
4. RESPONSES TO COMMENTS

4

RESPONSES TO COMMENTS

4.1 INTRODUCTION

This chapter contains master responses as well as responses to each of the comment letters submitted regarding the Mace Ranch Innovation Center (MRIC) Project Draft Environmental Impact Report (EIR).

4.2 MASTER RESPONSES

Many of the commenters raised similar concerns. For these concerns, the City has prepared master responses. Through master responses, the City can address the common topics in a comprehensive manner and without duplication in the individual responses. Several master comments have been prepared: (1) Union Pacific Railroad (UPRR) and County Road (CR) 32A Closure, (2) Bicycle Connection Along CR 32A, (3) Mixed-Use Alternative, (4) Guarantees of Developer Performance, (5) Project Phasing, (6) Project Ownership, (7) Western Burrowing Owl, and (8) Swainson's hawk.

Master Response #1 – Union Pacific Railroad and County Road 32A Closure

Background

CR 32A is an east/west frontage road used by motorists as a by-pass to Interstate 80 (I-80). The road is widely used by bicyclists traveling between Davis and West Sacramento, and trucks transporting waste to the Yolo County Central Landfill. CR 32A is located on the north side of the UPRR track to the intersection with CR 105, at which point the road makes a 90 degree bend south, crosses the railroad tracks, and curves east where it continues east/west along the south side of the railroad tracks.

Where CR 32A crosses the tracks, there have been instances in the past where vehicles traveling at unsafe speeds were driven onto the tracks and became immobilized. Over the years, the County has undertaken a number of improvements to improve safety at this location:

- Installed flashing warning light on westbound CR 32A and southbound 105 2005
- Installed larger highly reflective signs 2009
- Asked UP to remove trees within their right-of-way 2011
- Installed guard rails on westbound and eastbound CR 32A, south of the tracks 2012
- Installed rumble strips on westbound CR 32A to warn drivers 2012
- Installed highly reflective durable stop bars before tracks 2012
- Restriped both edge and centerlines (through the crossing) for better reflectivity 2015
- Installed additional railroad crossing advance warning signs 2015

The most significant of these improvements was the CR 32A Rehabilitation and Railroad Crossing Safety Improvement Project constructed in the summer of 2012. The \$240,000 project was funded with a combination of federal transportation funds for the safety features, and local funds for the roadway rehabilitation.

The purpose of the rehabilitation portion of the project was to rehabilitate a half mile section of CR 32A east of the railroad crossing. The purpose of the railroad safety portion of the project was to increase the safety of the UPRR crossing at the intersection of CR 32A and CR 105.

The project consisted of adding guardrail south of the railroad tracks along CR 32A and restriping the lanes to a width of eleven feet. A guardrail was installed at the 90 degree curve to keep motorists on the road and allow them to safely cross the tracks, reducing the possibility of drivers getting high-centered on the railroad tracks. The pavement striping was realigned to aid in directing motorists to slow down and stay within the lanes and pavement. In addition, a half mile of the road was rebuilt and resurfaced for improved operations and safety.

Union Pacific Railroad (UPRR)

More recently, notwithstanding the improvements described above, representatives of Union Pacific have approached the County and the City to express concerns regarding safety at the at-grade crossing. To date UPRR has made no application to the California Public Utilities Commission (CPUC) to close or eliminate the crossing, nor has the CPUC taken any actions in this regard; however, UPRR staff have expressed their desire to pursue closure within a two-year timeframe.

Staff from Yolo County and Davis have conducted several meetings with UPRR representatives, the latest as recent as November 30, 2015. During the last meeting UPRR representatives committed to a six-month window for exploration of long-term solutions such as a grade-separated crossing, during which time they will not file any applications with the CPUC.

As an outcome of meetings with UPRR, the County is contemplating making the following short-term improvements for which UPRR has indicated they will provide funding:¹

- Install additional rumble strips on westbound CR 32A, east of the crossing;
- Install a street light at the crossing northeast of the tracks (waiting for PG&E estimate); and
- Install guard rail on the northwest corner of the crossing.

