Mace Ranch Innovation Center Project

SCH# 2014112012

Final Environmental Impact Report

Volume I of III

Prepared for

Davis California

January 2016

Prepared by

RANEY PLANNING & MANAGEMENT, INC.

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Notice of Availability of a Final Environmental Impact Report (Final EIR) For the Mace Ranch Innovation Center Project

The Final Environmental Impact Report (FEIR) (SCH # 2014112012) for the MACE RANCH INNOVATION CENTER (MRIC) PROJECT will be available for review Thursday **January 14, 2016**. The document will be available online at the City of Davis website at http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/mace-ranch-innovation-center. Electronic copies of the document will be available at the City of Davis Department of Community Development and Sustainability at the address given below. Printed copies of the document will be available for public review at the following locations during normal business hours:

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

Yolo County Library
Davis Branch
315 E. 14th Street
Davis, CA 95616

PROJECT NAME: Mace Ranch Innovation Center (MRIC) Project

FILE NUMBER: Planning Application #14-54; General Plan Amendment #6-14; Prezoning/Preliminary Planned Development #4-14; Development Agreement# 2-14

NOTICE OF PUBLIC HEARINGS: Please check the City website (noted above) for continuing information regarding public meetings, workshops, and hearings on the MRIC project. Notice of public hearings at the Planning Commission and City Council will be provided later in the process.

PROJECT LOCATION: The project site is located northeast of Mace Boulevard and Interstate 80, on both sides of County Road (CR) 32A, within unincorporated Yolo County, east of the City of Davis city limits. The 229-acre project site consists of:

- 212-acre MRIC site (three parcels)
- 16.58-acre Mace Triangle site (three parcels).

PROJECT PROPERTY OWNERS:

Mace Ranch Innovation Center site:

APN 033-630-009 (101.86)
Buzz Oates, LLC, and
Ramos Family Trust
C/O Troy Estacio
555 Capitol Mall, Ninth Floor
Sacramento, CA 95814

APN 033-650-009 (85.00)
R&B Delta, LLC
C/O Dana Parry
Reynolds and Brown
1200 Concord Avenue, Suite 200
Concord, CA 94520

APN 033-650-026 (25.34)
City of Davis
Tracie Reynolds, Property Management Coordinator
23 Russell Boulevard, Suite 2
Davis, A 95616

Mace Triangle site:

APN 033-630-012 (7.90)
Bchami LLC
44168 Country Club Drive
El Macero, CA 95618

APN 033-630-006 (4.36)
City of Davis
Tracie Reynolds, Property Management Coordinator
23 Russell Boulevard, Suite 2
Davis, A 95616

APN 033-630-011 (4.32)
Ikeda Family Trust
26295 Mace Boulevard
Davis, CA 95618
C/O Glen Ikeda

PROJECT DESCRIPTION: The project is comprised of two primary components: 1) MRIC site -- The proposed Innovation Center component of the project includes up to 2,654,000 square feet of innovation center uses and dedication of 64.6 acres of green space (including parks and open space) on a 212-acre site. Building space will be allocated in the following general manner: approximately 1,510,000 square feet for research/office/R&D uses; approximately 884,000 square feet for manufacturing and research uses; up to 260,000 square feet (10 percent) may be developed with supportive commercial uses, including a 160,000-square foot hotel/conference center and 100,000 square feet of supportive retail throughout the MRIC.

2) Mace Triangle site -- The City of Davis has included the 16.6-acre Mace Triangle within the overall project boundaries to ensure that an agricultural and unincorporated island is not created and to allow the continuation and expansion of existing uses. The EIR evaluates development of up to 71,056 square feet of general commercial uses including up to 45,900 of research, office, and R&D, and up to 25,155 square feet of retail on the Mace Triangle properties.

PROJECT INFORMATION: The project application file is available for review at the Department of Community Development and Sustainability, Planning Division, 23 Russell Boulevard, Davis, CA 95616, phone number (530) 757-5610. Please contact Sarah Worley at sworley@cityofdavis.org, Katherine Hess at khess@cityofdavis.org, or Heidi Tschudin at htschudin@sbcglobal.net.

Additional project information is also available online at: http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/mace-ranch-innovation-center.

You can sign up for email alerts about this project at: http://cityofdavis.org/business/innovation-centers

Final Environmental Impact Report
Mace Ranch Innovation Center Project

SCH # 2014112012

Lead Agency:

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

Prepared By:

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Vice President

January 2016

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1. INTRODUCTION

1 INTRODUCTION

1.1 INTRODUCTION

This Final Environmental Impact Report (EIR) contains comments received during the public review period of the Mace Ranch Innovation Center (MRIC) Project Draft EIR. 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. The Introduction chapter of the Final EIR discusses the background of the Draft EIR and purpose of the Final EIR, and provides an overview of the Final EIR's organization.

1.2 BACKGROUND

The Draft EIR identified the proposed project's potential impacts and the mitigation measures that would be required to be implemented. The following environmental analysis chapters are contained in the Mace Ranch Innovation Center Project Draft EIR:

- 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;
- Utilities; and
- Cumulative Impacts.

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

- Notice of Preparation (NOP) for the Draft EIR was released for a 30-day public review from November 6, 2014 to December 8, 2014.
- A public scoping meeting was held on November 17, 2014 to solicit public comments regarding the scope of the Draft EIR. The NOP comment letters are included as Appendix B

to the Draft EIR.

- On August 13, 2015, a combined Notice of Availability (NOA) of the Draft EIR and notice of public meeting to provide comments on the Draft EIR was posted to the website, and mailed to local agencies, interested members of the public, and property owners within 500feet of the MRIC project site.
- On August 13, 2015, the Draft EIR was delivered to the State Clearinghouse for distribution to state agencies, resulting in a 47-day public review period from August 13, 2015 to September 28, 2015.
- On September 1, 2015, Davis City Council voted to extend the public comment period on the MRIC Draft EIR to November 12, 2015 for the community comments.
- The City posted the Draft EIR on the City of Davis website.
- 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, at the Yolo County Library, Davis Branch, located at 315 E. 14th Street, Davis, and at the UC Davis Shields Library, located at 100 W Quad Avenue, Davis, on the university campus.
- Two public comment meetings were held on the Draft EIR before the City of Davis Planning Commission. The first public comment meeting was held on September 9, 2015, and the second public comment meeting was held on October 28, 2015.
- The Draft EIR was also reviewed by the following advisory commissions on the following dates:
    - Open Space and Habitat Commission: August 17, September 14, October 5, and November 2
    - Bicycle, Transportation, and Street Safety Commission: September 10, October 8
    - Recreation and Park Commission: September 17, October 15
    - Natural Resources Commission: September 28, October 26
    - Finance and Budget Commission: September 14

All public comments received on the Draft EIR are listed in Chapter 3 of this Final EIR, and written responses to comments are included in Chapter 4, as discussed in more detail in Section 1.4 of this Chapter.

1.3 PURPOSE OF THE FINAL EIR

Pursuant to CEQA Guidelines Section 15132, this Final EIR (Volume V of the MRIC Final EIR) consists of the following:

1. The Draft EIR (Volumes 1 through IV released August 12, 2015)
2. Revisions to the Draft EIR (Chapter 2 of this Final EIR volume)
3. Comments and recommendations received on the Draft EIR (Chapter 4 of this Final EIR volume)
4. A list of persons, organizations, and public agencies commenting on the Draft EIR (Chapter 3 of this Final EIR volume)
5. City responses to significant environmental points raised in the review and consultation process (Chapter 4 of this Final EIR volume)

6. Any other information added by the Lead Agency

Although CEQA requires responses for "significant environmental issues" only, the City has provided responses for 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 Certification of the Final EIR

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 EIR (all volumes) typically provides much of the substantial evidence to support these findings. The required findings for the project are as follows:

- Certification of the Final EIR (CEQA Guidelines Section 15090) – These findings support the adequacy of the Final EIR for decision-making purposes. The Lead Agency must make the following three determinations in certifying a Final EIR:

    1. The Final EIR has been completed in compliance with CEQA.
    2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
    3. The Final EIR 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 impacts may result, due to other overriding benefits of the project.

For the MRIC, the proposed project would result in significant and unavoidable impacts to aesthetics, agricultural resources, air quality, biological resources, greenhouse gas emissions, population and housing, and transportation and circulation; 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.

1.5 ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following four chapters. The Mitigation Monitoring and Reporting Program, required by CEQA Guidelines, Section 15097, will be provided separately prior to project hearings.

1. Introduction

Chapter 1 provides an introduction and overview of the document, describes the background and purposes of the Draft EIR, and describes the organization of the Final EIR.

2. Revisions to the Draft EIR Text

Chapter 2 summarizes changes made to the Draft EIR 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 EIR when “significant new information” is added to the document after public notice is given of the availability of the draft EIR 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 EIR is not considered "significant" unless the EIR 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 County 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 EIR 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 EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The modifications to the Draft EIR identified in Chapter 2 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 EIR is not required. A more detailed description of this determination will be included in the CEQA Findings of Fact described above.

3. List of Commenters

Chapter 3 provides a list of commenters who submitted letters in response to the Draft EIR.

4. Responses to Comments

Chapter 4 presents the master responses, 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.

2. REVISIONS TO THE DRAFT EIR TEXT

2 REVISIONS TO THE DRAFT EIR TEXT

2.1 INTRODUCTION

This chapter provides all corrections, additions, and revisions made to the Draft EIR. It should be noted that the changes represent minor clarifications and amplifications of the analysis contained in the Draft EIR 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 EIR. Please refer to the discussion of this topic provided in Section 1.4.2 of Chapter 1, Introduction.

2.2 DESCRIPTION OF CHANGES

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.

2 EXECUTIVE SUMMARY

Page 2-6 is hereby revised as follows:

> The Reduced Site Size Alternative would result in less impact overall as compared to the proposed project simply because the site size is reduced. The Reduced Site Size Alternative would~~, however,~~ result in ~~greater~~less impacts than the proposed project related to aesthetics because only 50 percent of the 212-acre project site would be developed under this Alternative (~~i.e., increased building heights~~). This alternative would meet some of the objectives of the proposed project. For example, the Reduced Site Size Alternative would meet City objective number two which aims to maximize density to accommodate long-term business growth. However, the smaller site size would make it difficult to achieve a sufficient long term land supply for the full range of projected uses including those that require larger building footprints. The smaller site would double the intensity of development over the site which would result in design challenges and may be too dense to attract some desirable R&D users. The ability to attract medium-scale and large-scale users would be affected by the small footprint and there would be less flexibility in the user space to address the specific needs of some tenants as a result.

Page 2-14, Table 2-3, Summary of Impacts and Mitigation Measures, is hereby revised to reflect all changes to impacts and mitigation measures as documented in this Chapter of the FEIR. A complete revised copy of the summary table is included herein as Appendix A to the Final EIR.

3 PROJECT DESCRIPTION

Page 3-11 of Chapter 3, Project Description, is hereby revised as follows:

5. Development Agreement for the MRIC in order to provide certainty and mutual assurances to the City and the project applicant, and to include agreements between the developer and the City related to purchase or lease of City property (Government Code, §65864 et seq.).

Page 3-13, "Other Agency Approvals and Permits" section EIR is hereby revised as follows:

Other Agency Approvals and Permits

The proposed project will not require additional agency approvals and permits until such time that the project applicant(s) receive approval of additional discretionary entitlements from the City of Davis, thereby enabling on-site construction. At this later stage, subsequent to City of Davis approval of a final planned development and tentative subdivision map(s), the following agency approvals and permits would likely be required for the project:

1. Central Valley Regional Water Quality Control Board – Stormwater Pollution Prevention Plan (SWPPP) approval prior to construction activities.

2. Yolo-Solano Air Quality Management District – Approval of permit(s) to operate for stationary sources, as may be required by the District.

3. Yolo County – Approval of a surface mining permit, reclamation plan, and financial assurances in accordance with the Yolo County Agricultural Surface Mining and Reclamation Ordinance of Yolo County (Chapter 8 of County Code).

4. Caltrans – issuance of an encroachment permit for any work or traffic control that would encroach onto the State Right of Way.

Page 3-23, Figure 3-7, is hereby revised as shown below.

Page 3-24, Figure 3-8, is hereby revised as shown below to remove conceptual parking area inadvertently included in the agricultural buffer area on the east side.

Figure 3-7
Anticipated Buildout Layout by Use Type

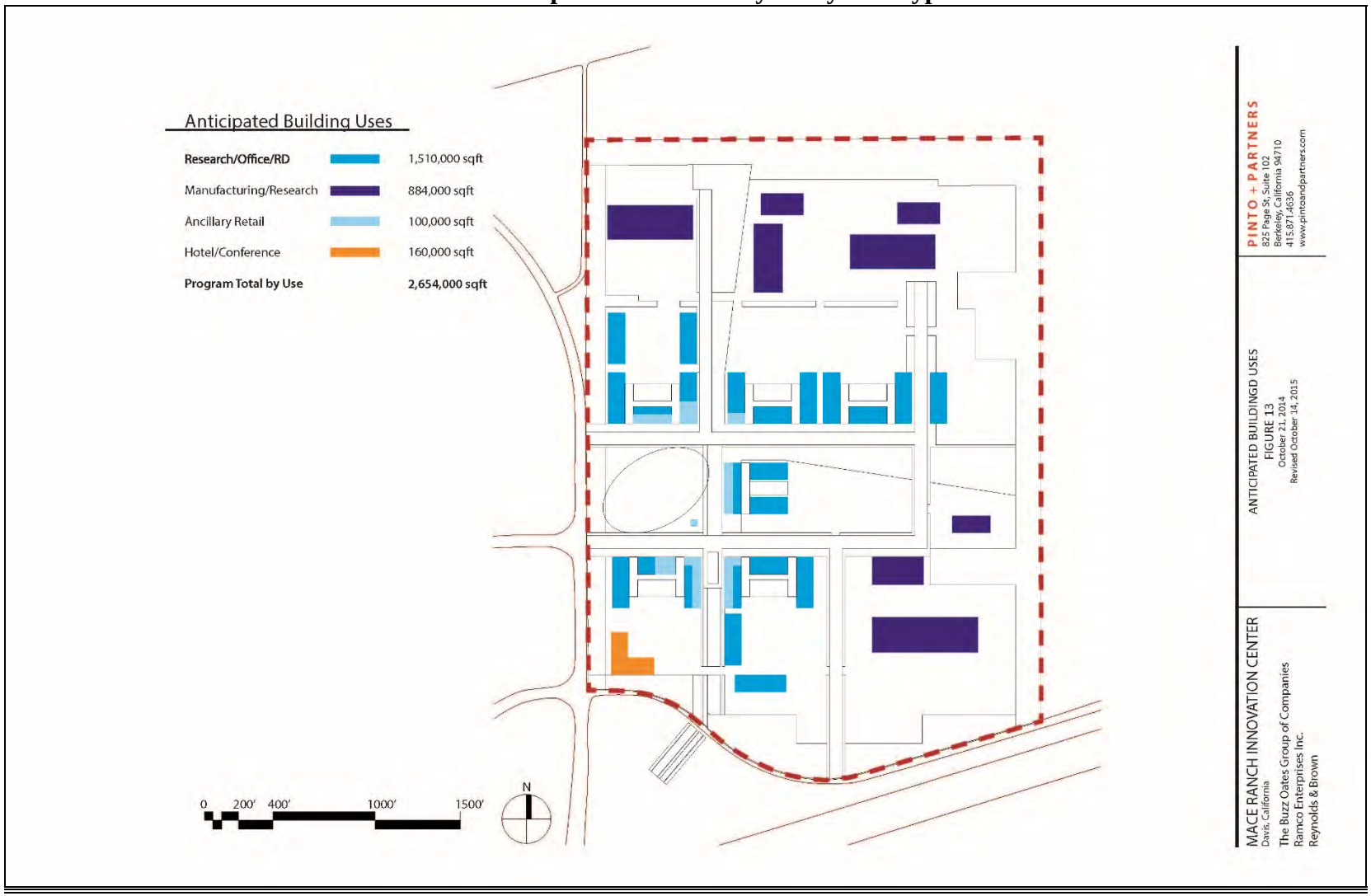


Figure 3-8
MRIC Conceptual Site Plan

Page 3-29, "Parks and Green Space," is hereby revised as follows given the project applicant's commitment to construction of three artificial burrow complexes along the perimeter of the project, whether or not burrowing owls are found on the project site:[1]

> The agricultural buffer for the MRIC would include planned and natural spaces, utilized in part for drainage swales, on-site detention, and water quality purposes, as well as a biking and walking trail. Consistent with the City's agricultural buffer requirements, any public access, including bicycle/pedestrian features within the agricultural buffer would occur within the inner 50-foot transitional zone pursuant to the Municipal Code.
>
> The project applicant will build three artificial burrow complexes within the agricultural buffer along the perimeter of the project site. The burrow complexes will be located within the 150-foot wide agricultural buffer, but not within the drainage swales, or the 50-foot side agricultural transition area, where bike paths, community gardens, and other potential uses could occur. A burrowing owl site management plan will be prepared consistent with applicable portions of Appendices E and F of the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation.

Page 3-30, Figure 3-12, is hereby revised as shown below to correct interior green space inadvertently labeled as agricultural buffer.

[1] Ramco Enterprises, Inc. *Re: Burrowing Owl Artificial Dens at MRIC.* January 6, 2016.

Figure 3-12
MRIC Green Space Areas

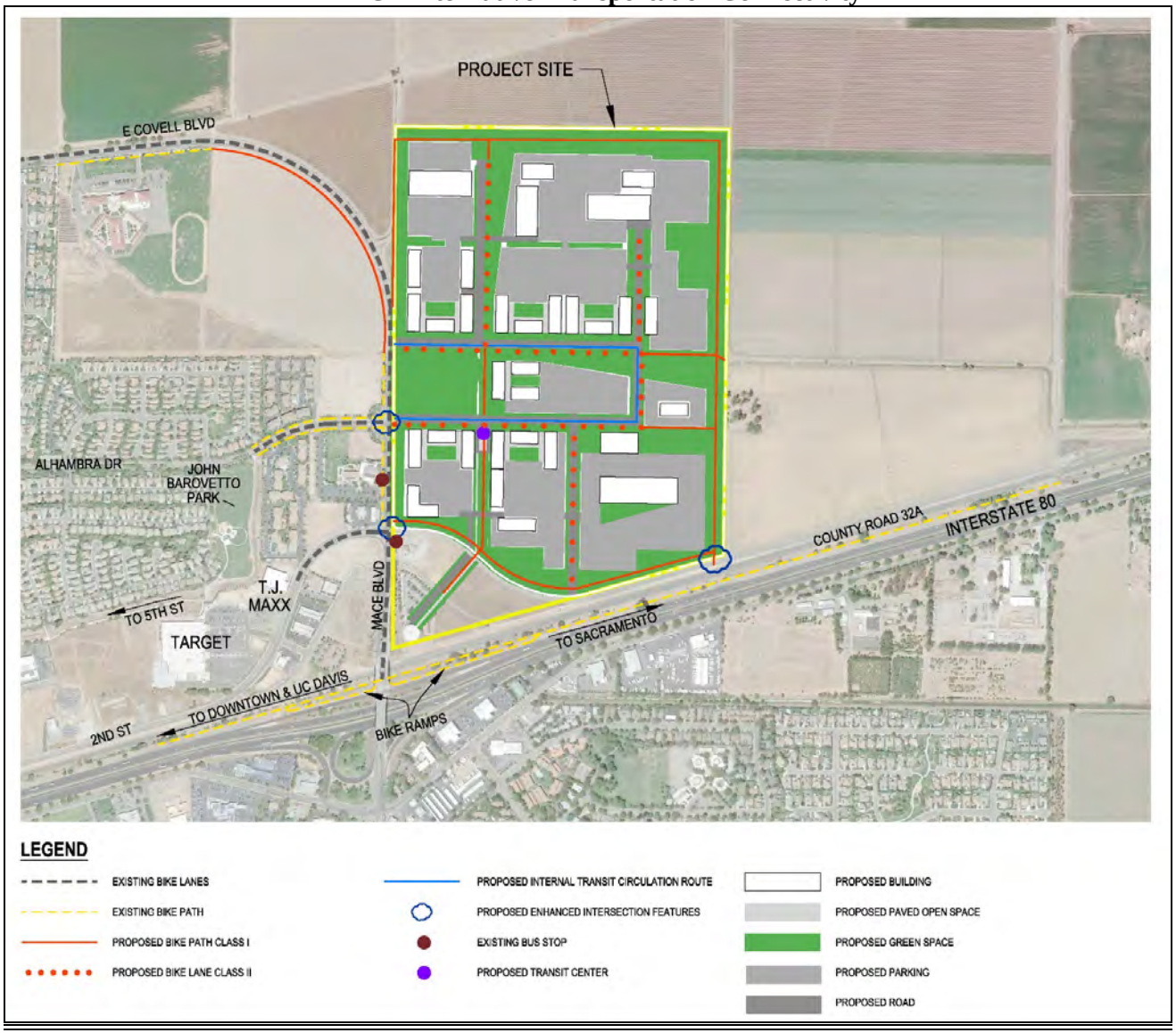
Page 3-31, Table 3-3, is hereby revised as follows:

Table 3-3
Proposed Parks and Green Spaces

Proposed Type	City Category	Size	Allowable Uses	Habitat/Wildlife
The Oval	Parkland	5.1 acres	Active Recreation (soccer/softball fields) Linkages/Trails Drainage Conveyance	Tree canopies & Meadows: Birds, Small Mammals and Invertebrates Seasonal drainage channel; Aquatic invertebrates Hedgerows: birds, invertebrates
North - South Commons	Parkland	6.9 acres	Recreation Linkages/Trails Community Gardens Drainage Conveyance	Meadows: Birds & invertebrates Hedgerows: shrubs, Birds, small mammals, invertebrates
East-West Commons	Parkland	6.7 acres	Recreation Linkages/Trails Community Gardens Drainage Conveyance	Tree canopies / meadows: birds, small mammals, invertebrates Seasonal wetlands Aquatic invertebrates Hedgerows/Shrubs Birds, invertebrates
Courtyard Plazas	Parkland	2.9 acres	Casual Gathering	Tree canopies: Birds/invertebrates
Perimeter Green~~/Open~~ Space	Greenbelt	22.88 acres	Recreation Linkages/Trails	Tree canopies / meadows: birds, small mammals, invertebrates
Agricultural Buffer Area	Ag Buffer	20.12 acres	Linkages/Trails Flood Retention / Detention	Hedgerows: birds, small mammals, invertebrates Ponds: amphibians, birds, aquatic reptiles, small mammals
	Total	**64.6 acres**		

Page 3-36, Figure 3-15, is hereby revised as follows to correct proposed bicycle facilities:

Figure 3-15
MRIC - Alternative Transportation Connectivity



Page 3-43, the "Drainage" paragraph on page 3-43 of the Draft EIR is hereby revised as follows:

Drainage

The existing City drainage ditch, the Mace Drainage Channel (MDC), which transverses the center of the MRIC site, would predominantly remain in place and continue to serve drainage flows from the MRIC site. However, the westernmost approximately 650 feet would be placed within a storm drainage pipe under the Oval park and the existing in-line detention basin adjacent to the existing drainage channel would be reduced in size and modified in shape and slope. It is expected that both the channel and detention basin will be reconfigured to integrate with the MRIC. Internal drainage corridors, and perimeter drainage retention areas, swales, and corridors, providing distributed detention storage and water quality treatment, would be constructed at the project site for purposes of collecting surface drainage and routing said drainage to the existing, centrally-located drainage channel (see Figure 3-19). Treated storm water would then flow off-site, through the existing Mace Drainage Channel, to the east, where the runoff would eventually enter the Yolo Bypass.

