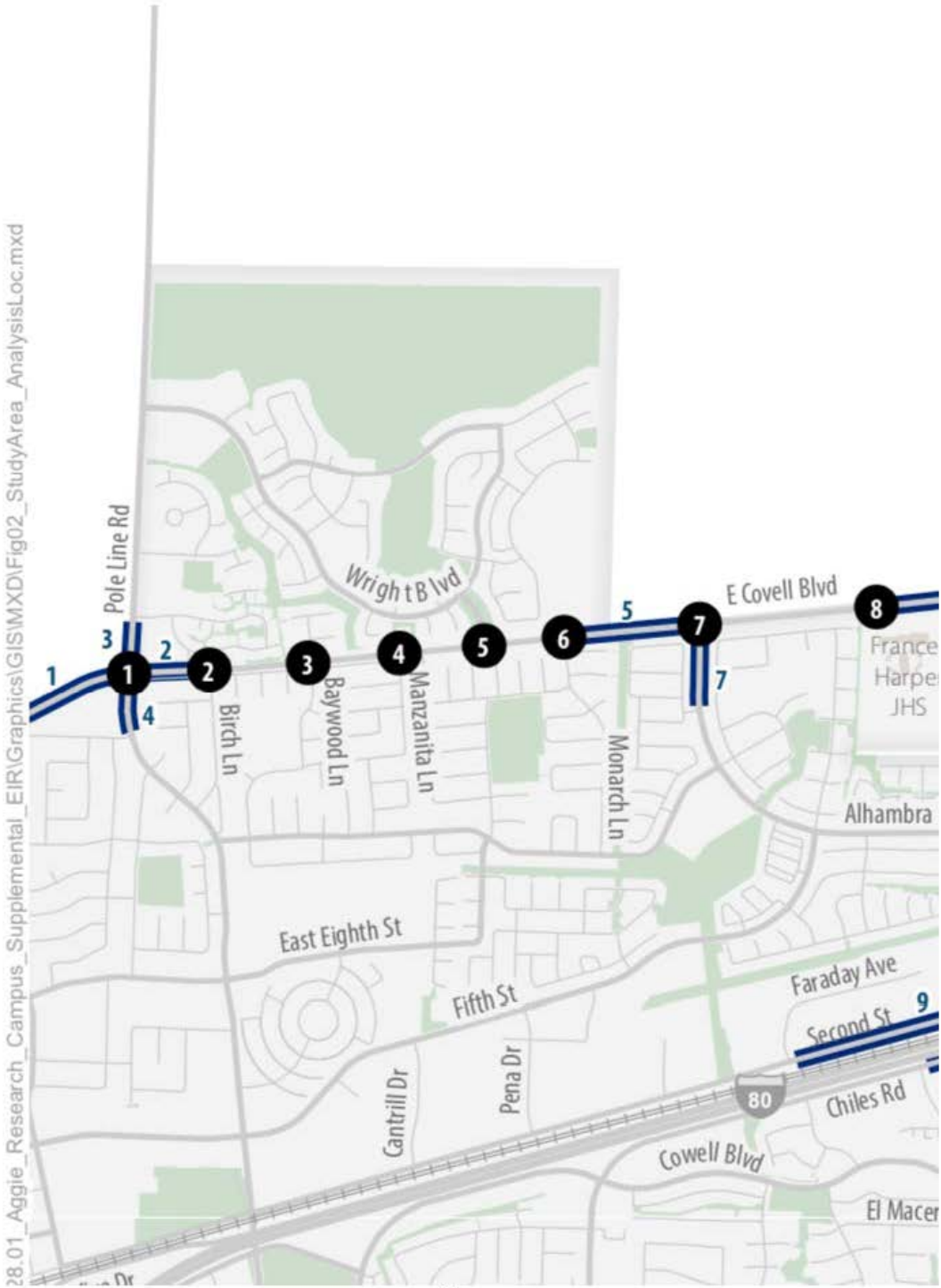
The graphic below gives some sense of the possible PM Peak Hour routes that should be analyzed and discussed as part of Appendix F

- Route One = Intersection 22 > 8 > 7 > 6 > 5 > 4 > 3 > 2 > 1
- Route Two = Intersection 23 > 18 > 19 > 20
- Route Three = Intersection 22 > 21 > 9 > Roadway Segment 8
- Route Four = Intersection 22 > 21 > 9 > 11 > 16 > Roadway Segment 9
- Route Five = Intersection 22 > 21 > 9 > 11 > 13 > the conspicuously missing intersection "13A" the Mace Boulevard/I-80 EB Ramps (the most serious "choke point" traffic impediment during the PM peak hour(s) existing conditions) > 14 > 16

Similarly there are AM Peak Hour routes that should be analyzed and discussed as part of Appendix F

- Route Six = Intersection 15 > 14 > 13 > 11 > 9 > 21 > 22
- Route Seven = Route One in reverse (1 > 2 > 3 > 4 > 5 > 6 > 7 > 8 > 22)
- Route Eight = Route Two in reverse (20 > 19 > 18 > 23)
- Route Nine = Route Four in reverse (Roadway Segment 9 > Intersections 16 > 11 > 9)
- Route Ten = Route Three in reverse (Roadway Segment 8 > Intersection 9)

Letter 81





Letter 81

81-3  
Cont'd

A fourth question that could be answered with a simple calculation using the Excel data is, "What is the incremental volume impact of the Cumulative Scenario additions over and above Existing Conditions on this individual intersection?"

With all the above said, I renew my request that members of the public have access to the Appendix F data in an Excel spreadsheet.

Thank you for your consideration of this continuing request

Sincerely,

Matt Williams

=====  
On Friday, March 20, 2020, 4:07:14 PM PDT, Sherri Metzker wrote:

Matt-

As you know, the Aggie Research Campus SEIR is out for its 45 day review period as required by the law. And as such, you are more than welcome to submit comments on the SEIR document, which will be then be responded to in the Final EIR. Therefore, I wanted you to know that I am forwarding your comments to the EIR consultant so that a response can be prepared and included in the Final EIR.

Thank you.

Sherri Metzker

From: Matthews Williams <[mattwill@pacbell.net](mailto:mattwill@pacbell.net)>  
Sent: Thursday, March 19, 2020 11:31 PM  
To: Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>  
Subject: Draft Subsequent EIR -- Appendix F - Transportation Impact Analysis

81-4

CAUTION: External email. Please verify sender before opening attachments or clicking on links.  
Sherri, please accept this formal request for help in addressing the confusion and challenges that I am currently experiencing while reading Appendix F - Transportation Impact Analysis of the Draft Subsequent EIR. I have a very specific "ask" in 16).  
Thank you for your consideration of this request.

Here are some examples of my confusion/challenges, many of which may be due to my own lack of knowledge/experience. So please accept my apology in advance for my inability to understand.

1) The Mace Boulevard Traffic paragraph at the top of Page 8 states "traffic volumes have increased substantially since that time" (2014). I'm confused why the more current 2019 volumes weren't used.

81-5

2) On Page 9 four scenarios are described. The descriptions make sense, and the logical progression through each of the four scenarios, in order to get a holistic sense of what the future may bring also makes a great deal of sense. However, as best as I can tell, Page 9 the only place where the four scenarios appear as a unit. I will provide specific examples later herein.

81-6

3) The project trip generation text on page 33 and its supportive Table 3 on page 35 refer to daily vehicle trips, external AM peak hour trips, and internal AM peak hour trips. The 23,888 total is pretty straightforward, but neither of the peak hours are specifically identified, and a distribution of the 23,888 total into 24 hourly increments is not provided. Putting 2,232 and 2,479 into perspective/context is therefore extremely hard to do, and requires the reader to make assumptions. For example, if the number of trips during the 10-hour period between 7:00pm and 5:00am is 1,000 (an assumption), the average number of trips for the remaining 14 hours calculates to 1,635. That makes the AM Peak of 2,232 only 37%

**Letter 81**

- 81-6** ↑  
**Cont'd** above that average, and the 2,479 PM peak only 52% above that average. I am having a hard time wrapping my mind around such a low relative peak. Having the full complement of 24 hourly increments would go a long way toward helping me with my confusion.
- 81-7** 4) The paragraph at the bottom of page 33 is totally confusing. Can you help me understand that paragraph?
- 81-8** 5) The paragraph at the bottom of page 37 is extremely confusing. Can you help me understand that paragraph? A list of the projected additions under the Cumulative scenario like the one on page 64 would be a very useful addition here on page 37.
- 81-9** 6) The final two sentences of the paragraph that spans pages 42 and 43 would be helped a lot by a list of some companies which might be examples of possible "intercepted trips." I read the disclaimer about quantification of the expected "intercepted trips," but qualification of that possibility would be helpful.
- 81-10** 7) The next to last paragraph on page 43 states "Potential information that would provide supporting evidence on this topic would include, but is not limited to, surveys of prospective ARC employers, employees, and residents and a detailed economic analysis of existing and anticipated future local and regional housing and employment trends (specifically those related to the City of Davis and UC Davis). Is there a reason none of those described assumption validation steps were not taken?"
- 81-11** 8) It is hard to understand where the numbers in the Project Site column on Table 4 on page 44 come from, especially in light of the assertion made by Fehr and Peers at the bottom of page 33 (see 4 above).
- 81-12** 9) All three of the bulleted items at the bottom of page 50 and throughout page 51 refer to channelized right-turn lanes. However the numerous public meetings regarding the Mace Blvd Modifications have consistently stated that the City has a policy of eliminating channelized right-turn lanes. Can you please help me reconcile my confusion regarding channelized right-turn lanes?
- 81-13** 10) On page 7 of Volume 2 the Study Intersections are listed. Conspicuously missing from that list is what I will call 13A the Mace Boulevard/I-80 EB Ramps, which is the most serious "choke point" traffic impediment during the PM peak hour(s) existing conditions.
- 81-14** 11) Page 19 of Volume 2 appears to identify the AM peak as 7:45 to 8:45 and the PM peak as 5:00 to 6:00, which may be the answer to my question 3 above. A Table 3 is referenced, but the data described does not appear in Table 3 on page 14 of Volume 2.
- 81-15** 12) The bulleted description at the bottom of page 19 and the top of page 20 of Volume 2 is an excellent description of the "choke point" I described in 10 above. Here too, Table 3 on page 14 is referenced.
- 81-16** 13) In Table 4 on page 22 of Volume 2 the Existing Conditions PM Peak Hour values for Intersections 9 and 11 and 13 (21 seconds and 27 seconds and 48 seconds respectively) are inconsistent with the findings described in the last paragraph on page 20.
- 81-17** 14) Table 5 on page 24 of Volume 2 is very confusing. The reported ramp length of 1,100 feet and an AM Peak Hour queue of 3,300 feet for the EB Mace exit of I-80 appears to mean there is a 1/3 to 1/2 mile (2,200 feet) blockage of the right lane of I-80 consumed by that queue. I personally have never seen that exit queue backup far enough to block traffic in the right lane, much less 1/3 to 1/2 mile of such traffic. Can you help me out of my confusion. The Mace Boulevard/I-80 WB off ramp has a similar but smaller issue, with the right lane of I-80 seemingly blocked for 700 feet (1,900 minus 1,200).
- 81-18** 15) With those specific points made, everything beginning with Section 3 on page 19 and ending with Section 5 on page 50 is extremely hard to put into a comprehensive context. What would be very helpful would be a common set of tables that display all four scenarios side-by-side. I believe it would be very useful to see the progression from Existing Conditions to Cumulative Conditions to each of the two Plus Project Conditions. That would give a clear indication of how we are moving "from here to there"
- 81-19** ↓ 16) The area that is most painful and where a large part of my confusion comes in is in trying to reconcile the information provided in the Technical Appendix with the information provided in the rest of the report. The label on the first 12 graphics says "Existing Conditions Timing Plan AM Peak Hour." Looking at one intersection Mace/Alhambra, the six individual AM Peak vector numbers add up to 1,767 vehicles, which is the Hourly Demand value in the first column of Table 7, and the six individual PM Peak vector numbers add up to 1,746 vehicles, which is the Hourly Demand value in



**Letter 81**

**81-19  
Cont'd**

↑ the first column of Table 7. So far so good. The Existing Plus Project Conditions also tie out (graphic to Table 7). However there isn't an equivalent for Table 7 in Section 5 Cumulative Plus Project Conditions, so it is impossible to validate the twelve individual vector numbers in the graphic with respective totals in a summary table. Further, in order to create individual vector values that show where the vehicles going to and from the Project, the numbers from each individual intersection for each scenario would have to be manually entered into a spreadsheet. It would be much simpler, and less cumbersome if you could share the spreadsheet that contains the values for all four scenarios, for all 20 intersections, and for both the AM and PM time slots (ideally all four hours that were studied).

Matt Williams  
530-297-6237

**Letter 81**

**Table of Contents – Volume 1**

<b>1. Introduction</b>	<b>7</b>
Purpose	7
Changes to Project, Changes to Background Circumstances, and New Information	7
Analysis Scenarios	9
<b>2. Analysis Methodology</b>	<b>10</b>
Travel Demand Forecasting	10
Vehicle Miles Traveled (VMT).	.12
<b>3. Environmental Setting</b>	<b>14</b>
Project Location	14
Roadway System.	14
Pedestrian Facilities	17
Bicycle Facilities...	18
Transit Service and Facilities	19
Rail Transportation	21
<b>4. Regulatory Setting .</b>	<b>24</b>
State .	24
California Department of Transportation.	24
Senate Bill 743.	24
Local	25
City of Davis General Plan	25
Beyond Platinum – City of Davis Bicycle Action Plan	29
Sacramento Area Council of Governments	29
<b>5. Project Travel Characteristics</b>	<b>30</b>
Project Description	30
Methodology	32
Project Trip Generation	33
Vehicle Miles Traveled (VMT)	37
<b>6. Significance Criteria</b>	<b>38</b>
Roadway System VMT Criteria	38
Bicycle Facility Criteria	38
Pedestrian Facility Criteria	39
Transit Service and Facilities Criteria	39
Other Transportation Considerations	39
<b>7. Impacts and Mitigation Measures.</b>	<b>40</b>
Project Impacts and Mitigation Measures	40
Impact 1: Impacts to vehicle miles traveled (VMT) on the roadway system	40
Impact 2: Impacts to bicycle and pedestrian facilities	48
Impact 3: Impacts to transit service and facilities	58
Impact 4: Impacts to emergency vehicle access.	61
Impact 5: Construction-related impacts	62
Cumulative Impacts and Mitigation Measure	63
Impact 6: Cumulative impacts to vehicle miles traveled (VMT) on the roadway system	65
Impact 7: Cumulative impacts to bicycle and pedestrian facilities	66
Impact 8: Cumulative impacts to transit service and facilities	68
Impact 9: Cumulative impacts to emergency vehicle access	70
Impact 10: Cumulative construction-related impacts	71
<b>Technical Appendix</b>	<b>74</b>
Greg Behrens - Aggie Research Campus Project Trip Generation memo	75
Greg Behrens - Aggie Research Campus Aggie Research Campus MXD+ Model Information memo	80
<b>End</b>	<b>82</b>

**Letter 81**

**Table of Contents – Volume 2**

<b>1. Introduction</b>	<b>6</b>
Analysis Scenarios	6
<b>2. Analysis Methodology</b>	<b>7</b>
Analysis Locations	7
Study Intersections	7
Study Roadway Segments	8
Roadway Systems Operations	10
Travel Demand Forecasting	14
Roadway Operations Performance Criteria	16
City of Davis	16
Yolo County	17
Caltrans	17
<b>3. Existing Conditions</b>	<b>19</b>
<b>4. Existing Plus Project Conditions</b>	<b>21</b>
Project Effects Within the Project Vicinity	21
Potential Operational Enhancements	25
Project Effects Beyond the Project Vicinity	33
Potential Operational Enhancements	33
Project Effects on Freeways	34
Potential Operational Enhancements	38
<b>5. Cumulative Plus Project Conditions</b>	<b>40</b>
Potential Operational Enhancements	46
<b>End</b>	<b>50</b>

**Table of Contents – Volume 2 – Technical Appendix**

<b>1. Intersection Graphics</b>	<b>2</b>
Existing Conditions -- Timing Plan AM Peak Hour	2
Existing Conditions -- Timing Plan PM Peak Hour	7
Existing Conditions Plus Project -- Timing Plan AM Peak Hour	10
Existing Conditions Plus Project -- Timing Plan PM Peak Hour	14
Cumulative No Project -- Timing Plan AM Peak Hour	18
Cumulative No Project -- Timing Plan PM Peak Hour	22
Cumulative Plus Project -- Timing Plan AM Peak Hour	26
Cumulative Plus Project -- Timing Plan PM Peak Hour	30
Cumulative Plus Project -- Timing Plan AM Peak Hour (Repeat)	34
Cumulative Plus Project -- Timing Plan PM Peak Hour (Repeat)	38
<b>2. HCM 6th Signalized Intersection Summary – Synchro 10 Reports</b>	<b>42</b>
Existing Conditions Intersection 1 AM Peak Hour	42
Existing Conditions Intersection 2 AM Peak Hour	44
Existing Conditions Intersection 3 AM Peak Hour	45
Existing Conditions Intersection 4 AM Peak Hour	46
Existing Conditions Intersection 5 AM Peak Hour	47
Existing Conditions Intersection 6 AM Peak Hour	48
Existing Conditions Intersection 7 AM Peak Hour	49
Existing Conditions Intersection 8 AM Peak Hour	50
Existing Conditions Intersection 18 AM Peak Hour	51
Existing Conditions Intersection 19 AM Peak Hour	52
Existing Conditions Intersection 20 AM Peak Hour	53
<b>3. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>54</b>
Existing Conditions Intersection 9 AM Peak Hour	54

**Letter 81**

Existing Conditions Intersection 10 AM Peak Hour	54
Existing Conditions Intersection 11 AM Peak Hour	55
Existing Conditions Intersection 12 AM Peak Hour	55
Existing Conditions Intersection 13 AM Peak Hour	56
Existing Conditions Intersection 14 AM Peak Hour	56
Existing Conditions Intersection 15 AM Peak Hour	57
Existing Conditions Intersection 16 AM Peak Hour	57
Existing Conditions Intersection 17 AM Peak Hour	58
<b>4. HCM 6th Signalized Intersection Summary – Synchro 10 Reports</b>	<b>59</b>
Existing Conditions Intersection 1 PM Peak Hour	59
Existing Conditions Intersection 2 PM Peak Hour	61
Existing Conditions Intersection 3 PM Peak Hour	62
Existing Conditions Intersection 4 PM Peak Hour	63
Existing Conditions Intersection 5 PM Peak Hour	64
Existing Conditions Intersection 6 PM Peak Hour	65
Existing Conditions Intersection 7 PM Peak Hour	66
Existing Conditions Intersection 8 PM Peak Hour	67
Existing Conditions Intersection 18 PM Peak Hour	68
Existing Conditions Intersection 19 PM Peak Hour	69
Existing Conditions Intersection 20 PM Peak Hour	70
<b>5. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>71</b>
Existing Conditions Intersection 9 PM Peak Hour	71
Existing Conditions Intersection 10 PM Peak Hour	71
Existing Conditions Intersection 11 PM Peak Hour	72
Existing Conditions Intersection 12 PM Peak Hour	72
Existing Conditions Intersection 13 PM Peak Hour	73
Existing Conditions Intersection 14 PM Peak Hour	73
Existing Conditions Intersection 15 PM Peak Hour	74
Existing Conditions Intersection 16 PM Peak Hour	74
Existing Conditions Intersection 17 PM Peak Hour	75
<b>6. HCM 6th Signalized Intersection Summary – Synchro 10 Reports</b>	<b>76</b>
Existing + Project Intersection 1 AM Peak Hour	76
Existing + Project Intersection 2 AM Peak Hour	78
Existing + Project Intersection 3 AM Peak Hour	79
Existing + Project Intersection 4 AM Peak Hour	80
Existing + Project Intersection 5 AM Peak Hour	81
Existing + Project Intersection 6 AM Peak Hour	82
Existing + Project Intersection 18 AM Peak Hour	83
Existing + Project Intersection 19 AM Peak Hour	84
Existing + Project Intersection 20 AM Peak Hour	85
<b>7. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>86</b>
Existing + Project Intersection 9 AM Peak Hour	86
Existing + Project Intersection 10 AM Peak Hour	86
Existing + Project Intersection 11 AM Peak Hour	87
Existing + Project Intersection 211 AM Peak Hour	87
Existing + Project Intersection 13 AM Peak Hour	88
Existing + Project Intersection 14 AM Peak Hour	88
Existing + Project Intersection 15 AM Peak Hour	89
Existing + Project Intersection 16 AM Peak Hour	89
Existing + Project Intersection 17 AM Peak Hour	90
Existing + Project Intersection 7 AM Peak Hour	90
Existing + Project Intersection 8 AM Peak Hour	91
Existing + Project Intersection 209 AM Peak Hour	91
Existing + Project Intersection 210 AM Peak Hour	92
Existing + Project Intersection 212 AM Peak Hour	92
<b>8. HCM 6th Signalized Intersection Summary – Synchro 10 Reports</b>	<b>93</b>

**Letter 81**

Existing + Project Intersection 1 PM Peak Hour	93
Existing + Project Intersection 2 PM Peak Hour	95
Existing + Project Intersection 3 PM Peak Hour	96
Existing + Project Intersection 4 PM Peak Hour	97
Existing + Project Intersection 5 PM Peak Hour	98
Existing + Project Intersection 6 PM Peak Hour	99
Existing + Project Intersection 18 PM Peak Hour	100
Existing + Project Intersection 19 PM Peak Hour	101
Existing + Project Intersection 20 PM Peak Hour	102
<b>9. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>103</b>
Existing + Project Intersection 9 PM Peak Hour	103
Existing + Project Intersection 10 PM Peak Hour	103
Existing + Project Intersection 11 PM Peak Hour	104
Existing + Project Intersection 211 PM Peak Hour	104
Existing + Project Intersection 13 PM Peak Hour	105
Existing + Project Intersection 14 PM Peak Hour	105
Existing + Project Intersection 15 PM Peak Hour	106
Existing + Project Intersection 16 PM Peak Hour	106
Existing + Project Intersection 17 PM Peak Hour	107
Existing + Project Intersection 7 PM Peak Hour	107
Existing + Project Intersection 8 PM Peak Hour	108
Existing + Project Intersection 209 PM Peak Hour	108
Existing + Project Intersection 210 PM Peak Hour	109
Existing + Project Intersection 212 PM Peak Hour	109
<b>10. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>110</b>
Existing Plus Project - Mitigated Intersection 9 AM Peak Hour	110
Existing Plus Project - Mitigated Intersection 10 AM Peak Hour	110
Existing Plus Project - Mitigated Intersection 11 AM Peak Hour	111
Existing Plus Project - Mitigated Intersection 12 AM Peak Hour	111
Existing Plus Project - Mitigated Intersection 13 AM Peak Hour	112
Existing Plus Project - Mitigated Intersection 14 AM Peak Hour	112
Existing Plus Project - Mitigated Intersection 15 AM Peak Hour	113
Existing Plus Project - Mitigated Intersection 16 AM Peak Hour	113
Existing Plus Project - Mitigated Intersection 17 AM Peak Hour	114
Existing Plus Project - Mitigated Intersection 7 AM Peak Hour	114
Existing Plus Project - Mitigated Intersection 8 AM Peak Hour	115
Existing Plus Project - Mitigated Intersection 209 AM Peak Hour	115
Existing Plus Project - Mitigated Intersection 210 AM Peak Hour	116
Existing Plus Project - Mitigated Intersection 212 AM Peak Hour	116
<b>11. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>117</b>
Existing Plus Project - Mitigated Intersection 9 PM Peak Hour	117
Existing Plus Project - Mitigated Intersection 10 PM Peak Hour	117
Existing Plus Project - Mitigated Intersection 11 PM Peak Hour	118
Existing Plus Project - Mitigated Intersection 12 PM Peak Hour	118
Existing Plus Project - Mitigated Intersection 13 PM Peak Hour	119
Existing Plus Project - Mitigated Intersection 14 PM Peak Hour	119
Existing Plus Project - Mitigated Intersection 15 PM Peak Hour	120
Existing Plus Project - Mitigated Intersection 16 PM Peak Hour	120
Existing Plus Project - Mitigated Intersection 17 PM Peak Hour	121
Existing Plus Project - Mitigated Intersection 7 PM Peak Hour	121
Existing Plus Project - Mitigated Intersection 8 PM Peak Hour	122
Existing Plus Project - Mitigated Intersection 209 PM Peak Hour	122
Existing Plus Project - Mitigated Intersection 210 PM Peak Hour	123
Existing Plus Project - Mitigated Intersection 212 PM Peak Hour	123
<b>12. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>124</b>
Cumulative No Project Intersection 9 AM Peak Hour	124
Cumulative No Project Intersection 10 AM Peak Hour	124