The County has requested that UPRR trim or remove a specific tree in their right-of-way (ROW) on westbound CR 32A to improve flasher visibility.² In addition, UPRR has indicated they are contemplating the following short-term actions:

¹ Personal communication between Heidi Tschudin, MRIC Project Manager and Taro Echiburu, Yolo County Director of Community Development, December 7, 2015.

- Relocating the crossing to the Chiles Road off-ramp to eliminate the 90 degree turn; and
- Move the railroad signals at the east side of the curve on CR 32A.

Ultimately, UPRR will have to undertake a public application and approval process through the CPUC prior to closure of the existing crossing.

MRIC Draft EIR

The Draft EIR discloses on page 4.14-33 that UPRR has discussed the potential closure of the CR 32A grade crossing, due to safety concerns. The MRIC Draft EIR does not constitute California Environmental Quality Act (CEQA) review for any potential future action by UPRR to close the CR 32A crossing; however, it does contain discussion, where appropriate, regarding the implications of UPRR's contemplated action on identified MRIC Draft EIR mitigation measures. Assuming the MRIC project is approved and Mitigation Measure 4.14-2(d) (Option 3 -- Alternative to Mace Boulevard interchange improvements) is adopted, the Draft EIR identifies that the short-term mitigation measure involving relocating the CR 32A/CR 105 intersection to the north would not be required if the railroad crossing is eliminated. In which case, the Draft EIR discloses, the identified grade separation of CR 32A and the railroad tracks would be required. Moreover, the Draft EIR identifies that, in such an event, Mitigation Measure 4.14-9(a), requiring a crossing southeast of the existing railroad crossing for westbound bicyclists on CR 32A, would not be required.

Master Response #2 – Bicycle Connection Along County Road 32A

This master response summarizes issues related to bicycle travel along CR 32A.

Page 4.14-39 of the Draft EIR discloses that “the addition of 100 peak hour vehicle trips to CR 32A has the potential to negatively impact bicycle flow along CR 32A between CR 105 and the access to the causeway bicycle path.”

The 100 peak hour vehicle trips assigned to CR 32A represents less than five percent of the overall MRIC trips, largely due to the fact that the CR 32A hook ramps are located 2.4 miles from the closest MRIC access point, while the westbound off-ramp at the I-80/Mace Boulevard interchange is located 0.4-mile from the closest project access point. Current traffic counts at the CR 32A/I-80 off-ramp intersection indicate that there are currently approximately 170 trips on CR 32A during the AM peak hour and 350 trips on CR 32A during the PM peak hour to the west of the ramp intersection.

Mitigation Measure 4.14-9(a) requires that the applicant construct a crossing for westbound cyclists on CR 32A, southeast of the existing at-grade railroad crossing at CR 32A and CR 105 to mitigate the potential negative impact to bicycle flow along CR 32A. The purpose of the

² Personal communication between Heidi Tschudin, MRIC Project Manager and Taro Echiburu, Yolo County Director of Community Development, December 7, 2015.

crossing enhancement is to facilitate safe bicycle movements from westbound CR 32A to the east-west path located between the Union Pacific Rail line and I-80.

Pages 4.14-27 through 4.14-29 of the Draft EIR provide a discussion and evaluation of a mitigation alternative that would result in a higher level of project vehicle traffic using CR 32A. It is estimated that 600 project trips would use CR 32A during the peak hours under this mitigation alternative. Mitigation Measure 4.14-2(d) [and 5-21(d)] includes the following improvement to CR 32A to facilitate safer bicycle travel by providing wider shoulders/on-street bike lanes. This measure only applies to Mitigation Option 3 (Interchange Alternative) where vehicular traffic is shifted from the I-80/Mace interchange to CR 32A based on enhancements to that corridor.

“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 (14 foot travel lanes and 6 foot shoulder/on-street bike lanes).”