During major storm events, when the Yolo Bypass is flowing at a high level, ponding near the Yolo Bypass levee area currently occurs. The extent and duration of ponding is completely dependent on both local runoff and the water elevation in the Bypass. In order to address the projected increase in total volume of runoff during major storm events, additional storage and/or conveyance would be necessary. Two engineering solutions have been identified at this time, which include an off-site replacement storage area or a small pump station.

The preferred location for an off-site replacement storage area is the easternmost parcel owned by the City of Davis, adjacent to the Mace Drainage Channel and Yolo Bypass levee. If the off-site replacement storage option is chosen, the topsoil would be removed and stockpiled, the selected area excavated to the design depth, and the topsoil then spread back over the lowered area. The excavated soil would be exported to the existing detention basin located near the eastern boundary of the MRIC site, which would be a maximum distance of approximately two miles away.

If the pumping alternative is chosen, either a permanent pump station facility or a portable pump station of sufficient capacity to mitigate increased runoff would be necessary. The pump intake would be in the channel and convey stormwater over the Bypass levee. If a portable trailer-mounted, self-contained pump is used, it would be stored at the City facilities when not in use, and could be set up for pumping in several hours.

Page 3-46, under Planned Development Design Guidelines heading, the text is revised as follows:

Consistent with the City's Site Plan and Architectural Review process, the MRIC applicant has prepared preliminary Design Guidelines for the MRIC. …

4.1 AESTHETICS AND VISUAL RESOURCES

Page 4.1-20, first paragraph under Impact 4.1-2 is hereby revised as follows:

> The proposed project would include up to approximately 2,654,000 square feet of innovation center uses and approximately 64.6 acres of green space on 212 acres. The Mace Triangle parcels have been included as part of the proposed project at the City's direction to ensure that an agricultural and unincorporated island is not created and to allow for continuation and expansion of existing uses. ~~primarily for purposes of annexation~~. ….

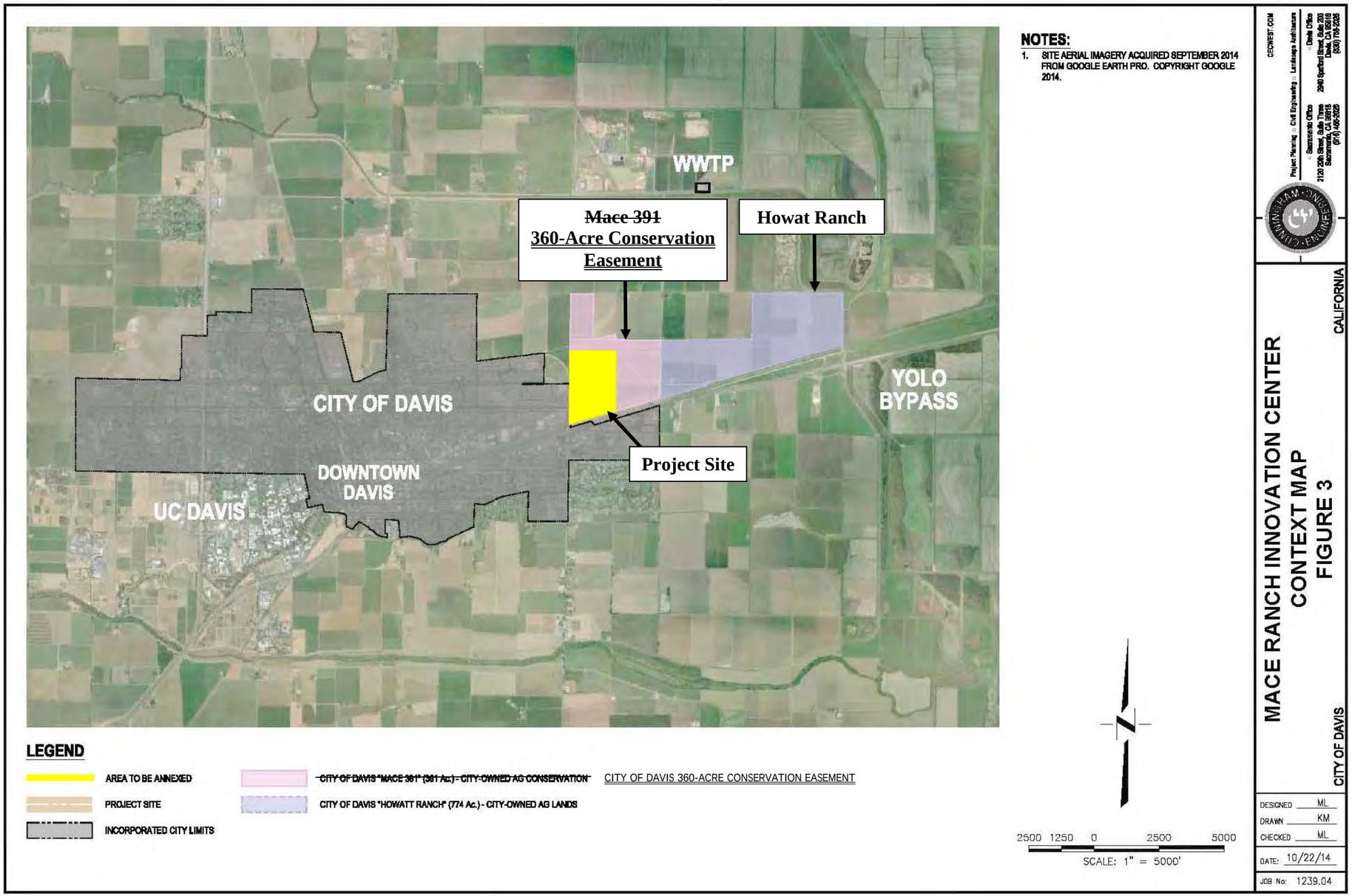
4.2 AGRICULTURE AND FORESTRY RESOURCES

Page 4.2-6 and all similar references throughout the Draft EIR, are revised as follows:

> As shown in Figure 4.2-1, the approximately 229-acre proposed project annexation area is located on an agricultural property, adjacent to the existing city limit line along Mace Boulevard, in east Davis. The annexation area is surrounded to the north and east by ~~the Mace 391~~ a 360-acre permanent agricultural easement. This ~~391-acre~~ agricultural easement property is regularly farmed; the owners are in the process of planting almond trees. According to the current ~~Mace 391 property~~ farmer for the 360-acre property, ground rigs are routinely used for applying pesticides on the property unless circumstances dictate the use of aerial application. The farmer considers aerial application as a last resort that may be utilized after heavy rain events when on-site muddy conditions prevent ground rigs from being able to travel throughout the property [2] For the ~~Mace 391~~ farmer, ground spraying is a less expensive method of applying pesticides compared to aerial application.
>
> East of the ~~Mace 391~~ 360-acre property is the 774-acre, City-owned Howat Ranch property. The Howat Ranch site is also under agricultural production. Immediately west of the proposed project site, on the opposite side of Mace Boulevard, are an Arco gas station and the University Covenant Church. The Union Pacific Railroad and Interstate 80 are located to the south of the site.

Page 4.2-7, Figure 4.2-1, is hereby revised as follows:

Figure 4.2-1
Context Map



Page 4.2-22, under Agricultural Conservation and Mitigation Program header, add the following text:

> On July 28, 2015 the County significantly revised their agricultural mitigation ordinance. A summary of the revised requirements is provided below.

Pages 4.2-23 and 4.2-24 are hereby revised as follows:

> *Section 8-2.404.c Mitigation Requirements*
>
> 1. Agricultural mitigation shall be required for conversion or change from agricultural use to an urban use prior to, or concurrent with, approval of a zone change from agricultural to urban zoning, permit, or other discretionary or ministerial approval by the County. ~~, or as allowed by subsection (3), below. A minimum of one (1) acre of agricultural land shall be preserved for each acre of agricultural land changed to an urban use or zoning classification (1:1 ratio). Application for a zone change, permit, or other discretionary or ministerial approval shall include provisions for agricultural mitigation land. The following uses shall be exempt from this requirement: affordable housing projects, where a majority of the units are affordable to very low or low income households, as defined in Title 8, Chapter 8 of the Yolo County Code (Inclusionary Housing Requirements); public uses such as parks, schools, and cultural institutions. Finally, also exempt are projects involving the conversion of land to urban use to the extent that agricultural mitigation was provided prior to the effective date of the ordinance that revised this subsection (a) to require mitigation for conversions to urban uses.~~
> ~~2. Agricultural mitigation requirements shall be satisfied as follows:~~
> ~~i. If the area to be converted is five (5) acres or more in size, subject to the exception in (ii), below, by granting, in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity approved by the County; and, the payment of fees sufficient to compensate for all administrative costs incurred by the County or easement holder inclusive of funds for the establishment of an endowment to provide for monitoring, enforcement, and all other services necessary to ensure that the conservation purposes of the easement or other restriction are maintained in perpetuity; or~~
> ~~ii. If the area to be converted is a small project less than five (5) acres in size, by granting a farmland conservation easement as described in subsection (i), above, or payment of the in lieu fee established by the County to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism consistent with the provisions of this section; and the payment of fees in an amount established by the County to compensate for all administrative costs incurred by the County inclusive of endowment funds for the purposes set forth~~

~~in subsection (i), above. The in-lieu fee, paid to the County, shall be used for agricultural mitigation purposes only (i.e. purchases of conservation easements and related transaction and administrative costs). If Yolo County or a qualifying entity establishes a farmland mitigation bank, farmland mitigation may be satisfied by the purchase of credits from the mitigation bank equivalent to the amount of the required in-lieu fees. The farmland mitigation bank must be approved by the Board of Supervisors to satisfy farmland mitigation requirements.~~

~~3. Agricultural mitigation (payment of an in-lieu fee or purchase of a conservation easement) shall be completed as a condition of approval prior to the acceptance of a final parcel or subdivision map, or prior to the issuance of any building permit or other final approval for development projects that do not involve a map.~~

Except as provided in subsection (d)(2) below, relating to adjustment factors, for projects that convert prime farmland, a minimum of three (3) acres of agricultural land shall be preserved in the locations specified in subsection (d)(1) for each acre of agricultural land changed to a predominantly non-agricultural use or zoning classification (3:1 ratio). For projects that convert non-prime farmland, a minimum of two (2) acres of agricultural land shall be preserved in the locations specified in subsection (d)(1) for each acre of land changed to a predominantly non-agricultural use or zoning classification (2:1) ratio. Projects that convert a mix of prime and non-prime lands shall mitigate at a blended ratio that reflects for the percentage mix of converted prime and non-prime lands within project site boundaries.

2. The following uses and activities shall be exempt from, and are not covered by, the Agricultural Conservation and Mitigation Program:
   (i) Affordable housing projects, where a majority of the units are affordable to very low or low income households, as defined in Title 8, Chapter 8 of the Yolo County Code (Inclusionary Housing Requirements);
   (ii) Public uses such as parks, schools, cultural institutions, and other public agency facilities and infrastructure that do not generate revenue. The applicability of this exemption to public facilities and infrastructure that generate revenue shall be evaluated by the approving authority on a case-by-case basis. The approving authority may partly or entirely deny the exemption if the approving authority determines the additional cost of complying with this program does not jeopardize project feasibility and no other circumstances warrant application of the exemption;
   (iii) Gravel mining projects regulated under Title 10, Chapters 3-5 of the Yolo County Code, pending completion of a comprehensive update of the gravel mining program (anticipated in January 2017); and
   (iv) Projects covered by an approved specific plan which includes an agricultural mitigation program.
3. The following uses and activities shall provide mitigation at a 1:1 ratio in compliance with all other requirements of this Agricultural Conservation and Mitigation Program:

(i) If not covered by the exemption for approved specific plans, the pending application for the Dunnigan Specific Plan, if deemed complete within (1) two (2) years of the effective date of the ordinance adding this subsection, and (2) not later substantially revised, as determined by the Board of Supervisors in its reasonable discretion;

(ii) Applications deemed complete prior to the effective date of the ordinance modifying the mitigation ratio.

Page 4.2-23 is hereby revised as follows:

It should be noted that the City of Davis' agricultural mitigation requirements ~~would satisfy~~ differ from Yolo County's new 3~~1~~:1 (minimum) agricultural land mitigation ratio requirement~~s~~ for conversion of Prime Farmland and the County's 2:1 agricultural land mitigation ratio requirement for conversion of non-prime farmland, which pertain broadly to conversion or change from agricultural use to an urban use prior to, or concurrent with, approval of a zone change from agricultural to urban zoning, permit, or other discretionary or ministerial approval by the County.

~~Similarly, t~~The City's agricultural mitigation requirements ~~would satisfy~~ exceed Yolo County LAFCo's 1:1 (minimum) agricultural land mitigation ratio requirements, which pertain to Prime Agricultural Land, defined by Yolo County LAFCo as land which meets any of five different criteria, the two most pertinent of which are:

Page 4.2-28, Mitigation Measure 4.2-1(a), is hereby revised as follows:

4.2-1(a) *Prior to initiation of grading activities for each phase of development of the MRIC, the project applicant for the MRIC 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 project site instead of at each phase. The agricultural land shall be elsewhere in unincorporated Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement, consistent with Section 40A.03.025 of the Davis Municipal Code. The location and amount of active agricultural acreage for the proposed project is subject to the review and approval by the City Council. The amount of agricultural acreage set aside shall account for farmland lost due to the conversion of the project site, as well as any off-site improvements, including but not necessarily limited to the off-site sewer pipe~~, and 400 feet along the north and east property line unless a "no aerial spray" easement is purchased~~. The amount of agricultural acreage that needs to be set aside for off-site improvements shall be verified for each phase of the MRIC 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 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.

Page 4.2-30 is hereby revised as follows:

4.2-3 Result in the loss of forest or agricultural land or conversion of forest or agricultural land to non-forest or non-agricultural use. Based on the analysis below and the lack of feasible mitigation, the impact is *significant and unavoidable*.

MRIC

The City defines "agricultural land" as "those lands in agricultural use," where "agricultural use" is defined as, "Use of land for the purpose of producing food, fiber, or livestock for commercial purposes."[2] Section 40A.03.025 states that, "The city shall require agricultural mitigation as a condition of approval for any development project that would change the general plan designation or zoning from agricultural land to nonagricultural land and for discretionary land use approvals that would change an agricultural use to a nonagricultural use." Because the 212-acre MRIC Site is in agricultural use, as defined by City Code, agricultural mitigation is required for the proposed development of the MRIC. It should be noted that the proposed redesignation of the MRIC site from the City's Agricultural land use designation to an urban land use designation also requires agricultural land mitigation pursuant to the City's Code.

The City's 2:1 agricultural mitigation requirement would result in the need for the MRIC applicant to set aside approximately 379~~384~~ acres (212 acres less the required 22.7~~20.12~~-acre agricultural buffer = 189.3~~191.9~~-ac x 2:1).[3] In addition, the applicant will be required to mitigate for a yet undetermined amount of off-site agricultural acreage that would be impacted during construction of the off-site sewer pipe. The off-site impact acreage cannot be definitively calculated at this time because the location of the pipe has not been engineered. It is anticipated, however, based upon preliminary calculations, that the off-site sewer line could impact a maximum of up to approximately 11 acres of agricultural land, depending upon the final alignment selected.

Page 4.2-31 is hereby revised as follows:

Because the northern and eastern boundaries of the MRIC site ~~is~~are surrounded by lands within an agricultural conservation easement (see Figure 4.2-1), according to Section 40A.03.030(e) of the City's Municipal Code, the MRIC Project agricultural mitigation requirements are exempt from the City's adjacent land mitigation requirement for these

[2] See Section 40A.03.020, Definitions, of the Davis Zoning Code.

[3] Section 40A.03.035 of Davis' Zoning Code specifies that the land included within the agricultural buffer required by Section 40A.01.050(c) shall not be included in the calculation for the purposes of determining the amount of land that is required for mitigation.

portions of the project site.[4,5] As a result, the MRIC will be subject to the City's remainder mitigation land requirements. Section 40A.03.030, Lands eligible for remainder land mitigation, include provisions regarding the location of the agricultural mitigation land and factors which would be considered by City Council in order to accept or reject the proposed mitigation land. The adjacent agricultural lands to the northwest are not permanently preserved under an agricultural easement. Therefore, this portion of the project is subject to the adjacent land mitigation requirement, and will be considered as a priority area to help meet the project's off-site mitigation requirements.

Pages 4.2-33 through 4.2-36 are hereby revised as follows:

4.2-4 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. Based on the analysis below and with implementation of mitigation, the impact is considered *significant and unavoidable*.

MRIC

As noted previously, agricultural operations exist to the north, ~~and~~ east, and northwest of the MRIC site. The~~se~~ agricultural operations to the north and east will continue into perpetuity given that the agricultural lands surrounding the northern and eastern sides of the MRIC site are part of the ~~Mace 391~~ 360-acre farmland conservation easement. The section that follows will assess the potential for the development of the MRIC to hinder the adjacent agricultural operations.

MRIC Agricultural Buffer

Pursuant to Section 40A.01.050 of the City's Municipal Code, the MRIC will include a minimum 150-foot wide agricultural buffer along its northern, northwestern, and eastern boundaries. The agricultural buffer for the MRIC would be comprised of two components: a 50-foot-wide agricultural transition area located contiguous to a 100-foot-wide agricultural buffer that would be contiguous to the adjacent ~~Mace 391~~ 360-acre agricultural easement areas and APN 071-130-003 at the site's northwestern boundary.

Proposed 100-foot portion of MRIC Site Agricultural Buffer

As indicated in Figure 3-18 of the EIR Project Description, the applicant intends for the project's agricultural buffer to serve drainage and water quality functions. Per 40A.01.050(c), drainage channels, storm retention ponds, and drainage swales are all permissible uses within the first 100 feet of the agricultural buffer. As such, utilizing the first 100 feet of the

[4] City of Davis. Staff Report: *"Open Space Acquisition – Leland Ranch resale and conservation easement."* December 10, 2013.

[5] City of Davis. *Davis Municipal Code, Chapter 40A, Right to Farm and Farmland Preservation.* Section 40A.03.030(e). April 2014.

MRIC agricultural buffer for drainage purposes will not conflict with the City's agricultural buffer/right-to-farm ordinance.

Proposed 50-foot portion of MRIC Site Agricultural Buffer

As indicated in Figure 3-14 of the EIR Project Description, the 50-foot transitional portion of the MRIC's agricultural buffer is intended to include a biking and walking trail. Such a public amenity is permissible under section 40A.01.050(d) of the Code.

Adjacent Ongoing Farming Operations

As discussed above, the ~~Mace 391~~ 360-acre property, adjacent to the MRIC site, will continue to be farmed into perpetuity; and as such, it can be expected that pesticides will continue to be sprayed in the near vicinity of the MRIC site.

The Yolo County Agricultural Commissioner has established conditions covering the use of restricted materials, the purposes of which are to minimize undue hazards and risks associated with the application and handling of restricted materials.[6] Condition #1 addresses the use of restricted materials in the proximity of environmentally sensitive areas. Examples given for environmentally sensitive areas include residential areas (cities, towns, rural neighborhoods), schools, playgrounds, bus stops (when in use), parks, hospitals, shopping centers, occupied labor camps, organic crops, estuaries, reservoirs, lakes, waterways, livestock, state wildlife management areas, and critical habitats of rare, endangered or threatened species. According to Condition #1, restricted pesticides shall not be applied in close proximity to environmentally sensitive areas unless the minimum distance between the closest operating nozzle and the sensitive area is maintained as follows:

TYPE OF PESTICIDE APPLICATION EQUIPMENT	MINIMUM DISTANCE BETWEEN CLOSEST OPERATING NOZZLE AND THE NON-TARGET AREA	
	DANGER	WARNING/CAUTION
AIRCRAFT	500 FEET	300 FEET
AIR BLAST ORCHARD SPRAYER	300 FEET	..50 FEET
GROUND RIGS (except when applying baits)**	100 FEET	..50 FEET

With the use of ground rigs, the ~~Mace 391~~ 360-acre farmer could apply pesticides within 50-100 feet of any environmentally sensitive areas on the MRIC site, depending upon the type of pesticide being applied, as shown in the above chart.

While Condition #1 does not include bicycle/pedestrian trail within its definitions for environmentally sensitive areas, the Yolo County Agricultural Commissioner would consider such a trail an environmentally sensitive area, in that it introduces people in this portion of the project site, who would utilize this area for

[6] Yolo County, Yolo County Agricultural Commissioner. *Conditions Covering the Use of Restricted Materials*. January 1, 2014.

recreational purposes.[7] The pedestrian/bike path would be located further than 100 feet from the project's eastern and northern property lines, and thus, outside of the range of any ground rig spraying that could occur on the ~~Mace 391~~ 360-acre property. Furthermore, an approximately 20-foot agricultural access road is located on the ~~Mace 391~~ 360-acre property, along its boundary with the MRIC Site. Therefore, the nearest possible distance at which ground rigs might spray pesticides would be approximately 120 feet from the proposed MRIC pedestrian/bike trail, which per the Yolo County Agricultural Commissioner's conditions, would be considered acceptable for ground rig application.

As noted in the above chart, aerial application of "danger" labeled pesticides requires a 500-foot buffer from environmentally sensitive areas. Assuming that the proposed 50-foot transition zone of the MRIC buffer would contain an environmentally sensitive recreational trail, a total setback of 500 feet would be required from this trail. Only 100 feet of this setback amount would be provided by the MRIC agricultural buffer. This means that 400 feet of the required setback would need to encroach onto the adjacent farmer's land. Therefore, during times when aerial application of pesticides is deemed necessary by the adjacent farmer, the proposed innovation center will indirectly result in what might be considered "induced" conversion of off-site agricultural land by disrupting the ability to farm a portion of the adjacent property. This is considered an adverse impact.