**Letter 81**

Cumulative No Project Intersection 11 AM Peak Hour	125
Cumulative No Project Intersection 12 AM Peak Hour	125
Cumulative No Project Intersection 13 AM Peak Hour	126
Cumulative No Project Intersection 14 AM Peak Hour	126
Cumulative No Project Intersection 15 AM Peak Hour	127
Cumulative No Project Intersection 16 AM Peak Hour	127
Cumulative No Project Intersection 17 AM Peak Hour	128
<b>13. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>129</b>
Cumulative No Project Intersection 9 PM Peak Hour	129
Cumulative No Project Intersection 10 PM Peak Hour	129
Cumulative No Project Intersection 11 PM Peak Hour	130
Cumulative No Project Intersection 12 PM Peak Hour	130
Cumulative No Project Intersection 13 PM Peak Hour	131
Cumulative No Project Intersection 14 PM Peak Hour	131
Cumulative No Project Intersection 15 PM Peak Hour	132
Cumulative No Project Intersection 16 PM Peak Hour	132
Cumulative No Project Intersection 17 PM Peak Hour	133
<b>14. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>134</b>
Cumulative Plus Project Intersection 9 AM Peak Hour	134
Cumulative Plus Project Intersection 10 AM Peak Hour	134
Cumulative Plus Project Intersection 11 AM Peak Hour	135
Cumulative Plus Project Intersection 12 AM Peak Hour	135
Cumulative Plus Project Intersection 13 AM Peak Hour	136
Cumulative Plus Project Intersection 14 AM Peak Hour	136
Cumulative Plus Project Intersection 15 AM Peak Hour	137
Cumulative Plus Project Intersection 16 AM Peak Hour	137
Cumulative Plus Project Intersection 17 AM Peak Hour	138
Cumulative Plus Project Intersection 7 AM Peak Hour	138
Cumulative Plus Project Intersection 8 AM Peak Hour	139
Cumulative Plus Project Intersection 209 AM Peak Hour	139
Cumulative Plus Project Intersection 210 AM Peak Hour	140
Cumulative Plus Project Intersection 212 AM Peak Hour	140
<b>15. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>141</b>
Cumulative Plus Project Intersection 9 PM Peak Hour	141
Cumulative Plus Project Intersection 10 PM Peak Hour	141
Cumulative Plus Project Intersection 11 PM Peak Hour	142
Cumulative Plus Project Intersection 12 PM Peak Hour	142
Cumulative Plus Project Intersection 13 PM Peak Hour	143
Cumulative Plus Project Intersection 14 PM Peak Hour	143
Cumulative Plus Project Intersection 15 PM Peak Hour	144
Cumulative Plus Project Intersection 16 PM Peak Hour	144
Cumulative Plus Project Intersection 17 PM Peak Hour	145
Cumulative Plus Project Intersection 7 PM Peak Hour	145
Cumulative Plus Project Intersection 8 PM Peak Hour	146
Cumulative Plus Project Intersection 209 PM Peak Hour	146
Cumulative Plus Project Intersection 210 PM Peak Hour	147
Cumulative Plus Project Intersection 212 PM Peak Hour	147
<b>16. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>148</b>
Cumulative Plus Project w/ Operational Improvements Intersection 9 AM Peak Hour	148
Cumulative Plus Project w/ Operational Improvements Intersection 10 AM Peak Hour	148
Cumulative Plus Project w/ Operational Improvements Intersection 11 AM Peak Hour	149
Cumulative Plus Project w/ Operational Improvements Intersection 12 AM Peak Hour	149
Cumulative Plus Project w/ Operational Improvements Intersection 13 AM Peak Hour	150
Cumulative Plus Project w/ Operational Improvements Intersection 14 AM Peak Hour	150
Cumulative Plus Project w/ Operational Improvements Intersection 15 AM Peak Hour	151
Cumulative Plus Project w/ Operational Improvements Intersection 16 AM Peak Hour	151
Cumulative Plus Project w/ Operational Improvements Intersection 17 AM Peak Hour	152

**Letter 81**

Cumulative Plus Project w/ Operational Improvements Intersection 7 AM Peak Hour	152
Cumulative Plus Project w/ Operational Improvements Intersection 8 AM Peak Hour	153
Cumulative Plus Project w/ Operational Improvements Intersection 209 AM Peak Hour	153
Cumulative Plus Project w/ Operational Improvements Intersection 210 AM Peak Hour	154
Cumulative Plus Project w/ Operational Improvements Intersection 212 AM Peak Hour	154
<b>17. SimTraffic Post-Processor– Volume and Delay by Movement</b>	<b>155</b>
Cumulative Plus Project w/ Operational Improvements Intersection 9 PM Peak Hour	155
Cumulative Plus Project w/ Operational Improvements Intersection 10 PM Peak Hour	155
Cumulative Plus Project w/ Operational Improvements Intersection 11 PM Peak Hour	156
Cumulative Plus Project w/ Operational Improvements Intersection 12 PM Peak Hour	156
Cumulative Plus Project w/ Operational Improvements Intersection 13 PM Peak Hour	157
Cumulative Plus Project w/ Operational Improvements Intersection 14 PM Peak Hour	157
Cumulative Plus Project w/ Operational Improvements Intersection 15 PM Peak Hour	158
Cumulative Plus Project w/ Operational Improvements Intersection 16 PM Peak Hour	158
Cumulative Plus Project w/ Operational Improvements Intersection 17 PM Peak Hour	159
Cumulative Plus Project w/ Operational Improvements Intersection 7 PM Peak Hour	159
Cumulative Plus Project w/ Operational Improvements Intersection 8 PM Peak Hour	160
Cumulative Plus Project w/ Operational Improvements Intersection 209 PM Peak Hour	160
Cumulative Plus Project w/ Operational Improvements Intersection 210 PM Peak Hour	161
Cumulative Plus Project w/ Operational Improvements Intersection 212 PM Peak Hour	161
<b>End</b>	<b>161</b>
Intersection Graphics (4 of the 6 total scenarios) (missing scenarios 3 and 6)	2 thru 41
Data table PDFs for Existing Conditions	42 thru 75
Data table PDFs for Existing Plus Project	76 thru 109
Data table PDFs for Existing Plus Project – Mitigated	110 thru 123
Data table PDFs for Cumulative No Project	124 thru 133
Data table PDFs for Cumulative Plus Project,	134 thru 147
Data table PDFs for Cumulative Plus Project w/ Operational Improvements	148 thru 161



Letter 81

DATE: April 27, 2020  
TO: Sherri Metzger  
FROM: Matt Williams  
SUBJECT: Aggie Research Campus—Subsequent Environmental Impact Report Input and Comments

81-20	<p>First, I would like to thank Sherri Metzger, Ash Feeney, and Fehr and Peers for providing the Excel spreadsheet I requested containing the data from the tables from pages 42 through 161 of the SEIR Appendix F, Volume 2 – Transportation Operations Analysis Technical Appendix.</p> <p>Second, my deep dive analysis of the intersection data in the spreadsheet produced the following substantial concerns. At the end of this memo, I provide a Recommendation that I believe applies to the Aggie Research Campus—Subsequent Environmental Impact Report.</p>
81-21	<p>1. The 23 intersections studied/counted did not include the two most impactful “choke point” intersections</p> <ul style="list-style-type: none"><li>• The intersection of southbound Mace Boulevard with the I-80 eastbound loop on-ramp was omitted. That uncounted intersection is physically between Intersection 13 and Intersection 14</li></ul>
81-22	<ul style="list-style-type: none"><li>• Intersection 14 Mace Boulevard/Chiles Road was reported as a 4-way intersection rather than a 5-way intersection. The fifth “way” of that intersection is the I-80 eastbound slip on-ramp. Especially during the PM Peak Hour that I-80 slip on-ramp off northbound Mace is the single biggest “choke” point in the existing traffic in the 23-intersection study area. If Fehr and Peers and the City want to avoid including 5-way intersections, that I-80 slip on ramp should be included as an intersection of its own.</li></ul> <p>In my personal opinion failure to include the two most impactful intersections in the 23-intersection transportation analysis means that analysis, and the SEIR is not adequate or complete</p>
81-23	<p>2. The 23 intersections studied/counted do not adequately report the impact of traffic (Vehicle Miles Traveled) on adjacent residential neighborhoods. The following two additional intersections should be added to the analysis, Alhambra Drive/5<sup>th</sup> Street and Alhambra Drive/Loyola Drive.</p>
81-24	<p>3. Page 33 of SEIR Appendix F, Volume 1 – Transportation Operations Analysis reports the following, with bolding added by me for emphasis:</p> <p>Project Trip Generation</p> <p>Table 3 summarizes the estimated weekday and peak hour trip generation for the ARC project using the MXD+ tool. As shown in this table, the ARC project would generate an estimated 23,888 new external daily vehicle trips, <b>2,232 new external AM peak hour vehicle trips</b>, and <b>2,479 new external PM peak hour vehicle trips</b> during a typical weekday. The Mace Triangle would generate an estimated 762 new external daily vehicle trips, 93 new external AM peak hour vehicle trips, and 82 new external PM peak hour vehicle trips during a typical weekday.</p>



Letter 81

The SEIR spreadsheet data provided by the City produces the following vehicle counts for the five (5) intersections that provide ingress and egress to ARC during the AM peak hour:

Project Associated Trips - AM Peak Hour		Northbound				Southbound				Eastbound				Westbound				Page 33 new external AM peak hour vehicle trips	Gross Ins/Outs as a % of Page 33 external AM peak hour trips				
ID	Intersection	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right						
9	Mace Boulevard/Alhambra Drive/South ARC Driveway	0	0	150	350	0	200	(34)	0	0	0	212	58	0	182	46	28	550	210	340	760		
12	County Road 32A/Mace Park-and-Ride Driveway/West ARC Driveway	0	11	0	2	0	90	2	168	0	231	200	66	0	12	89	50	281	138	171	391		
21	Mace Boulevard/Central ARC Driveway	0	0	78	100	0	0	166	0	0	0	0	0	0	0	0	0	160	18	90	110		
22	Mace Boulevard/County Road 30B/North ARC Driveway	0	0	40	4	0	73	186	0	0	0	0	0	0	0	0	0	139	13	109	129		
23	County Road 32A/East ARC Driveway	0	0	0	0	0	57	0	85	0	230	32	0	0	0	62	197	357	126	271	523		
																		1,447	494	981	1,913	2,232	87%

The aggregate total of the Gross Ins and Outs to the ARC Project for those five (5) intersections is 1,913, which is only 87% of the 2,232 new external AM peak hour vehicle trips reported on page 33 SEIR Appendix F, Volume 1 – Transportation Operations Analysis.

81-25

There appears to be no apparent reason for that 13% difference between the reported aggregate and the calculated aggregate in the tables. Absent an explanation for this discrepancy, I believe the SEIR is not adequate or complete.

The SEIR spreadsheet data provided by the City produces the following vehicle counts for the five (5) intersections that provide ingress and egress to ARC during the PM peak hour:

Project Associated Trips - PM Peak Hour		Northbound				Southbound				Eastbound				Westbound				Page 33 new external PM peak hour vehicle trips	Gross Ins/Outs as a % of Page 33 external PM peak hour trips				
ID	Intersection	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right						
9	Mace Boulevard/Alhambra Drive/South ARC Driveway	1	257	766	130	0	70	706	23	0	12	100	220	0	350	143	150	200	500	300	700		
12	County Road 32A/Mace Park-and-Ride Driveway/West ARC Driveway	0	76	1	26	0	180	87	720	0	91	349	25	0	4	257	80	131	276	89	351		
21	Mace Boulevard/Central ARC Driveway	0	0	848	88	0	0	899	0	0	0	0	0	0	0	0	0	80	188	50	210		
22	Mace Boulevard/County Road 30B/North ARC Driveway	0	0	958	28	0	24	72	0	0	0	0	0	0	72	0	100	44	172	128	216		
23	County Road 32A/East ARC Driveway	0	0	0	0	0	243	0	187	0	65	490	0	0	0	104	43	108	640				
																		563	1,642	747	2,205	2,479	89%

The aggregate total of the Gross Ins and Outs to the ARC Project for those five (5) intersections is 2,205, which is only 89% of the 2,479 new external PM peak hour vehicle trips reported on page 33 SEIR Appendix F, Volume 1 – Transportation Operations Analysis.

There appears to be no apparent reason for that 11% difference between the reported aggregate and the calculated aggregate in the tables. Absent an explanation for this discrepancy, I believe the SEIR is not adequate or complete.

Letter 81

81-26

4. There are additional data inconsistencies in the intersection data that become visible when one attempts to better understand Vehicle Miles Traveled along the most likely routes that vehicles will use to travel to ARC in the AM peak hour, and travel from ARC in the PM Peak Hour. The graphic below shows the AM Peak Hour data, as provided to me by City staff in the Excel spreadsheet in the top half of the graphic. The bottom half of the graphic shows the two of the most likely routes to ARC in the AM Peak Hour. The first route starts at Intersection 1 at East Covell Boulevard/Pole Line Road and proceeds east along Covell Boulevard, around the Mace Curve, and then south on Mace to ARC, and then further on Mace down to Intersection 17 at Mace Boulevard/El Macero Drive. The + or - column shows the difference between the through vehicles reported at each respective intersection and the through vehicle count calculated as one proceeds from Pole Line through the route. Note that between Manzanita Lane (Intersection 4) and Wright Boulevard (Intersection 5) a discrepancy of 150 unaccounted-for vehicles appears to the through vehicle count. Then between Wright Boulevard and Monarch Lane a 195-vehicle discrepancy appears.

Aggie Research Campus Traffic Operations Analysis - Peak Hour Turning Movement Values  
 Existing Conditions - AM Peak Hour

ID	Intersection	Northbound			Southbound			Eastbound			Westbound						
		U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right				
1	East Covell Boulevard/Pole Line Road	0	154	182	0	2	139	358	225	0	353	432	132	0	91	362	385
2	East Covell Boulevard/Bridle Lane	0	89	0	27	0	0	89	0	0	104	37	0	0	89	389	0
3	East Covell Boulevard/Manzanita Lane	0	29	0	25	0	0	0	29	0	17	151	0	0	32	289	3
4	East Covell Boulevard/Manzanita Lane	0	41	0	25	0	0	0	0	0	130	25	0	0	17	187	0
5	East Covell Boulevard/Wright Boulevard	0	0	0	0	0	173	0	325	1	40	104	0	0	0	472	89
6	East Covell Boulevard/Monarch Lane	0	35	0	32	0	0	0	0	0	78	16	0	0	18	154	0
7	East Covell Boulevard/Alhambra Drive	0	147	0	96	0	0	0	0	0	105	108	0	0	30	381	0
8	East Covell Boulevard/Chaparral Avenue/El Macero Drive	0	83	0	8	0	0	0	0	0	838	227	0	0	143	320	0
9	Mace Boulevard/El Macero Drive/South 25th Parkway	0	113	176	0	0	0	0	0	0	348	0	0	0	0	0	0
10	Secured Storage/Farm Plaza/Tripoli Drive	0	3	1	14	0	33	0	14	0	21	248	10	33	9	325	65
11	Mace Boulevard/Secured Storage/County Road 20A	0	344	343	23	2	37	1,029	72	5	18	258	0	18	39	11	0
12	County Road 20A/Mace Parkway/South 25th Parkway/West ARC Drive	0	8	0	1	0	0	0	0	0	0	21	8	0	2	64	0
13	Mace Boulevard/80th Range	0	813	615	0	0	0	0	0	0	1,130	225	0	0	304	7	0
14	Mace Boulevard/El Macero Drive	0	8	388	40	7	101	500	227	0	447	354	146	0	29	90	380
15	Chickasaw Road/80th Range	0	0	0	0	0	331	0	23	0	431	0	0	0	0	229	0
16	Mace Boulevard/Covell Boulevard	0	18	281	61	0	68	396	24	0	152	46	0	0	31	79	133
17	Mace Boulevard/El Macero Drive	0	11	238	2	0	62	376	11	0	25	5	1	0	4	11	97
18	County Road 20A/County Road 10B	0	49	29	0	0	0	34	18	0	34	0	38	0	0	0	0
19	County Road 20A/80th Range	1	56	3	72	0	0	0	0	0	84	11	0	4	1	0	0
20	County Road 20A/Chickasaw Road/80th Range	0	0	0	0	0	0	0	0	0	321	6	0	0	0	60	86
21	Mace Boulevard/County Road 20A	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
22	Mace Boulevard/County Road 20A/ARC Drive	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23	County Road 20A/ARC Drive	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Route	Entering Intersection 1 thru 22	Leaving Intersection 1 thru 22	Calculated thru	+/-	Intersection
31. Route A - Intersections 1 > 2 > 3 > 4 > 5 > 6 > 7 > 8 > 22 > 21	661	661	661	0	Entering Intersection 1 thru 22
	661	661	661	0	Intersection 2 thru 22
	661	661	661	0	Intersection 3 thru 22
	661	661	661	0	Intersection 4 thru 22
	661	661	661	0	Intersection 5 thru 22
	661	661	661	0	Intersection 6 thru 22
	661	661	661	0	Intersection 7 thru 22
	661	661	661	0	Intersection 8 thru 22
	661	661	661	0	Intersection 9 thru 22
	661	661	661	0	Intersection 10 thru 22
	661	661	661	0	Intersection 11 thru 22
	661	661	661	0	Intersection 12 thru 22
	661	661	661	0	Intersection 13 thru 22
	661	661	661	0	Intersection 14 thru 22
	661	661	661	0	Intersection 15 thru 22
	661	661	661	0	Intersection 16 thru 22
	661	661	661	0	Intersection 17 thru 22
	661	661	661	0	Intersection 18 thru 22
	661	661	661	0	Intersection 19 thru 22
	661	661	661	0	Intersection 20 thru 22
	661	661	661	0	Intersection 21 thru 22
	661	661	661	0	Intersection 22 thru 22
32. Route B - Intersections 15 > 14 > 13 > 11 > 9 > 23 > 22	438	438	438	0	Entering Intersection 15 thru 22
	438	438	438	0	Intersection 15 thru 22
	438	438	438	0	Intersection 14 thru 22
	438	438	438	0	Intersection 13 thru 22
	438	438	438	0	Intersection 11 thru 22
	438	438	438	0	Intersection 9 thru 22
	438	438	438	0	Intersection 21 thru 22
	438	438	438	0	Intersection 22 thru 22



**Letter 81**

**81-27**

Similar discrepancies appear between Intersections 21 and 9, 9 and 11, 11 and 13, and 13 and 14. There are always going to be small discrepancies due to timing differences, but the magnitude of the noted discrepancies are well beyond simple timing differences. It is worth noting that the 209 vehicle discrepancy between Intersection 13 (Mace Boulevard/I-80 WB Ramps) and Intersection 14 (Mace Boulevard/Chiles Road) is largely attributable to the omission of the intersection of southbound Mace Boulevard with the I-80 eastbound loop on-ramp from the collected data.

**81-28**

As shown in the graphic Similar discrepancies appear in the route from the I-80 eastbound off ramp (Intersection 15) through intersections 14, 13, 11, 9, and 22. The very high discrepancy numbers between Intersection 14 (Mace Boulevard/Chiles Road) and 13 (Mace Boulevard/I-80 WB Ramps) are largely attributable to the omission from the collected data of the intersection of that I-80 slip on-ramp off northbound Mace, which is the single biggest “choke” point in the existing traffic in the 23-intersection study area.

Absent an explanation for these discrepancies and similar discrepancies in the PM Peak Hour data, I believe the SEIR is not adequate or complete.

**81-29**

**Recommendation**

- Absent an explanation for the above I do not believe the Aggie Research Campus Draft Subsequent Environmental Impact Report to be either complete or accurate.
- I recommend that neither the Planning Commission nor the City Council certify any Aggie Research Campus Environmental Impact Report until the Transportation Impact Analysis is both complete and accurate.

Thank You

Matt Williams, Jr.  
530-297-6237

**LETTER 81: MATTHEW WILLIAMS– APRIL 27, 2020**

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**Response to Comment 81-1**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration. The commenter requests that this comment submitted, serve as the commenters one and only comment, replacing the communications previously submitted, including the Comment 80-1 herein.

**Response to Comment 81-2**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Response to Comment 81-3**

The commenter requests intersection traffic volume data for each analysis scenario in an Excel format to enable the commenter to calculate project-only intersection traffic volumes. The commenter refers to this data as the “incremental volume impact of the Project”. This data was not prepared for the Draft SEIR, nor is it required for CEQA impact analysis purposes. As is customary, the Draft SEIR includes a traffic operations analysis to identify project impacts to roadway operations (i.e., delay and LOS) at study intersections under Existing Plus Project conditions and at study roadway segments and select study intersections under Cumulative Plus Project conditions. The traffic operations analysis correctly examines the combined operational effects of project-related traffic and background traffic under Existing Plus Project and Cumulative Plus Project conditions. The traffic operations analysis does not include a project-only analysis scenario, as such a scenario would not provide complete information regarding the operational effects of the project, given that it would be lacking baseline traffic volumes. Moreover, the term “incremental volume impact of the Project” utilized by the commenter is not relevant to a CEQA-level transportation impact analysis, as project-related changes to intersection and/or turning movement traffic volumes alone do not constitute an environmental impact.

The commenter’s request for intersection traffic volume data for each analysis scenario in an Excel format has been fulfilled by the City. No additional response to this comment is required.

**Response to Comment 81-4**

The commenter incorrectly states that traffic volume data collected in 2019 was not used in the *Aggie Research Campus Traffic Operations Analysis* (Volume 2 of Appendix F of the Draft SEIR). The Draft SEIR transportation impact analysis utilizes traffic count data collected in May and October of 2019. Page 19 of the *Aggie Research Campus Traffic Operations Analysis* and page 3-216 of the Draft SEIR describe the traffic data collection process. Peak period traffic volume data on study roadway facilities was collected on Thursday, May 30, 2019 and Thursday, October 16, 2019 for the purposes of establishing the baseline transportation system setting and, in turn, to inform the Existing Plus Project and Cumulative Plus Project traffic operations analysis.

### **Response to Comment 81-5**

The comment does not address the adequacy of the Draft SEIR.

### **Response to Comment 81-6**

As is customary, the Draft SEIR provides estimates for daily, AM peak hour, and PM peak hour project vehicle trip generation (see page 3-217 for peak hour specification). Daily trip generation is required to inform the VMT impact analysis described in the Draft SEIR Transportation and Circulation section, as well as other Draft SEIR resource topics (e.g., greenhouse gas emissions). AM and PM peak hour trip generation is required to identify project impacts to peak hour traffic operations, as well as to inform other Draft SEIR resource topics (e.g., air quality and noise). Hourly project trip generation estimates during time periods outside of the typical AM and PM peak periods are not required for a CEQA-level transportation impact analysis (unless otherwise specified by a lead agency) or to inform other resource topics within the Draft SEIR. Therefore, the commenter's request for project trip generation estimates during each hour across a 24-hour period does not pertain to the adequacy of the Draft SEIR.

### **Response to Comment 81-7**

Please refer to Response to Comment 13-35 for additional discussion of the trip generation and internalization estimation methods utilized for the ARC Project.

### **Response to Comment 81-8**

As documented in the Draft SEIR, under Existing Plus Project conditions, the vast majority of ARC Project employees would be expected to reside outside of Davis. This is largely due to the housing supply constraints within Davis under existing conditions, which would limit opportunities for ARC Project employees to reside within Davis under the hypothetical Existing Plus Project analysis scenario. Given the physical separation between Davis and adjacent residential areas (e.g., Woodland, West Sacramento, etc.), a hypothetical ARC Project employee who resides outside of Davis would travel a longer distance to/from work and generate higher VMT relative to a hypothetical ARC Project employee who resides in Davis.