The 14-foot lane width and 6-foot bike lane widths cited in Mitigation Measure 4.14-2(d) [and 5-21(d)] of the Draft EIR are the Yolo County standards for arterials. CR 32A is a County road, and design changes would therefore need to be approved by the County. In order to maximize bicycle safety and provide more separation between bicyclists and vehicles, the seventh bullet under Mitigation Measure 4.14-2(d), and the ninth bullet under Mitigation Measure 5-21(d) are 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).

The California MUTCD calls for a minimum four-foot bike lane on streets where vehicle parking is prohibited. FHWA recommends wider bike lanes on streets with higher motor vehicle speeds such as CR 32A, and the NACTO Urban Bikeway Design Guide recommends buffered bike lanes on streets with high travel speeds. A buffered bike lane is a conventional on-street bike lane paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane, and is allowed per the California MUTCD guidelines (Section 9C.03).

Page 4.14-29 indicates that Union Pacific Railroad (UPRR) has discussed the potential closure of the CR 32A at-grade crossing due to safety concerns (see Master Response #1, Union Pacific Railroad and County Road 32A Closure). Mitigation Measure 4.14-2(d) requires the provision of a grade separated crossing of CR 32A in the event the existing at-grade crossing is closed.

The implications of UPRR’s possible closure of the current at-grade crossing on bicycle travel on CR 32A are unknown as no such project has been formally proposed to date. The obligation to disclose and analyze such impacts would lie with UPRR and/or the Public Utilities Commission should they pursue the project.

The project applicant has expressed interest in the concept of establishing a separate alternative bicycle path to the north of CR 32A along the approximate alignment of the Mace channel. Though not proposed as a formal component of the project it has come up during preliminary discussions regarding the draft project sustainability framework. This may be explored further as part of the project Development Agreement. If this idea moves forward it would undergo separate analysis and CEQA review as applicable.

Master Response #3 – Mixed-Use Alternative

Reason for Including a Mixed-Use Alternative

CEQA requires analysis of a range of reasonable alternatives to the project or the location of the project, which would among other things, avoid or substantially lessen the significant effects of the project. The staff proposed the Mixed-Use Alternative as one of several alternatives appropriate and necessary to meet the requirements of CEQA.

Housing was not recommended for inclusion in project(s) during the Request For Expressions of Interest (RFEI) process, nor did the applicant propose housing as part of their application. However, CEQA requires that the lead agency consider alternatives that could reasonably reduce significant impacts of the project. Staff anticipated that the project EIR might identify significant impacts related to vehicle miles traveled (VMT), and air quality and greenhouse gas emissions. A growing field of study demonstrates that mixed uses can lower the traffic, air quality, greenhouse gas, energy, and related impacts of separated land uses. As a result, staff concluded that a Mixed-Use Alternative would satisfy CEQA's requirements for the development of a reasonable range of alternatives. The alternative was intended to test the possibility that a mix of innovation center uses and residential uses would generate lowered amounts of regional traffic, vehicle miles traveled (VMT), and greenhouse gas emissions as compared to the business-only proposals. The City Council confirmed the inclusion of the Mixed-Use Alternative as part of the range of alternatives proposed for evaluation in the MRIC Draft EIR on December 16, 2014.

Method for Determining the Number of On-site Units

The number of units assumed in the Mixed-Use Alternative was determined from information provided in the BAE Report entitled Economic Evaluation of Innovation Park Proposals (July 9, 2015). Pursuant to Table 9 of the BAE report, the MRIC project would need to provide 3,763 dwelling units on-site to meet 100 percent of the estimated project housing demand (BAE Report, Table 9, page 32). As noted in Table 8 of that same report, the proportion of MRIC employees who are expected to choose to live inside Davis is estimated at 55 percent, leaving an estimated 45 percent of the MRIC employees who are anticipated to choose to live outside of the City. For MRIC, 55 percent of the total housing demand equates to 2,053 units (Table 8). Therefore, 2,053 units was assumed to be necessary within Davis in order to house all of the demand associated with the project. After accounting for the 1,238 units assumed to be available within the City based on assumptions documented in the BAE report, the MRIC project would need to provide a minimum of 815 units on-site in order to fulfill demand (Table 8, bottom row).