Mace Triangle

Should additional development of the Ikedas parcel and easternmost Mace Triangle parcel occur in the future, effects to off-site farmland would not be expected to occur because the Mace Triangle site is surrounded by the MRIC site. Unlike the MRIC, the Mace Triangle site would not be subject to adjacent agricultural operations.

Conclusion

Development of the MRIC could result in other changes in the existing environment which, due to their location or nature, could result in induced conversion of off-site farmland, which would be considered a ***significant*** impact. The Mace Triangle, however, would not result in other changes in the existing environment that could lead to adverse impacts to off-site farmland.

Mitigation Measures(s)
While implementation of the following mitigation measure would reduce the above identified MRIC impact, it would not fully eliminate the potential burden placed on the adjacent farmer, nor is successful completion of the mitigation measure guaranteed. Therefore, the impact from development of the MRIC would remain ***significant and unavoidable***.

[7] Personal phone communication with Nick Pappani, Vice President of Raney Planning & Management, Inc. and John Young, Yolo County Agricultural Commissioner, February 10, 2015.

MRIC

4.2-4 *Prior to recording the first final map, the applicant shall attempt to purchase a "no aerial spray" easement from the adjacent property owner. It is anticipated that the easement will need to be 400 feet wide along the MRIC Site's northwestern, northern and eastern boundaries. The applicant shall submit the written proof of the easement to the Department of Community Development and Sustainability.*

Mace Triangle – none

4.3 AIR QUALITY

Page 4.3-12, the paragraph under "Sensitive Receptors", and any subsequent reference to the nearest sensitive receptor throughout the remainder of the Air Quality section of the Draft EIR, is hereby revised as follows:

> Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, childcare centers, playgrounds, retirement homes, convalescent homes, hospitals, and medical clinics. The existing nearby multi-family residences, located approximately 660 feet to the west of the site, would be considered the nearest residential sensitive receptors to the site. The nearest existing schools, which would be considered ~~a~~ sensitive receptors, to the project site ~~is~~ are the University Covenant Nursery School, which is located approximately 0.06-mile west of the project site, and the Frances Harper Junior High School, which is located over 1,550 feet from the western ~~of the~~ border of the project site.

Page 4.3-21, the assumptions for the construction emissions analysis, are hereby revised as follows:

> Thus, the following assumptions were made for the project construction modeling:
>
> - Demolition would not be required;
> - Construction was assumed to commence in July 2017;
> - Construction was assumed to occur over one phase in order to provide a conservative estimate;
> - In order to be consistent with the buildout assumptions utilized by the traffic consultant, the project was assumed to be fully operational by 2035 (i.e., construction was assumed to occur over an 18-year period);
> - Construction phase durations (i.e., site preparation, grading, building construction, and architectural coating phases) were modified to reflect an 18-year construction period; ~~and~~
> - A total of ~~224.42~~ 315.42 acres would be disturbed during the grading phase~~.~~; and

- 130,000 cubic yards of soil was assumed to be required to be exported in association with the off-site detention basin to a site located two miles from the off-site detention basin location; and
- Approximately 10,833 soil haul truck trips would be required for the soil exportation.

Page 4.3-21, the paragraph below "Construction-Related DPM Emissions", is hereby revised as follows:

> The proposed project's construction-related DPM ~~PM_{10}~~ concentrations at the nearest sensitive receptors were estimated using the American Meteorological Society/Environmental Protection Agency (EPA) Regulatory Model (AERMOD) dispersion model. As the YSAQMD does not have specific guidelines for dispersion modeling for construction-related DPM ~~PM_{10}~~ emissions, the modeling for the proposed project was performed in accordance with the 2015 Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual for Preparation of Health Risk Assessments and the SMAQMD's *Dispersion Modeling of Construction-Generated PM_{10} Emissions*.[18] Per the SMAQMD's *Dispersion Modeling of Construction-Generated PM_{10} Emissions*, ~~two~~ a set~~s~~ of multiple volume sources ~~(one set representing ground level sources to characterize fugitive PM_{10} dust emissions and one set of elevated sources~~ to represent PM_{10}~~2.5~~ exhaust emissions generated by construction equipment~~)~~ were modeled with ~~the~~ input parameters consistent with the recommendations per the OEHHA and SMAQMD. The resultant maximum concentration that would occur at the nearest sensitive receptor~~s~~ was applied to the CARB's HARP 2 Risk Assessment Standalone Tool, which calculates the cancer and non-cancer health impacts using the risk assessment guidelines in the 2015 OEHHA Guidance Manual. The resultant cancer and non-cancer health risks were compared to the YSAQMD's threshold of significance for a new stationary source of contracting cancer for the Maximally Exposed Individual (MEI) equal to 10 in one million persons or more, or a ground-level concentration of non-carcinogenic TACs that would result in a Hazard Index (HI) equal to or greater than 1 for the MEI. ~~CAAQS for PM_{10}, which, as stated previously, is the maximum amount of a pollutant that can be present in outdoor air without harm to public health. In addition, the SMAQMD considers the CAAQS the concentration based threshold of significance for construction related PM_{10} emissions. The AERMOD modeling results are included in Appendix C to this EIR.~~

Pages 4.3-24 through 4.3-27, Tables 4.3-6, 4.3-7, and Table 4.3-8 are hereby revised as follows:

Table 4.3-6
Maximum Unmitigated Project Construction-Related Emissions

Pollutant	Project Emissions	YSAQMD Threshold of Significance
ROG	~~2.41~~ 3.47 tons/yr	10 tons/yr
NO_X	~~7.64~~ 9.70 tons/yr	10 tons/yr
PM_{10}	~~21.05~~ 43.42 lbs/day	80 lbs/day
Source: CalEEMod, ~~July~~ December 2015 ~~(see Appendix C)~~.		

Table 4.3-7 Unmitigated Project Operational Emissions		
Pollutant	**Project Emissions**	**YSAQMD Thresholds of Significance**
ROG	~~19.51~~ 30.78 tons/yr	10 tons/yr
NO_X	18.83 tons/yr	10 tons/yr
PM_{10}	138.~~95~~63 lbs/day	80 lbs/day
Source: CalEEMod, ~~July~~ December 2015 ~~(see Appendix C)~~.		

Table 4.3-8 Mitigated Project Operational Emissions		
Pollutant	**Project Emissions**	**YSAQMD Thresholds of Significance**
ROG	~~17.32~~ 28.51 tons/yr	10 tons/yr
NO_X	17.56 tons/yr	10 tons/yr
PM_{10}	124.98 lbs/day	80 lbs/day
Source: CalEEMod, ~~July~~ December 2015 ~~(see Appendix C)~~.		

Page 4.3-28 is revised as follows:

The majority of the proposed project's mitigated operational NO_X and PM_{10} emissions are associated with mobile sources (15.65 tons/yr and 124.18 lbs/day, respectively). The proposed project's inherent site and/or design features that would contribute to a reduction in vehicle trips and VMT, such as site enhancements and features that encourage alternative modes of transportation, which subsequently result in mobile source emissions of criteria pollutants including NO_X and PM_{10}, have already been accounted for in the project-specific VMT applied in the modeling. ~~Additional measures for the reduction of mobile source emissions, sufficient to reduce emissions of NO_X and PM_{10} to below the applicable thresholds of significance, are not available, nor feasible for the proposed project at this time.~~

Because the effectiveness and feasibility of the measures below is not known with certainty, ~~additional feasible mitigation for the reduction of the proposed project's operational ROG, NO_X, and PM_{10} emissions is not currently available, even with implementation of the following mitigation measure,~~ the above impact would remain *significant and unavoidable*.

Page 4.3-28, Mitigation Measure 4.3-2, has been revised as follows:

MRIC and Mace Triangle

~~*4.3-2 Prior to issuance of any building permits, the project applicant shall show on project plans via notation that only zero VOC paints, finishes, adhesives, and cleaning supplies shall be used for all buildings on the project site. Project plans shall be subject to review and approval by the Department of Community Development and Sustainability.*~~

4.3-2 Prior to issuance of any entitlement or permit, the project applicant shall work with the City of Davis, the YSAQMD, and/or other air districts

within the region (as appropriate) to develop and implement a strategy to mitigate ROG and NOx, and PM_{10}. 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 mitigation project is located. On-site actions may include, but shall not be limited to the following:

- *Reducing on-site parking lot area;*
- *Using concrete or other non-emitting materials for parking lots instead of asphalt;*
- *Limiting on-site parking supply;*
- *Using passive heating and cooling systems for buildings;*
- *Using natural lighting in buildings to the extent practical;*
- *Installing mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals;*
- *Providing electric outlets outside of buildings, sufficient to allow for use of electric landscaping equipment;*
- *Hiring landscaping companies that use primarily electric landscaping equipment;*
- *Use of zero-VOC paints, finishes, adhesives, and cleaning supplies on all buildings on the project site.*
- *Hiring janitorial companies that use only low-VOC cleaning supplies;*
- *Employing vehicle fleets that use only cleaner-burning fuels;*
- *Providing electrical vehicle charging stations in each phase of the project.*

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

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

> *The Reduction Strategy shall include requirements to ensure it 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, NOx, and PM10 are pollutants of regional concern, the emissions reductions for these pollutants may occur anywhere within the lower Sacramento Valley Air Basin (e.g., within YSAQMD, the Sacramento Metropolitan Air Quality Management District, or the Placer County Air Pollution Control District). Emissions reductions should occur within the YSAQMD, if reasonably available.*

Pages 4.3-33 through 4.3-34, the text starting at the second to last paragraph, is hereby revised as follows:

> Considering the intermittent nature of construction equipment operating within an influential distance to the nearest sensitive receptors, the duration of construction activities in comparison to the operational lifetime of the project, and the typical long-term exposure periods associated with conducting health risk assessment, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM for any extended period of time would be low. Nonetheless, to ensure concentrations of DPM would not cause an increase in cancer risks that would exceed the applicable threshold of significance of 10 in one million persons or more, or result in a ground-level concentration that would result in a HI equal to or greater than 1, ~~established CAAQS for PM_{10} emissions, which, as stated previously, is the maximum amount of a pollutant that can be present in outdoor air without harm to public health,~~ dispersion modeling was performed using AERMOD for the proposed project's construction-related PM_{10}~~2.5~~ emissions. The AERMOD results were applied to the CARB's HARP 2 Risk Assessment Standalone Tool in order to obtain an estimate for the cancer and non-cancer health risks.
>
> According to ~~T~~the AERMOD results, ~~are presented in Table 4.3-1. As shown in the table,~~ the average ~~highest 24-hour average~~ concentration of PM_{10}~~2.5~~ associated with construction of the proposed project at a nearby sensitive receptor was estimated to be ~~6.93~~ 0.0076µg/m^3, ~~which is below the 24-hour CAAQS of 50 µg/m^3 for PM_{10} emissions. It should be noted that~~ and the highest ~~annual~~ one-hour ~~average~~ concentration of PM_{10}~~2.5~~ associated with project construction at a nearby sensitive receptor was estimated ~~using AERMOD~~ to be ~~1.17~~ 1.05 µg/m^3~~, which is below the annual average CAAQS of 20 µg/m^3 for PM_{10} emissions. Because the project's construction-related concentrations of PM_{10} would be below the CAAQS, and health risks associated with exposure to DPM or any TAC are correlated with high concentrations over a long period of exposure (e.g., over a 70-year lifetime),~~ Applying the concentration results from AERMOD to the CARB's HARP 2 Risk Assessment Standalone Tool, assuming an 18-year exposure period to the MEI (i.e., beginning during the 3rd trimester of pregnancy), OEHHA recommended inputs for the fraction of time at home, eight-hour breathing rates, and the cancer potency factor for DPM, the proposed project would result in a total cancer risk of 5.35 in one million associated with the construction activities, which is less than the applicable threshold of significance of 10 in one million persons or more. In addition, an HI of 0.0015 would result, which is less than 1.0 threshold of significance. Therefore, the temporary, intermittent construction-related DPM emissions would not ~~be expected to~~

cause ~~any~~ health risks to any nearby sensitive receptors in excess of the applicable thresholds of significance. As such, project construction would not be ~~expected~~ considered to expose sensitive receptors to substantial concentrations of DPM.

~~Table 4.3-1~~
~~Maximum Construction-Related DPM Concentration at Nearest Sensitive Receptor~~

	~~DPM Concentration ($\mu g/m^3$)~~	~~Threshold of Significance ($\mu g/m^3$)~~
~~24-Hour Average~~	~~6.93~~	~~50~~
~~Annual Average~~	~~1.17~~	~~20~~

~~*Source: AERMOD, July 2015.*~~

4.4 BIOLOGICAL RESOURCES

Page 4.4-39 is hereby revised as follows:

Section 9 of FESA as amended, prohibits the take of any fish or wildlife species listed under FESA as endangered. Under Federal regulation, take of fish or wildlife species listed as threatened is prohibited unless otherwise specifically authorized by regulation. "Take," as defined by FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." "Harm" includes not only the direct taking of a species itself, but the destruction or modification of the species' habitat resulting in the ~~potential injury~~actual injury or death of the species. As such, "harm" is further defined to mean "an act which actually kills or injures wildlife; such an act may include significant habitat modification or degradation where wildlife is actually killed or injured by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR 17.3). A December 2001 decision by the 9th Circuit Court of Appeals (*Arizona Cattle Growers' Association, Jeff Menges, vs. the U.S. Fish and Wildlife Service and Bureau of Land Management, and the Southwest Center for Biological Diversity*) ruled that the USFWS must show that a threatened or endangered species is present on a project site and would be taken by the project activities. According to the ruling, the USFWS cannot require mitigation based on the probability that the species could use the site; rather the USFWS must show that the species is actually present.

Page 4.4-40 is hereby revised as follows:

Section 9 applies not only to federal agencies but to any local or State agency, and to any individual as well. If take of a listed species is necessary to complete an otherwise lawful activity, ~~which triggers~~this would trigger the need for consultation under Section 7 of FESA (for Federal agencies and projects with a federal "nexus" (that is, an authorized, funded or carried out by a federal agency)), or requires preparation of a Habitat Conservation Plan (HCP) pursuant to Section 10 of FESA (for state and local agencies, or individuals, and projects without a federal "nexus").

Pages 4.4-40 and 4.4-41 are hereby revised as follows:

In the 1982 amendments to FESA, Congress established a provision in Section 10 that allows for the "incidental take" of endangered and threatened species of wildlife by non-federal entities (for example, project applicants, state and local agencies), for projects which are not 'authorized, funded or carried out by' federal agencies. "Incidental take" is defined by FESA as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." Under Section 10 of FESA, the applicant for an "incidental take permit" is required to submit a "conservation plan" to USFWS or NMFS that specifies, among other things, the impacts that are likely to result from the taking, and the measures the permit applicant would undertake to minimize and mitigate such impacts, and the funding that would be available to implement those steps. Conservation plans under FESA have come to be known as "habitat conservation plans" or "HCPs" for short. The terms incidental take permit, Section 10 permit, and Section 10(a)(1)(B) permit are used interchangeably by USFWS. Section 10(a)(2)(B) of FESA provides statutory criteria that must be satisfied before an incidental take permit can be issued.

Page 4.4-42 is hereby revised as follows:

California Endangered Species Act

The State of California enacted the CESA in 1984. The CESA is similar to the FESA but pertains to State-listed endangered and threatened species. CESA requires state agencies to consult with the CDFW when preparing CEQA documents to ensure that the state lead agency actions do not jeopardize the existence of listed species. CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. Agencies can approve a project that affects a listed species if they determine that "overriding considerations" exist; however, the agencies are prohibited from approving projects that would result in the extinction of a listed species.

The CESA prohibits the taking of State-listed endangered or threatened plant and wildlife species. CDFW exercises authority over mitigation projects involving state-listed species, including those resulting from CEQA mitigation requirements. CDFW may authorize taking if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy is implemented. CDFG requires preparation of mitigation plans in accordance with published guidelines.

~~The CDFW exercises jurisdiction over wetland and riparian resources associated with rivers, streams, and lakes under California Fish and Wildlife Code Sections 1600 to 1607. The CDFW has the authority to regulate work that will substantially divert, obstruct, or change the natural flow of a river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a streambed.~~

In addition, CDFW enforces the Fish and ~~Wildlife~~Game Code of California, which provides protection for "fully protected birds" (§3511), "fully protected mammals" (§4700), "fully protected reptiles and amphibians" (§5050), and "fully protected fish" (§5515). The California Code of Federal Regulations (Title 14) prohibits the take of Protected amphibians (Chapter 5, §41), Protected reptiles (Chapter 5, §42) and Protected furbearers (Chapter 5, §460). The California Endangered Species Act, which prohibits 'take' of state-listed Endangered or Threatened species, is also enforced by CDFW.

Page 4.4-43 is hereby revised to include the following regulatory context information:

CDFW (2012) Staff Report on Burrowing Owl Mitigation

The CDFW (March 7, 2012) Staff Report on Burrowing Owl Mitigation outlines recommended methods for burrowing owl surveys; impact assessments; avoidance and minimization measures; and mitigation measures, to ensure impacts to burrowing owl are effectively addressed at the project, local, and/or regional level. The 2012 Staff Report supersedes the previously prepared 1995 Staff Report. The 2012 Staff Report is a guidance document that draws upon the most relevant and current burrowing owl knowledge and expertise, and incorporates the best scientific information available in 2012. The Staff Report does not set or purport to set significance criteria for lead agencies to follow; nor could DFW create binding legal obligations on cities and counties without having first taken any proposed binding standards through a formal rulemaking process under the California Administrative Procedure Act.

Pages 4.4-56 through 4.4-58, Mitigation Measure 4.4-3(a), are hereby revised as follows:

4.4-3(a) *To ensure avoidance and minimization of impacts to GGS, the project applicant for the MRIC shall implement the following measures:*

Mace Drainage Channel – Preconstruction Surveys

- *Within 15 days prior to conducting any work in the Mace Drainage Channel or existing on-site detention basin, the project applicant shall retain a qualified biologist to conduct a preconstruction survey to verify that no water is present in the channel within the project limits. The preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review.*
- *The qualified biologist shall document whether aquatic habitat is present in the Mace Drainage Channel downstream of the MRIC site. If aquatic habitat is not present in the Channel between the MRIC site and CR 105 (a distance of 0.5 miles), then aquatic habitat connectivity is not present in the Mace Drainage Channel and further preconstruction surveys or construction monitoring is not required.*
- *If water is present within the on- and off-site project limits, the Mace Drainage Channel shall be dewatered for a minimum of two weeks prior to construction activities in the Channel.*
- *If the first preconstruction survey reveals that aquatic habitat is present in the Channel between the project site and CR 105, a second preconstruction survey shall be conducted within 24 hours prior to construction. The second preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review. The second preconstruction survey shall cover the portion of the Mace Drainage Channel located on the MRIC site, and areas within 200 feet of the channel. If, based on the preconstruction*

surveys, it is determined that potentially occupied GGS aquatic habitat occurs within 200 feet of the MRIC site, MM 4.4-3(b) shall be implemented.

If GGS are encountered during preconstruction surveys, the City, USFWS and CDFW shall be notified and construction shall not commence until ~~the following~~appropriate avoidance measures approved by USFWS, ~~and~~ CDFW and the City are implemented. The measures may include, but are not limited to, the following:

- *Unless authorized by USFWS, site disturbance or construction activity within 200 feet of suitable aquatic habitat for the GGS shall not commence before May 1, with initial ground disturbance expected to correspond with the snake's active season. Initial ground disturbance should be completed by October 1.*
- *To the extent possible, site disturbance or construction activity shall be avoided within 200 feet from the banks of GGS aquatic habitat for any phase of development. Movement of heavy equipment in these areas shall be confined to existing roadways, where feasible, to minimize habitat disturbance.*
- *Construction personnel shall receive USFWS-approved worker environmental awareness training to instruct workers to recognize giant garter snake and their habitats.*
- *Within 24 hours before site disturbance or construction activity, the project area shall be surveyed for GGS. The survey shall be repeated if a lapse in construction activity of two weeks or greater has occurred. If a GGS is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it is determined by the qualified biologist and City staff, in coordination with USFWS and CDFW, that the GGS will not be harmed. Any sightings or incidental take shall be reported to USFWS and CDFW immediately.*
- *Any aquatic habitat for the snake that is dewatered shall remain dry for at least 15 consecutive days after April 15 and before excavating or filling of the dewatered habitat. If complete dewatering is not possible, potential snake prey (e.g., fish and tadpoles) shall be removed so that snakes and other wildlife are not attracted to the construction area.*
- *GGS habitat to be avoided within or adjacent to construction areas shall be fenced and designated as environmentally sensitive areas. These areas shall be avoided by all construction personnel throughout construction for any phase of development.*

Off-Site Volume Storage Pond (if approved)

- *During the inactive season (October 2 to April 30), no work shall be conducted in areas within 200 feet of potential aquatic habitat for GGS, unless authorized by USFWS.*
- *Temporary stockpiling of soil shall not occur within 200 feet of potential aquatic habitat for GGS.*
- *During the active season (May 1 to October 1), the construction monitoring provision of MM 4.4-3(b) shall be implemented and a biological monitor shall be present during work within 200 feet of aquatic habitat for GGS.*

Pages 4.4-59 through 4.4-62, Mitigation Measures 4.4-4(a) through 4.4-4(d), are hereby revised as follows:

MRIC

4.4-4(a) *Preconstruction Surveys: The project applicant proposing development on the MRIC Site shall implement the following measure to avoid or minimize impacts to western burrowing owl:*

- *Within ~~No less than~~ 14 days prior to any ground disturbing activities for ~~any~~ each phase of development at the MRIC site, the project applicant shall retain a qualified biologist to conduct a preconstruction survey of the MRIC site, any off-site improvement areas, and all publically accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections of the March 7, 2012 (or subsequent applicable), CDFW~~'s~~ Staff Report on Burrowing Owl Mitigation ~~guidelines~~. The qualified biologist shall be familiar with burrowing owl identification, behavior, and biology, and shall meet the minimum qualifications described in the 2012 CDFW Staff Report~~guidelines~~. If the survey does not identify any nesting burrowing owls on the MRIC site, further mitigation is not required for that phase unless activity ceases for a period in excess of 14 days in which case the survey requirements and obligations shall be repeated. The results of the preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review and approval prior to any site disturbance. ~~The survey periods and number of surveys are identified below:~~*

    - ~~*If construction related activities commence during the non-breeding season (1 September to 31 January), a minimum of one preconstruction survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.*~~
    - ~~*If construction related activities commence during the early breeding season (1 February to 15 April), a minimum of one*~~

~~*preconstruction survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.*~~

- ~~*If construction related activities commence during the breeding season (16 April to 30 August), a minimum of three preconstruction surveys shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase. If construction related activities commence after 15 June, at least one of the three surveys shall be completed after 15 June.*~~
- ~~*Because the owls are known to occur nearby and may take up occupancy on a site under construction, the preconstruction survey will be conducted annually.*~~

- *If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures* ~~*consistent with*~~ *at least equal to the* ~~*applicable portions of the March 7, 2012*~~*, (or subsequent applicable) CDFW's Staff Report, subject to review and approval by the City of Davis Department of Community Development and Sustainability* ~~*on Burrowing Owl Mitigation.*~~ *guidelines.* ~~*If needed, as determined by the biologist, the formulation of avoidance and minimization approaches would be developed in coordination with the CDFW. The avoidance and minimization approaches would likely include burrow avoidance buffers during the nesting season (February to August). For burrowing owls present on site, outside of the nesting season, passive exclusion of owls from the burrows could be utilized with the approval of CDFW. Advance planning with CDFW would be necessary prior to the initiation of the take avoidance survey to plan for contingencies in the event that owls are present on site.*~~

- *During the breeding season (February 1 through August 31), the following measures will be implemented:*

  - *Disturbance-free buffers will be established around the active burrow. During the peak of the breeding season between April 1 to August 15, a minimum of a 500-ft buffer will be maintained. Between August 16 and March 31, a minimum of a 150-ft buffer will be maintained. The qualified biologist (as defined above) will determine, in consultation with the City and CDFW, if the buffer should be increased or decreased based on site conditions, breeding status, and non-project related disturbance at the time of construction.*
  - *Monitoring of the active burrow will be conducted by the qualified biologist during construction on a weekly basis to verify that no disturbance is occurring.*
  - *After the qualified biologist determines that the young have fledged and are foraging independently, or that breeding attempts were not successful, the owls may be excluded in*

accordance with the non-breeding season measures below. Daily monitoring will be conducted for one week prior to exclusion to verify the status of owls at the burrow.