As described on pages 3-319 and 3-320 of the Draft SEIR, the Cumulative Plus Project analysis scenario considers the effects of the ARC Project alongside reasonably foreseeable local and regional land use development. This includes additional residential development within the City of Davis, as well as additional on-campus student and employee housing on the UC Davis campus. Altogether, residential development within the City of Davis and on the UC Davis campus would increase the local housing supply and increase opportunities for ARC Project employees to live locally when compared to Existing Plus Project conditions. Thus, with the percentage of ARC Project employees who reside in Davis increasing between Existing Plus Project and Cumulative Plus Project conditions, the average trip length and, in turn, VMT generated by ARC Project employee commute travel, would be expected to decrease over that time frame.

### **Response to Comment 81-9**

The discussion regarding the VMT effects of potential employer relocations from the Bay Area to the ARC Project site referenced by the commenter is provided for informational purposes. It is entirely conceivable that such relocations could occur given the large quantity of office, research and development (R&D), and manufacturing space that would be constructed with the ARC Project. However, the degree to which such relocations might occur is unknown, as are the potential relocation sites/employers.

### **Response to Comment 81-10**

While the activities referenced by the commenter would provide additional insights regarding the expected number of ‘regional commute’ employees that would shift their work destination to the ARC Project, they are not required for the purposes of a CEQA-level transportation impact analysis. ARC Project impacts to VMT can reasonably be determined using available travel demand forecasting tools (e.g., local and regional travel demand models).

### **Response to Comment 81-11**

The ARC Project-generated VMT figure presented in Table 4 of the *Aggie Research Campus Transportation Impact Study* (Volume 1 of Appendix F of the Draft SEIR) is derived based upon the following formula:

$$24,650 \text{ daily external vehicle trips} \times 12.97 \text{ mile average trip length} \\ = 319,800 \text{ total weekday VMT}$$

Daily external vehicle trips represent those generated by both the ARC Project and the Mace Triangle project component, as presented in Table 3 of the *Aggie Research Campus Transportation Impact Study* and in Table 3-29 of the Draft SEIR. The average trip length estimate is derived from the methodology presented on page 3-222 of the Draft SEIR.

### **Response to Comment 81-12**

City of Davis General Plan Action TRANS 2.1(k) calls for the City to review standards for roadways designated as Greenstreets to reflect other bicycle- and pedestrian-friendly policies in the Circulation Element, including the elimination of intersection standards that allow high speed right-turns for motor vehicles. This General Plan action does not prohibit the use of channelized right-turn lanes, but instead requires the elimination of intersection standards specific to high speed right-turns. Compliance with this General Plan action could include the provision of a standard right-turn lane instead of a channelized right-turn lane. Compliance with this General Plan action could also include the construction of a channelized right-turn lane with geometric design features that substantially reduce turn speeds (e.g., reduced turning radii, construction of vertical traffic calming element within the turn lane, etc.).

The discussion of channelized right-turn lanes referenced by the commenter in Impact 2 of the *Aggie Research Campus Transportation Impact Study* (Volume 1 of Appendix F of the Draft

SEIR) and in Impact 3-75 of the Draft SEIR pertain to project impacts to bicycle and pedestrian facilities. Existing and proposed channelized right-turn lanes are identified as locations where the project would impact bicycle and pedestrian facilities by virtue of increasing the potential for conflicts between bicyclists, pedestrians, and high-speed vehicular traffic. Mitigation Measure 2.3 of the *Aggie Research Campus Transportation Impact Study* and Mitigation Measure 3-75(c) of the Draft SEIR require the project applicant to plan and implement multi-modal improvements on the Mace Boulevard corridor, subject to City approval through a corridor plan process. Consistent with City of Davis General Plan Action TRANS 2.1(k), these mitigation measures require crossing improvements at several Mace Boulevard intersections, including 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.

### **Response to Comment 81-13**

The eastbound I-80 on-ramps at Mace Boulevard (including the northbound Mace Boulevard to eastbound I-80 slip on-ramp and the southbound Mace Boulevard to eastbound I-80 loop on-ramp) were not included as “study intersections” in the Draft SEIR. Study intersections were selected based upon their susceptibility to being impacted in accordance with applicable intersection level of service (LOS) significance thresholds. Peak hour intersection delay and LOS was analyzed for each study intersection utilizing intersection operations analysis procedures established in the *Highway Capacity Manual* (HCM). Intersection impacts were then identified using significance thresholds based upon City of Davis, Yolo County, and Caltrans LOS policies. The HCM provides intersection operations analysis procedures for all-way stop control intersections, two-way stop control intersections, yield-controlled intersections, signalized intersections, and roundabouts. The HCM does not provide intersection operations analysis procedures for uncontrolled movements like those at the eastbound I-80 on-ramps. Because intersection delay/LOS cannot be calculated at the eastbound I-80 on-ramps in accordance with HCM procedures and delay/LOS significance thresholds cannot be applied to these the facilities, they were not considered study intersections for the purposes of the Draft SEIR intersection impact analysis.

However, both of the eastbound I-80 on-ramps were included in the SimTraffic microsimulation analysis utilized to identify impacts to study intersections along the Mace Boulevard corridor. This is consistent with best practices for microsimulation analysis, which calls for the inclusion of roadway facilities that influence operations within a given analysis area (e.g., freeway ramps, major driveways, etc.). The intersection volume plots included in the technical appendix of Draft SEIR Appendix F illustrate how these facilities were incorporated into the microsimulation analysis (the screenshot below provides an example from page 140 of Appendix F). Both on-ramps were included in the microsimulation model, including their lane configurations, peak hour traffic volumes, and ramp meters. Ramp meter flow rates in the microsimulation model were set to match the flow rates set by Caltrans and were calibrated to match observed peak hour operations. The inclusion of the eastbound I-80 on-ramps allowed the microsimulation model to account for their effects on upstream study intersection operations. For example, the PM peak hour northbound queueing caused by the northbound Mace Boulevard to eastbound I-80 slip on-ramp is reflected in the study intersection delay/LOS results for Mace Boulevard/Chiles Road, Mace Boulevard/Cowell Boulevard, and other upstream study intersections.







For the reasons described above, both of the eastbound I-80 on-ramps at Mace Boulevard were correctly incorporated into the Draft SEIR intersection operations analysis. The commenter's assertion that the Draft SEIR intersection impact analysis errantly omitted the eastbound I-80 on-ramps at Mace Boulevard is inaccurate. No changes to the Draft SEIR are required in response to this comment.

#### **Response to Comment 81-14**

As stated on page 19 of the *Aggie Research Campus Traffic Operations Analysis* (Volume 2 of Appendix F of the Draft SEIR), based on existing traffic data, the AM peak hour within the study area occurs from 7:45 to 8:45 AM and the PM peak hour occurs from 5:00 to 6:00 PM.

The reference to Table 3 on pages 19 and 20 of the *Aggie Research Campus Traffic Operations Analysis* should instead reference Table 4. This has been corrected and is included as Appendix 10 to this Final SEIR.

#### **Response to Comment 81-15**

Please refer to Response to Comment 81-13 for a description of how the eastbound I-80 on-ramps at Mace Boulevard were incorporated into the Draft SEIR transportation impact analysis.

The reference to Table 3 on pages 19 and 20 of the *Aggie Research Campus Traffic Operations Analysis* (Volume 2 of Appendix F of the Draft SEIR) should instead reference Table 4. This has been corrected for inclusion in the Final SEIR Appendix 10.

#### **Response to Comment 81-16**

The commenter incorrectly states that the observed operating conditions described on page 20 of the *Aggie Research Campus Traffic Operations Analysis* (Volume 2 of Appendix F of the Draft SEIR) are inconsistent with the existing PM peak hour delay and LOS for study intersections 9, 11, and 13 as reported in Table 4. Page 20 provides a discussion of observed PM peak hour operating conditions on study roadway facilities during field observations conducted in Fall 2019. During the PM peak hour field observations, queue spillbacks were observed on southbound Mace Boulevard from the eastbound I-80 on-ramp to beyond Alhambra Drive.

Table 4 presents the peak hour delay and LOS for study intersections under existing and Existing Plus Project conditions. The existing PM peak hour delay and LOS for the three study intersections referenced by the commenter are as follows:

- Mace Boulevard/Alhambra Drive/South ARC Driveway (#9) – 21 seconds/LOS C
- Mace Boulevard/Second Street/County Road 32A (#11) – 27 seconds/LOS C
- Mace Boulevard/I-80 Westbound Ramps (#13) – 48 seconds/LOS D

Each of these three study intersections are signalized intersections. Consistent with traffic operations analysis procedures identified in the *Highway Capacity Manual*, peak hour delay and LOS is reported at these three study intersections as an average of all movements. Thus, while select movements may experience higher delays, the overall intersection delay and LOS results

are weighted by the operational performance of all movements. This is the case for the three referenced study intersections. As described on page 20, southbound queue spillbacks were observed through these three intersections, causing higher delays for southbound motorists. However, other movements generally experienced substantially less delay (e.g., northbound Mace Boulevard), resulting in the intersection delay and LOS figures presented in Table 4.

The commenter does not provide evidence to support the assertion that inconsistencies exist between the field observations reported on page 20 and the intersection delay and LOS results presented in Table 4. No changes to the Draft SEIR are required in response to this comment.

#### **Response to Comment 81-17**

Table 5 of the *Aggie Research Campus Traffic Operations Analysis* (Volume 2 of Appendix F of the Draft SEIR) presents freeway off-ramp storage distances and queue lengths during the AM and PM peak hours under both existing and Existing Plus Project conditions. The commenter incorrectly interprets the results of this table. The estimated Mace Boulevard/I-80 WB Off-Ramp AM peak hour queue length of 1,900 feet and the estimated Chiles Road/I-80 EB Off-Ramp AM peak hour queue length of 3,300 feet represent Existing Plus Project conditions. The commenter appears to present these as existing conditions.

#### **Response to Comment 81-18**

The commenter requests specific presentation of suggested tables. The level of information requested by the commenter is not needed to ensure an adequate analysis. The sections cited by the commenter provide sufficient information to ensure an adequate analysis.

#### **Response to Comment 81-19**

The commenter is trying to understand the technical appendix. The technical information in the appendix has been incorporated into the Draft SEIR into a format that is intended to be readily understandable by the general reader, and the commenter is encouraged to review the Draft SEIR traffic discussion, including the transportation and circulation discussion starting on page 3-212.

#### **Response to Comment 81-20**

The comment is an introductory statement and does not address the adequacy of the Draft SEIR. Specific concerns raised by the commenter are addressed in the responses below.

#### **Response to Comment 81-21**

Please refer to Response to Comment 81-13 for a description of how the eastbound I-80 on-ramps at Mace Boulevard were correctly incorporated into the Draft SEIR transportation impact analysis. As described in the aforementioned response, both of the eastbound I-80 on-ramps at Mace Boulevard were correctly incorporated into the Draft SEIR intersection operations analysis. The commenter's assertion that the Draft SEIR intersection impact analysis errantly omitted the eastbound I-80 on-ramps at Mace Boulevard is inaccurate.

### **Response to Comment 81-22**

Please see Response to Comment 81-21.

### **Response to Comment 81-23**

The commenter states the opinion that the Draft SEIR did “not adequately report the impact of traffic VMT on adjacent residential neighborhoods. The following two additional intersections should be added to the analysis, Alhambra Drive/5<sup>th</sup> Street and Alhambra Drive/Loyola Drive.” The commenter seemingly suggests that the Draft SEIR should evaluate impacts to VMT on adjacent residential neighborhoods and at the Alhambra Drive/5<sup>th</sup> Street and Alhambra Drive/Loyola Drive intersections.

Impact 3-72 of the Draft SEIR provides a thorough analysis of project impacts to VMT. Project impacts to VMT are identified based on significance thresholds that utilize weekday VMT per service population (residential population plus employment population) as the primary metric. As described on Draft SEIR pages 3-250 and 3-251, project impacts to VMT are identified by comparing project-generated VMT per service population to existing local and regional VMT per service population averages. This methodology is consistent with guidance provided in the Governor’s Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA*. VMT impacts are not analyzed at the intersection level, as suggested by the commenter.

As described above, the Draft SEIR correctly analyzes impacts to VMT in accordance with OPR recommended practice and no changes to the Draft SEIR are required in response to this comment.

### **Response to Comment 81-24**

The comment provides a quotation from the Draft SEIR. It does not address the adequacy of the Draft SEIR.

### **Response to Comment 81-25**

The commenter provides a comparison of the AM and PM peak hour project trip generation estimates reported in Table 3 of the *Aggie Research Campus Transportation Impact Study* (Volume 1 of Appendix F of the Draft SEIR) to the commenter’s own accounting of project vehicle trips at project site vehicular access points. However, the commenter’s own accounting of AM and PM project vehicle trips at project site vehicular access points is flawed due to computational errors in the accounting methods, as described below.

The ARC Project (excluding the Mace Triangle component) would include a total of five primary vehicular access points. Across these access points, 22 individual vehicle turning movements (11 inbound, 11 outbound) would accommodate vehicle trips in and out of the ARC Project site, as follows:

- Mace Boulevard/Alhambra Drive/South ARC Driveway (study intersection #9)
  - Inbound
    - Northbound right-turn
    - Eastbound through
    - Southbound left-turn
  - Outbound
    - Westbound left-turn
    - Westbound through
    - Westbound right-turn
- County Road 32A/Mace Park-and-Ride Driveway/West ARC Driveway (study intersection #12)
  - Inbound
    - Northbound through
    - Eastbound left-turn
    - Westbound right-turn
  - Outbound
    - Southbound left-turn
    - Southbound through
    - Southbound right-turn
- Mace Boulevard/Central ARC Driveway (study intersection #21)
  - Inbound
    - Northbound right-turn
  - Outbound
    - Westbound right-turn
- Mace Boulevard/County Road 30B/North ARC Driveway (study intersection #22)
  - Inbound
    - Northbound right-turn
    - Southbound left-turn
  - Outbound
    - Westbound left-turn
    - Westbound right-turn
- County Road 32A/East ARC Driveway (study intersection #23)
  - Inbound
    - Eastbound left-turn
    - Westbound right-turn
  - Outbound
    - Southbound left-turn
    - Southbound right-turn

A sixth vehicular access point, located off of County Road 30B at the northwest corner of the project site, would serve a small number of project trips to and from the north via County Road 30B/County Road 104A/County Road 30.

### A.M. Peak Hour

In their AM peak hour analysis, the commenter errantly accounts for only 18 of the individual turning movements (9 inbound, 9 outbound) that would serve inbound and outbound project trips at the five primary project vehicular access points. The commenter incorrectly accounts for an inbound southbound left-turn movement and an outbound westbound left-turn movement at the Mace Boulevard/Central ARC Driveway intersection (study intersection #21), neither of which would be permitted turning movements for the ARC Project. The commenter errantly omits the inbound eastbound through movement and the outbound westbound through movement at the Mace Boulevard/Alhambra Drive/South ARC Driveway (study intersection #9), as well as the inbound northbound through movement and the outbound southbound through movement at the County Road 32A/Mace Park-and-Ride Driveway/West ARC Driveway intersection (study intersection #12). Altogether, these movements represent an additional 260 AM peak hour project trips that the commenter errantly excluded from their analysis.

During the AM peak hour, the sum of ARC Project trips at the 22 individual turning movements described above yields a total of 2,201 project vehicle trips entering and exiting the ARC Project site at the five primary vehicular access points. This represents 98.6 percent of the estimated 2,232 AM peak hour ARC Project external vehicle trips reported in Table 3. The remaining 31 AM peak hour external vehicle trips were assigned to the minor sixth vehicular access point described previously. Note that the commenter erred in their calculation of “gross ins/outs” in their AM peak hour table by incorrectly calculating the sum of “ins” and “outs” at the County Road 32A/Mace Park-and-Ride Driveway/West ARC Driveway intersection (study intersection #12).

### P.M. Peak Hour

In their PM peak hour analysis, the commenter’s table contains numerous computational and formatting errors. For example, the row for the County Road 32A/East ARC Driveway (study intersection #23) is missing a value in the “gross ins/outs” subtotal column, and the commenter appears to incorrectly highlight the southbound through movement instead of the correct southbound left-turn movement as an outbound movement from the project site. However, similar to their AM peak hour analysis, the commenter does not correctly account for the 22 individual turning movements at the five primary project driveways.

When correctly accounting for the turning movements omitted by the commenter, during the PM peak hour, the sum of ARC Project trips at the 22 individual turning movements described above yields a total of 2,449 project vehicle trips entering and exiting the ARC Project site at the five primary vehicular access points. This represents 98.8 percent of the estimated 2,479 PM peak hour ARC Project external vehicle trips reported in Table 3. The remaining 30 PM peak hour external vehicle trips were assigned to the minor sixth vehicular access point described previously.

### Summary

As described above, the commenter’s alleged discrepancies in the Draft SEIR accounting of project vehicle trips at project site access points are in fact due to the commenter’s incorrect accounting for project vehicle trips in their analysis. Therefore, the commenter’s assertion that the Draft SEIR is not adequate or complete due to these alleged discrepancies is inaccurate. No changes to the Draft SEIR are required in response to this comment.

### **Response to Comment 81-26**

The commenter provides their own accounting of traffic volumes between study intersections based on study intersection turning movement volumes presented in the Draft SEIR during the AM peak hour under existing conditions. This process is commonly referred to as volume balancing. The commenter's own volume balancing accounting is flawed due to extensive computational errors in their accounting methods.

For example, the commenter alleges a discrepancy between East Covell Boulevard/Manzanita Lane (study intersection #4) and East Covell Boulevard/Wright Boulevard (study intersection #5) of 150 vehicle trips in the eastbound direction. However, the commenter fails to correctly account for turning movements to/from minor side-streets at these intersections. The correct volume balancing procedure for these two intersections illustrates how the eastbound departing volumes at the upstream intersection is identical to the eastbound approaching volumes for the downstream intersection:

- East Covell Boulevard/Manzanita Lane eastbound departing volumes equal 645 vehicles, calculated by totaling the following relevant vehicle turning movements:
  - 25 northbound right-turn vehicles
  - 620 eastbound through vehicles
- East Covell Boulevard/Wright Boulevard eastbound approaching volumes equal 645 vehicles, calculated by totaling the following relevant vehicle turning movements:
  - 1 eastbound U-turn vehicle
  - 40 eastbound left-turn vehicles
  - 604 eastbound through vehicles

These computational errors are widespread throughout the commenter's analysis. Therefore, the commenter's alleged discrepancies in the Draft SEIR accounting of intersection volumes are in fact due to the commenter's incorrect use of standard volume balancing procedures and basic accounting principles in their analysis. Therefore, the commenter's assertion that the Draft SEIR is not adequate or complete due to these alleged discrepancies is inaccurate. No changes to the Draft SEIR are required in response to this comment.

### **Response to Comment 81-27**

The commenter asserts that the peak hour traffic volumes at the eastbound I-80 on-ramp from southbound Mace Boulevard were improperly omitted from the Draft SEIR traffic operations analysis. Please refer to Response to Comment 81-26 for a description of the commenter's flawed volume balancing procedures. Please refer to Response to Comment 81-13 for a description of how the eastbound I-80 on-ramps at Mace Boulevard were correctly incorporated into the Draft SEIR transportation impact analysis, including their peak hour traffic volumes. The commenter's assertion that the peak hour traffic volumes at the eastbound I-80 on-ramp from southbound Mace Boulevard were improperly omitted from the Draft SEIR traffic operations analysis is inaccurate. No changes to the Draft SEIR are required in response to this comment.

**Response to Comment 81-28**

Please refer to Response to Comment 81-13 a description of how the eastbound I-80 on-ramps at Mace Boulevard were correctly incorporated into the Draft SEIR transportation impact analysis, including their peak hour traffic volumes. The commenter's assertion that the peak hour traffic volumes at the eastbound I-80 on-ramp from northbound Mace Boulevard were improperly omitted from the Draft SEIR traffic operations analysis is inaccurate. No changes to the Draft SEIR are required in response to this comment.

**Response to Comment 81-29**

The commenter's alleged discrepancies in the Draft SEIR referenced in this comment letter are due to the commenter's own accounting flaws and computational errors. Therefore, the commenter's assertion that the Draft SEIR is not adequate or complete due to these alleged discrepancies is inaccurate. Moreover, the commenter's assertion that the peak hour traffic volumes at the eastbound I-80 on-ramp from southbound Mace Boulevard were improperly omitted from the Draft SEIR traffic operations analysis is inaccurate. No changes to the Draft SEIR are required in response to this comment.

**Response to Comment 81-30**

Based on the responses above, the transportation analysis presented in the Draft SEIR accurately and adequately represents the potential impacts of the ARC Project. The comment has been forwarded to the decision-makers for their consideration.

**Letter 82**

**From:** Charlene Henwood <casonia2@gmail.com>  
**Sent:** Wednesday, April 22, 2020 7:16 PM  
**To:** Planning Commission <PlanningCommission@cityofdavis.org>  
**Subject:** Agenda Item 6A, Public Hearing - ARC DSEIR

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

City of Davis Planning Commissioners:

82-1

Commissioners have no doubt heard of the Mace Mess. In 2018 The City Council and staff decided to change the main thoroughfare in South Davis, Mace Boulevard, into a "residential street." Citing unsubstantiated concerns about bicyclist and pedestrian safety they collected grant money and began construction. It didn't take long for South Davis residents to realize that the changes were dangerous and were causing major problems. In early 2019 over 800 residents petitioned the City Council that Mace be restored to its original design. Residents have also created traffic incident reports and submitted them to the Council and commented repeatedly at City Council meetings.

The City's South Mace design has caused gridlock, blockaded entire neighborhoods for hours at a time, destroyed the property values of residents with homes facing Mace, and changed a situation where WAZE traffic could quickly clear to complete gridlock during commute hours.

It has been a year and 4 months and except for remodeling the curbs at the Mace and Cowell intersection, which the City had to do because tractor trailers and City buses were hanging up on the corners, nothing has been fixed.

The ARC project states it will put 24,000 additional car trips a day on Mace Boulevard. The resident traffic and through commuter traffic that causes the Mace Mess is a small fraction of the new car trips planned for North Mace. East Davis residents will be blockaded in their neighborhoods during commute times and lines of idling cars trying to get to I-80 will cause pollution, noise, and in our experience, crazy driving.

82-2

Please request adequate time to review the ARC proposal. If the ARC is built without in-depth review, no matter how much trouble it causes for existing neighborhoods the City will not fix it in a timely manner, if at all.

Thank you

Char Henwood, South Davis Resident

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**LETTER 82: CHAR HENWOOD**

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**Response to Comment 82-1**

Please refer to Response to Comment 78-22.

**Response to Comment 82-2**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

**Letter 83**

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**From:** Thomas Camden <thomasdcamden@gmail.com>  
**Sent:** Sunday, March 29, 2020 12:53 PM  
**To:** Sherri Metzker <SMetzker@cityofdavis.org>  
**Subject:** SEIR, Aggie Research Campus

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

Hi Sherri,

I am responding to the notice of a SEIR for the Aggie Research Campus. I live in South Davis as a home owner. My address:  
4507 La Canada Way

I went through the SEIR and have the following comments:

83-1

1. The project has potential. It has benefits to the community, specifically providing commercial and residential space. Residential space is needed in Davis. The commercial space could enhance the scale of economic activity in the community.

83-2

2. Traffic mitigation is a concern. Trip generation in particular and the impact on existing streets/intersections. The Report does not outline adequate mitigation measures.

83-3

The project could be linked to UC Davis and Downtown by way of an enhanced commercial corridor on 2nd Street that is serviced by mass transit. The vision would be a high density corridor along 2nd street. This project then becomes the east side catalyst for this higher density that starts at 2nd and tapers to 5th.

Please keep me aware of upcoming meetings regarding the project. Maybe we will have the opportunity to meet sometime.

Tom Camden  
530-219-8942

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**LETTER 83: TOM CAMDEN**

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**Response to Comment 83-1**

The commenter expresses general support for the proposed project, but does not address the adequacy of the Draft SEIR. The comment has been forwarded to the decision-makers for their consideration.

**Response to Comment 83-2**

The comment expresses general concern regarding traffic issues, but does not provide any specific critiques of the mitigation measures provided in the Draft SEIR or otherwise indicate why the Draft SEIR transportation analysis is inadequate. The project's traffic impacts have been mitigated to the maximum extent feasible in the Draft SEIR, considering such factors as extraterritorial impacts, where multi-agency approval is required.