Based on this information, and in order to fully analyze this alternative, the applicant was asked to provide an alternative site plan that integrated a minimum of 815 dwelling units on-site, assuming high-density (30 dwelling units per acre [du/ac] minimum), attached, multi-story live/work units designed specifically to house and support workers within the MRIC. The resulting conceptual site plan (Draft EIR, Figure 8-1, page 8-3) reflects to 850 units on approximately 34 acres; this includes the setbacks, courtyards, parking areas etc. Designs would incorporate green technology, high efficiency, compact form, with the latest technology and lifestyle features, and emphasis on low to no-vehicle use. Height limits of 85 feet were assumed.

Employee Occupancy Assumed for the Mixed-Use Alternative

For the purposes of this analysis, each of the 850 units was assumed to be occupied by at least one employee of the MRIC. The assumption of 100 percent occupancy by at least one MRIC employee was valid for the purpose of the CEQA alternative, which was to test whether and to what magnitude occupancy would minimize adverse environmental impacts.

How Trips From Non-Employee Household Members Were Considered in the Analysis?

Trips from all residents of the Mixed-Use Alternative units were considered in the analysis. The Draft EIR indicates that 1,480 total external auto trips are forecast to be generated by the Mixed Use Alternative during a weekday AM peak hour (Table 8-21). This includes auto trips entering and exiting the site that would be made by residents of the on-site housing units, project employees, hotel guests, and visitors. It also includes trips made by others to the uses including delivery, maintenance, and other purposes.

Most trips made by non-employee household members during the AM peak hour would be work trips to jobs or for other trip purposes such as school or shopping trips. Table 8-20 shows the residential uses in the mixed use alternative would generate 44 inbound and 316 outbound trips during the AM peak hour, before adjustments for internalization and trips made by bicycle, transit, or walk modes. Approximately half of the AM peak hour trips from on-site households are estimated to be internal to the project site (i.e., trips by on-site residents walking or biking to their jobs within the MRIC site). The other trips generated by on-site households, which would be external trips, would be made primarily by non-employee household members. A small share of those external trips would be made by non-household members such as visitors, maintenance workers, delivery services, etc.

The trip rates applied for the on-site household uses, from the *Trip Generation Manual, 9th Edition*, 2012, Institute of Transportation Engineers, do not include demographic data such as the number of employees per household in surveyed facilities. The BAE memo Economic Evaluation of Innovation Park Proposals (July 9, 2015), prepared for the City of Davis, identifies an average of 1.62 employed residents per household in the Davis area.

Could Employee Occupancy Within the Mixed-Use Alternative Be Guaranteed?

Employee occupancy could be ensured through a development agreement with the applicant. Commitments similar to the following could accomplish this:

- The housing stock would be owned and/or controlled by the applicant or a controlling entity (e.g. an MRIC Housing Authority) associated with the operation and maintenance of the MRIC.
- The applicant would have enforceable agreements with some or all of the MRIC employers to offer on-site housing to employees as a benefit or possibly a term of employment.
- The employee contract would stipulate on-site residency as a mandatory term or alternatively the housing agreement would stipulate on-site employment as a mandatory requirement.
- Appropriate housing packages would be developed to address ownership, lease, and/or rental relationships, and to identify eviction terms, etc.

Examples of this type of relationship include university, tribal, and resort housing.

If the City Council chooses to consider the Mixed Use Alternative they will deliberate the policy implications of this alternative. They will consider whether and how much employee occupancy should be guaranteed and appropriate mechanisms to do so. The Council will balance these considerations with other relevant factors including housing policy, economic feasibility, market influences, etc.