- *During the non-breeding season (September 1 to January 31), owls occupying burrows that cannot be avoided will be passively excluded consistent with Appendix E of the 2012 CDFW Staff Report:*

    - *Within 24 hours prior to installation of one-way doors, a survey will be conducted to verify the status of burrowing owls on the site.*
    - *Passive exclusion will be conducted using one-way doors on all burrows suitable for burrowing owl occupation.*
    - *One-way doors shall be left in place a minimum of 48 hours to ensure burrowing owls have left the burrow before excavation.*
    - *While the one-way doors are in place, the qualified biologist will visit the site twice daily to monitor for evidence that owls are inside and are unable to escape. If owls are trapped, the device shall be reset and another 48-hour period shall begin.*
    - *After a minimum of 48 hours, the one-way doors will be removed and the burrows will be excavated using hand tools to prevent reoccupation. The use of a pipe is recommended to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow.*
    - *After the owls have been excluded, the excavated burrow locations will be surveyed a minimum of three times over two weeks to detect burrowing owls if they return. The site will be managed to prevent reoccupation of burrowing owls (e.g., disking, grading, manually collapsing burrows) until development is complete.*
    - *If burrowing owls are found outside the project site during preconstruction surveys, the qualified biologist shall evaluate the potential for disturbance. Passive exclusion of burrowing owls shall be avoided to the maximum extent feasible where no ground disturbance will occur. In cases where ground disturbance occurs within the no-disturbance buffer of an occupied burrow, the qualified biologist shall determine in consultation with the City and CDFW whether reduced buffers, additional monitoring, or passive exclusion is appropriate.*

4.4-4(b) *Compensatory Mitigation, if Active Owl Dens are Present: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall implement the following, subject to review and approval by the City of Davis Department of Community Development and Sustainability:*

- *If active owl burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat ~~consistent with~~ at least equal to the ~~March 7,~~ 2012 (or subsequent applicable), CDFW~~'s~~ Staff Report ~~on Burrowing Owl Mitigation~~. Such mitigation shall~~may~~ include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. In determining the location and amount of acreage required for permanent protection, the applicant and City shall seek lands that include the same types of vegetation communities and fossorial mammal populations found in the lost foraging habitat, with a preference given to lands that are adjacent to, or reasonably proximate to, the lost foraging lands. Such lands shall provide for nesting, foraging, and dispersal comparable to, or better than, the lost foraging land. The minimum amount of acreage for preservation shall be 6.5 acres per nesting pair or unpaired resident bird. Additional lands may be required as determined pursuant to the then current standards/best practices for mitigation acreage as determined by the City in consultation with CDFW.*

  If the same mitigation acreage ~~would~~ is proposed to be utilized for multiple species (i.e. burrowing owl habitat and Swainson's hawk foraging habitat), the City, in consultation with CDFW, ~~appropriate wildlife agency, in this case CDFW,~~ must approve the mitigation lands and long-term management practices for the mitigation lands as suitable and compatible for all species for which the lands are to provide compensatory mitigation. The City may reject proposed "shared" mitigations lands if the conservation goals and associated management practices for the species are not compatible. ~~Proof of CDFW's approval habitat "stacking" shall be provided to the City of Davis Department of Community Development and Sustainability.~~

Mace Triangle

4.4-4(c) *Preconstruction Surveys: The project applicant proposing development on the Mace Triangle site shall implement the following measure to avoid or minimize impacts to western burrowing owl:*

- *Within ~~No less than~~ 14 days prior to any ground disturbing activities for ~~any~~ each phase of development at the Mace Triangle site, the project applicant shall retain a qualified biologist to conduct a preconstruction survey of the Mace Triangle site, any off-site improvement areas, and all publically accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections of the March 7, 2012 (or subsequent applicable),*

CDFW's Staff Report on Burrowing Owl Mitigation guidelines. The qualified biologist shall be familiar with burrowing owl identification, behavior, and biology, and shall meet the minimum qualifications described in the 2012 CDFW Staff Report guidelines. If the survey does not identify any nesting burrowing owls on the Mace Triangle site, further mitigation is not required for that phase unless activity ceases for a period in excess of 14 days in which case the survey requirements and obligations shall be repeated. The results of the preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review and approval prior to any site disturbance. The survey periods and number of surveys are identified below:

- *If construction related activities commence during the non-breeding season (1 September to 31 January), a minimum of one preconstruction survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.*
- *If construction related activities commence during the early breeding season (1 February to 15 April), a minimum of one preconstruction survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.*
- *If construction related activities commence during the breeding season (16 April to 30 August), a minimum of three preconstruction surveys shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase. If construction related activities commence after 15 June, at least one of the three surveys shall be completed after 15 June.*
- *Because the owls are known to occur nearby and may take up occupancy on a site under construction, the preconstruction survey will be conducted annually.*

- *If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures consistent with at least equal to the applicable portions of the March 7, 2012, (or subsequent applicable) CDFW's Staff Report, subject to review and approval by the City of Davis Department of Community Development and Sustainability on Burrowing Owl Mitigation. guidelines. If needed, as determined by the biologist, the formulation of avoidance and minimization approaches would be developed in coordination with the CDFW. The avoidance and minimization approaches would likely include burrow avoidance buffers during the nesting season (February to August). For burrowing owls present on site, outside of the nesting season, passive exclusion of owls from the burrows could be utilized with the approval of CDFW. Advance planning with CDFW would*

~~be necessary prior to the initiation of the take avoidance survey to plan for contingencies in the event that owls are present on site.~~

- *During the breeding season (February 1 through August 31), the following measures will be implemented:*

    - *Disturbance-free buffers will be established around the active burrow. During the peak of the breeding season between April 1 to August 15, a minimum of a 500-ft buffer will be maintained. Between August 16 and March 31, a minimum of a 150-ft buffer will be maintained. The qualified biologist (as defined above) will determine, in consultation with the City and CDFW, if the buffer should be increased or decreased based on site conditions, breeding status, and non-project related disturbance at the time of construction.*
    - *Monitoring of the active burrow will be conducted by the qualified biologist during construction on a weekly basis to verify that no disturbance is occurring.*
    - *After the qualified biologist determines that the young have fledged and are foraging independently, or that breeding attempts were not successful, the owls may be excluded in accordance with the non-breeding season measures below. Daily monitoring will be conducted for one week prior to exclusion to verify the status of owls at the burrow.*

- *During the non-breeding season (September 1 to January 31), owls occupying burrows that cannot be avoided will be passively excluded consistent with Appendix E of the 2012 CDFW Staff Report:*

    - *Within 24 hours prior to installation of one-way doors, a survey will be conducted to verify the status of burrowing owls on the site.*
    - *Passive exclusion will be conducted using one-way doors on all burrows suitable for burrowing owl occupation.*
    - *One-way doors shall be left in place a minimum of 48 hours to ensure burrowing owls have left the burrow before excavation.*
    - *While the one-way doors are in place, the qualified biologist will visit the site twice daily to monitor for evidence that owls are inside and are unable to escape. If owls are trapped, the device shall be reset and another 48-hour period shall begin.*
    - *After a minimum of 48 hours, the one-way doors will be removed and the burrows will be excavated using hand tools to prevent reoccupation. The use of a pipe is recommended to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow.*
    - *After the owls have been excluded, the excavated burrow locations will be surveyed a minimum of three times over*

two weeks to detect burrowing owls if they return. The site will be managed to prevent reoccupation of burrowing owls (e.g., disking, grading, manually collapsing burrows) until development is complete.

- *If burrowing owls are found outside the project site during preconstruction surveys, the qualified biologist shall evaluate the potential for disturbance. Passive exclusion of burrowing owls shall be avoided to the maximum extent feasible where no ground disturbance will occur. In cases where ground disturbance occurs within the no-disturbance buffer of an occupied burrow, the qualified biologist shall determine in consultation with the City and CDFW whether reduced buffers, additional monitoring, or passive exclusion is appropriate.*

4.4-4(d) *Compensatory Mitigation, if Active Owl Dens are Present: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall implement the following, subject to review and approval by the City of Davis Department of Community Development and Sustainability:*

- *If active owl burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat ~~consistent with~~ at least equal to the ~~March 7,~~ 2012 (or subsequent applicable), CDFW~~'s~~ Staff Report ~~on Burrowing Owl Mitigation~~. Such mitigation shall~~may~~ include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. In determining the location and amount of acreage required for permanent protection, the applicant and City shall seek lands that include the same types of vegetation communities and fossorial mammal populations found in the lost foraging habitat, with a preference given to lands that are adjacent to, or reasonably proximate to, the lost foraging lands. Such lands shall provide for nesting, foraging, and dispersal comparable to, or better than, the lost foraging land. The minimum amount of acreage for preservation shall be 6.5 acres per nesting pair or unpaired resident bird. Additional lands may be required as determined pursuant to the then current standards/best practices for mitigation acreage as determined by the City in consultation with CDFW.*

  If the same mitigation acreage ~~would~~ is proposed to be utilized for multiple species (i.e. burrowing owl habitat and Swainson's hawk foraging habitat), the City, in consultation with CDFW, ~~appropriate wildlife agency, in this case CDFW,~~ must approve the mitigation lands and long-term management practices for the mitigation lands

as suitable and compatible for all species for which the lands are to provide compensatory mitigation. The City may reject proposed "shared" mitigations lands if the conservation goals and associated management practices for the species are not compatible. ~~Proof of CDFW's approval habitat "stacking" shall be provided to the City of Davis Department of Community Development and Sustainability.~~

Page 4.4-64 is revised as follows:

Mitigation Measure(s)

~~With implementation of Mitigation Measure 4.4-5(a) below, the project's potential impacts to nesting Swainson's hawk would be reduced to a less than significant level. Implementation of Mitigation Measures 4.4-5(b) and (c) below would reduce impacts to Swainson's hawk foraging habitat through the preservation of compensatory Swainson's hawk foraging habitat. However, because the 229-acre project site is currently outside of the existing City limits, and the loss of foraging habitat associated with urbanization of the project site has not heretofore been anticipated in any City environmental documents, the permanent loss of Swainson's hawk foraging habitat as a result of development on the project site would remain *significant and unavoidable*.~~ Impacts to Swainson's hawk foraging habitat would be reduced to a less-than-significant level through Mitigation Measures 4.4-5(b) and (c) due to their consistency with State and local programs and policies for mitigating Swainson's hawk foraging habitat impacts. In addition, under the CEQA Guidelines, impacts to a threatened species such as the Swainson's hawk are considered to be significant if a project substantially reduces the number or restricts the range of the species. Implementation of Measure 4.4-5(a) will avoid direct impacts to nesting Swainson's hawk and thus eliminate any potential for the project to substantially reduce the number of the species. The Mace Ranch Innovation Center project will not reduce the range of the Swainson's hawk, substantially or otherwise. The hawk's breeding range extends from northern Mexico into Canada. The loss of the project site, as Swainson's hawk habitat, within such a substantial part of western North America does not represent any kind of adverse effect on the range of the species. This conclusion is reinforced by the fact that, with mitigation, the project provides permanent protection, enhancement, and management of Swainson's hawk foraging habitat mitigation within Yolo County.

Page 4.4-65, Mitigation Measures 4.4-5(b) and 4.4-5(c), are revised as follows:

4.4-5(b) *Foraging Habitat: The project applicant shall permanently protect ~~an equivalent amount of acres of~~ Swainson's hawk foraging habitat converted by the proposed project at a 1:1 ratio by either (1) purchasing a DFW-approved conservation easement of like acreage or (2) paying the requisite mitigation fee to the Yolo Habitat JPA pursuant to the Swainson's Hawk Interim Mitigation Fee Program or purchasing mitigation credits from an approved mitigation credit holder. Purchase of a conservation easement of like acreage or payment of the mitigation fee shall be made to the Yolo Habitat JPA and shall be confirmed by the City prior to the initiation of ground disturbing activities.*

Mace Triangle

4.4-5(c) *Foraging Habitat: The project applicant shall permanently protect ~~an equivalent amount of acres of~~ Swainson's hawk foraging habitat converted by the proposed project at a 1:1 ratio by either (1) purchasing a DFW-approved conservation easement of like acreage or (2) paying the requisite mitigation fee to the Yolo Habitat JPA pursuant to the Swainson's Hawk Interim Mitigation Fee Program or purchasing mitigation credits from an approved mitigation credit holder. Purchase of a conservation easement of like acreage or payment of the mitigation fee shall be made to the Yolo Habitat JPA and shall be confirmed by the City prior to the initiation of ground disturbing activities.*

4.7 GREENHOUSE GAS EMISSIONS AND ENERGY

Page 4.7-23 is hereby revised as follows:

Thus, the following assumptions were made for the project construction modeling:

- Demolition would not be required;
- Construction was assumed to commence in July 2017;
- Construction was assumed to occur continuously over the construction period in order to provide a conservative estimate;
- In order to be consistent with the buildout assumptions utilized by the traffic consultant, the project was assumed to be fully operational by 2035 (i.e., construction was assumed to occur over an 18-year period);
- Construction phase durations (i.e., site preparation, grading, building construction, and architectural coating phases) were modified to reflect an 18-year construction period; ~~and~~
- A total of ~~224.42~~ 315.42 acres would be disturbed during the grading phase~~.~~;[32] and
- 130,000 cubic yards of soil was assumed to be required to be exported in association with the off-site detention basin to a site located two miles from the off-site detention basin location; and
- Approximately 10,833 soil haul truck trips would be required for the soil exportation.

Page 4.7-25, the last sentence of the second paragraph under Impact 4.7-1, is hereby revised as follows:

According to CalEEMod, the proposed project would result in maximum annual construction-related GHG emissions of ~~2,860.82~~ 5,934.85 $MTCO_2e$/yr.

Page 4.7-25, last paragraph and Table 4.7-3 on page 4.7-26, are hereby revised as follows:

Based on the current GHG emissions associated with the site and the estimated future emissions at buildout of the site per the proposed project, the total net new emissions that would be generated by the proposed project would be 25,775.62 $MTCO_2e$/yr (26,073.04

~~43.31~~ – 267.69 = 25,805.35 ~~775.62~~). Therefore, the proposed project would result in a substantial net increase in GHG emissions currently emanating from the project site. This is considered a ***significant*** impact on the environment.

Table 4.7-3
Unmitigated Proposed Project GHG Emissions at Buildout (2035)

Emission Source	Annual GHG Emissions ($MTCO_2e$/yr)
Construction Emissions[1]	**~~158.93~~ 329.71**
Operational Emissions	**25,743.33 ~~884.38~~**
Area	~~0.05~~ 0.21
Energy	4,382.26 ~~440.53~~
Mobile	19,269.71~~84~~
Solid Waste	649.59
Water	1,441.56 ~~524.36~~
TOTAL ANNUAL GHG EMISSIONS	**26,073.04 ~~43.31~~**

[1] Amortized maximum annual construction emissions (~~2,860.82~~ 5,934.85 $MTCO_2e$) over an estimated 18-year construction period for the project (~~2,860.82~~ 5,934.85 $MTCO_2e$ / 18 years = ~~158.93~~ 329.71 $MTCO_2e$/yr).

Source: CalEEMod, ~~July~~ December 2015 ~~(see Appendix E)~~.

Page 4.7-26, middle paragraph, is hereby revised as follows:

Mitigation Measure(s)
Implementation of Mitigation Measure 4.3-2, set forth in Section 4.3, Air Quality, and Mitigation Measure 4.14-6 set forth in Section 4.14, Transportation and Circulation, of this EIR, which require use of only zero-VOC paints and a reduction of vehicle trips by 10 percent, respectively, would further reduce the proposed project's operational GHG emissions. The proposed project's GHG emissions, with implementation of Mitigation Measures 4.3-2 and 4.14-6, is shown in Table 4.7-4. As shown in the table, although Mitigation Measures 4.3-2 and 4.14-6 would reduce the proposed project's GHG emissions by approximately seven percent, the reduction would not be sufficient to reach existing GHG emission levels emanating from on-site agricultural operations. Thus, the GHG emissions would still be considered a substantial increase; and the impact would remain *significant and unavoidable*. Mitigation Measure 4.7-2(a) would further reduce operational GHG emissions, as discussed in detail in Impact 4.7-2.

Page 4.7-4, Table 4.7-4, is also hereby revised as follows:

Table 4.7-4 Proposed Project Mitigated GHG Emissions at Buildout (2035)[1]	
Emission Source	**Annual GHG Emissions ($MTCO_2e$/yr)**
Construction Emissions[2]	**~~158.93~~ 329.71**
Operational Emissions	**23,899.03 ~~24,039.93~~**
Area	0.21 ~~0.05~~
Energy	4,382.26 ~~440.53~~
Mobile	17,425.40
Solid Waste	649.59
Water	1,441.56 ~~524.36~~
TOTAL ANNUAL GHG EMISSIONS	**24,228.74 ~~198.86~~**

[1] Includes implementation of Mitigation Measures 4.3-2 and 4.14-6 of this EIR.
[2] Amortized maximum annual construction emissions (~~2,860.82~~ 5,934.85 $MTCO_2e$) over an estimated 18-year construction period for the project (~~2,860.82~~ 5,934.85 $MTCO_2e$ / 18 years = ~~158.93~~ 329.71 $MTCO_2e$/yr).

Source: CalEEMod, ~~July~~ December 2015 ~~(see Appendix E)~~.

Page 4.7-27, third paragraph under Impact 4.7-2, is hereby revised as follows:

As discussed above, the proposed project would result in maximum annual construction-related GHG emissions of ~~2,860.82~~ 5,934.85 $MTCO_2e$/yr, which would exceed the recommended 1,100 $MTCO_2e$/yr threshold of significance. In addition, as shown in Table 4.7-3 above, the proposed project's operational GHG emissions would exceed the recommended 1,100 MTCO2e/yr threshold of significance. Seventy-four percent of unmitigated operational emissions are estimated to be from mobile sources generated by the proposed project. Because both the proposed project's construction-related GHG emissions and operational GHG emissions were estimated to exceed YSAQMD's recommended GHG threshold of 1,100 $MTCO_2e$/yr, further analysis in comparison with State and/or local GHG emission reduction targets is conducted in the following section.

Page 4.7-28, Table 4.7-5 and the paragraphs following the table, are hereby revised as follows:

Table 4.7-5 Proposed Project GHG Emissions at 1990 Levels	
Emission Source	**Annual GHG Emissions ($MTCO_2e$/yr)**
Construction Emissions[1]	**~~158.93~~ 329.71**
Operational Emissions	**43,426.20 ~~41,961.33~~**
Area	0.28 ~~0.07~~
Energy	11,989.28 ~~10,524.42~~
Mobile	28,010.34 ~~54~~
Solid Waste	649.59
Water	2,776.70
TOTAL ANNUAL GHG EMISSIONS	**43,755.91 ~~42,120.26~~**

[1] Amortized maximum annual construction emissions (~~2,860.82~~ 5,934.85 $MTCO_2e$) over an estimated 18-year construction period for the project (~~2,860.82~~ 5,934.85 $MTCO_2e$ / 18 years = ~~158.93~~ 329.71 $MTCO_2e$/yr).
Source: CalEEMod, ~~July~~ December 2015 ~~(see Appendix E)~~.

The proposed project would result in approximately a ~~38.17~~ 40.41 percent reduction in annual GHG emissions from 1990 levels by buildout (2035) ([43,755.91~~–42,120.26~~ $MTCO_2e$/yr – 26,073.04~~-43.31~~ $MTCO_2e$/yr] / 43,755.91~~-42,120.26~~ $MTCO_2e$/yr x 100% = 40.41 ~~38.17~~%). The reduction in GHG emissions is primarily attributable to the continued advancement of vehicle and equipment efficiency, as well as more stringent standards and regulations as time progresses.

Using the downward trajectory of GHG emissions from the project from 1990 levels to 2035 levels, approximately ~~357.27~~ 392.95 $MTCO_2e$ of GHG emissions would be reduced per year ([43,755.91~~-42,120.26~~ $MTCO_2e$/yr – 26,073.04~~-43.31~~ $MTCO_2e$/yr] / [2035 – 1990]), or approximately ~~0.85~~ 0.90 percent per year (~~38.17~~ 40.41% / [2035 – 1990]). Based on the estimated ~~0.85~~ 0.90 percent reduction per year from 1990 to 2035, the proposed project would have an associated 2020 GHG emission level of ~~25.42~~ 27 percent below 1990 levels, which would meet the State AB 32 goal and Davis CAAP minimum goal of 1990 levels by 2020, but would not meet the Davis CAAP 2020 desired target of 28 percent below 1990 levels. At 2030 GHG emission levels, a GHG emissions reduction of approximately ~~33.92~~ 36 percent below 1990 levels would occur, which does not meet the State's goal of 40 percent below 1990 levels by 2030.