**Response to Comment 83-3**

The comment does not address the adequacy of the Draft SEIR and has been forwarded to the decision-makers for their consideration.

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### 3. REVISIONS TO THE DRAFT SEIR TEXT

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# 3

## REVISIONS TO THE DRAFT EIR TEXT

### 3.1 INTRODUCTION

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This chapter provides all corrections, additions, and revisions made to the Draft SEIR. It should be noted that the changes represent minor clarifications and amplifications of the analysis contained in the Draft SEIR and do not constitute significant new information that, in accordance with CEQA Guidelines, Section 15088.5, would trigger the need to recirculate portions or all of the Draft SEIR.

### 3.2 DESCRIPTION OF CHANGES

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New text is double underlined and deleted text is ~~struck through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

#### 1 INTRODUCTION

Page 1-3 of the Draft SEIR, under Section 1.3 entitled, Comparison of ARC Project and Mixed-Use Alternative, is hereby revised as follows:

##### **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. 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 Final EIR assumed that on average, one MRIC employee would reside within each MRIC dwelling unit. This SEIR 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.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions presented within the Draft SEIR.

Page 1-3 of the Draft SEIR is hereby revised as follows:

### **Green Space**

The MRIC 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~~nearly entirely 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).

The foregoing revisions would not affect the analysis or conclusions presented within the Draft SEIR.

The phasing information presented in Section 1.3 of the Draft SEIR on page 1-3 is clarified as follows:

### **Phasing**

The phasing plan has been modified to more clearly tie the construction of housing to the creation of jobs. The ARC 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, for ARC 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.

The foregoing revisions would not affect the analysis or conclusions presented within the Draft SEIR.

Page 1-6 of the Draft SEIR is hereby revised to add the following paragraph prior to the start of Section 1.5:

### **Level of Specificity of Analysis**

This subsequent EIR is programmatic in scope as the applicant is currently only seeking program-level entitlements from the City of Davis, including annexation, general plan, and rezoning (see Section 3.4 of the SEIR for a complete description and list of entitlements). As noted in Section 3.4, additional discretionary entitlements from the City of Davis will be required before on-site construction is allowed. Such project-level entitlements from the City will include preliminary/final planned development(s) and tentative subdivision map(s).

The level of specificity of an EIR is determined by the nature of the project and the rule of reason, rather than any semantic label accorded to the EIR (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1047-1048). Thus, the level of specificity included in this SEIR is appropriately broader in scope due to the programmatic nature of the project entitlements.

The foregoing revisions would not affect the analysis or conclusions presented within the Draft SEIR.

## **2 EXECUTIVE SUMMARY**

Table 2-1 on page 2-5 of the Draft SEIR is revised as shown below. The revision to the table is for clarification purposes, and does not reflect the analysis or conclusions of the Draft SEIR.

**Table 2-1  
 Comparison of Alternatives Features**

Project / Alternative	Acres				Square Feet				Dwelling Units			
	Total	MRIC	Mace Triangle	Alternate Site	Total	MRIC	Mace Triangle	Alternate Site	Total	MRIC	Mace Triangle	Alternate Site
MRIC Project	228.5	212.0	16.5	N/A	2,725,056	2,654,000	71,056	N/A	--	--	--	N/A
ARC Project	228.5	$\frac{194187}{1}$	16.5	N/A	2,725,056	2,654,000	71,056	N/A	850	--	--	N/A
No Project (No Build) Alternative	228.5	212.0	16.5	N/A	--	--	--	N/A	--	--	--	N/A
Reduced Site Size Alternative	122.5	106.0	16.5	N/A	2,725,056	2,654,000	71,056	N/A	--	--	--	N/A
Reduced Project Alternative	66	49.5	16.5	N/A	611,056	540,000	71,056	N/A	--	--	--	N/A
Off-Site Alternative A (Davis Innovation Center Site) <sup>2</sup>	133	--	--	133	2,654,000	2,654,000	--	2,654,000	--	--	--	--
Off-Site Alternative B (Covell Property)	236.0	--	--	236.0	2,654,000	2,654,000	--	2,654,000	--	--	--	--
Mixed-Use Alternative	228.5	212.0	16.5	N/A	2,725,056	2,654,000	71,056	--	850	850	--	--

<sup>1</sup> Only includes the 6.8-acre buffer area within the 25-acre City Parcel. Does not include 25-acre City Parcel, as the remaining portion of the City Parcel has been removed from the development footprint. The total acreage remains at 228.5 as the overall annexation area would include the 25-acre City Parcel.

<sup>2</sup> Assumes Off-Site Alternative A is shifted to northerly 133 acres of former Davis Innovation Center site, due to the approval of the West Davis Active Adult Project.



Page 2-6 is revised as follows:

**Aesthetics**

The ARC Project would have a greater aesthetic impact related to substantially degrading the existing visual character or quality of a site and its surroundings, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative, Reduced Project Alternative, and Off-Site Alternative A (due to the now reduced site size of 133 acres). However, the ARC Project would have a reduced aesthetic impact compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., 194187-acre ARC development area vs. 212229 to 236 acres, depending upon the alternative). It is important to note, however, that similar to the ARC Project, each of the alternatives, excepting the No Project (No Build) Alternative, would still be anticipated to have a significant and unavoidable aesthetic effect due to the permanent alteration of visual character.

The foregoing revisions would not affect the analysis or conclusions presented within the Draft SEIR.

Page 2-7 is revised as follows:

**Biological Resources**

The ARC Project would have a greater potential impact related to biological resources, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative, Reduced Project Alternative, and Off-Site Alternative A (due to the now reduced site size of 133 acres). However, the ARC Project could have a reduced impact to biological resources compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., 194187-acre ARC development area vs. 212229 to 236 acres).

The foregoing revisions would not affect the analysis or conclusions presented within the Draft SEIR.

Pages 2-7 and 2-8 are revised as follows:

**Cultural Resources**

The ARC Project would have a greater potential impact related to cultural resources, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative, Reduced Project Alternative, and Off-Site Alternative A (due to the now reduced site size of 133 acres). However, the ARC Project could have a reduced impact to cultural resources compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., 194187-acre ARC development area vs. 212229 to 236 acres).

**Geology, Soils, and Mineral Resources**

The ARC Project would have a greater potential impact related to geology and soils, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative (specifically, soil erosion), Reduced Project Alternative, and Off-Site Alternative A (i.e., soil erosion, due to the now reduced site size of 133 acres). However, the ARC Project

could have a reduced impact to geology and soils compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., 194187-acre ARC development area vs. 212229 to 236 acres).

Page 2-9 is revised as follows:

### **Hydrology and Water Quality**

The ARC Project would have a greater potential impact related to hydrology and water quality, as compared to the No Project (No Build) Alternative, the Reduced Site Size Alternative, Reduced Project Alternative, Off-Site Alternative A, and for flooding specifically, Off-Site Alternatives A and B, given that a least a portion of their sites are within a FEMA floodplain. However, the ARC Project could have a reduced impact to water quality during construction compared to the MRIC Project, Off-Site Alternative B (Covell Property), and the Mixed-Use Alternative given the reduced ARC development footprint (i.e., 194187-acre ARC development area vs. 212229 to 236 acres). Operational effects to water quality and increases in peak flows would be similar between the ARC Project and the MRIC Project, Off-Site Alternative B, and the Mixed-Use Alternative.

Following review of the remaining chapters in the Draft SEIR, other changes to the Draft SEIR were not found to be necessary. The foregoing revisions would not affect the analysis or conclusions presented within the Draft SEIR.

Page 2-9 of the Draft SEIR is hereby revised as follows:

### **Noise and Vibration**

This SEIR did not identify any significant noise effects resulting from the ARC Project, given required compliance with the City's Noise Ordinance, and the fact that traffic noise level increases would be below applicable thresholds; thus, a comparative analysis of alternatives is not required. Similar conclusions could be reached for those alternatives at the ARC Site, including the Reduced Project Alternative and the Reduced Site Size Alternative. However, with respect to Off-Site Alternatives A and B, traffic noise level increases could result in greater impacts at nearby receptors given the closer proximity of sensitive receptors to those roadways anticipated to carry heavy amounts of traffic. In contrast, for the ARC Project, the roadways that would carry the heaviest amount of project traffic near the ARC Site generally have sensitive receptors located farther away.

### **Population and Housing**

This SEIR did not identify any significant population and housing effects resulting from the ARC Project; thus, a comparative analysis of alternatives is not required. A similar conclusion was reached in the Certified Final EIR for the Reduced Project Alternative, as its fair share of employee housing demand could be met within the City. However, given that the Reduced Site Size Alternative and Off-Site Alternatives A and B would include the same amount of non-residential space as the ARC Project, without providing any on-site housing, these alternatives would have a greater impact related to population and housing (i.e., they would not provide their fair share of employee housing demand within the City of Davis).

### **Public Services and Recreation**

This SEIR did not identify any significant public services and recreation effects resulting from the ARC Project, given required compliance with the City's Municipal Code and other regulations, and for fire protection services, proximity to the nearest fire station; thus, a comparative analysis of alternatives is not required. Similar conclusions could be reasonably anticipated for the Reduced Project Alternative and Reduced Site Size Alternative given that they would result in reduced or equivalent demand on public services and are similarly situated near public services (e.g., fire stations). Off-Site Alternative B, however, is located farther away from the nearest fire station, than the ARC Project, thus increasing response times, as discussed on page 7-187 of the Certified Final EIR. This results in the alternative exacerbating an existing deficiency in north Davis.

The foregoing amplifications to the Draft SEIR provide additional comparative information of the alternatives, which does not alter the conclusions of the Draft SEIR.

In addition, page 2-9 of the Draft SEIR is hereby revised as follows:

The ARC Project would have greater operational traffic impacts compared to the No Project (No Build) Alternative and the Reduced Project Alternative, due to the substantially reduced scale of operations associated with those alternatives.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions presented within the Draft SEIR.

Section 2.8 on page 2-12 of the Draft SEIR is hereby revised as follows:

### **2.8 Areas of Controversy and Issues to be Resolved**

The CEQA Guidelines, Section 15123(b), require that this EIR consider areas of controversy known to the lead agency, including issues raised by agencies and the public. The discussion below goes beyond identification of impacts expected to result from implementation of the project, and identifies issues to be resolved known from workshops and other public discussion of the project. At this time, these known areas include the following (in no order):

- Agricultural land conversion – The project would convert land being used primarily for agriculture and agriculturally-related uses to urban uses.
- Project-level and cumulative effects to burrowing owl.
- Bicycle and pedestrian connections – The project would add vehicle trips onto CR 32A which has existing safety concerns for bicyclists in the area, particularly those traveling CR 32A to commute to Sacramento. In addition, there are concerns related to bicycle and pedestrian connectivity on Mace Boulevard and other surrounding roadways in the project area.

The foregoing clarification does not affect the adequacy of the Draft SEIR, which address bicycle and pedestrian travel on Mace Boulevard and surrounding roadways.

For clarification purposes, Table 2-2 in Chapter 2, Executive Summary, of the Draft SEIR is hereby revised to reflect minor revisions made to Mitigation Measures 3-30, 3-38(a), 3-70(a), and 3-70(b) as part of this Final SEIR, as presented throughout this chapter. Rather than include the entirety of Table 2-2 with revisions shown where appropriate, only the impacts for which mitigation has been revised is presented in this chapter. The revisions to Table 2-2 are for clarification purposes only and do not change the conclusions of the Draft SEIR. Please refer to the end of this chapter for Table 2-2.

### 3 AGGIE RESEARCH CAMPUS ANALYSIS

Page 3-16 of the Draft SEIR is hereby clarified as follows:

#### *Bicycle and Pedestrian Paths*

The ARC Project would include on-site bicycle and pedestrian features, implementation of off-site safety improvements, and new connections to existing pedestrian trails systems and regional bike trails. For example, the ARC Project would provide a grade-separated bike/ped crossing of Mace Boulevard, to be located near the MDC alignment, and feeding into the East/West Greenway on the ARC Site. The ARC Project includes a 2.25-mile bike path and adjacent pedestrian trail within the 50-foot transition zone of the agricultural buffer along the northern and eastern site boundary, which would connect to the existing Class II bike lane on CR 32A at the project's southeastern corner. The Class II bike lane on CR 32A provides connectivity to the following: 1) Old Lincoln Highway Class I (separated) bike path along I-80 via the UPRR train tracks at-grade crossing; 2) Class II (striped) bicycle lanes on CR 32A east of CR 105 and the UPRR crossing; and 3) Class I bicycle path on the Yolo Causeway. In addition, the ARC Project would ~~extend the existing~~ construct a Class I off-street bike lane path around the Mace Curve, completing the connection and bringing more employees to the site or children safely to school.

The above revision is made for clarification purposes to establish consistency with the wording in the traffic section of the Draft SEIR.

Page 3-23 of the Draft SEIR is hereby revised as follows:

#### Phasing

The ARC Project is anticipated for build-out gradually over the course of approximately 20 to 25 years. The initial development would likely occur along the western edge at Mace Boulevard and the southern portion along CR 32A, as infrastructure will be gradually extended into the ARC Site from the urbanized edges of the site. Once established, subsequent phases are anticipated to fill in the project's central core and then move north and east. The ARC Project development pattern represents a logical sequencing with structures gradually extending from the current urbanized area out toward the City's new urban boundary, although the exact pattern of build-out would be driven by user demand and infrastructure costs. Furthermore, while construction of proposed buildings is anticipated to gradually extend from the urbanized edges of the site, to provide an efficient approach to construction, the ARC Site would likely be graded in two sections, with the

first graded section including the 106 southernmost acres of the ARC Site. Following grading of the 106 acres, infrastructure would be placed in the graded area to allow for phased construction of the proposed buildings and uses as discussed below. Following buildout of the southern 106 acres of the ARC Site, the remaining portion of the ARC Site would be graded and buildings would be subsequently constructed in line with the phasing presented below. ~~For purposes of assigning some upfront mitigation measures, t~~The Certified Final EIR discusses site build-out in the context of four phases; that framework is continued within this chapter for the proposed ARC Project.

The foregoing revisions are for clarification purposes only, and would not affect the analysis or conclusions presented within the Draft SEIR.

Page 3-42 of the Draft SEIR, Mitigation Measure 3-5(a), is hereby revised as follows:

*ARC Site*

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 ~~conform to the conservation easement template of the Yolo Habitat Conservancy~~comply with Section 40A.03.060 of the City's Municipal Code.*

Page 3-45 of the Draft SEIR, Mitigation Measure 3-7(b), is hereby revised as follows:

*Mace Triangle Site*

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 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 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 ~~conform to the conservation easement template of the Yolo Habitat Conservancy~~ comply with Section 40A.03.060 of the City's Municipal Code.

The above changes to the mitigation measures are intended to better conform the mitigation language to the City's Municipal Code. As a result, the changes do not affect the adequacy of the Draft SEIR.

Pages 3-53 and 3-54 of the Draft SEIR are hereby revised as follows:

...Implementation of the ARC Project would first involve grading of the southern approximately 106 acres of the ARC Site. Grading of the remaining northern portion of the project site would proceed once the southern portion of the ARC Site is built out. If the off-site detention basin option is selected, the disturbance of approximately 100 acres and excavation of all ~~161,333~~130,000 cubic yards (CY) of soil would be completed with project initiation in Spring of 2022. All excavated material from the off-site detention basin would be imported to the project site and used for ~~project grading of the southern 106 acres in Phase 1.~~ Due to the grading of the entire southern portion of the ARC Site, as well as the off-site detention basin work that would occur during project initiation, if that option is selected, Phase 1 of the project was anticipated to represent the most intensive phase of the project. It should be noted that if the off-site detention basin is not implemented, emissions related to project construction would be less than the levels presented within this SEIR. Considering the update to the CalEEMod software, as well as the unique character of the ARC Project, an analysis of construction of Phase 1 of the project has been prepared. Phase 1 of the project was modeled under the following assumptions:

- Demolition would not be required;
- Construction of the ARC Project was assumed to commence in Spring 2022;

- Grading of the southern 106 acres of the ARC Site would occur prior to building construction for Phase 1;
- Construction of all structures included in Phase 1, as well as grading of the entire 106-acre southern portion of the ARC Site, was anticipated to occur over five years;
- The duration of site preparation, grading, building construction, and architectural coating for the ARC Project was adjusted based on applicant provided information;
- Phase 1 of the ARC Project was anticipated to include buildout of 540,000 sf of R&D uses, 0.60 acres for the transit plaza, 568 surface parking lot spaces, 723 parking garage spaces, 181 multi-family residential units, and 28 townhouse units;
- Phase 1 of the ARC Project was anticipated to include a total disturbance area of 217 acres, which includes 11 acres for off-site sewer improvements as well as 100 acres for off-site detention basin work;
- ~~161,333~~~~130,000~~ CY of soil was assumed to be required to be exported in association with the off-site detention basin, all such material would be imported to the project site, which is approximately 2.15 miles from the off-site detention basin location; and
- To provide a conservative analysis, the assumption was made that construction activity could commence on two different portions of the ARC Project during one construction year. Therefore, during the most intensive year of building construction-related emissions (2023), an additional set of building construction and architectural coating construction phases were added to represent the potential for overlap of construction activity to occur, either during a single phase or between phases.

As a result of the foregoing changes and the updated results of emissions modeling, Table 3-7 and 3-8 on page 3-56 of the Draft SEIR are hereby revised as follows:

<b>Table 3-7</b>			
<b>Phase 1 Unmitigated ARC Project Construction-Related Emissions</b>			
<b>Construction Year</b>	<b>ROG (tons/yr)</b>	<b>NO<sub>x</sub> (tons/yr)</b>	<b>PM<sub>10</sub> (lbs/day)</b>
2022 <sup>1</sup>	<del>2.31</del> <u>1.26</u>	<del>6.89</del> <u>7.74</u>	28.89
2023 <sup>2</sup>	7.50	12.19	13.64
2024	1.96	5.89	7.58
2025	1.71	5.63	6.63
2026	1.69	5.58	6.63
2027	0.60	1.85	6.63
Notes: <sup>1</sup> Emissions for the year 2022 include both on-site construction work and off-site work related to the detention basin. <sup>2</sup> Emissions for the year 2023 include two concurrent building construction and architectural coating phases.			
<i>Source: CalEEMod, February and April 2020.</i>			

<b>Table 3-8</b>			
<b>Maximum Unmitigated ARC Project Construction-Related Emissions</b>			
	ROG (tons/yr)	NO <sub>x</sub> (tons/yr)	PM <sub>10</sub> (lbs/day)
<b>2022<sup>1</sup></b>			
	2.341.26	6.897.74	28.89
<b>YSAQMD Threshold</b>	<b>10</b>	<b>10</b>	<b>80</b>
<b>Exceed?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<b>2023<sup>2</sup></b>			
	7.50	12.19	13.64
<b>YSAQMD Threshold</b>	<b>10</b>	<b>10</b>	<b>80</b>
<b>Exceed?</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>
Notes: <sup>1</sup> Emissions for the year 2022 include both on-site construction work and off-site work related to the detention basin. <sup>2</sup> Emissions for the year 2023 include two concurrent building construction and architectural coating phases.  <i>Source: CalEEMod, February and April 2020.</i>			

The foregoing revisions do not result in any changes to the conclusions presented within the Draft SEIR.

Page 3-60 of the Draft SEIR, Mitigation Measure 3-11, is hereby clarified as follows:

*ARC Project and Mace Triangle*

*3-11 Prior to ~~issuance~~ approval of any subsequent 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<sub>x</sub>, and PM<sub>10</sub>. 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:*

The foregoing revisions do not affect the adequacy of the Draft SEIR.

Impact 3-18, page 3-102 of the Draft SEIR is hereby clarified as follows:



## Conclusion

Suitable burrowing owl habitat exists within the ARC BSA and Stormwater BSA. Impacts 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 project description section of this SEIR. In addition, the Urban Ruderal land cover type on the Mace Triangle Site (9.46 acres) is considered burrowing owl habitat. The potential Class 1 trail along the inside of the Mace Curve property, intended to provide a safe route connection between the Junior High School and surrounding neighborhood and the ARC grade-separated crossing, could also be suitable for burrowing owl. ARC Project and Mace Triangle impacts to burrowing owl habitat would be addressed through the applicant's payment of the Land Cover fees for the impacted acreage where suitable habitat exists, as determined by the Yolo HCP/NCCP.

It is also noted that because the ARC Project would consist of a reduced development footprint, as compared to the proposed project, due to exclusion of the City's 25-acre property from the development footprint, the amount of burrowing owl habitat impacted by the ARC Project would be less than the MRIC Project. As previously discussed, the applicant proposes to use 6.8 acres on the City's 25-acre property as agricultural buffer. A portion of this 6.8-acre buffer area could be considered impacted acreage, thus, requiring land cover fees per the Yolo HCP/NCCP. Mitigation measures would be required for both the MRIC Project and the ARC Project in order to protect burrowing owl.

Overall, impacts related to burrowing owl under the ARC Project would be *less-than-significant* with mitigation.

The above modification to the Draft SEIR analysis does not change the conclusion of Impact 3-18 regarding burrowing owl, and the associated mitigation measures, requiring compliance with the Yolo HCP/NCCP, including implementation of avoidance of minimization measures and payment of land cover fees for impacted habitat, would continue to reduce the project's impact to a less-than-significant level.

In response to staff-initiated changes, Mitigation Measure 3-20(c) on page 3-115 of the Draft SEIR is hereby revised as follows:

- *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:*
  - *Stop all work within a 100-foot radius of the discovery.*
  - *Notify the City of Davis Department of Community Development and Sustainability and Public Works.*
  - *Do not resume work within the 100-foot radius until authorized by the biologist.*
  - *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.*

The revisions do not affect the analysis or conclusions presented within the Draft SEIR.

Page 3-120 of the Draft SEIR, Mitigation Measure 3-26, is hereby revised as follows:

*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.*

The revisions do not affect the analysis or conclusions presented within the Draft SEIR.

Mitigation Measure 3-30 on page 3-127 of the Draft SEIR is hereby revised as follows in accordance with the requirements of California Health and Safety Code Section 7050.5 and California Public Resources Code (PRC) Section 5097.98:

- 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 ~~Yolo County Coroner~~ Yocha Dehe Wintun Nation shall be notified within 24 hours. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains. 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.*

The foregoing revisions provide additional specificity to the performance standards included in Mitigation Measure 3-30. The revisions do not affect the analysis or conclusions presented within the Draft SEIR.

Page 3-139 of the Draft SEIR is hereby revised as follows:

In addition to the analysis of construction-related emissions against SMAQMD's thresholds of significance, construction-related emissions from the ARC Project have been further analyzed in combination with the anticipated operational emissions. In keeping with the methodology implemented in the Certified Final EIR, GHG emissions from construction of the ARC Project will be amortized over the construction period and added to operational emissions. During the analysis of the MRIC Project, construction of the entire MRIC Project was modeled, which provided annual GHG emissions for buildout of the entire project. However, for the ARC Project, only the most intense phase of construction, Phase 1, has been modeled. Although all other construction phases are anticipated to result in GHG emissions below the levels presented for Phase 1, to provide a conservative approach to amortizing construction emissions, all subsequent phases of project construction were assumed to result in the same level of construction emissions, excluding emissions from off-site work on the detention basin. Thus, taking into consideration the exclusion of emission from off-site detention basin, as such work would only occur during Phase 1, total emissions per each construction phase would equal ~~12,228.18~~12,368.85 MTCO<sub>2e</sub>. After four construction phases, the total GHG emissions are then estimated to be ~~48,912.71~~49,475.40 MTCO<sub>2e</sub>. Based on applicant provided information, the project is anticipated to require no less than 20 years of construction activity prior to completion. Such a construction schedule would result in a project completion date in the year 2042. However, Fehr and Peers has used the year 2036 for the analysis of cumulative impacts resulting from the ARC Project, and due to limitations in the CalEEMod software, the operational year of 2035 has been used for project modeling. In order to maintain consistency with the analysis prepared by Fehr and Peers, and solely for the purposes of amortizing construction GHG emissions, ARC Project construction is anticipated to occur over 14 years (i.e. 2022 to 2036). Although construction is more likely to occur over 20 years or more, the use of a 14-year construction period in this specific instance is conservative as the total estimated construction emissions would be amortized over a shorter period. For instance, construction emissions amortized over a 20-year period would equate to an emissions rate of ~~2,445.64~~2,473.77 MTCO<sub>2e</sub>/yr, while construction emissions amortized over a 14-year period would equate to an emissions rate of ~~3,493.77~~3,533.96 MTCO<sub>2e</sub>/yr.