Relationship Between MRIC and Infill Strategy

The City is addressing the need for infill redevelopment and the need for land to meet the space needs of larger manufacturing businesses that cannot be easily achieved through infill development downtown or elsewhere in the City. This multi-pronged approach is the City's "Dispersed Innovation Strategy" which was the result of substantial study and public process, and incorporates multiple initiatives concurrently underway with the MRIC project. Referenced in the MRIC Draft EIR on pages 3-5 and 3-6, these "actions" were initially identified in 2010 by the City Council as part of the Business Park Land Strategy, and further reaffirmed through formal adoption of the "Dispersed Innovation Strategy" at the culmination of the multi-year Innovation Park Task Force Process, and Davis Innovation Center Report adopted in 2012.

The following are excerpts (in italics) from the City's adopted Strategy followed by an update of the implementation efforts that are underway for each action:

Pursue a "Dispersed Innovation Strategy" offering flexible space (scalability) supporting needs of growing and new businesses. A combined approach of near term close-in hub with mid-term, larger less constrained edge sites offer the best mix of University proximity and expansion capability for the City:

- 1) *Maximize existing inventory to increase development certainty, and flexibility.*
- 2) *Review existing land use, zoning and tax structure with objectives of supporting retention and growth of innovation businesses and maximizing revenue opportunities.*

The Planning Commission's current work plan has initiated this process, starting with study of the downtown development regulations.

- 3) *Near Term -The Gateway (Downtown Research & University Innovation District) option offers the best close/in location due to the proximity to University and property owner and University interest, and should be pursued as the City's top innovation center priority.*

This public/private partnership with the City, UC Davis and property owners is to create a Downtown/University Mixed Use Innovation District with space and amenities attractive to entrepreneurs, supporting UC tech transfer, collaboration space, needs of smaller firms and entrepreneurial live/work lifestyles. The Nishi Gateway project is now under concurrent review by the City and will also be subject to a community vote under the provisions of Measure R. The attraction of increasing numbers of entrepreneurs in and near downtown can incentivize infill redevelopment and strengthen downtown's role as an innovation center.

- 4) *Mid-Term - The East and West "edge" sites offer viable options for location and size of larger innovation centers meeting needs of growing mid-sized companies (150~ employees) and should be continued to be explored as part of a mid-term Dispersed Innovation Strategy.*

The City solicited proposals for new innovation centers through a Request for Expressions of Interest (RFEI). Two planning applications for innovation centers were received. The Davis Innovation Center at the east side of the City, west and northwest of Sutter Hospital, was put on hold by the applicant in May 2015 and has since been deemed withdrawn. The MRIC application evaluated in this Final EIR is under City and community review with potential community vote in 2016.

It is also important to note that the City contemplated addition of land for a university related research park as part of the 2001 General Plan update, including studying four alternative locations of research parks equivalent in size or larger than the MRIC Innovation Center currently proposed. It was determined at that time that the city had sufficient land inventory to meet business needs, but should reassess its land supply in 2010. The 2010 Business Park Land Strategy evaluated the adequacy of the city's remaining supply to meet potential demand and concluded that the city did not have an adequate long term supply of land to meet needs of growing businesses.