Page 4.7-29, the discussion under Mitigation Measure(s) for Impact 4.7-2, is hereby revised as follows:

Mitigation Measure(s)

As shown above, implementation of Mitigation Measures 4.3-2 and 4.14-6 of this EIR, which requires the use of only zero-VOC paints and solvents and a 10 percent reduction in VMT, would reduce the proposed project's total annual GHG emissions to 24,228.74 ~~198.86~~ $MTCO_2e$/yr as shown in Table 4.7-4. Using the mitigated GHG emissions in comparison with the proposed project's 1990 level GHG emissions, an estimated ~~42.55~~ 44.63 percent reduction from 1990 levels by 2035 would occur, which results in a downward trajectory in GHG emissions of approximately ~~0.95~~ 0.99 percent per year.

Based on the estimated ~~0.95~~ 0.99 percent reduction per year from 1990 to 2035, an associated 2020 GHG emission reduction of ~~28.30~~ 29.7 percent below 1990 levels would be expected, which would meet the Davis CAAP desired target of 28 percent below 1990 levels by 2020. However, at 2030 GHG emission levels, a GHG emissions reduction of approximately ~~37.80~~ 39.6 percent below 1990 levels would occur, which does not meet the State's goal of 40 percent below 1990 levels by 2030. An accurate prediction of 2050 emissions is not possible for reasons discussed above.

Mitigation Measures 4.7-2(a) and (b) below have been prepared to be consistent with the intent of the statewide and City's CAAP goals, which require GHG emission reductions by a greater, increasing percentage over time. With implementation of Mitigation Measure 4.7-2(a) below, the proposed project would result in an additional ~~2.2~~ 0.4 percent reduction from 1990 levels by the year 2030 (i.e., from ~~37.80~~ 39.6 to 40 percent reduction below 1990 levels), which would meet the State's goal of 40 percent below 1990 levels by 2030.[34] As such, the mitigation measures set forth in this EIR would ensure that the proposed project would meet the State's 2020 and 2030 GHG emission reduction goals, and would demonstrate meaningful progress towards the City's 2020, 2040, and 2050 desired targets (see Table 4.7-6). In addition, it is assumed that the State and the City will continue to develop programs for the reduction of local, regional, and

statewide GHG emissions in order to meet GHG emission reduction goals per State and City standards and regulations. Thus, net future reductions in city-wide GHG emissions (including the proposed project) would be expected to potentially meet the 2050 State and local goals.

Although future regulations that may be in place in the year 2050 could substantially reduce project emissions at that time, such regulations are currently unknown and cannot be reasonably predicted or quantified. Due to such regulatory uncertainties, as well as uncertainties related to the actual buildout of the proposed project and potential GHG emissions reductions due to sustainability features of the project, the full GHG reductions associated with such are speculative at this time. For this reason, and because the proposed project's GHG emissions cannot be conclusively shown to be reduced to net zero by 2050, the impact would remain *significant and unavoidable.*

Pages 4.7-40 through 4.7-42, Figures 4.7-1 through 4.7-3, are hereby revised as follows to clarify the figures and show the individual figure panels in the correct order:

Table 4.7-6
Consistency of Proposed Project (Mitigated) GHG Emissions with State and Local Targets (2020 and 2030)

Year	State Reduction Target (City Minimum)	City Reduction Target (Desired)	Project Emissions w/ MMs 4.3-2 and 4.14-6	Project Emissions w/ MM 4.7-2(a)	Consistent with State Target? (City minimum)		Consistent with City Target? (Desired)	
					w/ MMs 4.3-2 and 4.14-6	w/ MM 4.7-2(a)	w/ MMs 4.3-2 and 4.14-6	w/ MM 4.7-2(a)
2020	1990 levels	28% below 1990	~~28.3~~ 29.7% below 1990	~~28.3~~ 29.7% below 1990	Yes	Yes	Yes	Yes
2030	40% below 1990 levels	N/A	~~37.8~~ 39.6% below 1990	40.0 % below 1990	No	Yes	N/A	N/A
2040	N/A	80% below 1990	While project-specific calculations have not been provided for 2040 due to difficulties discussed in this section, this EIR demonstrates that meaningful progress towards the City's 2040 desired target would be achieved by the increasingly higher reduction percentages required in MM 4.7-2(a).[1]					
2050	80% below 1990	carbon neutral	While project-specific calculations have not been provided for 2050 due to difficulties discussed in this section, this EIR demonstrates that meaningful progress towards the State's and City's 2050 targets would be achieved by the increasingly higher reduction percentages required in MM 4.7-2(a).					

[1] It is speculative to predict the impact of legislation and policy that has yet to come; therefore, an accurate prediction of 2040 and 2050 emissions is also speculative at this time. The regulatory environment associated with climate change is becoming more stringent and technological advancements for the reduction of GHG emissions are ever-evolving. Accordingly, the future regulations that may be in place in the years 2040 and 2050 could substantially reduce project emissions at that time, but are currently unknown and cannot be reasonably predicted or quantified. Furthermore, based upon market absorption projections, the proposed project can reasonably be assumed to build out by 2035, which equates to an annual buildout of 140,000 to 150,000 square feet of innovation center uses.

Figure 4.7-1
Sun Shadow in March

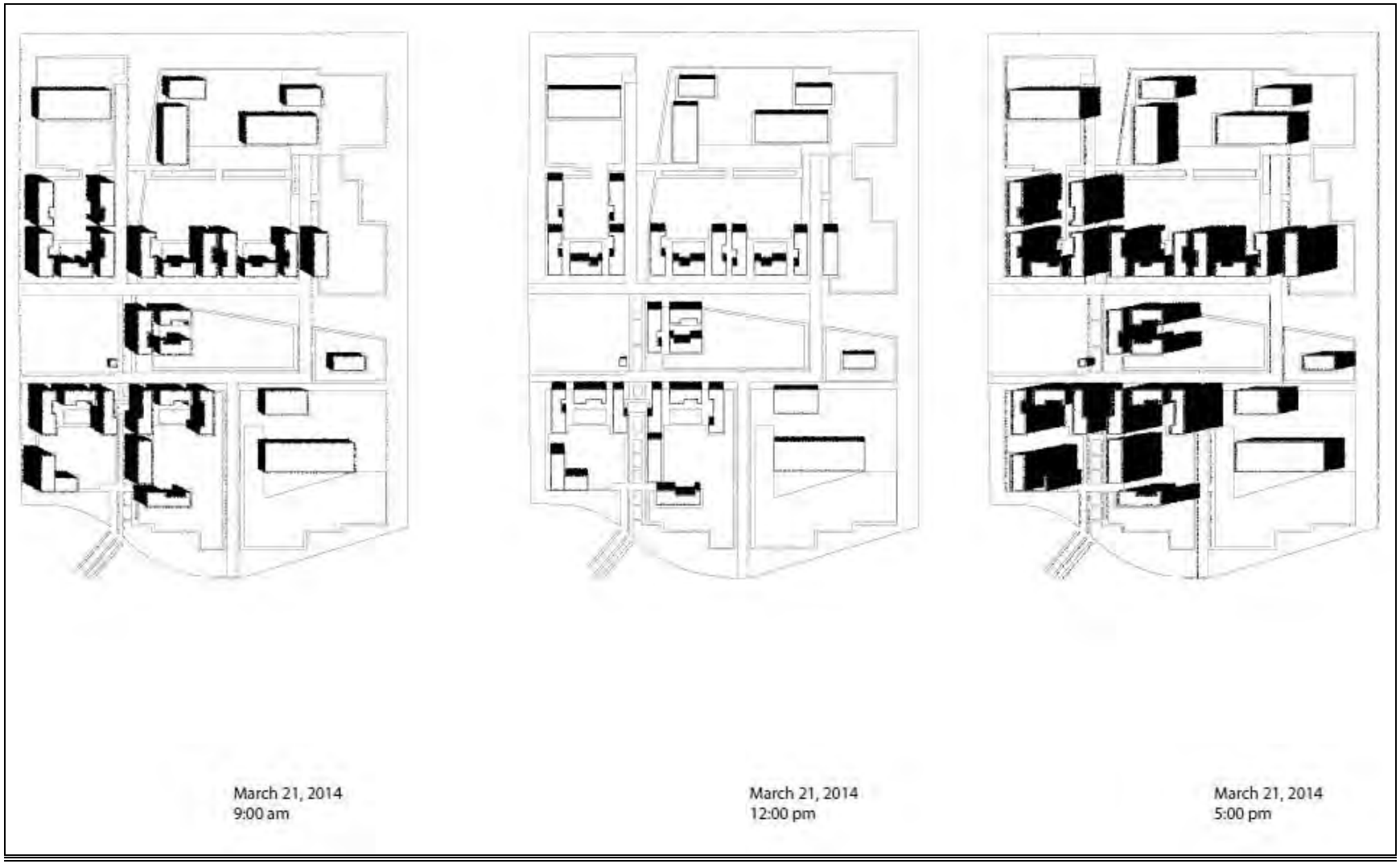
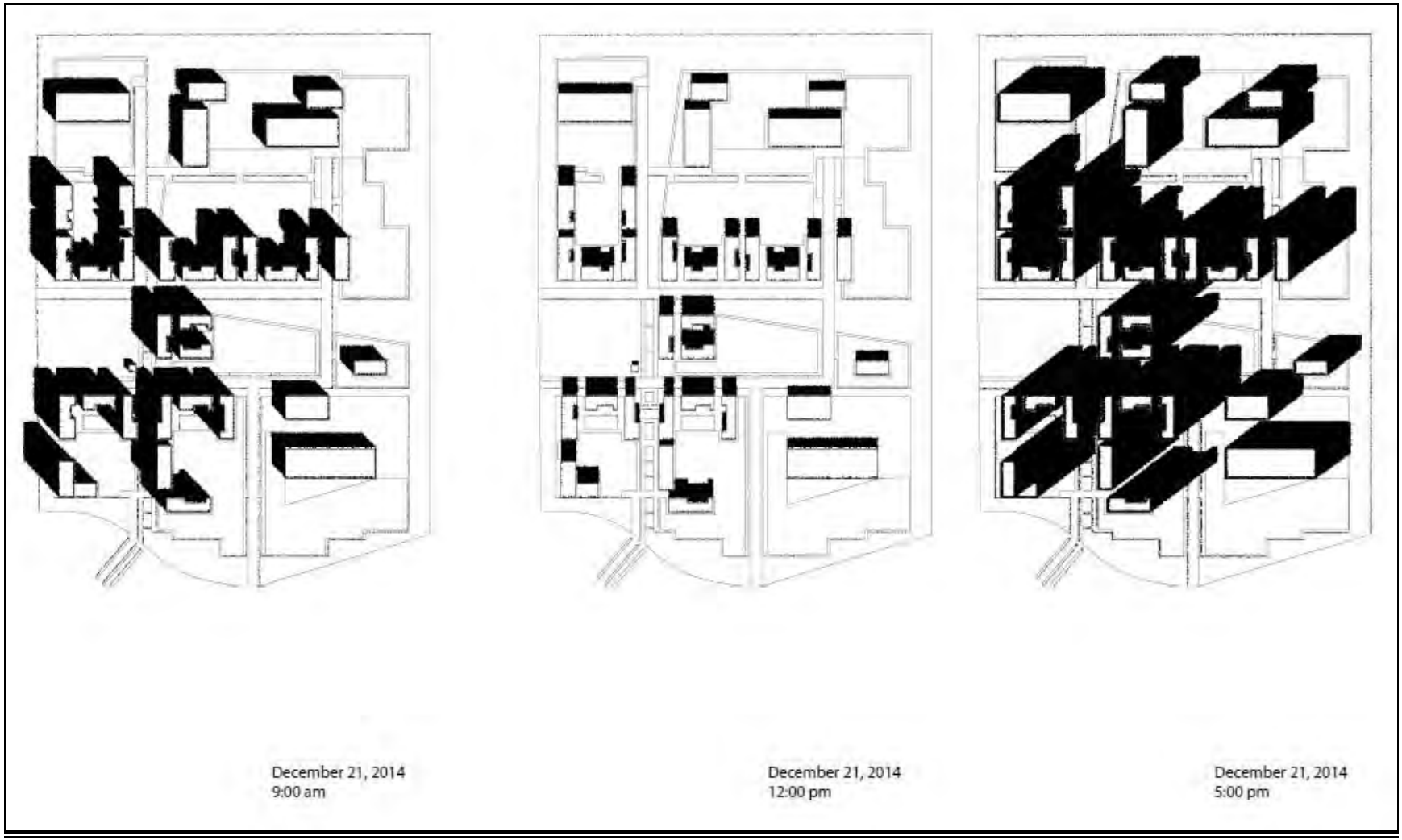


Figure 4.7-2
Sun Shadow in June

Figure 4.7-3
Sun Shadow in December



4.8 HAZARDS AND HAZARDOUS MATERIALS

Page 4.8-9 of Section 4.8, Hazards and Hazardous Materials, is hereby revised as follows:

Issues Not Discussed Further

The nearest existing schools to the project site are ~~is~~ the University Covenant Nursery School, which is located approximately 0.06-mile west of the project site, and Pioneer Elementary School, which is located approximately 0.26-mile south of the project site. It should be noted that Pioneer Park, located adjacent west to Pioneer Elementary School, is regularly used for outside activities. However, the outdoor area within Pioneer Park which is utilized by Pioneer Elementary School is located approximately 0.26-miles south of the project site. In addition, Frances Harper Junior High School is located approximately 0.28-mile west of the site.

Any potentially hazardous materials, substances, or waste which may be handled by future tenants of the MRIC would comply with existing laws and regulations pertaining to the handling, transport, and disposal of such materials. For example, the transportation of hazardous materials is regulated by OSHA, the U.S. DOT, and the EPA. Specifically, OSHA regulates hazardous waste operations and emergency response in the instance of spills, the U.S. DOT maintains emergency response information and training requirements, and the EPA regulates the discharge or oil and designated hazardous substances.

Because the project would comply with existing laws and regulations regarding hazardous emissions, materials, substances, or waste ~~is not within one quarter mile of an existing or proposed school~~, the project would not result in any impacts associated with emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Page 4.8-16, Footnote 12, is hereby revised as follows:

[1] California Office of Emergency Services. *Interactive Tool: Rail Risk & Response Map*. Available at: ~~http://www.caloes.ca.gov/HazardousMaterials/Pages/Oil-By-Rail.aspx~~ http://california maps.arcgis.com/apps/OnePane/basicviewer/index html?appid=928033ed043148598f7e511a95072b89. Accessed March 2015.

4.10 LAND USE AND URBAN DECAY

Table 4.10-1 on page 4.10-14 is hereby revised as follows:

Table 4.10-1 MRIC Site – Summary of Uses by Type	
Land Use	**Size**
Total Square Footage	2,654,000 sf
Research; Office; R&D	*1,510,000 sf*
Manufacturing; Research	*884,000 sf*
Ancillary Retail	*100,000 sf*
Hotel/Conference	*160,000 sf (150 rooms)*
Total Acres	*212*
~~Open~~Green Space	*~~75~~64.6*
Residential (units)	*0*
Notes: sf = square feet *Source: BAE Urban Economics. City of Davis Economic Evaluation of Innovation Park Proposals. July 9, 2015.*	

Page 4.10-39 is hereby revised as follows:

> Notwithstanding ALH's findings, suggesting that development controls for phasing of the project's retail space may not be necessary, the City recognizes that, consistent with BAE's recommendation, it would be most prudent to implement phasing controls for the MRIC's retail space, to ensure that new retail space does not outpace the increase in MRIC's employee demand for daytime retail, dining, and services. Such an approach would ensure that the MRIC's retail space would not divert sales from existing Davis retail establishments, which could lead to vacancies and possibly urban decay. With implementation of the following mitigation measure, the MRIC's impact related to existing retail space within the City of Davis would be less than significant.

The above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

Page 4.10-41 is hereby revised as follows:

> *4.10-2(a)* *Prior to building permit issuance for ancillary retail space, the applicant shall demonstrate to the City's satisfaction that there is sufficient unmet demand from a combination of retail demand from MRIC employees and businesses and/or retail demand from elsewhere within the Davis marketplace to support the retail space for which the building permit is requested. 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. The objective of this requirement is to ensure that retail space developed within the MRIC will not re-allocate demand from existing Davis retailers, but will instead help the City to increase its net retail capture rate and provide new retail offerings that will satisfy currently unmet demand.*

4.10-2(b) *Prior to building permit issuance 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 MRIC 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 MRIC 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.*

4.11 NOISE AND VIBRATION

Page 4.11-29, Mitigation Measure 4.11-4, is hereby revised as follows:

Mace Triangle

4.11-4 *In conjunction with the submittal of a final planned development and/or tentative map for the Mace Triangle, the applicant shall submit an acoustical analysis to the Department of Community Development and Sustainability. The acoustical analysis shall measure existing noise levels in the vicinity of the Mace Triangle site, as well as model the predicted noise levels for the scenarios determined to be appropriate by the certified noise consultant and the City of Davis Department of Community Development and Sustainability. The existing and predicted future exterior and interior noise levels shall account for any noise sources in the area, potentially including roadway, railway, and nearby outdoor uses. The acoustical analysis shall identify and classify the proposed uses in order to determine the appropriate noise level standards. If any uses identified in Table 19 of the General Plan Noise Chapter are proposed on-site, the acoustical analysis shall evaluate whether predicted transportation noise levels (traffic and train) would exceed the City of Davis' exterior and interior noise level criteria at such use areas. If the City's noise level criteria would be exceeded, the acoustical analysis shall include a detailed list of any noise attenuation measures needed for the proposed uses to comply with the City's exterior and interior noise level standards, for review and approval by the Department of Community Development and Sustainability. Noise attenuation measures could include but not be limited to: increased building setbacks, sound walls and/or berms, acoustically-rated windows, etc.*

4.13 PUBLIC SERVICES AND RECREATION

Page 4.13-19 of Section 4.13, Public Services and Recreation, is hereby revised as follows:

4.13-5 Result in substantial adverse physical impacts associated with the provisions of new or physically altered other public facilities, and/or the need for new or physically altered other public facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable

service ratios, response times, or other performance objectives for other public facilities. Based on the analysis below, the project would have a *less-than-significant* impact.

Yolo County, as a regional government, provides countywide services, including public health, elections, and criminal prosecutions. Yolo County provides the following services:

- Adult Detention (Jail);
- Agricultural Commissioner;
- Aid to Victims of Crime & Violence;
- AIDS Education, Prevention &Testing;
- Animal Regulation;
- Assessor;
- Auditor-Controller;
- Child Abductions;
- Communicable Disease Control;
- Cooperative Extension;
- Coroner/Medical Examiner;
- District Attorney (Prosecution);
- Domestic Violence;
- Elections;
- Emergency Children's Shelters;
- Environmental Health;
- Environmental Protection;
- Programs;
- Epidemiology;
- Flood Control;
- Forensic Labs;
- Hazardous Waste Collection;
- Homeless Shelters;
- Immunizations;
- Indigent Burials;
- Juvenile Detention;
- Juvenile Justice Programs;
- Landfill/Recycling;
- Law Library;
- Livestock Inspector;
- ~~Local Agency Formation Commission;~~
- Probation (Juvenile and Adult);
- Public Administrator;
- Public Defender;

4.14 TRANSPORTATION AND CIRCULATION

Page 4.14-22, Mitigation Measure 4.14-1, is hereby revised as follows:

Mitigation Measure(s)

MRIC and Mace Triangle

4.14-1 *As directed by the City, based on either a focused development phase traffic study as described in Mitigation Measure 4.14-2, or the monitoring carried out by the Master Owners' Association (MOA) as part of the Project Travel Demand Management Program described in Mitigation Measure 4.14-6, the project applicant shall fund, and the City shall supervise, the design and construction of a traffic signal at the intersection of Monarch Lane/Covell Boulevard. The signal design, timing plans, and coordination plan for adjacent Covell Boulevard signals shall be reviewed and approved by the Davis Public Works Department prior to issuance of a building permit for the traffic signal. Funding for the signal will be deposited ~~at the time of the first final map~~ prior to the issuance of a building permit for any building in Phase 2. Responsibility for implementation of this mitigation measure shall be assigned to the MRIC and Mace Triangle on a fair share basis. Based on analysis already performed, this improvement is not triggered by phase one MRIC development; however, all MRIC development shall have a fair share funding obligation.*

Page 4.14-25, Mitigation Measure 4.14-2, is hereby revised as follows:

Mitigation Options for Mace Boulevard/I-80 Westbound Ramps; Mace Boulevard/2nd Street/County Road 32A; and Chiles Road/I-80 Eastbound Off-Ramp

~~Three~~Four potential mitigation options are available for the mitigation of the impact to the three interchange area intersections. Each measure is described below, followed by an evaluation of its effectiveness:

1. ***Option 1 (Roadway and Intersection Widening Alternative):*** *Widen the roadways and intersections in the impacted area to provide LOS E or better operation;*

2. ***Option 2 (Widening Plus Project Access Change Alternative):*** *Modify the proposed new project access on Mace Boulevard, north of Alhambra Drive, to provide a traffic signal with full access (i.e., all movements allowed), as well as widen adjacent roadways and intersections to provide LOS E or better operation, lessening the turning movement demand at the project access driveway at the Alhambra Drive intersection;* ~~*or*~~

3. ***Option 3 (Interchange Alternative):*** *Construct capacity improvements at the County Road 32A/32B interchange and on County Road 32A to allow more*

Project traffic to use this interchange, lessening the traffic on the Mace Boulevard interchange; or

4. ***Option 4 (Eliminate High Speed Right Turn Movements on Mace Boulevard)**: Eliminate high speed right turn movements along Mace Boulevard including a reconfiguration of the on-ramps to eastbound I-80.*

Another approach would be to implement a reduced intensity alternative in order to reduce project traffic in the Mace Boulevard interchange area. This, coupled, with widening of adjacent roadways and intersections, would be expected to provide LOS E or better operations to the above-listed facilities. The reduced intensity/project alternative approach is considered in Chapter 7, Alternatives, of this EIR.

Page 4.14-28, the second bullet of Mitigation Measure 4.14-2(d), is revised as follows:

- *Provision of a grade separation of County Road 32A and the UPRR tracks.~~, a~~ Two interim near-term improvements that could be constructed prior to triggering the provision of the grade separation would consist of: a) relocating the CR 32A/CR 105 intersection about 200 feet to the north; and b) installing double gates on the south approach to the grade crossing in order to improve safety and traffic functionality at the grade crossing.*

Page 4.14-29, Mitigation Measure 4.14-2(d), the bulleted item on this page and the text paragraph beneath it are hereby revised as follows:

County Road 32A – from County Road 105 to Causeway Bicycle Path Access: widen CR 32A to ~~meet Yolo County standards for a 2-lane arterial~~ provide 7-foot bike lanes, 12-foot maximum auto travel lanes, and a 3-foot buffer between the travel lane and the bicycle lane. If the County does not allow this cross-section, then at a minimum improve the roadway to meet the Yolo County standard for a two-lane arterial (14-foot travel lanes and 6 foot shoulder/on-street bike lanes).