Based on the above, the conservatively amortized emissions of ~~3,493.77~~3,533.96 MTCO<sub>2e</sub>/yr will be added to the operational emissions discussed below.

Table 3-18 on page 3-140 of the Draft SEIR is hereby revised as follows:

<b>Table 3-18</b>	
<b>Construction-Related GHG Emissions for Phase 1 of the ARC Project</b>	
Construction-Year	Total Annual GHG Emissions (MTCO <sub>2e</sub> /yr)
2022 <sup>1</sup>	<del>1,614.89</del> <u>1,755.56</u>
2023 <sup>2</sup>	4,156.07
2024	2,059.56
2025	2,015.32
2026	1,986.04
2027	655.30
Notes:	
<sup>1</sup> Emissions for the year 2022 include both on-site construction work and off-site work related to the detention basin.	
<sup>2</sup> Emissions for the year 2023 include two concurrent building construction and architectural coating phases.	
<i>Source: CalEEMod, February and April 2020.</i>	

Table 3-19 on page 3-142 of the Draft SEIR is hereby revised as follows:

<b>Table 3-19</b>		
<b>Unmitigated ARC Project GHG Emissions at Buildout (2035)</b>		
Emission Source	ARC Proposed Project Conditions Annual GHG Emissions (MTCO <sub>2e</sub> /yr) <sup>1</sup>	ARC Cumulative Conditions Annual GHG Emissions (MTCO <sub>2e</sub> /yr)
<b>Construction Emissions<sup>2</sup></b>	<del>3,493.77</del> <u>3,533.96</u>	<del>3,493.77</del> <u>3,533.96</u>
<b>Operational Emissions</b>	34,458.11	29,465.31
Area	10.72	10.72
Energy	2,719.02	2,719.02
Mobile	29,483.36	24,490.56
Solid Waste	899.71	899.71
Water	1,345.30	1,345.30
<b>TOTAL ANNUAL ARC GHG EMISSIONS</b>	<del>37,951.88</del> <u>37,992.07</u>	<del>32,959.08</del> <u>33,019.27</u>
Notes:		
<sup>1</sup> The ARC Proposed Project Condition refers to the “Existing Plus Project” condition presented in the Transportation and Circulation section of this SEIR.		
<sup>2</sup> Amortized maximum annual construction emissions over a conservatively estimated 14-year construction period (maximum annual construction emissions for the ARC Project of <del>48,912.71</del> <u>49,475.40</u> MTCO <sub>2e</sub> / 14 years = <del>3,493.77</del> <u>3,533.96</u> MTCO <sub>2e</sub> /yr).		
<i>Source: CalEEMod, February and April 2020.</i>		

The foregoing revisions do not result in any changes to the conclusions presented within the Draft SEIR.

To reflect the changes above, page 3-142 of the Draft SEIR is hereby revised as follows:

As shown in Table 3-19, the ARC Project under existing plus project conditions would result in operational emissions of 34,458.11 MTCO<sub>2</sub>e/yr with emissions increasing to ~~37,951.88~~37,992.07 MTCO<sub>2</sub>e/yr with consideration of amortized construction emissions. Considering that agricultural activity has continued within the site, the ARC Project would result in ~~37,684.19~~37,724.31 MTCO<sub>2</sub>e/yr total net new emissions (~~37,951.88~~37,992.07 – 267.69 = ~~37,684.19~~37,724.31), 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 MTCO<sub>2</sub>e/yr of anticipated emissions would be considered net new. Net emissions from both the ARC Project and potential future development of the Mace Triangle Site are considered a *significant* impact on the environment.

Similarly, pages 3-143 and 3-144 of the Draft SEIR are hereby revised as follows:

Table 3-19 presents the anticipated level of project-related operational emissions in the year 2035. As shown in the table, total gross operational emissions under the existing plus project scenario would equal 34,458.11 MTCO<sub>2</sub>e/yr, with emissions increasing to ~~37,951.88~~37,992.07 MTCO<sub>2</sub>e/yr with consideration of amortized construction emissions. Considering that agricultural activity has continued within the site, the ARC Project would result in ~~37,684.19~~37,724.31 MTCO<sub>2</sub>e/yr total net new emissions (~~37,951.88~~37,992.07 – 267.69 = ~~37,684.19~~37,724.31). Potential future emissions from the Mace Triangle Site would be considered net new emissions, thus operations of the Mace Triangle Site would result in emission of 1,115.89 MTCO<sub>2</sub>e/yr.

Between the modeled operational year of 2035 and the year 2040, operational emissions at the project site would likely decrease slightly from the levels presented above. Decreased emissions would be due to a number of factors. Factors that would reduce GHG emissions include: increased sourcing of grid-supplied electricity from renewable sources based on existing RPS requirements, and decreased emissions due to mobile sources resulting from improvements in statewide vehicle fleets, among others.<sup>1</sup> Although emissions would be anticipated to decrease slightly, the operational emissions in the year 2040 would likely be substantively similar to those in the year 2035. Because net emissions in the year 2035 would equal ~~37,684.19~~37,724.31 MTCO<sub>2</sub>e/yr, 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 is not anticipated to meet the City's target of net carbon neutrality by the year 2040.

The foregoing revisions do not result in any changes to the conclusions presented within the Draft SEIR.

Mitigation Measure 3-38(a) on pages 3-146 through 3-147 is hereby revised as follows:

*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 ~~37,684.19~~37,724.31*

*MTCO<sub>2</sub>e/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 37,684.1937,724.31 MTCO<sub>2</sub>e/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 2,409.52,414.36 MTCO<sub>2</sub>e/yr from the emissions modeled herein, which would represent 6.4 percent of the total 37,684.1937,724.31 MTCO<sub>2</sub>e/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.*

*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.<sup>1</sup>*

Despite the foregoing changes to the Draft SEIR, the overall conclusions reached in the Draft SEIR remain valid.

As a result of staff-initiated changes, Mitigation Measures 3-54(a and b) on page 3-185 of the Draft SEIR are hereby revised as follows:

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 ~~employee~~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 ~~employee~~project-generated demand.*

3-54(b) *Prior to ~~building permit issuance~~ 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 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.*

The foregoing revisions do not affect the analysis or conclusions of the Draft SEIR.

Page 3-208 of the Draft SEIR is hereby revised as follows to reflect student generation rates that have been adopted by the Davis Joint Unified School District (DJUSD):

Impacts related to schools were determined to be less-than-significant for the MRIC Project, given that the MRIC Project did not include residential uses with the potential to house school-age residents. Unlike the MRIC Project, the ARC Project would include the development of 850 residential units on-site and, thus, would result in the introduction of additional students to the Davis Joint Unified School District (DJUSD). Table 3-1 presents the estimated increase in student enrollment as a result of the ARC Project. The ARC Project is expected to generate approximately 384~~183~~ additional students for the DJUSD. It should be noted that because the residential development included in the ARC Project is phased, and is likely to be built out over a relatively long period of time, student generation associated with the ARC Project and associated impacts to the DJUSD would be gradual, and spread out over Phases 1 through 3.

Under the provisions of SB 50, a project’s impacts on school facilities are deemed fully mitigated with the payment of the requisite new school construction fees established pursuant to Government Code Section 65995. Alternatively, the ARC Project may be annexed into the DJUSD’s CFD #2. In addition, the DJUSD recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district. DJUSD approves interdistrict transfer requests based upon space availability in the requested grade level at the requested school. If a parent/guardian of a student is employed in Davis a minimum of 10 hours per week, they are eligible for the transfer based upon parent/guardian employment. Through the payment by the applicant of applicable impact fees, and ongoing revenues that would come from taxes, project impacts to school services would be *less than significant* for the ARC Project, similar to the MRIC Project.

<b>Table 3-1</b>			
<b>ARC Project Student Enrollment</b>			
<b>Grade Levels</b>	<b>Student Generation Factor per Household</b>	<b># of Units</b>	<b>New Students</b>
<del>K-6</del>	<del>0.29</del>	850	<del>247</del>
<del>7-9</del>	<del>0.09</del>		<del>77</del>
<del>10-12</del>	<del>0.07</del>		<del>60</del>
<b>Total</b>			<b>384</b>

<b>Table 3-2</b>				
<b>ARC Project Student Enrollment</b>				
<b>Grade Levels</b>	<b>Student Generation Factor per Household</b>		<b># of Units</b>	<b>New Students</b>
	<b>Townhomes</b>	<b>Apartments</b>		
<del>K-6</del>	<del>0.104</del>	<del>0.147</del>	<del>280 townhomes</del>	<del>113</del>
<del>7-9</del>	<del>0.061</del>	<del>0.047</del>		<del>570 apartments</del>
<del>10-12</del>	<del>0.017</del>	<del>0.037</del>		
<b>Total</b>				<b>183</b>

*Source: DJUSD, March 2020 Demographic Report.*

Despite the foregoing changes to the Draft SEIR, the overall conclusions reached in the Draft SEIR remain valid.

Since release of the Draft SEIR, an inadvertent error was identified in Impact 3-67, regarding park facilities. Specifically, the methodology for calculating the project greenbelt requirement should



have been based on the area proposed for new residential development, rather than the entire site acreage, based upon General Plan Policy POS 3.1, Standard (a). As a result, page 3-209 of the Draft SEIR is hereby clarified as follows:

Chapter 36 of the Municipal Code requires 0.0131 acres per dwelling unit. In addition, General Plan Policy POS 3.1(a) and (1) requires 10 percent of the ~~overall~~ project acreage dedicated for new residential development to be greenbelt. These requirements result in the following for the ARC Project:

- *Parklands*: 11.14 acres (850 residential units x 0.0131 acres per unit).
- *Greenways/open space*: ~~18.72.74~~ 18.72.74 acres (10 percent of ~~18727.4~~ 18727.4 residential acres; not combined with parklands, but can be combined with interior 50 feet of agricultural buffer).
- *Agricultural buffer*: Approximately 22.60 acres (eastern and northern property lines x 150 feet). One-third of that total, 7.53 acres, can ‘overlap’ with use as part of the greenways/open space total above, for a total of 15.07 required acres.

Therefore, the ARC Project is required to dedicate a total of ~~44.74~~ 36.48 acres of appropriate parklands and facilities. The ARC Project includes approximately 49.8 acres, as per the project applicant’s project description. Of that, 22.60 acres are defined as green space or agricultural buffer areas along the property edge, to provide a variety of uses, and the remaining 27.2 acres are internal plazas, courtyards and landscaped areas. The following totals and types of green space are proposed in the ARC Project:

- *Parks*: 12.1 acres are proposed.
- *Greenways*: 3 acres are proposed (can be combined with interior 50 feet of agricultural buffer).
- *Agricultural buffer*: Approximately 22.6 acres agricultural buffer are proposed.
- *Private residential and commercial courts*: 11.5 acres are proposed.

#### *Mace Triangle*

The Ikeda’s parcel and other agricultural parcel of the Mace Triangle would be designated General Commercial to allow for the continuation or expansion of the existing agricultural retail (Ikeda’s Market) and/or for the development of up to 71,056 sf of new commercial uses. Given the lack of future residential uses, park acreage would not be required.

#### *Compliance with Existing Law*

The City of Davis has adopted citywide development impact fees, which include Parks Impact Fees. Therefore, in compliance with existing law, prior to issuance of any building permits for any phase of development, the project applicant shall pay the City’s Park Impact Fees.

#### *Conclusion*

The ARC Project includes sufficient park and greenbelt acreage per the City’s standard requirements. In addition, the Mace Triangle would not include residential uses requiring

provision of park acreage. Therefore, similar to the MRIC Project, a *less-than-significant* impact would occur.

Mitigation Measure(s)

*None required.*

The above clarification does not affect the adequacy of the Draft SEIR as the project continues to provide parkland, greenspace, and buffer to meet the City’s requirements.

Page 3-245 of the Draft SEIR is hereby revised as follows:

“Based on the above, the aforementioned enhancements identified in the TIA would serve to improve operations at all of the impacted intersections and CR 32 interchange relative to Existing Plus Project conditions.”

The above clarification does not affect the adequacy of the Draft SEIR.

Page 3-246 of the Draft SEIR is hereby revised as follows to clarify any potential misinterpretation regarding the requirements set forth in Mitigation Measure 3-70(a):

*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.*

The change is for clarification purposes and does not affect the adequacy of the Draft SEIR analysis.

Pages 3-246 and 3-247 of the Draft SEIR are hereby revised as follows for clarification purposes:

“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 CR 32A/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.”

The revisions are made to better mirror language elsewhere in the Draft SEIR, and thus, do not affect the adequacy of the Draft SEIR.

Page 3-248 of the Draft SEIR, Mitigation Measure 3-70(b), is hereby revised as follows for clarification purposes:

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.*

The foregoing revision resolves an inadvertent omission from Mitigation Measure 3-70(b) of the Draft SEIR and does not affect its adequacy.

Pages 3-259 and 3-260 of the Draft SEIR are hereby revised to make minor corrections and clarifications to Impact 3-74 and Mitigation Measure 3-74, as follows:

3-74 Impacts associated with Construction Vehicle Traffic (reference Impact 4.14-8).  
Impacts related to construction vehicle traffic were determined to be less-than-significant with mitigation for the MRIC Project.

Construction of the ARC Project, including site preparation and construction, and delivery activities, would generate employee trips and a variety of construction-related vehicles. Construction activities would include disruptions to the transportation network near the project site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Bicycle and transit access may also be disrupted. The most concentrated period of heavy truck traffic is anticipated to occur when excavated soil from the off-site storage pond is transported over to the ARC Site, should this approach be selected over the pump station alternative. It is forecast that a total of approximately ~~40,833~~ 13,444 trucks would be required to transport the excavated soil approximately two miles to the ARC Site for stockpiling. The hauling would occur over 30 work days, resulting in an average of approximately ~~720~~ 896 truck trips per day (i.e., ~~360~~ 448 truckloads per day, with two trips – one loaded trip to the site, one return empty trip – for each load). Trucks are projected to travel to and from the east end of the Howatt Ranch property near the levee adjacent to the Yolo Bypass. Trucks would access the southern portion of the ARC Site by way of CR 32A, with trucks traveling to the Howatt Ranch site by way of CR 32A and CR 105. Use of CR 32A by construction trucks could cause a short-term adverse impact to bicyclists using existing bike lanes.

The aforementioned activities could result in degraded roadway conditions. Thus, similar to the MRIC Project, construction activities associated with the ARC Project could result in a *less-than-significant* temporary traffic impact with implementation of mitigation.

#### Mitigation Measure(s)

##### *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 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. This could include extending hauling activities across a 45-day period in order to lessen the daily or hourly effects associated with haul truck traffic;*
- *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.*

The above changes do not alter the conclusions or the analysis contained within the Draft SEIR. As was determined in the Draft SEIR, implementation of MM 3-74 would reduce the construction traffic impact to a less-than-significant level.

The following descriptive text and figure are hereby added to page 3-261 of the Draft SEIR:

The ARC Project would construct a grade-separated bicycle and pedestrian crossing of Mace Boulevard north of Alhambra Drive. In addition, the ARC Project includes a proposed off-site Class 1 bikeshared-use path on the west side of Mace Boulevard, just north of Alhambra Drive, to the existing path along the frontage of Harper Junior High School. This bicycle/pedestrian path improvement, along the inside of the Mace “curve”, would provide an important link in the trail network in the project vicinity. Not only would this link facilitate safe bicycle and pedestrian travel to/from the ARC Site, but school children biking/walking to/from Harper Junior High School would also be able to travel more safely along this stretch of Mace Boulevard. The Offices @ Mace Ranch project located at the northwest corner of the Mace Boulevard/Alhambra Drive intersection will also provide a path connection to the proposed grade-separated crossing along its Mace Boulevard and Alhambra Drive frontages. The Offices @ Mace Ranch project is currently under construction and scheduled for completion in 2020. It is noted that the applicant is also considering to include a Class 1 shared-use path due west from the proposed grade-separated bicycle and pedestrian crossing. The share-used path would run along the southern boundary of the property inside the Mace Curve and provide an additional safe route from the proposed ARC grade-separated crossing to Harper Junior High School and surrounding neighborhood. See Figure 3-20 for an illustration of the above-described facilities, located within Yolo County.

The above changes do not affect the traffic analysis of the Draft SEIR as the potential Class 1 shared-use path would improve connectivity to surrounding land uses.

Page 3-269 of the Draft SEIR, Mitigation Measure 3-75(b), has been revised as follows to clarify the performance measures that would need to be met by bicycle facility improvements referenced therein:

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.

The above revision does not alter the conclusions or adequacy of the Draft SEIR.

Page 3-271 of the Draft SEIR, Mitigation Measure 3-76(a), has been revised as follows to clarify implementation timing:

- 3-76(a) *Prior to the ~~issuance of the first certificate of occupancy 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.*

The above revision does not alter the conclusions or adequacy of the Draft SEIR.

## APPENDIX A: COMMENT LETTERS

The following comment submitted at the scoping meeting is hereby incorporated into Appendix A to the Draft SEIR:

**From:** David Abramson <[dabramson04@gmail.com](mailto:dabramson04@gmail.com)>  
**Sent:** Monday, December 2, 2019 10:10 PM  
**To:** Sherri Metzker <[SMetzker@cityofdavis.org](mailto:SMetzker@cityofdavis.org)>  
**Subject:** Public input on ARC project

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

Hi,

Thanks for accepting public comment on this issue. I have 3 words:

Net-zero Carbon Construction!!

And now a longer comment...

With a project of this size and given the need for climate action, anything less than that would set our climate goals back significantly.

The City of Davis has declared a climate emergency and is in the process of revising their Climate Action and Adaptation Plan, so this is perhaps the first big test of how seriously we are taking that emergency and commitment to local climate action. I hope that the process is completed thoughtfully and responsibly.

Thank you!  
David Abramson

In addition, the handwritten comments on the following pages, which were submitted at the scoping meeting for the ARC Project, are hereby incorporated into Appendix A to the Draft SEIR. The issues raised in the comment letters have been addressed in the Draft SEIR. Thus, the omission of such letters from Appendix A did not affect the adequacy of the Draft SEIR.

Aggie Research Campus  
Scoping Mtg. Dec 2, 2019

SIGN UP FOR EMAIL LIST

Name	Email
Roberta Millstem	roberta.millstem@RLM.net
Gayna Lamb-Bang	gayna@dcn.org
BILLIE BRUNSEN	drbilliebrunsen@gmail.com
Alan Hirsch	AHirsch@bcd.org
Linda Peos	LPeos@yahoo.com
ROBERT PRINDLE	rprindle@sbcglobal.net
Steve Shreeter	shreeter@comcast.net
Greg Rowe	gregrowe5@comcast.net
Ron Cowden	rcowden@comcast.net
Chris Majestic	Cmajestic@tdl.com
Dan Ray	<del>dray</del> - dan.ray@home @gmail.com
Richard Reed	richard.reed@yolo-county.org
Pamela Gunnell	pamgunnell@sbcglobal.net



From: Alan Hirsch

Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT

In Parking Lots

① Trees<sup>n</sup> Never Grow to size shown in Diagram. How will Heat Island effect be mitigated or will trees be planted with structural soil

② Disclose why you can get parking to 1/2 that shown in original EIR

③ Anticipate effect Sea Level rise on drainage & ARC Storms

④ Disclose Acres of Sight dedicated to parking lots.

Submit to

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

Recd 12/2/19

Aggie Research Campus

Scoping Meeting

December 2, 2019

From: Alaa C. Miller

COMMENT \_\_\_\_\_

- The bike grade separation should be required to be an under-crossing. These require less vertical separation and are much preferred by cyclists/pedestrians.
- The housing component should not be tied to how much commercial is built. We need housing, and the anti-growth forces will not be quelled by this lame requirement. Just go for it and build the housing first & fully.

Submit to

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

Recd 12/2/19

Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT Downtown Davis cannot support this level of development - traffic and housing. Russell/5th has huge new developments (Sterling and the other one), 8th has its own, and of course Cavell has the Cannery.

There should, at the very least, be NO HOUSING in this development. There should be restaurants and shops, since downtown Davis is just too small and crowded already.

Fifty percent of Earth is now developed by humans. Here we are, paving over habitat and fields.

I know this will go through because Davis always gives in to developers. Buzz Oates is a terrible landlord. Ark Get Fit. They're irresponsible, don't fix things, don't upgrade. They just like profit. Shame on city of Davis for letting this project on prime ag. land, get this far.

Submit to

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

Red 12/2/19

Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT: Have the Developer's AB be for the  
to the land it already owns & not part of the  
Measure O City Land to the North East of the  
project

Submit to

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

Red 12/2/19

Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT This is a new project with vague details. The city should have required ~~full~~ details and a new, full EIR. Environmental review needs to study traffic (much worse than 2017), flooding issues, habitat loss, farmland loss, greenhouse gas emissions, economic costs of new development. On its face, this looks like a bad, sprawl-inducing project.

Submit to

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

Red 12/2/19



Aggie Research Campus

Scoping Meeting

December 2, 2019

COMMENT ① SEIR should look at to what extent residential and commercial development at ARC will effect the residential and commercial assumptions in the downtown plan.

② The SEIR should thoroughly examine potential impacts from climate change, in terms of ~~the~~ rising sea levels and whether the project site drainage will be adequate to protect it in the coming decades, i.e. 20-100 years from now.

Submit to

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

Recd 12/2/19



YOCHA DEHE  
CULTURAL RESOURCES

RECEIVED  
DEC 12 2019  
City of Davis  
Community Development

December 9, 2019

City of Davis - Community Development Dept.  
Attn: Sherry Metzker, Principal Planner  
23 Russell Boulevard, Suite 2  
Davis, CA 95616

RE: Mace Ranch Innovation Center Project

Dear Ms. Metzker:

Thank you for your project notification letter dated, November 15, 2019, regarding cultural information on or near the proposed Mace Ranch Innovation Center Project, Davis, Yolo County. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. Please send us the environmental impact report for this project.