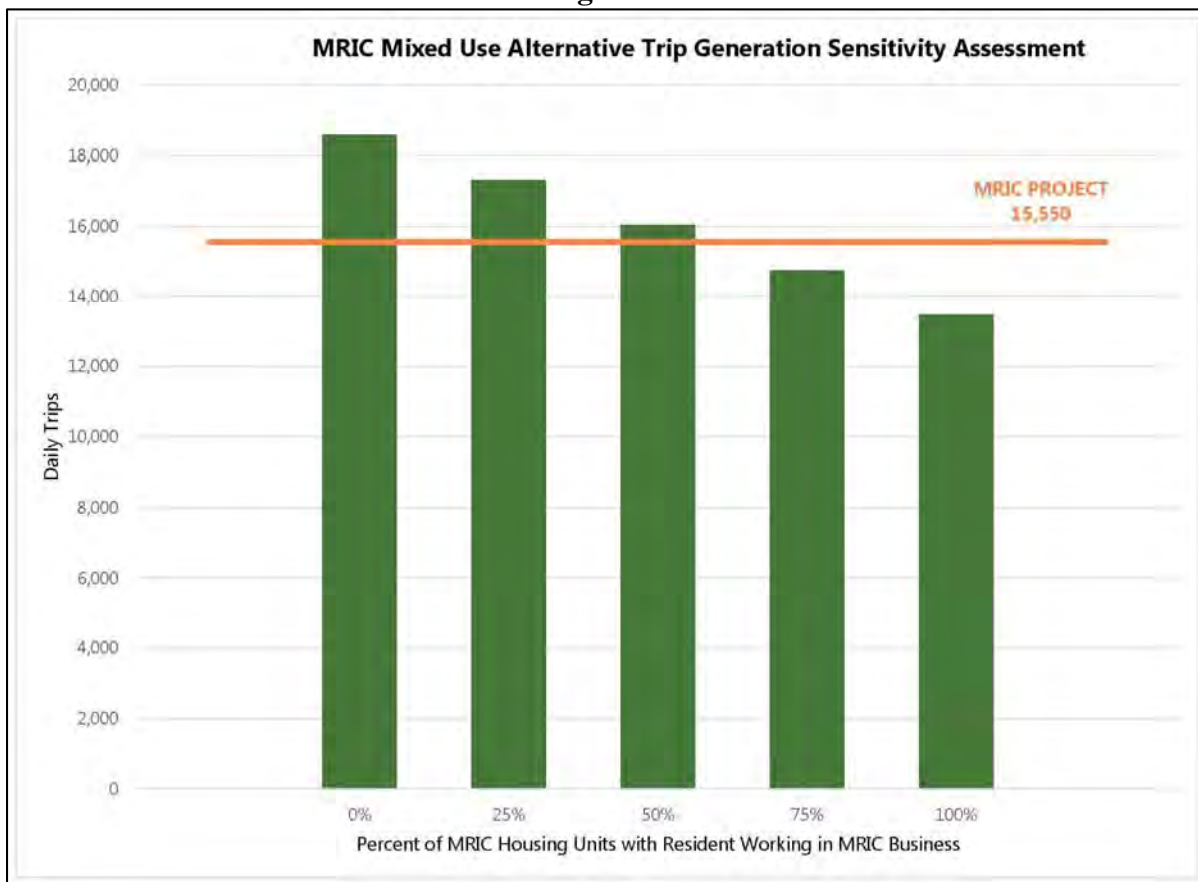
Likely Results if Fewer Than 100 Percent of the Units Are Occupied by an MRIC Employee.

In order to address this question, sensitivity testing of MRIC trip generation was undertaken. Fehr and Peers evaluated the number of net vehicle trips accessing the MRIC project site under a

range of different assumptions for the percentage of on-site homes that are occupied by one or more MRIC employees. The Mixed-Use Alternative that is evaluated in the Draft EIR is based on occupancy of 100 percent of the on-site housing by at least one MRIC employee. As a result, the Mixed Use Alternative has a substantially higher internalization of trips, between the housing and employment uses, than the MRIC project without on-site housing. Moreover, the Mixed Use Alternative generates fewer external vehicle trips, particularly during the AM and PM peak commute hours, than the MRIC project without housing. The sensitivity testing conducted by Fehr and Peers assessed occupancy levels of 0 percent, 25 percent, 50 percent, and 75 percent (proportion of units with at least one resident MRIC employee) to compare with the 100 percent assumed in the Draft EIR evaluation of the Mixed Use Alternative.

The following chart (Figure 1) shows the evaluation results based on the number of daily external vehicle trips. The orange bar in the chart shows the number of external daily vehicle trips that would be generated by the MRIC project with no residential units. The orange line represents the number of vehicle trips generated by the MRIC project with no residential units. Each column represents a different mixed use scenario in terms of the proportion of units occupied by at least one employee of the MRIC. So for example, the 0% column indicates the number of trips that would be generated by the mixed use alternative, including the 850 units, if there is no internalization (i.e., none of the residents in the on-site housing work in MRIC).