It is noted that Union Pacific Railroad has discussed the potential closure of the County Road 32A grade crossing, due to safety concerns. While the future closure of the crossing is not confirmed, the potential for the closure means that the grade separation in Mitigation Measure 4.14-2(d) would need to be constructed in order to achieve the intended benefits of the mitigation. That is, it may not be possible to secure CPUC and UPR approval to the two near-term improvements described above if the future intent is to request closure of the crossing.

Page 4.14-29, Mitigation Measure 4.14-2, is hereby revised as follows:

4.14-2(e) ***Eliminate High Speed Right Turn Movements on Mace Boulevard (Option 4)**: Construct improvements to Mace Boulevard to eliminate high speed right turn movements and provide sufficient capacity to serve Existing Plus Project traffic. Responsibility for implementation of this mitigation measure shall be assigned to MRIC and Mace Triangle on a fair share basis. Prior to commencement of any construction activities or development subsequent to Phase One, a design-level traffic analysis*

shall be completed and submitted to the Public Works Department to determine design-level improvements along the Mace Boulevard corridor from Alhambra Drive to Chiles Road, needed to eliminate high speed right turn movements and still provide sufficient vehicle capacity to maintain LOS E. Responsibility for implementation of this mitigation measure shall be assigned to the MRIC and Mace Triangle on a fair share basis.

Page 4.14-32, the first paragraph, is hereby revised as follows:

The proposed project will generate substantial new travel demand related to commuting and other trip purposes associated with the industrial and retail uses on-site. The proposed project is estimated to generate a daily VMT of 1956,000 ~~VMT~~ at build-out. As such, it would increase City-generated VMT and GHG, not reduce them. However, as a concentrated employment center, the project applicant and future tenants have a unique ability to implement programs that promote travel alternatives to the single-occupant vehicle, control the fuel types and efficiencies of vehicles accessing the site, and collectively contribute to the goal of minimizing VMT and GHG growth. With implementation of mitigation measure 4.14-6 below, the proposed project could reduce its VMT (although not reduce it to zero), and result in a ***less-than-significant*** impact.

Page 4.14-37, Impact Statement 4.14-8, of Section 4.14, Transportation and Circulation, is hereby revised as follows:

4.14-8 Impacts associated with Construction Vehicle Traffic. Based upon the below analysis and implementation of mitigation, temporary construction vehicle traffic would have a *less-than-significant* impact on existing roadways.

Construction of the 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 during the period that the existing detention basin on the site is being filled. It is forecast that a total of approximately 10,833 trucks will access the site over 30 work days, resulting in an average of approximately 720 truck trips per day (i.e., 360 truck loads 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. One alternate route for the trucks involves access to the southern portion of the site via CR 32A, with trucks traveling to the Howatt Ranch site via CR 32A and CR 105. A second alternate route for the trucks involves access to the northern portion of the site via CR 30B, with trucks traveling to the Howatt Ranch site via CR 30B, CR 104A, and CR 30. Use of CR 32A by construction trucks could cause a short-term adverse

impact to bicyclists using existing bike lanes, if CR 32A is used for hauling purposes.

These activities could result in degraded roadway conditions. With implementation of the following mitigation measure, construction activities associated with the project would result in a ***less-than-significant*** temporary traffic impact.

Mitigation Measure

4.14-8 *Prior to any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with 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 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*
- *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*
- *Provisions for pedestrian 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.

Page 4.14-40, Mitigation Measures 4.14-9(a) and (b) are hereby revised as follows:

4.14-9(a) *The project applicant shall fund and construct the following bicycle and pedestrian improvements.*

- *Prior to issuance of the first certificate of occupancy in Phase 1 of the MRIC, the applicant shall construct the multi-use path on west side of Mace Boulevard from just north of Alhambra Drive to existing path along frontage of Harper Junior High School, as shown on the Project site plan.*
- *Prior to the issuance of the first certificate of occupancy in Phase 1 of the MRIC, the applicant shall construct a crossing for westbound cyclists on County Road 32A, southeast of the existing at-grade railroad crossing at County Road 32A and County Road 105. The crossing shall be a marked crossing, with advanced warning devices for vehicle traffic, for westbound cyclists on CR 32A that are continuing west onto the off-street path located between the Union Pacific Railroad and I-80 (e.g., to the west of County Road 105). As noted earlier, Union Pacific has discussed the potential closure of the at-grade rail crossing. If that occurs, this mitigation measure will not be required.*
- *Prior to issuance of the first certificate of occupancy in Phase 1, the applicant shall construct a crossing for eastbound cyclists on County Road 32A for eastbound left turns to the causeway bicycle path. This shall include 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, or an equivalent alternate improvement.*
- *Prior to the issuance of the first certificate of occupancy in Phase 1 of the MRIC, the access road from the Park-and-Ride Lot to County Road 32A shall be improved with sidewalks, per the project description.*
- *Responsibility for implementation of this mitigation measure shall be assigned to the MRIC and Mace Triangle on a fair share basis.*

4.14-9(b) *Prior to the issuance of the first certificate of occupancy in Phase 1 of the MRIC, the project applicant shall fund a study for a bicycle/pedestrian grade-separated crossing of Mace Boulevard to supplement the City of Davis' Bicycle Action Plan/Bike Plan.*

- *The study shall assess overall bicycle circulation in general in the annexed area and make appropriate recommendations for integrating project bicycle facilities with the rest of the City.*
- *The study shall evaluate the preferred location, design, funding, and construction timing of the crossing. Identification of a preferred location shall take into consideration several factors,*

including but not limited to, connectivity to other existing and planned bicycle facilities, environmental constraints, and construction costs.

- *At or prior to commencement of construction of any building in Phase 2, the project applicant shall: 1) submit design-level drawings of the grade-separated crossing to the City for review and approval; and 2) provide the project's fair share funding to the City for this improvement (or alternatively construct the improvement) subject to agreement with the City. The grade-separated crossing shall be operational prior to construction of any building in Phase 2.*
- *Responsibility for implementation of this mitigation measure shall be assigned to the MRIC and Mace Triangle on a fair share basis.*

Page 4.14-43, Mitigation Measure 4.14-10, is hereby revised as follows:

4.14-10 *Prior to the issuance of the first certificate of occupancy of the first MRIC 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 project site. Responsibility for implementation of this mitigation measure shall be assigned to the MRIC and Mace Triangle on a fair share basis. Upon completion of the MRIC transit center, in consultation with Unitrans and Yolobus, the bus stops shall be moved to the MRIC transit center at the expense of the MRIC.*

Page 4.14-47, Table 4.14-14, Policy TRANS 2.1, is hereby revised as shown below:

Actions k. Work with citizens and technical experts to review the street width and "Greenstreet" standards to reflect pedestrian and bicycle friendly policies in this chapter, including but not limited to the following: • Design/redesign residential and collector streets to slow vehicular traffic to 25 mph or less. • Design travel lanes to prioritize pedestrians and bicycles, including provisions for a marked "buffer space" to further separate bicycles from both moving and parked motor vehicles, where right-of-way allows. • Eliminate intersection standards that allow high speed right turns for motor vehicles. • Adjust intersection signal operations to smooth traffic flow, reduce automobile idle time, and to adequately service bicycles and pedestrians by giving priority and to maintain momentum.	High speed right turn lanes exist along Mace Boulevard at intersections with Alhambra Drive, Second Street/County Road 32A, and Chiles Road. On-ramps to eastbound I-80, from both southbound Mace Boulevard (entry to loop on-ramp) and northbound Mace Boulevard (entry to slip on-ramp), are also high speed right turn vehicle movements. An mitigation (option (4)) has been included in this EIR (Mitigation Measure 4.14-2(e) to provide LOS E or better conditions, under the Modified Cumulative Plus Project scenario, with the elimination of the high speed right turn lanes. Given that the Modified Cumulative Plus Project scenario is more intensive, from a traffic standpoint, than the Existing Plus Project scenario, the elimination of high speed right turn lanes would also be feasible in the Existing Plus Project scenario.

Page 4.14-65, Table 4.14-7, "Existing Midweek Peak Hour Freeway Operations," is hereby revised as shown in Appendix B to this Final EIR.

Page 4.14-72, Table 4.14-12, "Existing Plus Project Peak Hour Freeway Operations (Local Study Area)," is hereby revised as shown in Appendix B to this Final EIR.

5 CUMULATIVE IMPACTS

Page 5-58 of Chapter 5, Cumulative Impacts, of the EIR is hereby revised as follows:[8]

Project Trip Generation

The trip generation ~~of~~ for the Existing Plus project scenario is ~~the same as~~ presented in Section 4.14.

The trip generation calculations for the project in the Cumulative setting is based on the same three-step process employed for the Existing Plus Project scenario. The only difference between the two lies in Step 3 - the external project trip assumptions for walking, bicycling, and transit.

Step 1 – Estimate gross trip generation of proposed land uses.
Step 2 – Estimate expected internalization of trips between complementary land uses.
Step 3 – Calculate number of external project trips made by walking, bicycling, or transit, with the remainder being external vehicle trips.

Step 1 – Estimate Gross Trip Generation

Same as Existing Plus Project scenario – see Table 4.14-8A (for MRIC) and Table 4.14-8B (for Mace Triangle).

Step 2 – Estimate Internal Trip Capture and Pass-by Traffic

Same as Existing Plus Project scenario – see discussion on p. 4.14-20 of the EIR.

Step 3 – Estimate External Trips by Travel Mode

Table 5-12 shows the expected number of external trips by travel mode for the MRIC portion of the Project. Refer to footnotes in the table for the rationale and methodologies used to estimate external trip mode split. After accounting for internal trips, pass-by trips, and external trips made by walking, bicycling, and transit, the project would generate about 2,360 new AM peak hour vehicle trips, 2,175 new PM peak hour vehicle trips, and 15,550 new daily vehicle trips.

[8] Note that there are inadvertent pagination errors in Chapter 5 – two pages 5-56, 5-57, and 5-58 are included in Chapter 5. The changes to the Draft EIR text shown here are to the first occurrence of pages 5-56, 5-57, and 5-58, and the following pages have been revised accordingly.

TABLE 5-12
EXTERNAL MRIC TRIPS BY TRAVEL MODE

Travel Mode	Daily	AM Peak Hour	PM Peak Hour
Total External Trips[1]	17,091	2,596	2,390
External Trips by Bike/Walk[2]	1,401	213	196
External Trips by Transit[3]	140	21	20
External Trips by Vehicle[4]	15,550	2,361	2,175

Notes:

[1] Source: Last row of Table 4.14-8A.

[2] 8.2 percent expected to be bike/walk based on the following methodology: 32.9 percent of MRIC employees are projected to live in Davis. 22 percent of current Davis residents bike to work. Given the location of the MRIC site at the eastern boundary of the city, 3 percent of employees traveling to the site are estimated to walk to work.

[3] 0.82 percent are projected to take transit based on the following methodology: 32.9 percent of MRIC employees are projected to live in Davis. 2.5% of current Davis residents take transit to work.

[4] External trips not estimated to walk, bike, or use transit would otherwise travel by vehicle.

As can be seen by comparing the footnotes in Table 8-21 of the Draft EIR and Table 5-12 above, the same percentages of employee walking, bicycling, and transit trips are assumed for the proposed project and the Mixed-Use Alternative under the Cumulative scenario.[9]

Table 5-13 presents the external trips by travel mode for the Mace Triangle portion of the Project. The Triangle site is estimated to generate about 90 AM and PM peak hour vehicle trips.

[9] As discussed on p. 8-137 of the Draft EIR, for the Existing Plus Mixed-Use Alternative scenario, all trips are assumed to come from outside the City of Davis. Therefore, no bicycle or pedestrian trips are assumed, and negligible transit trips are assumed, and all external trips are assumed to be vehicle trips. This conservative assumption for the Mixed-Use Alternative (E+P scenario) is the same conservative assumption employed for the proposed project (E+P scenario) (see page 4.14-20, Step 3).

TABLE 5-13
EXTERNAL MACE TRIANGLE SITE TRIPS BY TRAVEL MODE

Travel Mode	Daily	AM Peak Hour	PM Peak Hour
Total External Trips[1]	728	102	95
External Trips by Bike/Walk[2]	60	8	8
External Trips by Transit[3]	6	1	1
External Trips by Vehicle[4]	662	92	87

Notes:
[1] Source: Last row of Table 4.14-8B.
[2] 8.2 percent expected to be bike/walk based on the following methodology: 32.9 percent of Mace Ranch Triangle employees are projected to live in Davis. 22 percent of current Davis residents bike to work. Given the location of the Mace Triangle site at the eastern boundary of the city, 3 percent of employees traveling to the site are estimated to walk to work.
[3] 0.82 percent are projected to take transit based on the following methodology: 32.9 percent of Mace Triangle employees are projected to live in Davis. 2.5% of current Davis residents take transit to work.
[4] External trips not estimated to walk, bike, or use transit would otherwise travel by vehicle.

Page 5-62, Mitigation Measure 5-21, is hereby revised as follows.

Mitigation Options for Mace Boulevard/I-80 Westbound Ramps; Mace Boulevard/2nd Street/County Road 32A; and Chiles Road/I-80 Eastbound Off-Ramp

~~Three~~Four potential mitigation options are available for the mitigation of the impact to the three interchange area intersections. Each measure is described below, followed by an evaluation of its effectiveness:

1. ***Option 1 (Roadway and Intersection Widening Alternative):*** *Widen the roadways and intersections in the impacted area to provide LOS E or better operation;*

2. ***Option 2 (Widening Plus Project Access Change Alternative):*** *Modify the proposed new project access on Mace Boulevard, north of Alhambra Drive, to provide a traffic signal with full access (i.e., all movements allowed), as well as widen adjacent roadways and intersections to provide LOS E or better operation, lessening the turning movement demand at the project access driveway at the Alhambra Drive intersection;*

3. ***Option 3 (Interchange Alternative):*** *Construct capacity improvements at the County Road 32A/32B interchange and on County Road 32A to allow more Project traffic to use this interchange, lessening the traffic on the Mace Boulevard interchange; or*

4. ***Option 4 (Eliminate High Speed Right Turn Movements on Mace Boulevard)****: Eliminate high speed right turn movements along Mace Boulevard including a reconfiguration of the on-ramps to eastbound I-80.*

Another approach would be to implement a reduced intensity alternative in order to reduce project traffic in the Mace Boulevard interchange area. This, coupled, with widening of adjacent roadways and intersections, would be expected to provide LOS E or better operations to the above-listed facilities. The reduced intensity/project alternative approach is considered in Chapter 7, Alternatives, of this EIR.

The ninth bullet under Mitigation Measure 5-21(d) is modified as follows:

County Road 32A – from County Road 105 to Causeway Bicycle Path Access: widen CR 32A to ~~meet Yolo County standards for a 2 lane arterial~~ provide 7-foot bike lanes, 12-foot maximum auto travel lanes, and a 3-foot buffer between the travel lane and the bicycle lane. If the County does not allow this cross-section, then at a minimum improve the roadway to meet the Yolo County standard for a two-lane arterial (14-foot travel lanes and 6 foot shoulder/on-street bike lanes).

Page 5-60, Mitigation Measure 5-21, is hereby revised as follows:

5-21(e) ***Eliminate High Speed Right Turn Movements on Mace Boulevard (Option 4)****: Construct improvements to Mace Boulevard to eliminate high speed right turn movements and provide sufficient capacity to serve Modified Cumulative Plus Project traffic. Responsibility for implementation of this mitigation measure shall be assigned to MRIC and Mace Triangle on a fair share basis. Prior to commencement of any construction activities or development subsequent to Phase One, a design-level traffic analysis shall be completed and submitted to the Public Works Department to determine design-level improvements along the Mace Boulevard corridor from Alhambra Drive to Chiles Road, needed to eliminate high speed right turn movements and still provide sufficient vehicle capacity to maintain LOS E. Responsibility for implementation of this mitigation measure shall be assigned to the MRIC and Mace Triangle on a fair share basis.*

Page 5-83, Table 5-15, "CEQA Cumulative Peak Hour Freeway Operations," is hereby revised as shown in Appendix B to this Final EIR.

Page 5-87, Table 5-16, "Modified Cumulative Peak Hour Freeway Operations," is hereby revised as shown in Appendix B to this Final EIR.

7 ALTERNATIVES ANALYSIS

Pages 7-4 and 7-5 are hereby revised as follows:

The Reduced Site Size Alternative would result in less impact overall as compared to the proposed project simply because the site size is reduced. The Reduced Site Size Alternative would~~, however,~~ result in ~~greater~~less impacts than the proposed project related to aesthetics because only 50 percent of the 212-acre project site would be developed under this Alternative (~~i.e., increased building heights~~). This alternative would meet some of the objectives of the proposed project. For example, the Reduced Site Size Alternative would meet City objective number two which aims to maximize density to accommodate long-term business growth. However, the smaller site size would make it difficult to achieve a sufficient long term land supply for the full range of projected uses including those that require larger building footprints. The smaller site would double the intensity of development over the site which would result in design challenges and may be too dense to attract some desirable R&D users. The ability to attract medium-scale and large-scale users would be affected by the small footprint and there would be less flexibility in the user space to address the specific needs of some tenants as a result.

Page 7-60 of Chapter 7, Alternatives Analysis, is hereby revised as follows:

This alternative would meet some of the objectives of the proposed project. For example, the Reduced Site Size Alternative would meet City objective number two which aims to maximize density to accommodate long-term business growth. However, the smaller site size would make it difficult to achieve a sufficient long term land supply for the full range of projected uses including those that require larger building footprints. The smaller site would double the intensity of development over the site which would result in design challenges and may be too dense to attract some desirable R&D users. The ability to attract medium-scale and large-scale users would be affected by the small footprint and there would be less flexibility in the user space to address the specific needs of some tenants as a result.

Page 7-137 of Chapter 7, Alternative Analysis, is hereby revised as follows:

4.2-3 Result in the loss of forest or agricultural land or conversion of forest or agricultural land to non-forest or non-agricultural use.

The Off-Site Alternative A site is comprised of Local Farmland and Potential Local Farmland, and the site is currently used for agricultural uses. Under City regulations, conversion of the Davis IC site would be considered a significant and unavoidable impact and would require off-site agricultural land mitigation at a ratio of two acres to one acre. The impact for Off-Site Alternative A would be similar to the proposed project; however, Off-Site Alternative A is slightly smaller (207 acres under Off-Site Alternative A and 212 acres under the proposed project). In addition, the soils on the Davis IC site are of lower quality than the soils on the proposed project site. Thus, the impacts associated with agriculture and forest resources under Off-Site Alternative A would be less than the proposed project. Because active agricultural land would still be permanently converted to urban uses, a significant and unavoidable impact would remain under Off-Site Alternative A.

8 MIXED-USE ALTERNATIVE

Figures 8-11 through 8-17 are added to pages 8-33 through 8-39 of the Draft EIR, as follows:

Figure 8-11
Existing View from Key Viewpoint #1 - Looking East at the Project Site from Alhambra Drive and Mace Boulevard

Figure 8-12
Mixed-Use Alternative View from Key Viewpoint #1 - Looking East at the Project Site from Alhambra Drive and Mace Boulevard

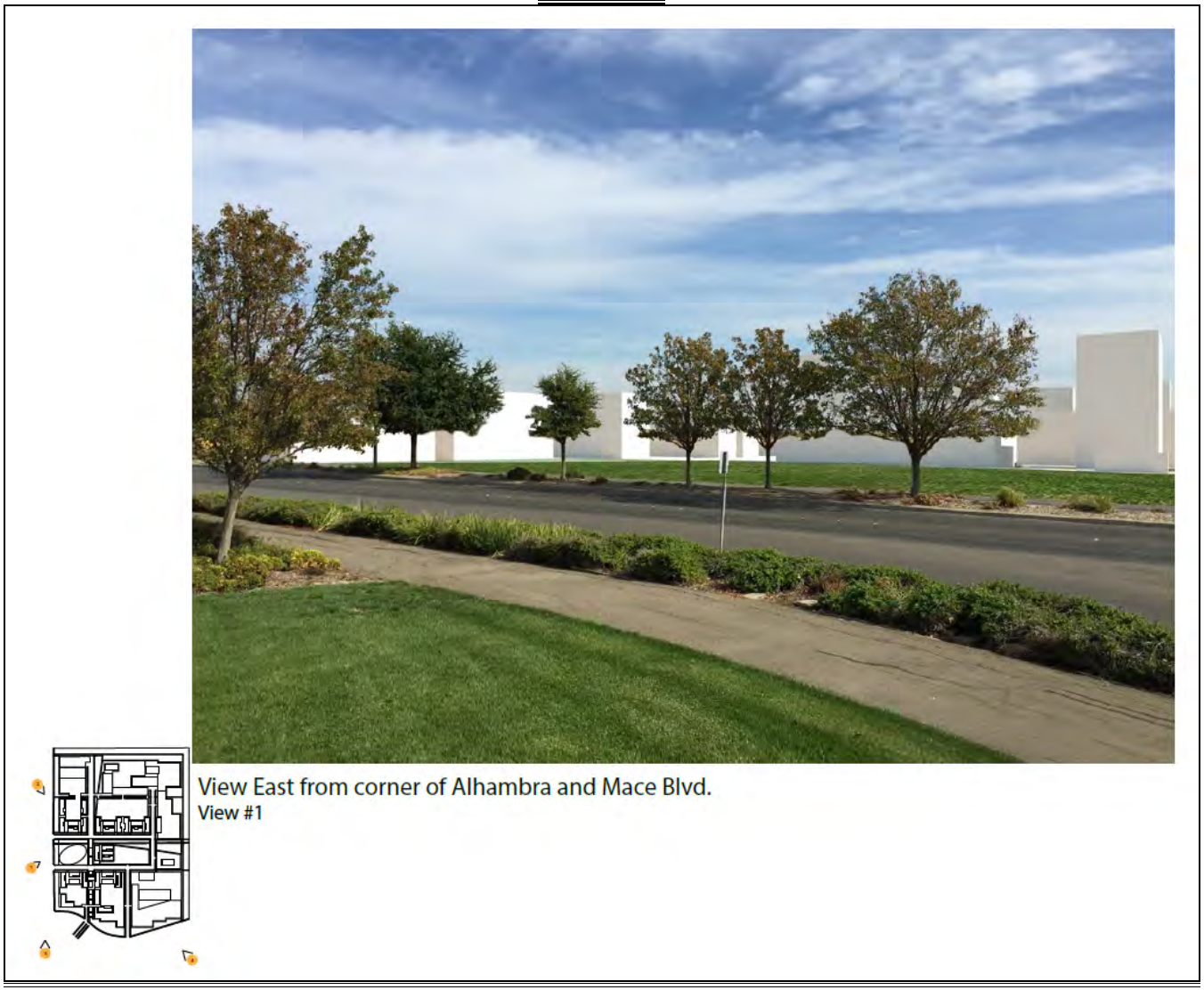


Figure 8-13
Existing View from Key Viewpoint #2 - Looking South at the Project Site from Mace Boulevard