Should you have any questions, please contact the following individual:

Kristin Jensen, CRD Administrative Assistant  
Yocha Dehe Wintun Nation  
Office: (530) 796-0105  
Email: [kjensen@yochadehe-nsn.gov](mailto:kjensen@yochadehe-nsn.gov)

Please refer to identification number YD-05162017-01 in any correspondence concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

Tribal Historic Preservation Officer

Yocha Dehe Wintun Nation  
PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.org

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p><b>3-5 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 (reference Impact 4.2-1).</b></p>	<p>S</p>	<p><i>ARC Project</i></p> <p><i>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 <u>located</u> 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</i></p>	<p>SU</p>



**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<i>LESA score no more than 10 percent below that of the project site. The easement instrument used to satisfy this measure shall conform to the conservation easement template of the Yolo Habitat Conservancy comply with Section 40A.03.060 of the City's Municipal Code.</i>	
<b>3-7 Result in the loss of forest or agricultural land or conversion of forest or agricultural land to non-forest or non-agricultural use (reference Impact 4.2-3).</b>	S	<p><i>Mace Triangle Site</i></p> <p>3-7(b) <i>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:</i></p> <ul style="list-style-type: none"> <li><i>• APN 033-630-011 (Ikeda's): Mitigate conversion of approximately 2.5 acres at a 2:1 ratio = 5 acres</i></li> <li><i>• APN 033-630-012 (Easternmost Parcel): Mitigate conversion of approximately 8.4 acres at a 2:1 ratio = 16.8 acres</i></li> </ul> <p><i>The agricultural land shall be <u>located</u> 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</i></p>	SU

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>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 conform to the conservation easement template of the Yolo Habitat Conservancy comply with Section 40A.03.060 of the City's Municipal Code.</i></p>	
<p><b>3-11 Violate any 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 (reference Impact 4.3-2).</b></p>	<p>S</p>	<p>ARC Project and Mace Triangle</p> <p>3-11 <i>Prior to issuance approval of any subsequent 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 NOx, and PM<sub>10</sub>. 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</i></p>	<p>SU</p>

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>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:</i></p>	
<p><b>3-20 Impacts to raptors, nesting birds, or other birds protected under the MBTA (reference Impact 4.4-6).</b></p>	<p>S</p>	<p><i>ARC Project and Mace Triangle</i></p> <p><i>3-20(c) <u>Northern harrier, mountain plover, Modesto song sparrow and other migratory birds.</u> 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:</i></p> <ul style="list-style-type: none"> <li><i>• 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.</i></li> <li><i>• If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the</i></li> </ul>	<p>LS</p>

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>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.</i></p> <ul style="list-style-type: none"> <li>• <i>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:</i> <ul style="list-style-type: none"> <li>○ <i>Stop all work within a 100-foot radius of the discovery.</i></li> <li>○ <i>Notify the City of Davis Department of Community Development and Sustainability and Public Works.</i></li> <li>○ <i>Do not resume work within the 100-foot radius until authorized by the biologist.</i></li> </ul> </li> </ul> <p><i>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</i></p>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<i>protect the active nest. No work may occur within the ESA until the biologist determines that the nest is no longer active.</i>	
<b>3-26 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 (reference Impact 4.4-12).</b>	S	ARC Project  3-26 <i>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 <u>and the Department of Public Works</u> 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.</i>	LS
<b>3-30 Disturb any human remains, including those interred outside of formal cemeteries (reference Impact 4.5-4).</b>	S	ARC Project and Mace Triangle  3-30 <i>During construction, if bone is uncovered that may be human, <u>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,</u></i>	LS

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>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 Yolo County Coroner Yocha Dehe Wintun Nation shall be notified within 24 hours. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains. 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.</u></p>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
<b>3-38 Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (reference Impact 4.7-2).</b>	S	<p><i>ARC Project</i></p> <p>3-38(a) <i>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 <del>37,684.19</del><u>37,724.31</u> MTCO<sub>2</sub>e/yr, which would achieve carbon neutrality. Individual projects may choose one of the following methods for complying with this goal:</i></p> <ol style="list-style-type: none"> <li>1. <i>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.</i></li> <li>2. <i>If a project applicant chooses not to prepare a Carbon Neutrality Plan, the applicant must</i></li> </ol>	SU

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>demonstrate that the individual development provides a fair-share contribution towards the ARC Project-wide emissions reductions need of <del>37,684.19</del><u>37,724.31</u> MTCO<sub>2</sub>e/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 <del>2,409.52</del><u>2,414.36</u> MTCO<sub>2</sub>e/yr from the emissions modeled herein, which would represent 6.4 percent of the total <del>37,684.19</del><u>37,724.31</u> MTCO<sub>2</sub>e/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.</i></p>	



**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p style="text-align: center;"><i>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:</i></p> <ul style="list-style-type: none"> <li>• <i>Trip and/or VMT reductions due participation in a Transportation Demand Management program or similar program;</i></li> <li>• <i>Electrifying loading docks to reduce emissions from engine idling of Transport Refrigeration Units;</i></li> <li>• <i>Inclusion of on-site renewable energy beyond the level anticipated in this analysis;</i></li> <li>• <i>Institution of a composting and recycling program in excess of local standards;</i></li> <li>• <i>Implementation of an Urban Forestry Management Plan or tree planting programs;</i></li> <li>• <i>Use of energy efficient street lighting fixtures;</i></li> <li>• <i>Limit the installation of natural gas infrastructure and appliances;</i></li> <li>• <i><u>Provide electric-vehicle charging stations in excess of minimum requirements;</u></i></li> <li>• <i><u>Construct separated on-site paths for alternative vehicles such as electric scooters, electric skateboards, and electric bicycles;</u></i></li> <li>• <i><u>Construct dedicated parking spaces for carsharing services;</u></i></li> </ul>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<ul style="list-style-type: none"> <li>• <i>Require commercial tenants at the project site to provide transit subsidies to employees;</i></li> <li>• <i>Implement relevant measures from Mitigation Measure 3-11; and</i></li> <li>• <i>Purchase of off-site mitigation credits.<sup>1</sup></i></li> </ul>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
<b>3-54 Economic and social change and/or effect that result in urban decay (reference Impact 4.10-2).</b>	S	<p>3-54(a) <i>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 <del>employee</del>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 <del>employee</del>project-generated demand.</i></p> <p>3-54(b) <i>Prior to <del>building permit issuance</del><u>approval of the final planned development</u> 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 of this requirement is to ensure that the hotel developed within the ARC Project will not re-allocate demand from</i></p>	LS

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<i>existing Davis hotels, but will instead help the City to provide new hotel offerings that will satisfy <del>currently</del> unmet demand.</i>	
<b>3-70 Conflict with a program, plan ordinance, or policy addressing the circulation system under Existing Plus Project conditions (reference Impacts 4.14-1 and 4.14-2).</b>	S	<p><i>ARC Project and Mace Triangle</i></p> <p>3-70(a) <i>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. <u>Existing conditions should represent conditions present at the time of each study.</u> 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.</i></p>	SU

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>Intersection improvements</u>            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.</p> <ol style="list-style-type: none"> <li>1. <u>Southbound Mace Boulevard:</u> Extend the second eastbound/southbound lane from Harper Junior High School to Alhambra Drive. Add a third southbound lane from 2<sup>nd</sup> Street to connect with the dedicated right-turn lane onto the I-80 WB on-ramps.</li> <li>2. <u>Northbound Mace Boulevard:</u> 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/2<sup>nd</sup> Street/CR 32A intersection. Add a second northbound/westbound lane from 2<sup>nd</sup> to the Harper Junior High School signalized intersection.</li> <li>3. <u>Mace Boulevard/Chiles Road and Chiles Road/I-80 EB Off-Ramp Intersections:</u> 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</li> </ol>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>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.</i></p> <p>4. <u><i>I-80 Eastbound Loop On-Ramp:</i></u> <i>This on-ramp consists of a single entry lane from southbound Mace Boulevard, which widens to a metered general purpose lane and an unmetered 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 unmetered 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</i></p>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>been considered by Caltrans elsewhere in the Sacramento region.</i></p> <p>5. <u>Mace Boulevard/2<sup>nd</sup> Street/CR 32A Intersection:</u> <i>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.</i></p> <p>6. <u>Mace Boulevard/Alhambra Drive/South ARC Driveway Intersection:</u> <i>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.</i></p> <p>7. <u>Mace Boulevard/CR 30B/North ARC Driveway Intersection:</u> <i>Install a traffic signal. Provide a southbound left-turn lane and two through lanes. Provide a northbound through lane and shared through-right lane.</i></p> <p>8. <u>CR 32A/Mace Park-and-Ride/West ARC Driveway Intersection:</u> <i>Install a traffic signal. Provide a southbound left-turn lane and a shared through-right lane. Provide an eastbound left-turn lane.</i></p> <p>9. <u>UPRR at-grade rail crossing improvements:</u> <i>The UPRR track/CR 32A crossing could be converted</i></p>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>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.</i></p> <p>10. <u>I-80/CR 32A interchange improvements:</u>  <i>Construct capacity improvements at the CR 32 interchange and along CR 32A to allow this interchange to serve more project traffic.</i></p> <p>3-70(b) <i>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</i></p>	



		<p>vehicle trips on I-80 shall be calculated on the following segments:</p> <ol style="list-style-type: none"> <li>1. <i>Between Pedrick Road and Kidwell Road</i></li> <li>2. <i>Between Richards Boulevard and Mace Boulevard</i></li> <li>3. <u><i>Between Mace Boulevard and Chiles Road</i></u></li> <li>4. <i>East of Chiles Road (i.e., the Yolo Causeway)</i></li> </ol> <p><i>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.</i></p> <p><i>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.</i></p> <p>3-70(c) <i>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 implementation of this mitigation</i></p>	
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**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<i>measure shall be assigned to the ARC and Mace Triangle on a fair share basis.</i>	
<b>3-74 Impacts associated with Construction Vehicle Traffic (reference Impact 4.14-8).</b>	S	<p>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 facilities are maintained during construction. At a minimum, the Plan shall include:</p> <ul style="list-style-type: none"> <li>• The number of truck trips, time, and day of street closures;</li> <li>• Time of day of arrival and departure of trucks;</li> <li>• Limitations on the size and type of trucks</li> <li>• Provision of a staging area with a limitation on the number of trucks that can be waiting;</li> <li>• <u>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. This could include extending hauling activities across a 45-day period in order to lessen the daily or hourly effects associated with haul truck traffic;</u></li> </ul>	LS

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<ul style="list-style-type: none"> <li>• <i>Provision of a truck circulation pattern that minimizes impacts to existing vehicle traffic during peak traffic flows and maintains safe bicycle circulation;</i></li> <li>• <i>Minimize use of CR 32A by construction truck traffic;</i></li> <li>• <i>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;</i></li> <li>• <i>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);</i></li> <li>• <i>Maintain safe and efficient access routes for emergency vehicles;</i></li> <li>• <i>Manual traffic control when necessary;</i></li> <li>• <i>Proper advance warning and posted signage concerning street closures; and</i></li> <li>• <i>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</i></li> </ul>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<i>before the commencement of construction that would partially or fully obstruct roadways.</i>	
<b>3-75 Impacts to Pedestrian and Bicycle Facilities (reference Impact 4.14-9).</b>	S	<p>3-75(c) <i>The project applicant shall identify and construct complete streets improvements on the Mace Boulevard corridor, including the following actions:</i></p> <p style="margin-left: 40px;">1) <i>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.<sup>1</sup> At a minimum, the corridor plan shall identify complete streets improvements that achieve the following goals:</i></p> <ul style="list-style-type: none"> <li><i>a. Provide safe and comfortable access for pedestrian and bicyclists</i></li> <li><i>b. Minimize the potential for bicycle-vehicle and pedestrian-vehicle conflicts</i></li> <li><i>c. Provide fast and efficient transit operations</i></li> <li><i>d. Minimize cut-through traffic on residential roadways</i></li> <li><i>e. Avoid operating conditions that degrade roadway safety (e.g., off-ramp queue spillback to freeway mainline)</i></li> </ul> <p style="margin-left: 40px;"><i>The corridor plan shall be prepared to the satisfaction of the City of Davis Public Works</i></p>	SU

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>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.</i></p> <p>2) <i>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</i></p>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>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 &amp; Peers (2020). Potential improvements include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <li><i>a. Improvements to on- and off-street bicycle facilities on Mace Boulevard and connecting roadways, including Covell Boulevard, Alhambra Drive, 2<sup>nd</sup> Street, CR 32A, and Chiles Road.</i></li> <li><i>b. Improvements to bicycle and pedestrian crossings at the following intersections:</i> <ul style="list-style-type: none"> <li><i>i. Mace Boulevard/Alhambra Drive;</i></li> <li><i>ii. Mace Boulevard/2<sup>nd</sup> Street/CR 32A;</i></li> <li><i>iii. Mace Boulevard/I-80 WB Ramps;</i></li> </ul> </li> </ul>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p style="text-align: right;">iv. Mace Boulevard/I-80 EB Ramps; and                      v. Mace Boulevard/Chiles Road.</p> <p><i>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.</i></p> <p><i>Improvements identified in the focused transportation impact study should achieve the following performance measures:</i></p>	

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<ul style="list-style-type: none"> <li>a. <i>Reduce the number and/or severity of bicycle-vehicle and pedestrian-vehicle conflict points <u>at intersections, at intersection approaches, and on roadway segments.</u></i></li> <li>b. <i>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.</i></li> <li>c. <i>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.</i></li> <li>d. <i>Eliminate otherwise anticipated increases in cut-through traffic on residential roadways that would be caused by the ARC Project.</i></li> <li>e. <i>Eliminate otherwise anticipated vehicle queuing that would be caused</i></li> </ul>	



**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>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.</i></p> <p><i>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.</i></p>	
3-76 Impacts to Transit Services (reference Impact 4.14-10).	S	<p>3-76(a) <i>Prior to the <del>issuance of the first certificate of occupancy</del> 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</i></p>	SU

**TABLE 2-2  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<i>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.</i>	

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## 4. MITIGATION MONITORING AND REPORTING PROGRAM

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# 4

## MITIGATION MONITORING AND REPORTING PROGRAM

### 4.1 INTRODUCTION

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

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

### 4.2 COMPLIANCE CHECKLIST

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

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

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

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

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

### **4.3 MITIGATION MONITORING AND REPORTING PROGRAM**

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The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

The ARC Project will be built-out over an extended period of time, a factor which is relevant to successful monitoring and reporting of the mitigation measure requirements set forth in this SEIR. As a result, the list of mitigation measures in the Mitigation Monitoring and Reporting Program (MMRP) for this SEIR will be arranged in chronological order with respect to the order of approvals needed to enable physical development of the property. For each impact, the MMRP identifies whether the Mitigation Measures are applicable to the ARC Project only, Mace Triangle only, or both the ARC Project and Mace Triangle.

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
<b>Aesthetics and Visual Resources (reference Section 4.1 of the Certified Final EIR)</b>					
3-3	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area (reference Impact 4.1-3).	<p><i>ARC Project and Mace Triangle</i></p> <p>3-3     <i>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 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.</i></p>	City of Davis Department of Community Development and Sustainability	In conjunction with submittal of improvement plans for the Mace Triangle and each phase of development for the ARC Site	
3-4	Conflict, or create inconsistency, with any applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating	<p><i>ARC Project and Mace Triangle</i></p> <p>3-4     <i>At or prior to final planned development, or tentative map submittal, whichever occurs first, the applicant shall submit landscape and architectural details to the</i></p>	City of Davis Department of Community Development	At or prior to final planned development or tentative map	

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	environmental effects related to aesthetics and visual resources (reference Impact 4.1-4).	<p style="text-align: center;"><i>Department of Community Development and Sustainability showing the following:</i></p> <p style="text-align: center;"><i>Landscaping</i></p> <ul style="list-style-type: none"> <li>• <i>Research/office/R&amp;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.</i></li> <li>• <i>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</i></li> </ul>	and Sustainability	submittal, whichever occurs first	

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		<p style="text-align: center;"><i>and commissions.</i></p> <ul style="list-style-type: none"> <li>• <i>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.</i></li> </ul> <p style="text-align: center;"><i>Architecture</i></p> <ul style="list-style-type: none"> <li>• <i>A scale transition between intensified land uses and adjoining lower intensity land uses shall be provided, as applicable.</i></li> <li>• <i>Taller buildings shall be stepped back at upper levels in areas with a relatively smaller-scale character.</i></li> <li>• <i>Buildings shall be varied in size, density and design.</i></li> <li>• <i>Stored materials, goods, parts or equipment shall be screened from adjacent public streets or highways.</i></li> <li>• <i>Loading facilities shall be designed as an integral part of</i></li> </ul>			



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		<p style="text-align: center;"><i>the building(s) which they serve and shall be located in an inconspicuous manner.</i></p> <ul style="list-style-type: none"> <li>• <i>Roof mounted equipment shall be screened from view of any ground level area accessible to the general public.</i></li> <li>• <i>Trash enclosures, noise generating equipment, and other nuisances shall be adequately screened or located away from any adjacent residential use.</i></li> </ul>			
<b>Agricultural and Forest Resources (reference Section 4.2 of the Certified Final EIR)</b>					
3-5	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 (reference Impact 4.2-1).	<p><i>ARC Project</i></p> <p><i>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</i></p>	City of Davis City Council	Prior to initiation of grading activities, for each phase of development at the ARC Site	

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		<p><i>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.03.060 of the City's Municipal Code.</i></p>			
		3-5(b) <i>The ARC Master Owners' Association</i>	ARC Master	During interim	

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		<p><i>(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.</i></p>	<p>Owners' Association (MOA)</p> <p>Yolo County Agricultural Commissioner</p> <p>City of Davis Department of Community Development and Sustainability</p>	<p>operations of the ARC Site until the ARC Site can be fully built out</p>	
3-7	<p>Result in the loss of forest or agricultural land or conversion of forest or agricultural land to non-forest or non-agricultural use (reference Impact 4.2-</p>	<p><i>ARC Project</i></p> <p><i>3-7(a) Implement Mitigation Measures 3-5(a) and (b).</i></p> <p><i>Mace Triangle</i></p>	<p>See Mitigation Measures 3-5(a) and (b).</p>	<p>See Mitigation Measures 3-5(a) and (b).</p>	

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	3).	<p>3-7(b) <i>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:</i></p> <ul style="list-style-type: none"> <li>• <i>APN 033-630-011 (Ikeda's): Mitigate conversion of approximately 2.5 acres at a 2:1 ratio = 5 acres</i></li> <li>• <i>APN 033-630-012 (Easternmost Parcel): Mitigate conversion of approximately 8.4 acres at a 2:1 ratio = 16.8 acres</i></li> </ul> <p><i>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 Mace Triangle Site as well as any off-site</i></p>	City of Davis City Council	Prior to initiation of grading activities for APN 033-630-012 or APN 033-630-011 within the Mace Triangle Site	

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		<i>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 of the City's Municipal Code.</i>			
3-8	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 (reference Impact 4.2-4).	<p><i>ARC Project</i></p> <p>3-8(a) <i>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 Services'<sup>1</sup> 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</i></p>	<p>Yolo County Agricultural Commissioner</p> <p>Community Development and Sustainability Director</p>	The landscaping plans showing the barrier plantings shall be reviewed and approved with the Tentative Subdivision map creating the residential lots. Installation shall occur prior to the construction of residential uses within 300 feet of neighboring	

<sup>1</sup> 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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		<p><i>Director prior to issuance of residential building permit within 300 feet of neighboring agriculture.</i></p> <p>3-8(b) <i>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 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.</i></p>	ARC Master Owners' Association (MOA)	<p>agriculture at the ARC Site</p> <p>Prior to the public use of the recreational bicycle and pedestrian trails located within the agricultural transition area</p>	
<b>Air Quality (reference Section 4.3 of the Certified Final EIR)</b>					
3-10	Violate any air quality standard or contribute	ARC Project and Mace Triangle			

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	substantially to an existing or projected air quality violation during construction (reference Impact 4.3-1).	<p>3-10</p> <p><i>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 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 30 percent NOx 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.</i></p> <p><i>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.</i></p>	City of Davis Department of Community Development and Sustainability and Department of Public Works	Prior to approval of any grading or demolition plans	

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		<i>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.</i>			
3-11	Violate any 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 (reference Impact 4.3-2).	<p><i>ARC Project and Mace Triangle</i></p> <p><i>3-11 Prior to approval of any subsequent 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 NOx, and PM<sub>10</sub>. 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</i></p>	<p>City of Davis</p> <p>Yolo-Solano Air Quality Management District</p>	Prior to approval of any subsequent entitlement or permit	



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		<p><i>mitigation project is located. On-site actions may include, but shall not be limited to the following:</i></p> <ul style="list-style-type: none"> <li>• <i>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;</i></li> <li>• <i>Using concrete or other non-emitting materials for parking lots instead of asphalt;</i></li> <li>• <i>Reducing vehicle trips through implementation of a Traffic Demand Management program, such as that required in Mitigation Measure 3-72(a);</i></li> <li>• <i>Using passive heating and cooling systems for buildings;</i></li> <li>• <i>Using natural lighting in buildings to the extent practical;</i></li> <li>• <i>Installing mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals;</i></li> <li>• <i>Providing electric outlets outside of buildings, sufficient to allow for use of electric landscaping equipment;</i></li> <li>• <i>Hiring landscaping companies</i></li> </ul>			

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		<p style="text-align: center;"><i>that use primarily electric landscaping equipment;</i></p> <ul style="list-style-type: none"> <li>• <i>Using zero-VOC paints, finishes, adhesives, and cleaning supplies on all buildings on the project site;</i></li> <li>• <i>Employing vehicle fleets that use only cleaner-burning fuels;</i></li> <li>• <i>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</i></li> <li>• <i>Providing electrical vehicle charging stations in excess of local and/or State standards in each phase of the project.</i></li> </ul> <p style="text-align: center;"><i>Off-site actions may include, but shall not be limited to, the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Retrofitting stationary sources such as back-up generators or boilers with new technologies that reduce emissions;</i></li> <li>• <i>Replacing diesel agriculture water pumps with alternative fuels;</i></li> <li>• <i>Funding projects within an</i></li> </ul>			

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		<p style="text-align: center;"><i>adopted bicycle/pedestrian plan;</i></p> <ul style="list-style-type: none"> <li>• <i>Replacing non-USEPA wood-burning devices with natural gas or USEPA-approved fireplaces;</i></li> <li>• <i>Providing energy efficiency upgrades at government buildings;</i></li> <li>• <i>Installing alternative energy supply on buildings;</i></li> <li>• <i>Replacing older landscape maintenance equipment with newer, lower-emission equipment;</i></li> <li>• <i>Payment of mitigation fees into an established air district emissions offset program.</i></li> </ul> <p style="text-align: center;"><i>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<sub>x</sub>, and PM<sub>10</sub> 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</i></p>			

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		<p><i>Management District, or the Placer County Air Pollution Control District).</i></p> <p><i>In General, emissions reduction measures implemented for development within the ARC Site shall use the following prioritization:</i></p> <ul style="list-style-type: none"> <li>• <i>First Priority – building specific actions;</i></li> <li>• <i>Second priority – onsite (within ARC Site) actions;</i></li> <li>• <i>Third priority – community based (within Davis) actions;</i></li> <li>• <i>Fourth priority – within YSAQMD jurisdiction;</i></li> <li>• <i>Fifth priority – within the Sacramento Federal Nonattainment Area; and</i></li> <li>• <i>Sixth priority – within California.</i></li> </ul>			
<b>Biological Resources (reference Section 4.4 of the Certified Final EIR)</b>					
3-15	Impacts related to special-status plant species (reference Impact 4.4-1).	<p><i>ARC Project and Mace Triangle</i></p> <p>3-15 <i>To ensure avoidance and minimization of potential impacts to special-status plant species, the following measures shall be implemented:</i></p> <ul style="list-style-type: none"> <li>• <i>Prior to initiation of any ground</i></li> </ul>	City of Davis Department of Community Development and Sustainability	Prior to initiation of any ground disturbance activities occurring after August 7, 2022	

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		<p><i>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.</i></p> <p><i>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</i></p>	California Department of Fish and Wildlife	for the Mace Triangle and for each phase of the ARC Project	

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		<i>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.</i>			
3-16	Impacts to valley elderberry longhorn beetle (reference Impact 4.4-2).	<p><i>ARC Project</i></p> <p>3-16  <i>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:</i></p> <ul style="list-style-type: none"> <li>• <i>The project proponent will retain a qualified biologist who is</i></li> </ul>	<p>City of Davis</p> <p>Yolo Habitat Conservancy (YHC)</p>	<p>Prior to on-site and off-site infrastructure work, for each phase of development at the ARC Project</p>	

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		<p><i>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 circumstances, as described in AMM-1 (Establish Buffers) of the Yolo HCP/NCCP.</i></p> <ul style="list-style-type: none"> <li>• <i>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</i></li> </ul>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM            AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<p style="text-align: center;"><i>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.</i></p> <ul style="list-style-type: none"> <li>• <i>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</i></li> </ul>			



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		<p><i>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.</i></p> <ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>Transplanting will follow the following measures:</i> <ol style="list-style-type: none"> <li>1. <i>Monitor: A qualified biologist will be on-site for the duration of the</i></li> </ol> </li> </ul>			

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		<p style="text-align: center;"><i>transplanting of the elderberry shrubs to ensure the effects on elderberry shrubs are minimized.</i></p> <p style="text-align: center;"><i>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.</i></p> <p style="text-align: center;"><i>3. Transplantation procedure:</i></p> <p style="text-align: center;"><i>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</i></p>			

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		<p style="text-align: right;"><i>the trunk and stems measuring one inch or greater in diameter. Remove leaves that remain on the plants.</i></p> <p style="text-align: right;"><i>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.</i></p>			
3-17	Impacts to giant garter snake (CGS) (reference Impact 4.4-3).	<p><i>ARC Project</i></p> <p><i>3-17</i></p> <p><i>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</i></p>	<p>Yolo Habitat Conservancy</p> <p>City of Davis</p> <p>California Department of Fish and Wildlife</p> <p>U.S. Fish and Wildlife Services</p>	<p>Prior to and during any on-site and off-site grading or infrastructure work, for each phase of development of the ARC Site</p>	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>City and the YHC. AMM-15 provides:</i></p> <p><i>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).</i></p> <p><i>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).</i></p> <ul style="list-style-type: none"> <li>• <i>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</i></li> </ul>			