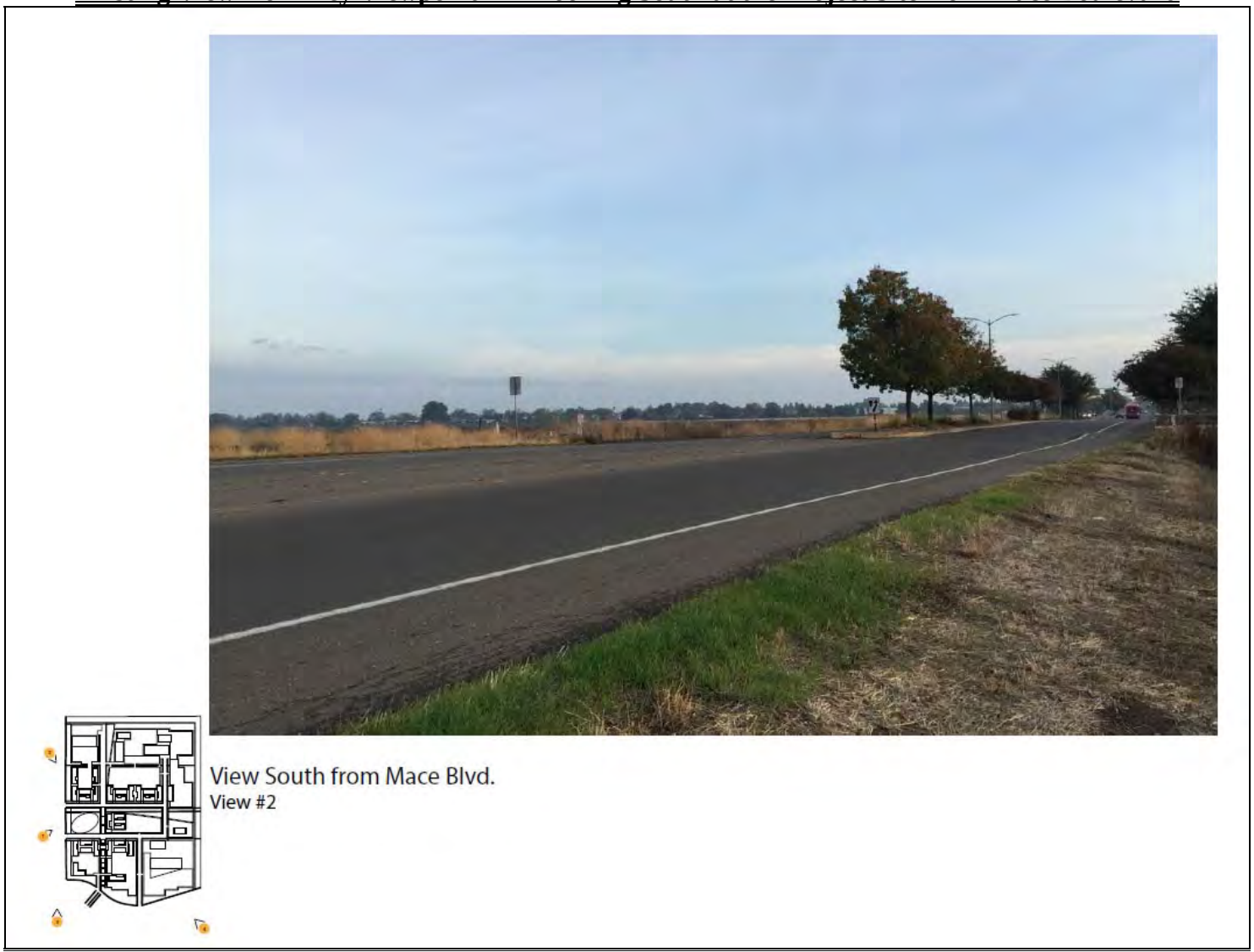


Figure 8-14
Mixed-Use Alternative View from Key Viewpoint #2 - Looking South at the Project Site from Mace Boulevard

Figure 8-15
Existing View from Key Viewpoint #3 - Looking North at the Project Site from Mace Boulevard

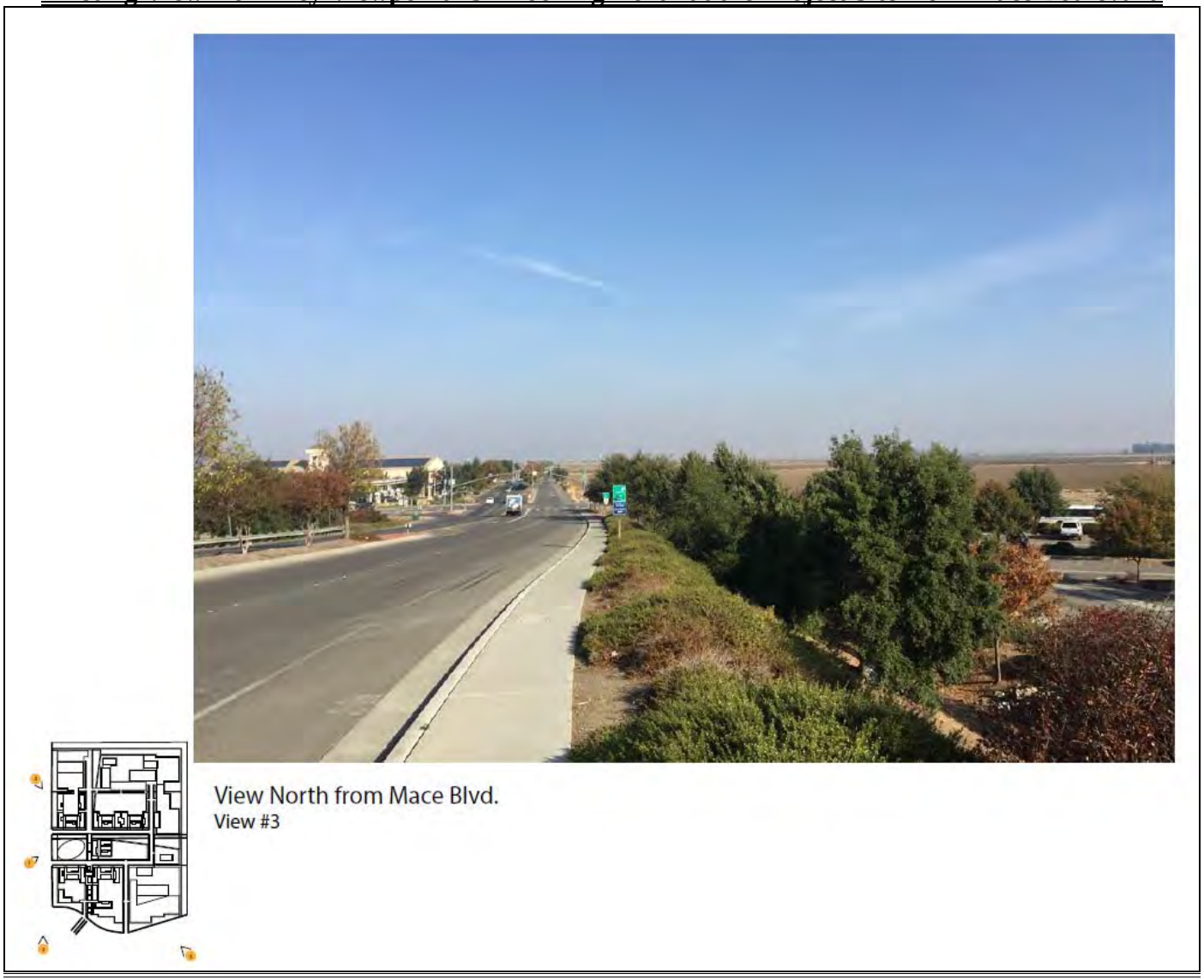


Figure 8-16
Mixed-Use Alternative View from Key Viewpoint #3 - Looking North at the Project Site from Mace Boulevard

Figure 8-17
Existing and Mixed-Use Alternative View from Key Viewpoint #4 - Looking Northwest at the Project Site from Westbound Interstate 80

Page 8-35, Mitigation Measure 8-5(a), is revised as follows:

MRIC Mixed-Use

8-5(a) *Prior to initiation of grading activities for each phase of development at the Mixed-Use site, the project applicant for the Mixed-Use 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 project site instead of at each phase. The agricultural land shall be elsewhere in unincorporated Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement, consistent with Section 40A.03.025 of the Davis Municipal Code. The location and amount of active agricultural acreage for the proposed project is subject to the review and approval by the City Council. The amount of agricultural acreage set aside shall account for farmland lost due to the conversion of the project site, as well as any off-site improvements, including but not necessarily limited to the off-site sewer pipe~~, and 400 feet along the north and east property line unless a "no aerial spray" easement is purchased~~. The amount of agricultural acreage that needs to be set aside for off-site improvements shall be verified for each phase of the MRIC 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.*

Page 8-39, Mitigation Measure 8-8, is revised as follows:

MRIC Mixed-Use

8-8 *Prior to recording the first final map, the applicant shall attempt to purchase a "no aerial spray" easement from the adjacent property owner. It is anticipated that the easement will need to be 400 feet wide along the Mixed-Use site's <u>northwestern,</u> northern and eastern boundaries. The applicant shall submit the written proof of the easement to the Department of Community Development and Sustainability.*

Page 8-49, Table 8-4, is hereby revised as follows:

Table 8-1 Maximum Unmitigated Mixed-Use Alternative Construction-Related Emissions				
Pollutant	**Alternative Emissions**	**YSAQMD Threshold of Significance**	**Proposed Project Emissions**	**Difference**
ROG	3.81 ~~3.10~~ tons/yr	10 tons/yr	3.47 ~~2.41~~ tons/yr	+0.34 ~~0.69~~ tons/yr
NO_X	8.98 ~~7.64~~ tons/yr	10 tons/yr	9.70 ~~7.64~~ tons/yr	-0.72 ~~0.00~~ tons/yr
PM_{10}	43.38 ~~29.93~~ lbs/day	80 lbs/day	43.42 ~~21.05~~ lbs/day	-0.04 ~~+8.92~~ lbs/day
Source: CalEEMod, ~~July~~ January 2016~~5~~ ~~(see Appendix C)~~.				

Pages 8-41 and 8-42, Table 8-5 and Table 8-6, respectively, are hereby revised as follows:

Table 8-2 Maximum Unmitigated Mixed-Use Alternative Operational Emissions				
Pollutant	**Alternative Emissions**	**YSAQMD Threshold of Significance**	**Proposed Project Emissions**	**Difference**
ROG	30.80~~24.21~~ tons/yr	10 tons/yr	~~19.51~~ 30.78 tons/yr	+0.02~~4.23~~ tons/yr
NO_X	17.51 tons/yr	10 tons/yr	18.83 tons/yr	-1.75 tons/yr
PM_{10}	104.14 lbs/day	80 lbs/day	138.95~~6~~3 lbs/day	-34.4~~6~~9 lbs/day
Source: CalEEMod, ~~July~~ January 2016~~5~~ ~~(see Appendix C)~~.				

Table 8-3 Mitigated Mixed-Use Alternative Operational Emissions		
Pollutant	**Alternative Emissions**	**YSAQMD Thresholds of Significance**
ROG	27.93~~21.54~~ tons/yr	10 tons/yr
NO_X	16.53 tons/yr	10 tons/yr
PM_{10}	93.95 lbs/day	80 lbs/day
Source: CalEEMod, ~~July~~ January 2016~~5~~ ~~(see Appendix C)~~.		

Page 8-42, Mitigation Measure 8-11, of the Draft EIR is hereby revised as follows:

~~*8-11 Prior to issuance of any building permits, the project applicant shall show on project plans via notation that only zero VOC paints, finishes, adhesives, and cleaning supplies shall be used for all buildings on the project site. Project plans shall be subject to review and approval by the Department of Community Development and Sustainability.*~~

8-11 Prior to issuance of any entitlement or permit, the project applicant shall work with the City of Davis, the YSAQMD, and/or other air districts within the region (as appropriate) to develop and implement a strategy to mitigate ROG and NOx, and PM_{10}. 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 mitigation project is located. On-site actions may include, but shall not be limited to the following:

- *Reducing on-site parking lot area;*
- *Using concrete or other non-emitting materials for parking lots instead of asphalt;*
- *Limiting on-site parking supply;*
- *Using passive heating and cooling systems for buildings;*
- *Using natural lighting in buildings to the extent practical;*
- *Installing mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals;*
- *Providing electric outlets outside of buildings, sufficient to allow for use of electric landscaping equipment;*
- *Hiring landscaping companies that use primarily electric landscaping equipment;*
- *Use of zero-VOC paints, finishes, adhesives, and cleaning supplies on all buildings on the project site.*
- *Hiring janitorial companies that use only low-VOC cleaning supplies;*
- *Employing vehicle fleets that use only cleaner-burning fuels;*
- *Providing electrical vehicle charging stations in each phase of the project.*

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

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

The Reduction Strategy shall include requirements to ensure it 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, NOx, and PM10 are pollutants of regional concern, the emissions reductions

for these pollutants may occur anywhere within the lower Sacramento Valley Air Basin (e.g., within YSAQMD, the Sacramento Metropolitan Air Quality Management District, or the Placer County Air Pollution Control District). Emissions reductions should occur within the YSAQMD, if reasonably available.

Page 8-43 is revised as follows:

The majority of the Alternative's mitigated operational NO_X and PM_{10} emissions are associated with mobile sources. The inherent site and/or design features that would contribute to a reduction in vehicle trips and VMT, such as site enhancements and features that encourage alternative modes of transportation, which subsequently result in mobile source emissions of criteria pollutants including NO_X and PM_{10}, have already been accounted for in the Alternative-specific VMT applied in the modeling. ~~Additional measures for the reduction of mobile source emissions, sufficient to reduce emissions of NO_X and PM_{10} to below the applicable thresholds of significance, are not available, nor feasible for the proposed project at this time.~~

Because the effectiveness and feasibility of the measures above is not known with certainty, ~~additional feasible mitigation for the reduction of the proposed project's operational ROG, NO_X, and PM_{10} emissions is not currently available, even with implementation of the following mitigation measure,~~ the above impact would remain *significant and unavoidable*.

Pages 8-50 and 8-51, Mitigation Measure 8-17(a), are hereby revised as follows:

8-17(a) *To ensure avoidance and minimization of impacts to GGS, the project applicant for the Mixed-Use Site shall implement the following measures:*

Mace Drainage Channel – Preconstruction Surveys

- *Within 15 days prior to conducting any work in the Mace Drainage Channel or existing on-site detention basin, the project applicant shall retain a qualified biologist to conduct a preconstruction survey to verify that no water is present in the channel within the project limits. The preconstruction survey shall be submitted to the City of Davis Community Development and Sustainability Department for review.*
- *The qualified biologist shall document whether aquatic habitat is present in the Mace Drainage Channel downstream of the Mixed-Use Site. If aquatic habitat is not present in the Channel between the Mixed-Use Site and CR 105 (a distance of 0.5 miles), then aquatic habitat connectivity is not present in the Mace Drainage Channel and further preconstruction surveys or construction monitoring is not required.*
- *If water is present within the on- and off-site project limits, the Mace Drainage Channel shall be dewatered for a minimum of two weeks prior to construction activities in the Channel.*

- *If the first preconstruction survey reveals that aquatic habitat is present in the Channel between the project site and CR 105, a second preconstruction survey shall be conducted within 24 hours prior to construction. The second preconstruction survey shall be submitted to the City of Davis Community Development and Sustainability Department for review. The second preconstruction survey shall cover the portion of the Mace Drainage Channel located on the Mixed-Use Site, and areas within 200 feet of the channel. If, based on the preconstruction surveys, it is determined that potentially occupied GGS aquatic habitat occurs within 200 feet of the MRIC Site, MM 8-17(b) shall be implemented.*

  If GGS are encountered during preconstruction surveys, the City, USFWS and CDFW shall be notified and construction shall not commence until ~~the following~~appropriate avoidance measures approved by USFWS, ~~and~~ CDFW and the City are implemented. The measures may include, but are not limited to, the following:

  - *Unless authorized by USFWS, site disturbance or construction activity within 200 feet of suitable aquatic habitat for the GGS shall not commence before May 1, with initial ground disturbance expected to correspond with the snake's active season. Initial ground disturbance should be completed by October 1.*
  - *To the extent possible, site disturbance or construction activity shall be avoided within 200 feet from the banks of GGS aquatic habitat for any phase of development. Movement of heavy equipment in these areas shall be confined to existing roadways, where feasible, to minimize habitat disturbance.*
  - *Construction personnel shall receive USFWS-approved worker environmental awareness training to instruct workers to recognize giant garter snake and their habitats.*
  - *Within 24 hours before site disturbance or construction activity, the project area shall be surveyed for GGS. The survey shall be repeated if a lapse in construction activity of two weeks or greater has occurred. If a GGS is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it is determined by the qualified biologist and City staff, in coordination with USFWS and CDFW, that the GGS will not be harmed. Any sightings or incidental take shall be reported to USFWS and CDFW immediately.*
  - *Any aquatic habitat for the snake that is dewatered shall remain dry for at least 15 consecutive days after April 15 and before excavating or filling of the dewatered*

habitat. If complete dewatering is not possible, potential snake prey (e.g., fish and tadpoles) shall be removed so that snakes and other wildlife are not attracted to the construction area.

- *GGS habitat to be avoided within or adjacent to construction areas shall be fenced and designated as environmentally sensitive areas. These areas shall be avoided by all construction personnel throughout construction for any phase of development.*

Off-Site Volume Storage Pond (if approved)

- *During the inactive season (October 2 to April 30), no work shall be conducted in areas within 200 feet of potential aquatic habitat for GGS, unless authorized by USFWS.*
- *Temporary stockpiling of soil shall not occur within 200 feet of potential aquatic habitat for GGS.*
- *During the active season (May 1 to October 1), the construction monitoring provision of MM 8-17(b) shall be implemented and a biological monitor shall be present during work within 200 feet of aquatic habitat for GGS.*

Pages 8-52 through 8-55, Mitigation Measures 8-18(a) through (d), are hereby revised as follows:

MRIC Mixed Use

8-18(a) *Preconstruction Surveys: The project applicant proposing development on the Mixed-Use Site shall implement the following measure to avoid or minimize impacts to western burrowing owl:*

- *Within ~~No less than~~ 14 days prior to any ground disturbing activities for ~~any~~ each phase of development at the Mixed-Use site, the project applicant shall retain a qualified biologist to conduct a preconstruction survey of the Mixed-Use site, any off-site improvement areas, and all publically accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections of the March 7, 2012 (or subsequent applicable), CDFW's Staff Report on Burrowing Owl Mitigation ~~guidelines~~. The qualified biologist shall be familiar with burrowing owl identification, behavior, and biology, and shall meet the minimum qualifications described in the 2012 CDFW Staff Report~~guidelines~~. If the survey does not identify any nesting burrowing owls on the Mixed-Use site, further mitigation is not required for that phase unless activity ceases for a period in excess of 14 days in which case the survey requirements and obligations shall be repeated. The results of the preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for*

review and approval prior to any site disturbance. ~~*The survey periods and number of surveys are identified below:*~~

- ~~*If construction related activities commence during the non-breeding season (1 September to 31 January), a minimum of one preconstruction survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.*~~
- ~~*If construction related activities commence during the early breeding season (1 February to 15 April), a minimum of one preconstruction survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.*~~
- ~~*If construction related activities commence during the breeding season (16 April to 30 August), a minimum of three preconstruction surveys shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase. If construction related activities commence after 15 June, at least one of the three surveys shall be completed after 15 June.*~~
- ~~*Because the owls are known to occur nearby and may take up occupancy on a site under construction, the preconstruction survey will be conducted annually.*~~

- *If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures* ~~*consistent with*~~ *at least equivalent to the* ~~*applicable portions of the March 7, 2012,*~~ *(or subsequent applicable) CDFW's Staff Report, subject to review and approval by the City of Davis Department of Community Development and Sustainability* ~~*on Burrowing Owl Mitigation.*~~ *guidelines.* ~~*If needed, as determined by the biologist, the formulation of avoidance and minimization approaches would be developed in coordination with the CDFW. The avoidance and minimization approaches would likely include burrow avoidance buffers during the nesting season (February to August). For burrowing owls present on site, outside of the nesting season, passive exclusion of owls from the burrows could be utilized with the approval of CDFW. Advance planning with CDFW would be necessary prior to the initiation of the take avoidance survey to plan for contingencies in the event that owls are present on site.*~~

- *During the breeding season (February 1 through August 31), the following measures will be implemented:*

  - *Disturbance-free buffers will be established around the active burrow. During the peak of the breeding season between April 1 to August 15, a minimum of a 500-ft buffer will be maintained. Between August 16 and March 31, a minimum of a 150-ft buffer will be maintained. The qualified*

biologist (as defined above) will determine, in consultation with the City and CDFW, if the buffer should be increased or decreased based on site conditions, breeding status, and non-project related disturbance at the time of construction.

- *Monitoring of the active burrow will be conducted by the qualified biologist during construction on a weekly basis to verify that no disturbance is occurring.*
- *After the qualified biologist determines that the young have fledged and are foraging independently, or that breeding attempts were not successful, the owls may be excluded in accordance with the non-breeding season measures below. Daily monitoring will be conducted for one week prior to exclusion to verify the status of owls at the burrow.*

- *During the non-breeding season (September 1 to January 31), owls occupying burrows that cannot be avoided will be passively excluded consistent with Appendix E of the 2012 CDFW Staff Report:*

  - *Within 24 hours prior to installation of one-way doors, a survey will be conducted to verify the status of burrowing owls on the site.*
  - *Passive exclusion will be conducted using one-way doors on all burrows suitable for burrowing owl occupation.*
  - *One-way doors shall be left in place a minimum of 48 hours to ensure burrowing owls have left the burrow before excavation.*
  - *While the one-way doors are in place, the qualified biologist will visit the site twice daily to monitor for evidence that owls are inside and are unable to escape. If owls are trapped, the device shall be reset and another 48-hour period shall begin.*
  - *After a minimum of 48 hours, the one-way doors will be removed and the burrows will be excavated using hand tools to prevent reoccupation. The use of a pipe is recommended to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow.*
  - *After the owls have been excluded, the excavated burrow locations will be surveyed a minimum of three times over two weeks to detect burrowing owls if they return. The site will be managed to prevent reoccupation of burrowing owls (e.g., disking, grading, manually collapsing burrows) until development is complete.*
  - *If burrowing owls are found outside the project site during preconstruction surveys, the qualified biologist shall evaluate the potential for disturbance. Passive exclusion of burrowing owls shall be avoided to the maximum extent feasible where no ground disturbance will occur. In cases where ground disturbance occurs within the no-disturbance buffer of an occupied burrow, the qualified biologist shall*

determine in consultation with the City and CDFW whether reduced buffers, additional monitoring, or passive exclusion is appropriate.

8-18(b) *Compensatory Mitigation, if Active Owl Dens are Present: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall implement the following, subject to review and approval by the City of Davis Department of Community Development and Sustainability:*

- *If active owl burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat ~~consistent with~~ at least equal to the ~~March 7, 2012~~ (or subsequent applicable), CDFW~~'s~~ Staff Report ~~on Burrowing Owl Mitigation~~. Such mitigation shall~~may~~ include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. In determining the location and amount of acreage required for permanent protection, the applicant and City shall seek lands that include the same types of vegetation communities and fossorial mammal populations found in the lost foraging habitat, with a preference given to lands that are adjacent to, or reasonably proximate to, the lost foraging lands. Such lands shall provide for nesting, foraging, and dispersal comparable to, or better than, the lost foraging land. The minimum amount of acreage for preservation shall be 6.5 acres per nesting pair or unpaired resident bird. Additional lands may be required as determined pursuant to the then current standards/best practices for mitigation acreage as determined by the City in consultation with CDFW.*

  If the same mitigation acreage ~~would~~ is proposed to be utilized for multiple species (i.e. burrowing owl habitat and Swainson's hawk foraging habitat), the City, in consultation with CDFW, ~~appropriate wildlife agency, in this case CDFW,~~ must approve the mitigation lands and long-term management practices for the mitigation lands as suitable and compatible for all species for which the lands are to provide compensatory mitigation. The City may reject proposed "shared" mitigations lands if the conservation goals and associated management practices for the species are not compatible. ~~Proof of CDFW's approval habitat "stacking" shall be provided to the City of Davis Department of Community Development and Sustainability.~~

Mace Triangle

8-18(c) *Preconstruction Surveys: The project applicant proposing development on the Mace Triangle site shall implement the following measure to avoid or minimize impacts to western burrowing owl:*

- *Within ~~No less than~~ 14 days prior to any ground disturbing activities for ~~any~~ each phase of development at the Mace Triangle site, the project applicant shall retain a qualified biologist to conduct a preconstruction survey of the Mace Triangle Site, any off-site improvement areas, and all publically accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections of the March 7, 2012 (or subsequent applicable), CDFW's ~~'s~~ Staff Report on Burrowing Owl Mitigation ~~guidelines~~. The qualified biologist shall be familiar with burrowing owl identification, behavior, and biology, and shall meet the minimum qualifications described in the 2012 CDFW Staff Report~~guidelines~~. If the survey does not identify any nesting burrowing owls on the ~~Mixed Use~~Mace Triangle site, further mitigation is not required for that phase unless activity ceases for a period in excess of 14 days in which case the survey requirements and obligations shall be repeated. The results of the preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review and approval prior to any site disturbance. ~~The survey periods and number of surveys are identified below:~~*

  - ~~*If construction related activities commence during the non-breeding season (1 September to 31 January), a minimum of one preconstruction survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.*~~
  - ~~*If construction related activities commence during the early breeding season (1 February to 15 April), a minimum of one preconstruction survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.*~~
  - ~~*If construction related activities commence during the breeding season (16 April to 30 August), a minimum of three preconstruction surveys shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase. If construction related activities commence after 15 June, at least one of the three surveys shall be completed after 15 June.*~~
  - ~~*Because the owls are known to occur nearby and may take up occupancy on a site under construction, the preconstruction survey will be conducted annually.*~~

- *If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures ~~consistent with~~ at least equal to the ~~applicable portions of the March 7, 2012~~, (or subsequent applicable) CDFW~~'s~~ Staff Report, subject to review and approval by the City of Davis Department of Community Development and Sustainability ~~on Burrowing Owl Mitigation~~. ~~guidelines~~. ~~If needed, as determined by the biologist, the formulation of avoidance and minimization approaches would be developed in coordination with the CDFW. The avoidance and minimization approaches would likely include burrow avoidance buffers during the nesting season (February to August). For burrowing owls present on site, outside of the nesting season, passive exclusion of owls from the burrows could be utilized with the approval of CDFW. Advance planning with CDFW would be necessary prior to the initiation of the take avoidance survey to plan for contingencies in the event that owls are present on site.~~*

- *During the breeding season (February 1 through August 31), the following measures will be implemented:*

    - *Disturbance-free buffers will be established around the active burrow. During the peak of the breeding season between April 1 to August 15, a minimum of a 500-ft buffer will be maintained. Between August 16 and March 31, a minimum of a 150-ft buffer will be maintained. The qualified biologist (as defined above) will determine, in consultation with the City and CDFW, if the buffer should be increased or decreased based on site conditions, breeding status, and non-project related disturbance at the time of construction.*
    - *Monitoring of the active burrow will be conducted by the qualified biologist during construction on a weekly basis to verify that no disturbance is occurring.*
    - *After the qualified biologist determines that the young have fledged and are foraging independently, or that breeding attempts were not successful, the owls may be excluded in accordance with the non-breeding season measures below. Daily monitoring will be conducted for one week prior to exclusion to verify the status of owls at the burrow.*

- *During the non-breeding season (September 1 to January 31), owls occupying burrows that cannot be avoided will be passively excluded consistent with Appendix E of the 2012 CDFW Staff Report:*

    - *Within 24 hours prior to installation of one-way doors, a survey will be conducted to verify the status of burrowing owls on the site.*
    - *Passive exclusion will be conducted using one-way doors on all burrows suitable for burrowing owl occupation.*

- *One-way doors shall be left in place a minimum of 48 hours to ensure burrowing owls have left the burrow before excavation.*
- *While the one-way doors are in place, the qualified biologist will visit the site twice daily to monitor for evidence that owls are inside and are unable to escape. If owls are trapped, the device shall be reset and another 48-hour period shall begin.*
- *After a minimum of 48 hours, the one-way doors will be removed and the burrows will be excavated using hand tools to prevent reoccupation. The use of a pipe is recommended to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow.*
- *After the owls have been excluded, the excavated burrow locations will be surveyed a minimum of three times over two weeks to detect burrowing owls if they return. The site will be managed to prevent reoccupation of burrowing owls (e.g., disking, grading, manually collapsing burrows) until development is complete.*
- *If burrowing owls are found outside the project site during preconstruction surveys, the qualified biologist shall evaluate the potential for disturbance. Passive exclusion of burrowing owls shall be avoided to the maximum extent feasible where no ground disturbance will occur. In cases where ground disturbance occurs within the no-disturbance buffer of an occupied burrow, the qualified biologist shall determine in consultation with the City and CDFW whether reduced buffers, additional monitoring, or passive exclusion is appropriate.*

8-18(d) *Compensatory Mitigation, if Active Owl Dens are Present: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall implement the following, subject to review and approval by the City of Davis Department of Community Development and Sustainability:*

- *If active owl burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat ~~consistent with~~ at least equal to the ~~March 7,~~ 2012 (or subsequent applicable), CDFW~~'s~~ Staff Report ~~on Burrowing Owl Mitigation~~. Such mitigation shall~~may~~ include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. In determining the location and amount of acreage required for permanent protection, the applicant and City shall seek lands that include the same types of*

vegetation communities and fossorial mammal populations found in the lost foraging habitat, with a preference given to lands that are adjacent to, or reasonably proximate to, the lost foraging lands. Such lands shall provide for nesting, foraging, and dispersal comparable to, or better than, the lost foraging land. The minimum amount of acreage for preservation shall be 6.5 acres per nesting pair or unpaired resident bird. Additional lands may be required as determined pursuant to the then current standards/best practices for mitigation acreage as determined by the City in consultation with CDFW.

If the same mitigation acreage ~~would~~ is proposed to be utilized for multiple species (i.e. burrowing owl habitat and Swainson's hawk foraging habitat), the City, in consultation with CDFW, ~~appropriate wildlife agency, in this case CDFW,~~ must approve the mitigation lands and long-term management practices for the mitigation lands as suitable and compatible for all species for which the lands are to provide compensatory mitigation. The City may reject proposed "shared" mitigations lands if the conservation goals and associated management practices for the species are not compatible. ~~Proof of CDFW's approval habitat "stacking" shall be provided to the City of Davis Department of Community Development and Sustainability.~~

Pages 8-55 and 8-56 are hereby revised as follows:

~~Impacts related to Swainson's hawk were determined to be significant and unavoidable for the proposed project.~~ The Mixed-Use Alternative would consist of development over the same site and acreage as the proposed project. Consequently, the Mixed-Use Alternative would have the same potential to cause direct effects on the species during tree removal or if construction occurs during the nesting season and active Swainson's hawk nests are present. In addition, because the same amount of suitable foraging habitat for Swainson's hawk would be present on the site under the Mixed-Use Alternative, the loss of foraging habitat would be the same as the proposed project. ~~With implementation of Mitigation Measures 8-19(a), the project's potential impacts to nesting Swainson's hawk would be reduced to a less than significant level. Implementation of Mitigation Measure 8-19(b) would reduce impacts to Swainson's hawk foraging habitat through the preservation of compensatory Swainson's hawk foraging habitat. However, because the Mixed-Use site is currently outside of the existing City limits, and the loss of foraging habitat associated with urbanization of the project site has not heretofore been anticipated in any City environmental documents, the permanent loss of Swainson's hawk foraging habitat as a result of innovation center development on the Mixed-Use site would remain ***significant and unavoidable***.~~ Impacts to Swainson's hawk foraging habitat would be reduced to a less-than-significant level through Mitigation Measure 8-19(b) due to its consistency with State and local programs and policies for mitigating Swainson's hawk foraging habitat impacts. In addition, under the CEQA Guidelines, impacts to a threatened species such as the Swainson's hawk are considered to be significant if a project substantially reduces the number or restricts the range of the species. Implementation of Measure 8-19(a) will avoid direct impacts to nesting Swainson's hawk and thus eliminate any potential for the project to substantially reduce the number of the species. The Mixed-Use Alternative will not reduce the range of the Swainson's hawk,

substantially or otherwise. The hawk's breeding range extends from northern Mexico into Canada. The loss of the project site, as Swainson's hawk habitat, within such a substantial part of western North America does not represent any kind of adverse effect on the range of the species. This conclusion is reinforced by the fact that, with mitigation, the project provides permanent protection, enhancement, and management of Swainson's hawk foraging habitat mitigation within Yolo County.

Page 8-56, Mitigation Measures 8-19(b) and 8-19(c), are revised as follows:

8-19(b) *Foraging Habitat: The project applicant shall permanently protect ~~an equivalent amount of acres of~~ Swainson's hawk foraging habitat converted by the proposed project at a 1:1 ratio by either (1) purchasing a DFW-approved conservation easement of like acreage or (2) paying the requisite mitigation fee to the Yolo Habitat JPA pursuant to the Swainson's Hawk Interim Mitigation Fee Program or purchasing mitigation credits from an approved mitigation credit holder. Purchase of a conservation easement of like acreage or payment of the mitigation fee shall be made to the Yolo Habitat JPA and shall be confirmed by the City prior to the initiation of ground disturbing activities.*

Mace Triangle

8-19(c) *Foraging Habitat: The project applicant shall permanently protect ~~an equivalent amount of acres of~~ Swainson's hawk foraging habitat converted by the proposed project at a 1:1 ratio by either (1) purchasing a DFW-approved conservation easement of like acreage or (2) paying the requisite mitigation fee to the Yolo Habitat JPA pursuant to the Swainson's Hawk Interim Mitigation Fee Program or purchasing mitigation credits from an approved mitigation credit holder. Purchase of a conservation easement of like acreage or payment of the mitigation fee shall be made to the Yolo Habitat JPA and shall be confirmed by the City prior to the initiation of ground disturbing activities.*

Page 8-108, Mitigation Measure 8-54, is hereby revised as follows:

8-54(a) *In conjunction with submittal of any final planned development for the MRIC 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-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-generated demand.*

8-54(b) *Prior to building permit issuance 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 MRIC 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 MRIC 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.*

Page 8-121, Mitigation Measure 8-59, is hereby revised as follows:

Mace Triangle

8-59 *In conjunction with the submittal of a final planned development and/or tentative map for the Mace Triangle, the applicant shall submit an acoustical analysis to the Department of Community Development and Sustainability. The acoustical analysis shall measure existing noise levels in the vicinity of the Mace Triangle site, as well as model the predicted noise levels for the scenarios determined to be appropriate by the certified noise consultant and the City of Davis Department of Community Development and Sustainability. The existing and predicted future exterior and interior noise levels shall account for any noise sources in the area, potentially including roadway, railway, and nearby outdoor uses. The acoustical analysis shall identify and classify the proposed uses in order to determine the appropriate noise level standards. If any uses identified in Table 19 of the General Plan Noise Chapter are proposed on-site, the acoustical analysis shall evaluate whether predicted transportation noise levels (traffic and train) would exceed the City of Davis' exterior and interior noise level criteria at such use areas. If the City's noise level criteria would be exceeded, the acoustical analysis shall include a detailed list of any noise attenuation measures needed for the proposed uses to comply with the City's exterior and interior noise level standards, for review and approval by the Department of Community Development and Sustainability. Noise attenuation measures could include but not be limited to: increased building setbacks, sound walls and/or berms, acoustically-rated windows, etc.*

Page 8-139, Mitigation Measure 8-70(a), is hereby revised as follows:

8-70(a) *As directed by the City, based on either a focused development phase traffic study or the monitoring carried out by the Master Owner's Association as part of the Project Travel Demand Management Program described in Mitigation Measure 8-75, the project applicant shall fund and the City shall supervise the design and construction of a traffic signal at the intersection of Mace Boulevard/Project Access (northernmost)/County Road 104/County Road 30B. The signal design, timing plans, and coordination plan shall be reviewed and approved by*

the Davis Public Works Department prior to issuance of a building permit for the traffic signal. Funding for the signal will be deposited ~~at the time of the first final map~~ prior to the issuance of a building permit for any building in Phase 2. Responsibility for implementation of this mitigation measure shall be assigned to the MRIC and Mace Triangle on a fair share basis. Based on analysis already performed, this improvement is not triggered by phase one MRIC development; however, all MRIC development shall have a fair share funding obligation.

Page 8-147, Mitigation Measure 8-77, is hereby revised as follows:

8-77 *Prior to any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with 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 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*
- *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*
- *Provisions for pedestrian 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.

Pages 8-149 and 8-150, Mitigation Measures 8-78(a) and (b), are hereby revised as follows:

8-78(a) *The project applicant for the Mixed-Use Alternative shall fund and construct the following bicycle and pedestrian improvements.*

- *Prior to issuance of the first certificate of occupancy in Phase 1, the applicant shall construct the multi-use path on west side of Mace Boulevard from just north of Alhambra Drive to existing path along frontage of Harper Junior High School, as shown on the Project site plan.*
- *Prior to the issuance of the first certificate of occupancy in Phase 1, the applicant shall construct a crossing for westbound cyclists on CR 32A, southeast of the existing at-grade railroad crossing at CR 32A and CR 105. The crossing shall be a marked crossing, with advanced warning devices for vehicle traffic, for westbound cyclists on CR 32A that are continuing west onto the off-street path located between the Union Pacific Railroad and I-80 (e.g., to the west of CR 105). As noted earlier, Union Pacific has discussed the potential closure of the at-grade rail crossing. If that occurs, this mitigation measure will not be required.*
- *Prior to issuance of the first certificate of occupancy in Phase 1, the applicant shall construct a crossing for eastbound cyclists on CR 32A for eastbound left turns to the causeway bicycle path. This shall include 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, or an equivalent alternate improvement.*
- *Prior to the issuance of the first certificate of occupancy in Phase 1 of the MRIC, the access road from the Park-and-Ride Lot to County Road 32A shall be improved with sidewalks, per the project description.*
- *Responsibility for implementation of this mitigation measure shall be assigned to the MRIC and Mace Triangle on a fair share basis.*

8-78(b) *Prior to the issuance of the first certificate of occupancy in Phase 1 of the MRIC, the project applicant shall fund a study for a bicycle/pedestrian grade-separated crossing of Mace Boulevard to supplement the City of Davis' Bicycle Action Plan/Bike Plan.*

- *The study shall assess overall bicycle circulation in general in the annexed area and make appropriate recommendations for integrating project bicycle facilities with the rest of the City.*
- *The study shall evaluate the preferred location, design, funding, and construction timing of the crossing. Identification of a preferred location shall take into consideration several factors, including but not limited to, connectivity to other existing and planned bicycle facilities, environmental constraints, and construction costs.*

- *At or prior to commencement of construction of any building in Phase 2, the project applicant shall: 1) submit design-level drawings of the grade-separated crossing to the City for review and approval; and 2) provide the project's fair share funding to the City for this improvement (or alternatively construct the improvement) subject to agreement with the City. The grade-separated crossing shall be operational prior to construction of any building in Phase 2.*
- *Responsibility for implementation of this mitigation measure shall be assigned to the MRIC and Mace Triangle on a fair share basis.*

Page 8-152, Mitigation Measure 8-79, is hereby revised as follows:

8-79 *Prior to the issuance of the first certificate of occupancy of the first 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 project site. Upon completion of the MRIC transit center, in consultation with Unitrans and Yolobus, the bus stops shall be moved to the MRIC transit center at the expense of the MRIC.*

Page 8-155, Table 8-25, "Existing Plus Mixed-Use Alternative Peak Hour Freeway Operations (Local Study Area), is hereby revised as shown in Appendix B to this Final EIR.

Page 8-192, Mitigation Measure 8-108, is hereby revised as follows:

8-108(c) ***Eliminate High Speed Right Turn Movements on Mace Boulevard****: Construct improvements to Mace Boulevard to eliminate high speed right turn movements and provide sufficient capacity to serve Modified Cumulative Plus Project traffic. Responsibility for implementation of this mitigation measure shall be assigned to MRIC Mixed-Use and Mace Triangle on a fair share basis. Prior to commencement of any construction activities or development subsequent to Phase One, a design-level traffic analysis shall be completed and submitted to the Public Works Department to determine design-level improvements along the Mace Boulevard corridor from Alhambra Drive to Chiles Road, needed to eliminate high speed right turn movements and still provide sufficient vehicle capacity to maintain LOS E.*

Page 8-208, Table 8-35, "CEQA Cumulative Plus Mixed-Use Alternative Peak Hour Freeway Operations (Local Study Area), is hereby revised as shown in Appendix B to this Final EIR.

Page 8-211, Table 8-36, "Modified Cumulative Plus Mixed-Use Alternative Peak Hour Freeway Operations (Local Study Area), is hereby revised as shown in Appendix B to this Final EIR.

3. LIST OF COMMENTERS

3 LIST OF COMMENTERS

3.1 List of Commenters

The following is a list of letters received identifying the letter number, name of person submitting the letter, agency or organization, and date the letter was received.

#	Name	Organization	Date Received
1	Beth Kaffka, LCSW	Individual	8/16/15
2	Elaine Roberts Musser, Attorney at Law	Individual	8/16/15
3	Merry Draffan	Individual	8/18/15
4	Karen Baker	Individual	8/19/15
5	Kenneth Celli	Individual	8/19/15
6	John E. Moren	Individual	8/20/15
7	Claudia Krich	Individual	8/25/15
8	Jeff Slaton	Individual	8/25/15
9	James Skeen	Individual	8/29/15
10	Trevor Cleak	California Regional Water Quality Control Board	9/4/15
11	Planning Commission	City of Davis	9/9/15
12	Eileen M. Samitz	Individual	9/9/15
13	Dan Carson	Individual	9/14/15
14	Gayna Lamb-Bang	Individual	9/14/15
15	Christine M. Crawford	Yolo County LAFCO	9/15/15
16	Dan Branton, Field Representative	Carpenters Local Union No. 46	9/17/15
17	Recreation and Park Commission	City of Davis	9/17/15
18	Mike Mitchell	Individual	9/24/15
19	Raoul Renaud	Individual	9/25/15
20	Jon Watterson	Individual	9/25/15
21	Dianne and John Swann	Individuals	9/26/15
22	Joe DeUlloa	Individual	9/28/15
23	Jeffery Morneau	Caltrans	9/28/15
24	Scott Morgan	Governor's Office of Planning and Research	9/29/15
25	Bicycling, Transportation, and Street Safety Commission	City of Davis	10/8/15
26	John D. Ragland	Individual	10/12/15
27	Ellen L. Wehr	Adams Broadwell Joseph & Cardozo	10/12/15
28	Ellen L. Wehr	Adams Broadwell Joseph & Cardozo	10/12/15
29	Peter Jacobsen	Individual	10/15/15
30	Recreation and Park Commission	City of Davis	10/15/15

(Continued on next page)

31	Natural Resource Commission	City of Davis	10/26/15
32	Planning Commission	City of Davis	10/28/15
33	Open Space and Habitat Commission	City of Davis	11/2/15
34	Judy Corbett	Individual	11/11/15
35	Dr. Billie Bensen Martin, DVM	Individual	11/11/15
36	Patrick S. Blacklock	County of Yolo	11/12/15
37	Melissa B. Hagan	Union Pacific Railroad	11/12/15
38	Anne Huber	Individual	11/12/15
39	John Johnston	Individual	11/12/15
40	Matthew S. Keasling	Taylor & Wiley Attorneys	11/12/15
41	Matthew Palm	Individual	11/12/15
42	Darryl Rutherford	Sacramento Housing Alliance	11/12/15
43	Eileen M. Samitz	Individual	11/12/15
44	Stewart Savage	Davis Downtown	11/12/15
45	Ellen L. Wehr	Adams Broadwell Joseph & Cardozo	11/12/15
46	Alan Hirsch	Individual	11/12/15
Comment Letters Received After the Deadline			
47	Catherine Portman	Burrowing Owl Preservation Society	11/30/15