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		<p style="text-align: center;"><i>period of two weeks or more, conduct another preconstruction clearance survey within 24 hours prior to resuming construction activity.</i></p> <ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>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</i></li> </ul>			

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		<p><i>discourage use by snakes.</i></p> <ul style="list-style-type: none"> <li><i>• 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.</i></li> <li><i>• 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.</i></li> <li><i>• If a live giant garter snake is encountered during construction activities, immediately notify the project's biological monitor and USFWS and CDFW. The monitor</i></li> </ul>			

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		<p><i>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.</i></p> <ul style="list-style-type: none"> <li>• <i>Employ the following management practices to minimize disturbances to habitat:</i> <ul style="list-style-type: none"> <li>▪ <i>Install temporary fencing to identify and protect adjacent marshes, wetlands, and ditches from encroachment from construction equipment and personnel.</i></li> <li>▪ <i>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,</i></li> </ul> </li> </ul>			

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		<p style="text-align: center;"><i>monofilament, jute, or similar erosion-control matting that could entangle snakes or other wildlife will be permitted.</i></p> <p><i>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 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</i></p>			



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		<p><i>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.</i></p> <p><i>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</i></p>			

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		<p><i>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.</i></p> <p><i>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.</i></p>			
3-18	Impacts to burrowing owl (reference Impact 4.4-4).	<p><i>ARC Project and Mace Triangle</i></p> <p>3-18 <i>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 Effects on Western Burrowing</i></p>	<p>Yolo Habitat Conservancy</p> <p>City of Davis</p> <p>California Department of Fish and Wildlife</p> <p>U.S. Fish and Wildlife Services</p>	Prior to and during any on-site and off-site grading or infrastructure work for each phase of development	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>Owl) to the satisfaction of the City and the YHC. AMM-18<sup>2</sup> provides:</i></p> <p><i>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).</i></p> <p><i>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</i></p>			

<sup>2</sup> 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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		<p><i>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).</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th colspan="4" style="text-align: center;"><b>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</b></th> </tr> <tr> <th colspan="2"></th> <th colspan="2" style="text-align: center;"><b>Level of Disturbance (feet) from Occupied Burrows</b></th> </tr> <tr> <th style="text-align: center;"><b>Time of Year</b></th> <th style="text-align: center;"><b>Low</b></th> <th style="text-align: center;"><b>Medium</b></th> <th style="text-align: center;"><b>High</b></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><i>April 1 – August 15</i></td> <td style="text-align: center;"><i>600</i></td> <td style="text-align: center;"><i>1,500</i></td> <td style="text-align: center;"><i>1,500</i></td> </tr> <tr> <td style="text-align: center;"><i>August 16 – October 15</i></td> <td style="text-align: center;"><i>600</i></td> <td style="text-align: center;"><i>600</i></td> <td style="text-align: center;"><i>1,500</i></td> </tr> <tr> <td style="text-align: center;"><i>October 16-March 31</i></td> <td style="text-align: center;"><i>150</i></td> <td style="text-align: center;"><i>300</i></td> <td style="text-align: center;"><i>1,500</i></td> </tr> </tbody> </table> <p><i>The Yolo HCP/NCCP generally defines low, medium, and high levels of disturbances of burrowing owls as follows.</i></p> <ul style="list-style-type: none"> <li>• <i>Low: Typically 71-80 dB, generally characterized by the presence of passenger vehicles,</i></li> </ul>	<b>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</b>						<b>Level of Disturbance (feet) from Occupied Burrows</b>		<b>Time of Year</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>	<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>			
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		<p><i>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 would also constitute a low level of disturbance, regardless of the noise levels.</i></p> <ul style="list-style-type: none"> <li>• <i><u>Moderate</u>: 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.</i></li> <li>• <i><u>High</u>: Typically 91-100 dB, and is generally characterized by</i></li> </ul>			

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		<p><i>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.</i></p> <p><i>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).</i></p>			

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		<p><i>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.</i></p> <p><i>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</i></p>			

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		<p><i>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 an AMM plan that is approved by the Conservancy, CDFW, and USFWS prior to project construction, based on the following criteria:</i></p> <ul style="list-style-type: none"> <li>• <i>The Conservancy, CDFW, and USFWS approves the AMM plan provided by the project proponent.</i></li> <li>• <i>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).</i></li> <li>• <i>The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.</i></li> <li>• <i>If the qualified biologist identifies a change in owl nesting and</i></li> </ul>			



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		<p><i>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.</i></p> <ul style="list-style-type: none"> <li>• <i>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</i></li> </ul>			

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		<p style="text-align: center;"><i>collapse the burrow in accordance with CDFW's 2012 guidelines to prevent reoccupation after receiving approval from the wildlife agencies.</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>• A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).</i></li> <li><i>• The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.</i></li> </ul>			

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		<ul style="list-style-type: none"> <li>• <i>If there is any change in owl roosting and foraging behavior as a result of construction activities, these activities will cease within the buffer.</i></li> <li>• <i>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 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.</i></li> </ul> <p style="text-align: center;"><i>Monitoring must continue as described above for the nonbreeding season as long as the burrow remains active.</i></p> <p style="text-align: center;"><i>A qualified biologist will monitor the site, consistent with the requirements described above, to ensure that buffers are enforced</i></p>			

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		<p><i>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</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM          AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<i>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.</i>			
3-19	Impacts to Swainson’s hawk (reference Impact 4.4-5).	<p><i>ARC Project and Mace Triangle</i></p> <p>3-19 <i>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-</i></p>	<p>Yolo Habitat Conservancy</p> <p>City of Davis</p> <p>California Department of Fish and Wildlife</p> <p>U.S. Fish and Wildlife Services</p>	<p>Prior to and during any on-site and off-site grading or infrastructure work for each phase of development</p>	

<b>MITIGATION MONITORING AND REPORTING PROGRAM            AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>Tailed Kite) to the satisfaction of the City and the YHC. AMM-16<sup>3</sup> provides:</i></p> <p><i>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.</i></p> <p><i>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</i></p>			

<sup>3</sup> 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).]

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>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</i></p>			

MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>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.</i></p> <p><i>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.</i></p>			
3-20	Impacts to raptors, nesting birds, or other birds protected under the MBTA (reference	<p>ARC Project</p> <p>3-20(a) <u>White-tailed kite.</u> To ensure avoidance and minimization of impacts to White-</p>	Yolo Habitat Conservancy	Prior to and during any on-	



<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
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	Impact 4.4-6).	<p><i>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<sup>4</sup> provides:</i></p> <p><i>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.</i></p>	<p>City of Davis</p> <p>California Department of Fish and Wildlife</p> <p>U.S. Fish and Wildlife Services</p>	<p>site and off-site grading or infrastructure work for each phase of development of the ARC Site</p>	

<sup>4</sup> 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).]

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>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</i></p>			

MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>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.</i></p> <p><i>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</i></p>			

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		<p style="text-align: center;"><i>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.</i></p> <p><i>ARC Project</i></p> <p>3-20(b) <u>Tricolored blackbird.</u> <i>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<sup>5</sup> provides:</i></p>	<p>Yolo Habitat Conservancy</p> <p>California Department of Fish and Wildlife</p> <p>U.S. Fish and Wildlife Services</p> <p>City of Davis</p>	<p>Prior to and during any on-site and off-site grading or infrastructure work for each phase of development of the ARC Site, if occurring outside of the nesting season (March 1 to July 30)</p>	

<sup>5</sup> 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).]

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>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).</i></p>			

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		<p><i>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.</i></p> <p><i>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</i></p>			

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		<p style="text-align: center;"><i>parcels are visible from authorized areas.</i></p> <p><i>ARC Project and Mace Triangle</i></p> <p>3-20(c) <u>Northern harrier, mountain plover, Modesto song sparrow and other migratory birds.</u> <i>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:</i></p> <ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>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</i></li> </ul>	<p>City of Davis Department of Community Development and Sustainability</p> <p>Department of Public Works</p>	<p>Prior to site disturbance or construction activity that occurs within the breeding season (February 1 to August 31)</p>	

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		<p><i>phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 100-foot radius for MBTA birds, and a 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.</i></p> <ul style="list-style-type: none"> <li>• <i>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:</i> <ul style="list-style-type: none"> <li>○ <i>Stop all work within a 100-foot radius of the discovery.</i></li> <li>○ <i>Notify the City of Davis Department of Community Development and Sustainability and</i></li> </ul> </li> </ul>			



MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Public Works.</i></p> <ul style="list-style-type: none"> <li>○ <i>Do not resume work within the 100-foot radius until authorized by the biologist.</i></li> </ul> <p><i>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.</i></p>			
3-21	Impacts to riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS (reference Impact 4.4-7).	<p><i>ARC Project</i></p> <p>3-21 <i>The project applicant for the ARC Site shall implement the following measure to avoid or minimize impacts to the Mace Drainage Channel:</i></p> <ul style="list-style-type: none"> <li>• <i>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</i></li> </ul>	<p>California Department of Fish and Wildlife</p> <p>City of Davis Department of Community Development and Sustainability</p>	Prior to conducting non-maintenance work within the bed and banks in the Mace Drainage Channel for any phase of development	

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		<i>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.</i>			
3-26	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 (reference Impact 4.4-12).	<p><i>ARC Project</i></p> <p style="text-align: center;">3-26</p> <p><i>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</i></p>	<p>City of Davis Department of Community Development and Sustainability</p> <p>Department of Public Works</p>	At or prior to final planned development or tentative map submittal, whichever occurs first	

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		<i>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.</i>			

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<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
<b>Cultural Resources (reference Section 4.5 of the Certified Final EIR)</b>					
3-27	Cause a substantial adverse change in the significance of a historical resource (reference Impact 4.5-1).	<p><i>ARC Project</i></p> <p>3-27      <i>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. 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</i></p>	City of Davis Department of Community Development and Sustainability	If the northerly off-site sewer alignment is selected for the ARC Project, then prior to approval of design-level improvements plans for the off-site sewer pipe	

MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
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		<p><i>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.</i></p> <p><i>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,</i></p>	<p>Department of Community Development and Sustainability</p>	<p>If the northerly off-site sewer alignment is selected for the ARC Project, then prior to approval of design-level improvements plans for the off-site sewer pipe</p>	

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<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>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.</i></p> <p><i>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.</i></p>			
3-28	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section	<p><i>ARC Project</i></p> <p><i>3-28(a) Prior to approval of any on- and/or off-site improvement plans for development within the areas designated as having</i></p>	City of Davis Department of Community	Prior to approval of any on-and/or off-site	

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<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
	15064.5 (reference Impact 4.5-2).	<i>“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</i>	Development and Sustainability	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	

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		<p><i>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.</i></p> <p><i>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.</i></p>			
		<p><i>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</i></p>	<p>City of Davis Department of Community Development and</p>	<p>If the northerly off-site sewer alignment is selected for the ARC Project,</p>	



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		<p><i>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</i></p>	Sustainability	then prior to approval of design-level improvement plans for the off-site sewer pipe	

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		<p><i>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.</i></p> <p><i>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.</i></p> <p><i>ARC Project and Mace Triangle</i></p> <p><i>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</i></p>			
			<p>City of Davis            Department of            Community            Development            and            Sustainability</p>	<p>During grading            or construction            activities and            included in the            language of any            future grading            plans, utility            plans,            subdivision</p>	

MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>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 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.</i>		improvement drawings approved by the City for the ARC Site and/or 16.49-acre Mace Triangle Site	
3-29	<b>Directly or indirectly destroy a unique paleontological resource or unique geologic feature on the project site (reference Impact 4.5-3).</b>	ARC Project and Mace Triangle  3-29 <i>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</i>	City of Davis	During grading or construction activities and included in the language of any future grading plans, utility plans, subdivision	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<i>to authenticity, completeness, 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.</i>		improvement drawings approved by the City for the ARC Site and/or 16.49-acre Mace Triangle Site	
3-30	Disturb any human remains, including those interred outside of formal cemeteries (reference Impact 4.5-4).	<p><i>ARC Project and Mace Triangle</i></p> <p>3-30 <i>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</i></p>	<p>California Native American Heritage Commission</p> <p>Yolo County Coroner</p> <p>City of Davis</p>	During grading and construction activities	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<i>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.</i>			
<b>Geology, Soils, and Mineral Resources (reference Section 4.6 of the Certified Final EIR)</b>					
3-33	Result in substantial soil erosion or loss of topsoil (reference Impact 4.6-2).	<i>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</i>	<i>Regional Water Quality Control Board  City of Davis</i>	<i>Prior to initiation of any grading activities for each phase of development at the ARC Site or Mace Triangle Site</i>	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<i>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.</i>			
3-34	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 (reference Impact 4.6-3).	<p><i>ARC Project</i></p> <p><i>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:</i></p>	<p>City of Davis Building Inspection Division</p> <p>City of Davis Public Works Department</p>	Prior to final design approval and issuance of building permits for each phase of the ARC Project	

<b>MITIGATION MONITORING AND REPORTING PROGRAM            AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<ul style="list-style-type: none"> <li>• <i>Compaction specifications and subgrade preparation for on-site soils;</i></li> <li>• <i>Structural foundations, including retaining wall design (if applicable);</i></li> <li>• <i>Grading practices; and</i></li> <li>• <i>Expansive/unstable soils, including fill.</i></li> </ul> <p style="text-align: center;"><i>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.</i></p> <p><i>Mace Triangle</i></p> <p>3-34(b) <i>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 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</i></p>	City of Davis Building Inspection Division	Prior to final design approval and issuance of building permits for future on-site development for the Mace Triangle Site	

<b>MITIGATION MONITORING AND REPORTING PROGRAM                  AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<i>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.</i>			
3-35	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 (reference Impact 4.6-4).	<p><i>ARC Project</i></p> <p>3-35(a) <i>Implement Mitigation Measure 3-34(a).</i></p> <p><i>Mace Triangle</i></p> <p>3-35(b) <i>Implement Mitigation Measure 3-34(b).</i></p>	<p>See Mitigation Measure 3-34(a).</p> <p>See Mitigation Measure 3-34(b).</p>	<p>See Mitigation Measure 3-34(a).</p> <p>See Mitigation Measure 3-34(b).</p>	
<b>Greenhouse Gas Emissions and Energy (reference Section 4.7 of the Certified Final EIR)</b>					
3-37	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (reference Impact 4.7-1).	<p><i>ARC Project</i></p> <p>3-37(a) <i>Implement Mitigation Measures 3-11, 3-72(a), and 3-72(b).</i></p> <p><i>Mace Triangle</i></p> <p>3-37(b) <i>Implement Mitigation Measure 3-11.</i></p>	<p>See Mitigation Measures 3-11, 3-72(a), and 3-72(b).</p> <p>See Mitigation Measure 3-11.</p>	<p>See Mitigation Measures 3-11, 3-72(a), and 3-72(b).</p> <p>See Mitigation Measure 3-11.</p>	



<b>MITIGATION MONITORING AND REPORTING PROGRAM            AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
3-38	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (reference Impact 4.7-2).	<p><i>ARC Project</i></p> <p>3-38(a) <i>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 MTCO<sub>2</sub>e/yr, which would achieve carbon neutrality. Individual projects may choose one of the following methods for complying with this goal:</i></p> <p style="margin-left: 40px;"><i>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</i></p>	City of Davis Department of Community Development and Sustainability	Prior to issuance of building permits for each individual development on the ARC Site	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<p><i>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.</i></p> <p>2. <i>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 MTCO<sub>2</sub>e/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</i></p>			

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		<p><i>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 MTCO<sub>2</sub>e/yr from the emissions modeled herein, which would represent 6.4 percent of the total 37,724.31 MTCO<sub>2</sub>e/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.</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>• Trip and/or VMT reductions due participation in a Transportation Demand Management program or similar program;</i></li> <li><i>• Electrifying loading docks to reduce emissions from engine idling of Transport Refrigeration</i></li> </ul>			

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		<p style="text-align: center;"><i>Units;</i></p> <ul style="list-style-type: none"> <li>• <i>Inclusion of on-site renewable energy beyond the level anticipated in this analysis;</i></li> <li>• <i>Institution of a composting and recycling program in excess of local standards;</i></li> <li>• <i>Implementation of an Urban Forestry Management Plan or tree planting programs;</i></li> <li>• <i>Use of energy efficient street lighting fixtures;</i></li> <li>• <i>Limit the installation of natural gas infrastructure and appliances;</i></li> <li>• <i>Provide electric-vehicle charging stations in excess of minimum requirements;</i></li> <li>• <i>Construct separated on-site paths for alternative vehicles such as electric scooters, electric skateboards, and electric bicycles;</i></li> <li>• <i>Construct dedicated parking spaces for carsharing services;</i></li> <li>• <i>Require commercial tenants at the project site to provide transit subsidies to employees;</i></li> <li>• <i>Implement relevant measures from Mitigation Measure 3-11;</i></li> </ul>			

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p style="text-align: center;"><i>and</i></p> <ul style="list-style-type: none"> <li>• <i>Purchase of off-site mitigation credits.<sup>6</sup></i></li> </ul> <p style="text-align: center;"><i>In general, GHG reduction measures implemented for development within the ARC Site shall use the following prioritization:</i></p> <ul style="list-style-type: none"> <li>• <i>First priority – building specific actions;</i></li> <li>• <i>Second priority – onsite (within ARC Site) actions;</i></li> <li>• <i>Third priority – community based (within Davis) actions;</i></li> <li>• <i>Fourth priority – pay GHG reduction fees (carbon offsets) into a qualified existing local program, if one is in place; and</i></li> <li>• <i>Fifth priority – other demonstrated method of reducing emissions.</i></li> </ul> <p style="text-align: center;"><i>Thus, as development progresses within the project area, each individual development would be required to show GHG emissions reductions in keeping</i></p>			

<sup>6</sup> 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.

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>with the project-wide reduction requirement. Emissions reductions shall be demonstrated prior to issuance of building permits for each development within the ARC Site.</i></p> <p><i>Mace Triangle</i></p> <p>3-38(b) <i>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 MTCO<sub>2</sub>e/yr. Full operational and construction emissions shall be calculated for each individual development, at such time project level details are available, as required below:</i></p> <ul style="list-style-type: none"> <li>• <i>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</i></li> </ul>	<p>Department of Community Development and Sustainability</p>	<p>Prior to issuance of building permits for each individual development on the Mace Triangle Site</p>	

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		<p><i>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.</i></p> <p><i>Examples of measures that may be used by future development projects include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Trip and/or VMT reductions due participation in a Transportation Demand Management program or similar program;</i></li> <li>• <i>Electrifying loading docks to reduce emissions from engine idling of Transport Refrigeration Units;</i></li> <li>• <i>Inclusion of on-site renewable energy beyond the level</i></li> </ul>			

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		<p style="text-align: center;"><i>anticipated in this analysis;</i></p> <ul style="list-style-type: none"> <li>• <i>Institution of a composting and recycling program in excess of local standards;</i></li> <li>• <i>Implementation of an Urban Forestry Management Plan or tree planting programs;</i></li> <li>• <i>Use of energy efficient street lighting fixtures;</i></li> <li>• <i>Limit the installation of natural gas infrastructure and appliances;</i></li> <li>• <i>Implement relevant measures from Mitigation Measure 3-11; and</i></li> <li>• <i>Purchase of off-site mitigation credits.<sup>25</sup></i></li> </ul> <p style="text-align: center;"><i>In general, GHG reduction measures implemented for development within the ARC Site shall use the following prioritization:</i></p> <ul style="list-style-type: none"> <li>• <i>First priority – building specific actions;</i></li> <li>• <i>Second priority – onsite (within ARC Site) actions;</i></li> <li>• <i>Third priority – community based (within Davis) actions;</i></li> <li>• <i>Fourth priority – pay GHG</i></li> </ul>			



<b>MITIGATION MONITORING AND REPORTING PROGRAM          AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>reduction fees (carbon offsets) into a qualified existing local program, if one is in place; and</i></p> <ul style="list-style-type: none"> <li>• <i>Fifth priority – other demonstrated method of reducing emissions.</i></li> </ul> <p style="text-align: center;"><i>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.</i></p>			
3-40	Impacts related to energy associated with operations (reference Impact 4.7-4).	<p><i>ARC Project and Mace Triangle</i></p> <p style="text-align: center;"><i>3-40</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li>• <i>IT Systems;</i></li> <li>• <i>Air Management;</i></li> </ul>	City of Davis Department of Community Development and Sustainability	Prior to issuance of building permits for non- residential buildings that include data centers	

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		<ul style="list-style-type: none"> <li>• <i>Centralized Air Handling;</i></li> <li>• <i>Cooling Plant Optimization;</i></li> <li>• <i>On-Site Generation;</i></li> <li>• <i>Uninterruptible Power Supply Systems.</i></li> </ul> <p><i>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.</i></p>			
<b>Hazards and Hazardous Materials (reference Section 4.8 of the Certified Final EIR)</b>					
3-43	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 (reference Impact 4.8-2).	<p><i>ARC Project</i></p> <p><i>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.</i></p>	<p>Yolo County Environmental Health Services Department</p> <p>City of Davis Engineer</p>	Prior to any ground disturbance activities within 50 feet of a well on the ARC Site	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<p>3-43(b) <i>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 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.</i></p>	<p>City of Davis Department of Community Development and Sustainability</p>	<p>During construction activities within the former canal on APN 033- 630-009</p>	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>Mace Triangle</i></p> <p>3-43(c) <i>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.</i></p> <p><i>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:</i></p> <p><i>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).</i></p> <p><i>If the sampling results indicate the</i></p>	Yolo County Environmental Health Department	In conjunction with submittal of a final planned development and/or tentative map for any parcel in the Mace Triangle property	

MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>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.</i></p> <p><i>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></p>			
<b>Hydrology and Water Quality (reference Section 4.9 of the Certified Final EIR)</b>					

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
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3-47	Substantially alter the existing drainage pattern of the site or area, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site (reference Impact 4.9-1).	<p><i>ARC Project</i></p> <p><i>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.</i></p> <p><i>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</i></p>	City of Davis Public Works Department	In conjunction with submittal of the first final planned development for the ARC Site	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>			
		<p>3-47(b) <i>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</i></p>	<p>City of Davis Public Works Department</p>	<p>Prior to approval of the Phase 1 improvement plans for the ARC Site</p>	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>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.</i></p> <p><i>Mace Triangle</i></p> <p><i>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 detention or retention facilities, channel modification, or equally effective measures to control the rate and volume of runoff.</i></p> <p><i>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</i></p>	<p>City of Davis Public Works Department</p>	<p>In conjunction with submittal of each final planned development for the Mace Triangle Site</p>	



MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>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.</i></p> <p><i>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.</i></p>			
3-48	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 (reference	<p><i>ARC Project and Mace Triangle</i></p> <p>3-48 <i>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</i></p>	<p>City of Davis</p> <p>Regional Water Quality Control Board</p>	Prior to initiation of any ground disturbing activities and included in each discretionary development application	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
	Impact 4.9-2).	<i>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.</i>			
<b>Land Use and Urban Decay (reference Section 4.10 of the Certified Final EIR)</b>					
3-54	Economic and social change and/or effect that result in urban decay (reference Impact 4.10-2).	<i>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</i>	<i>City of Davis Department of Community Development and Sustainability</i>	<i>In conjunction with submittal of any planned development for the ARC Project that includes ancillary retail uses</i>	

MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>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.</i></p> <p>3-54(b) <i>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 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 unmet demand.</i></p>	City of Davis Department of Community Development and Sustainability	Prior to approval of the final planned development for the proposed hotel	
<b>Transportation and Circulation (reference Section 4.14 of the Certified Final EIR)</b>					
3-70	Conflict with a program, plan ordinance, or policy addressing the circulation system under	<p><i>ARC Project and Mace Triangle</i></p> <p>3-70(a) <i>In conjunction with submittal of a final planned development, or tentative map,</i></p>	Caltrans	In conjunction with submittal of	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
	Existing Plus Project conditions (reference Impacts 4.14-1 and 4.14-2).	<i>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.</i>	Yolo County  City of Davis Department of Community Development and Sustainability	a final planned development or tentative map, whichever occurs first, for each phase of development	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><u>Intersection improvements</u></p> <p><i>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.</i></p> <ol style="list-style-type: none"> <li>1. <u>Southbound Mace Boulevard:</u> Extend the second eastbound/southbound lane from Harper Junior High School to Alhambra Drive. Add a third southbound lane from 2<sup>nd</sup> Street to connect with the dedicated right-turn lane onto the I-80 WB on-ramps.</li> <li>2. <u>Northbound Mace Boulevard:</u> 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/2<sup>nd</sup> Street/CR 32A intersection. Add a second northbound/westbound lane from 2<sup>nd</sup> to the Harper Junior High School signalized intersection.</li> <li>3. <u>Mace Boulevard/Chiles Road and</u></li> </ol>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>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.</i></p> <p>4. <u>I-80 Eastbound Loop On-Ramp:</u></p>			

MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>This on-ramp consists of a single entry lane from southbound Mace Boulevard, which widens to a metered general purpose lane and an unmetered 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 unmetered 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.</i></p> <p>5. <u>Mace Boulevard/2<sup>nd</sup> Street/CR 32A Intersection</u>: 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</p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>ARC Driveway intersection to two through lanes.</i></p> <p>6. <u>Mace Boulevard/Alhambra Drive/South ARC Driveway Intersection:</u> <i>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.</i></p> <p>7. <u>Mace Boulevard/CR 30B/North ARC Driveway Intersection:</u> <i>Install a traffic signal. Provide a southbound left-turn lane and two through lanes. Provide a northbound through lane and shared through-right lane.</i></p> <p>8. <u>CR 32A/Mace Park-and-Ride/West ARC Driveway Intersection:</u> <i>Install a traffic signal. Provide a southbound left-turn lane and a shared through-right lane. Provide an eastbound left-turn lane.</i></p> <p>9. <u>UPRR at-grade rail crossing improvements:</u> <i>The UPRR track/CR 32A crossing could be converted from an at-grade crossing to a grade-separated crossing. A near-term improvement prior to provision of</i></p>			



<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<p style="text-align: center;"><i>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.</i></p> <p>10. <u>I-80/CR 32A interchange improvements:</u> Construct capacity improvements at the CR 32 interchange and along CR 32A to allow this interchange to serve more project traffic.</p>			
		<p>3-70(b) <i>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:</i></p> <p style="text-align: center;"><i>1. Between Pedrick Road and Kidwell Road</i></p>	The Master Owner's Association (MOA)	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)).	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="margin-left: 40px;">2. <i>Between Richards Boulevard and Mace Boulevard</i></p> <p style="margin-left: 40px;">3. <i>Between Mace Boulevard and Chiles Road</i></p> <p style="margin-left: 40px;">4. <i>East of Chiles Road (i.e., the Yolo Causeway)</i></p> <p><i>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.</i></p> <p><i>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</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM                  AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>percent of baseline levels.</i></p> <p>3-70(c) <i>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 implementation of this mitigation measure shall be assigned to the ARC and Mace Triangle on a fair share basis</i></p>	City of Davis Department of Community Development and Sustainability	Prior to issuance of certificates of occupancy	
3-71	Impacts to Local Neighborhood Street Traffic (reference Impact 4.14-5).	<p>ARC Project</p> <p>3-71 <i>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, 2<sup>nd</sup> Street, 5<sup>th</sup> Street, East 8<sup>th</sup> Street, Chiles Road,</i></p>	The City of Davis	Prior to final map approval	

<b>MITIGATION MONITORING AND REPORTING PROGRAM                  AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>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 85<sup>th</sup> 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 2<sup>nd</sup> Street, and avoiding using residential streets as cut-through routes.</i></p>			
3-72	Increase in Vehicle Miles Traveled (reference Impact 4.14-6).	<p><i>ARC Project</i></p> <p><i>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.</i></p>	<p>City of Davis                      Department of Public Works and Community Development and Sustainability</p>	<p>Prior to issuance of the first building permit in the first phase of development</p>	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p>1. <i>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</i></p> <p>2. <i>Reduce project-generated VMT such that the project achieves all three VMT significance criteria.</i></p> <p><i>The Master Owner’s Association (MOA) shall be responsible for implementing the TDM Program.</i></p> <p>(a) <i>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:</i></p> <p>(1) <i>Establishment of carpool, buspool, or vanpool programs;</i></p> <p>(2) <i>Vanpool purchase incentives;</i></p> <p>(3) <i>Cash allowances, passes or other public transit subsidies and purchase</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>incentives;</i></p> <p style="text-align: center;">(4) <i>Low emission vehicle purchase</i></p> <p style="text-align: center;"><i>incentives/subsidies;</i></p> <p style="text-align: center;">(5) <i>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;</i></p> <p style="text-align: center;">(6) <i>Full or partial parking subsidies for ridesharing vehicles;</i></p> <p style="text-align: center;">(7) <i>Preferential parking locations for ridesharing vehicles;</i></p> <p style="text-align: center;">(8) <i>Computerized commuter rideshare matching service;</i></p> <p style="text-align: center;">(9) <i>Guaranteed ride-home program for ridesharing;</i></p> <p style="text-align: center;">(10) <i>Alternative workweek and flex-time schedules;</i></p> <p style="text-align: center;">(11) <i>Telecommuting or work-at-home programs;</i></p> <p style="text-align: center;">(12) <i>On-site lunch</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: right;"><i>rooms/cafeterias;</i></p> <p style="text-align: right;"><i>(13) On-site commercial services such as banks, restaurants, groceries, and small retail;</i></p> <p style="text-align: right;"><i>(14) On-site day care facilities;</i></p> <p style="text-align: right;"><i>(15) Bicycle programs including bike purchase incentives, storage, maintenance programs, and on-site education program;</i></p> <p style="text-align: right;"><i>(16) Car share and bike share services;</i></p> <p style="text-align: right;"><i>(17) Enhancements to Unitrans, Yolobus, or other regional bus service;</i></p> <p style="text-align: right;"><i>(18) Enhancements to Capitol Corridor or other regional rail service;</i></p> <p style="text-align: right;"><i>(19) Enhancements to the citywide bicycle network;</i></p> <p style="text-align: right;"><i>(20) Dedicated employee housing located either on-site or elsewhere in the City of Davis;</i></p> <p style="text-align: right;"><i>(21) Designation of an on-site transportation coordinator for the</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>project;</i></p> <p>(22) <i>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;</i></p> <p>(23) <i>Support management strategies (e.g., pricing, vehicle occupancy requirements) on roadways or roadway lanes, particularly I-80 over the causeway;</i></p> <p>(24) <i>Contribute to a VMT mitigation bank or exchange to support VMT reductions elsewhere in the City or region; and</i></p> <p>(25) <i>Change the project to increase project trip internalization (e.g., decrease employment uses and/or increase residential uses).</i></p>			



<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p>(b) <i>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.</i></p> <p>(c) <i>In conjunction with final map approval, recorded codes, covenants and restrictions (CC&amp;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.</i></p> <p><i>Each space use agreement (i.e., lease document) shall also include TDM provisions for the</i></p>	<p>City of Davis            Department of Public Works and Community Development and Sustainability</p>	<p>In conjunction with final map approval</p>	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>site as a means to inform and commit tenants to, and participate in, helping specific applicable developments meet TDM performance requirements.</i></p> <p>(d) <i>Ongoing reporting:</i></p> <p>(1) <b><u>Annual TDM Report.</u></b>  <i>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 31<sup>st</sup> 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></p> <p style="text-align: right;"><i>i. The TDM</i></p>	<p>City of Davis Department of Public Works</p> <p>City of Davis City Council</p>	<p>Beginning a year after the issuance of any certificate of occupancy and continuing until full project buildout</p>	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>performance reports shall focus on the trip reduction incentives offered by the project, their effectiveness, the estimated greenhouse gas (GHG) emissions generated by the 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:</i></p> <ul style="list-style-type: none"> <li><i>• Report the project-generated VMT levels attained;</i></li> <li><i>• Report the AVR levels attained;</i></li> <li><i>• Verify the TDM plan incentives that have been offered;</i></li> <li><i>• Describe the use of those</i></li> </ul>			

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<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>incentives offered by employers;</i></p> <ul style="list-style-type: none"> <li>• <i>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;</i></li> <li>• <i>List additional incentives which can be reasonably expected to correct deficiencies;</i></li> <li>• <i>Evaluate the feasibility and effectiveness of trip reduction/TDM program and strategies, as implemented;</i></li> <li>• <i>Estimate the GHG emissions generated by project</i></li> </ul>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>transportation operations; and</i></p> <ul style="list-style-type: none"> <li>• <i>Identify off-setting GHG credits to be secured by the project to achieve carbon neutrality.</i></li> </ul> <p style="text-align: center;"><i>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.</i></p> <p style="text-align: center;"><i>iii. If the project-generated VMT and/or AVR targets are not met for any two consecutive years, the applicant</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<p style="text-align: center;"><i>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.</i></p> <p><i>iv. In the event that other TDM objectives are not met as documented in the Annual Monitoring Report submitted by December 31<sup>st</sup> of each year, the MOA shall:</i></p> <ul style="list-style-type: none"> <li><i>• Submit to the City within thirty (30) days of submittal of the annual report, a list of TDM measures that</i></li> </ul>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>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.</i></p> <p style="text-align: center;"><i>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</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM                  AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<p><i>provide new transit service and/or subsidize existing transit service, construct bicycle facilities, and/or improve street capacity through construction of physical improvements to be selected by the City of Davis from the list of area-wide improvements identified in the City's CIP.</i></p> <p><i>Mace Triangle</i></p> <p>3-72(b) <i>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.</i></p>	City of Davis Public Works Department and Community Development and Sustainability	Prior to the issuance of a building permit for development within the Mace Triangle Site	
3-74	Impacts associated with Construction Vehicle Traffic (reference	ARC Project and Mace Triangle  3-74	City of Davis	Prior to any	



<b>MITIGATION MONITORING AND REPORTING PROGRAM            AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
	Impact 4.14-8).	<p><i>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 facilities are maintained during construction. At a minimum, the Plan shall include:</i></p> <ul style="list-style-type: none"> <li>• <i>The number of truck trips, time, and day of street closures;</i></li> <li>• <i>Time of day of arrival and departure of trucks;</i></li> <li>• <i>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;</i></li> <li>• <i>Provision of a truck circulation pattern that minimizes impacts to existing vehicle traffic during peak traffic flows and maintains safe bicycle circulation;</i></li> <li>• <i>Provision of a truck arrival and departure plan that maintains</i></li> </ul>	Department of Public Works  Yolo County  Caltrans  Unitrans  Yolobus  Local emergency service providers	construction activities for the ARC and Mace Triangle Sites	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>acceptable peak hour roadway operations, in accordance with the relevant significance thresholds established in this Final SEIR. This could include extending hauling activities across a 45-day period in order to lessen the daily or hourly effects associated with haul truck traffic;</i></p> <ul style="list-style-type: none"> <li>• <i>Minimize use of CR 32A by construction truck traffic;</i></li> <li>• <i>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;</i></li> <li>• <i>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);</i></li> <li>• <i>Maintain safe and efficient access routes for emergency vehicles;</i></li> <li>• <i>Manual traffic control when necessary;</i></li> <li>• <i>Proper advance warning and posted signage concerning street closures; and</i></li> </ul>			

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		<ul style="list-style-type: none"> <li>• <i>Provisions for bicycle, pedestrian, and transit access and safety.</i></li> </ul> <p><i>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.</i></p>			
3-75	Impacts to Pedestrian and Bicycle Facilities (reference Impact 4.14-9).	<p><i>ARC Project and Mace Triangle</i></p> <p><i>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:</i></p> <ol style="list-style-type: none"> <li><i>1) Grade-separated bicycle and pedestrian crossing of Mace Boulevard north of Alhambra Drive</i></li> <li><i>2) Class I shared-use path on the west side of Mace Boulevard between proposed grade-separated crossing and Harper Junior High School</i></li> <li><i>3) Pedestrian and landscaping</i></li> </ol>	City of Davis Public Works Department	Prior to issuance of the first certificate of occupancy of the ARC Project	

<b>MITIGATION MONITORING AND REPORTING PROGRAM            AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<p style="text-align: center;"><i>improvements on the access road between the Mace Park-and-Ride and CR 32A</i></p> <p style="text-align: center;"><i>Responsibility for implementation of this mitigation measure shall be assigned to the ARC Project and Mace Triangle on a fair share basis.</i></p> <p>3-75(b) <i>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:</i></p> <ol style="list-style-type: none"> <li>1) <i>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).</i></li> <li>2) <i>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</i></li> </ol>	City of Davis	Prior to issuance of the first certificate of occupancy of the ARC Project	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<p><i>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.</i></p> <p>3) <i>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.</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM                  AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p><i>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.</i></p> <p>3-75(c) <i>The project applicant shall identify and construct complete streets improvements on the Mace Boulevard corridor, including the following actions:</i></p> <p style="padding-left: 40px;"><i>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.<sup>7</sup> At a minimum, the corridor plan shall identify complete streets improvements that achieve the following goals:</i></p>	<p>City of Davis Public Works Department</p> <p>City of Davis City Council</p> <p>City of Davis Planning Commission</p> <p>City of Davis Bicycling, Transportation, and Street Safety Commission</p>	<p>Prior to approval of the first tentative subdivision map for the ARC Project</p>	

<sup>7</sup> Policy TRANS 2.8 of the *City of Davis General Plan* calls for the preparation of corridor plans for selected corridors throughout the City. The segment of Mace Boulevard referenced in this mitigation measure includes all of corridor #15 (Mace Boulevard – Harper Junior High School to Interstate 80) and portions of corridors #2 (Chiles Road – Drummond Avenue to East City Limit) and #16 (Mace Boulevard – Interstate 80 to South City Limit) as shown in Map 5 of the *General Plan* Circulation Element. Corridors #2 and #15 do not currently have corridor plans. Corridor #16 south of Cowell Boulevard was recently modified based on prior corridor planning efforts. The segment of Corridor #16 between Cowell Boulevard and Interstate 80 was excluded from those efforts and does not currently have a corridor plan.

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="margin-left: 40px;">a. Provide safe and comfortable access for pedestrian and bicyclists</p> <p style="margin-left: 40px;">b. Minimize the potential for bicycle-vehicle and pedestrian-vehicle conflicts</p> <p style="margin-left: 40px;">c. Provide fast and efficient transit operations</p> <p style="margin-left: 40px;">d. Minimize cut-through traffic on residential roadways</p> <p style="margin-left: 40px;">e. Avoid operating conditions that degrade roadway safety (e.g., off-ramp queue spillback to freeway mainline)</p> <p style="margin-left: 40px;">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,</p>			

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		<p style="text-align: center;"><i>Transportation, and Street Safety Commission (BTSSC) to solicit initial input and a second hearing for review of the draft plan.</i></p> <p style="text-align: center;"><i>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</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>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 &amp; Peers (2020). Potential improvements include, but are not limited to, the following:</i></p> <p><i>a. Improvements to on- and off-street bicycle facilities on Mace Boulevard and connecting roadways, including Covell Boulevard, Alhambra Drive, 2<sup>nd</sup> Street, CR</i></p>			

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		<p style="text-align: center;"><i>32A, and Chiles Road.</i></p> <p style="text-align: center;"><i>b. Improvements to bicycle and pedestrian crossings at the following intersections:</i></p> <ul style="list-style-type: none"> <li><i>i. Mace Boulevard/Alhambra Drive;</i></li> <li><i>ii. Mace Boulevard/2<sup>nd</sup> Street/CR 32A;</i></li> <li><i>iii. Mace Boulevard/I-80 WB Ramps;</i></li> <li><i>iv. Mace Boulevard/I-80 EB Ramps; and</i></li> <li><i>v. Mace Boulevard/Chiles Road.</i></li> </ul> <p style="text-align: center;"><i>Crossing improvements shall reduce the potential for bicycle-vehicle and pedestrian-vehicle conflicts</i></p>			

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		<p><i>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.</i></p> <p><i>Improvements identified in the focused transportation impact study should achieve the following performance measures:</i></p> <p style="margin-left: 40px;"><i>a. Reduce the number and/or severity of</i></p>			

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		<p><i>bicycle-vehicle and pedestrian-vehicle conflict points at intersections, at intersection approaches, and on roadway segments.</i></p> <p><i>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.</i></p> <p><i>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</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<p style="text-align: center;"><i>Departments.</i></p> <p style="text-align: center;"><i>d. Eliminate otherwise anticipated increases in cut-through traffic on residential roadways that would be caused by the ARC Project.</i></p> <p style="text-align: center;"><i>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.</i></p> <p style="text-align: center;"><i>The focused transportation impact study should also identify the funding and implementing responsibilities</i></p>			

<b>MITIGATION MONITORING AND REPORTING PROGRAM            AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<i>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.</i>			
3-76	Impacts to Transit Services (reference Impact 4.14-10).	<p><i>ARC Project and Mace Triangle</i></p> <p>3-76(a) <i>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</i></p>	City of Davis Public Works Department	Prior to the approval of improvement plans of the first ARC Project phase	

<b>MITIGATION MONITORING AND REPORTING PROGRAM            AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<p style="text-align: center;"><i>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.</i></p> <p>3-76(b) Implement Mitigation Measure 3-75(c).</p>	See Mitigation Measure 3-75(c).	See Mitigation Measure 3-75(c).	
<b>Utilities (reference Section 4.15 of the Certified Final EIR)</b>					
3-80	<p>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 (reference Impact 4.15-3).</p>	<p><i>ARC Project</i></p> <p>3-80(a) <i>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</i></p>	<p>City of Davis City Engineer</p>	<p>Prior to approval of improvement plans for Phase 2 of development and all subsequent phases of the ARC Site</p>	

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		<p><i>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.</i></p>			
		<p>3-80(b) <i>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 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.</i></p>	City Engineer	Over the course of project buildout	
		<p>3-80(c) <i>If the applicant pursues a connection to the existing 8-inch sewer line in Mace</i></p>	City of Davis Public Works	Prior to approval of Improvement	



<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
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		<i>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.</i>	Department City Engineer	Plans for Phase 1, if the applicant pursues a connection to the existing 8-inch sewer line in Mace Boulevard	
<b>Cumulative Impacts (reference Chapter 5)</b>					
3-86	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	ARC Project and Mace Triangle  3-86 <i>Implement Mitigation Measure 3-3.</i>	See Mitigation Measure 3-3.	See Mitigation Measure 3-3.	

<b>MITIGATION MONITORING AND REPORTING PROGRAM                  AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
	Davis (reference Impact 5-2).				
3-87	Impacts related to cumulative loss of agricultural land (reference Impact 5-3).	<i>ARC Project and Mace Triangle</i>  3-87 <i>Implement Mitigation Measures 3-5(a) and (b), and 3-7(b).</i>	See Mitigation Measures 3-5(a), (b), and 3-7(b).	See Mitigation Measures 3-5(a), (b), and 3-7(b).	
3-88	A cumulatively considerable net increase of any criteria pollutant (reference Impact 5-4).	<i>ARC Project and Mace Triangle</i>  3-88 <i>Implement Mitigation Measure 3-11.</i>	See Mitigation Measure 3-11.	See Mitigation Measure 3-11.	
3-89	Cumulative loss of habitat in the City of Davis area for special-status species (reference Impact 5-5).	<i>ARC Project and Mace Triangle</i>  3-89 <i>Implement Mitigation Measures 3-16, 3-17, 3-18, 3-19, 3-20(a-c), and 3-21.</i>	See Mitigation Measures 3-16, 3-17, 3-18, 3-19, 3-20 (a-c), and 3-21.	See Mitigation Measures 3-16, 3-17, 3-18, 3-19, 3-20 (a-c), and 3-21.	

<b>MITIGATION MONITORING AND REPORTING PROGRAM AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
3-91	Cumulative loss of cultural resources (reference Impact 5-7).	<p><i>ARC Project</i></p> <p>3-91(a)     <i>Implement Mitigation Measures 3-28(a) and (b).</i></p> <p><i>ARC Project and Mace Triangle</i></p> <p>3-91(b)     <i>Implement Mitigation Measure 3-28(c).</i></p>	<p>See Mitigation Measures 3-28-(a) and (b).</p> <p>See Mitigation Measure 3-28(c).</p>	<p>See Mitigation Measures 3-28-(a) and (b).</p> <p>See Mitigation Measure 3-28(c).</p>	
3-93	Cumulative impacts related to greenhouse gas (GHG) emissions and global climate change (reference Impact 5-9).	<p><i>ARC Project</i></p> <p>3-93(a)     <i>Implement Mitigation Measure 3-11, 3-38(a), and 3-72(a) and (b).</i></p> <p><i>Mace Triangle</i></p> <p>3-93(b)     <i>Implement Mitigation Measure 3-38(b).</i></p>	<p>See Mitigation Measure 3-11, 3-38(a), and 3-72(a) and (b).</p> <p>See Mitigation Measure 3-38(b).</p>	<p>See Mitigation Measure 3-11, 3-38(a), and 3-72(a) and (b).</p> <p>See Mitigation Measure 3-38(b).</p>	
3-96	Cumulative impacts associated with increases in volume runoff and effects to on- and off-site flooding within the City of Davis planning area (reference Impact 5-12).	<p><i>ARC Project and Mace Triangle</i></p> <p>3-96     <i>Implement Mitigation Measures 3-47(a) through 3-47(c).</i></p>	<p>See Mitigation Measure 3-47(a-c).</p>	<p>See Mitigation Measure 3-47(a-c).</p>	

<b>MITIGATION MONITORING AND REPORTING PROGRAM            AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
3-99	Cumulative urban decay (reference Impact 5-15).	<p><i>ARC Project</i></p> <p>3-99      <i>Implement Mitigation Measures 3-54(a) and 3-54(b).</i></p>	See Mitigation Measures 3-54(a) and (b).	See Mitigation Measures 3-54(a) and (b).	
3-102	Cumulative impacts to fire protection services from the proposed project in combination with future developments in the City of Davis (reference Impact 5-19).	<p><i>ARC Project and Mace Triangle</i></p> <p>3-102      <i>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:</i></p> <ol style="list-style-type: none"> <li><i>1. Construct a fourth fire station within the City of Davis.</i></li> <li><i>2. Modify existing Davis fire facilities, which may include renovation of existing fire stations.</i></li> </ol> <p><i>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</i></p>	<p>City of Davis Department of Community Development and Sustainability</p> <p>City of Davis Fire Department</p>	Prior to issuance of building permits for each phase of development	

<b>MITIGATION MONITORING AND REPORTING PROGRAM                  AGGIE RESEARCH CAMPUS PROJECT</b>					
<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Sign-off</b>
		<i>review process, unless the improvement can be determined by the City to be exempt from CEQA.</i>			
3-104	Conflict with a program, plan, ordinance or policy addressing the circulation system under Cumulative Plus Project conditions (reference Impacts 5-21 and 5-22).	<p><i>ARC Project and Mace Triangle</i></p> <p><i>3-104(a) Implement Mitigation Measure 3-70(a).</i></p> <p><i>3-104(b) Implement Mitigation Measure 3-70(b).</i></p> <p><i>3-104(c) Implement Mitigation Measure 3-70(c).</i></p>	<p>See Mitigation Measure 3-70(a).</p> <p>See Mitigation Measure 3-70(b).</p> <p>See Mitigation Measure 3-70(c).</p>	<p>See Mitigation Measure 3-70(a).</p> <p>See Mitigation Measure 3-70(b).</p> <p>See Mitigation Measure 3-70(c).</p>	
3-105	Cumulative Increase in Vehicle Miles Traveled (reference Impact 4.14-6).	<p><i>ARC Project</i></p> <p><i>3-105(a) Implement Mitigation Measure 3-72(a).</i></p> <p><i>Mace Triangle</i></p> <p><i>3-105(b) Implement Mitigation Measure 3-72(b).</i></p>	<p>See Mitigation Measure 3-72(a).</p> <p>See Mitigation Measure 3-72(b).</p>	<p>See Mitigation Measure 3-72(a).</p> <p>See Mitigation Measure 3-72(b).</p>	
3-106	Cumulative impacts to pedestrian, bicycle, and transit facilities.	<i>3-106 Implement Mitigation Measures 3-75(a) thru (c) and 3-76(a) and (b).</i>	See Mitigation Measures 3-75(a-c) and 3-76(a-b).	See Mitigation Measures 3-75(a-c) and 3-76(a-b).	
3-108	Cumulative wastewater treatment and collection system impact (reference Impact 5-28).	<p><i>ARC Project</i></p> <p><i>3-108 Implement Mitigation Measures 3-80(a) through (c).</i></p>	See Mitigation Measures 3-80(a-	See Mitigation Measures 3-	

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			c).	80(a-c).	