Figure 1



The purpose of having the orange line in the chart is to show the point at which the mixed use alternative would generate more vehicle trips (e.g. have greater impact) than the MRIC project without housing. The results indicate that the Mixed-Use Alternative would generate more external daily trips when compared to the MRIC project with no residential units if the percentage of MRIC housing units occupied by MRIC employees drops below 60 percent for total daily trips.

Master Response #4 – Guarantees of Developer Performance

If the MRIC project is approved and garners the support of the voters, the applicant will be restricted to development of the project as approved. As listed and described below, a number of controls are available to ensure project performance. If the developer, owner, or operator desires at some time in the future to modify the project, they would be required to apply for an amendment to the project approval. At a minimum this would require a public process. It may also trigger supplemental environmental review and possibly a subsequent citizen's vote.

Project Description

The developer will be required to develop the site consistent with the project as described in the EIR. Requests for changes in the project must be separately and independently reviewed for coverage under the EIR and compliance with applicable polices and regulations. While minor modifications may not trigger further environmental review, more substantive changes could trigger additional environmental review, including a subsequent public review and approval process.

General Plan Designation and Zoning

The project may only be approved and constructed consistent with the General Plan and other applicable plans, policies, and regulations. Requests for changes in the project must be separately and independently reviewed for policy and regulatory consistency. While minor deviations may not trigger environmental review, more substantive differences could trigger additional environmental review and may require a subsequent general plan amendment or zone change.

Conditions of Approval

The project requires rezoning to a Planned Development District as one of several required City approvals. Project approval will be conditioned on implementation of specified actions called conditions of approval. Conditions are enforceable through the police powers of the City. Section 40.22.190 of the City Zoning Code, addressing Revocation of Planned Development approval, states:

- (a) In the event of a violation of any of the provisions of zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, the planning commission may, after public notice and hearing, revoke any final planned development. In case of revocation of a final planned development, the determination of the planning

commission shall become final fifteen days after the date of decision unless appealed to the city council.

- (b) Procedures used in considering a revocation of a final planned development shall be consistent with those of granting a final planned development as detailed in Section 40.30.010 et seq., (Ord. 1329 § 4)

Mitigation Measures

Mitigation measures adopted as part of the Environmental Impact Report (EIR) must be enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4(a)(2)). The City will use one or more of these methods to ensure enforceability of adopted mitigation measures.

The City is required to adopt a mitigation monitoring and reporting program (MMRP) for any mitigation measures imposed pursuant to its regulatory authority (PRC Section 21081.6). The MMRP must be designed to ensure compliance with adopted mitigation measures, through project implementation. The MMRP adopted for the MRIC will include information on mitigation timing, monitoring actions, and enforcement responsibility.

Development Agreement

Project approval assumes execution of a Development Agreement (DA) between the MRIC developers and the City. A DA is a contractual agreement between a developer and jurisdiction that allows the jurisdiction to achieve additional public benefits beyond what could be attained through conditions of approval and mitigation measures, in exchange for project certainty. DAs are governed by Section 65964 et seq of the California Government Code and the terms of the local ordinance passed to adopt each agreement. DAs are enforceable as contracts. The MRIC DA may contain procedures, penalties, and liabilities for non-performance. As an example the DA will likely contain a section that enables the City to withhold building permits if the developer is in default under the terms and conditions of the agreement.

Master Owner's Association

In order to collectively manage the project over time, the applicant has proposed to implement a Master Owner's Association (MOA) that will oversee and perform various management and marketing efforts including implementation of conditions of approval and other obligations of the project. This is described on page 3-21 of the Draft EIR. This entity will provide one central point of contact with contractual responsibility for compliance, monitoring, and reporting as may be required of the project.

Measure R

Project approval will be contingent upon approval by Davis voters pursuant to a citizen's initiative (Measure J) passed in 2000 and renewed (Measure R) in 2010. One of the requirements of Measure R is the establishment of "baseline project features and requirements", such as

recreation facilities, public facilities, significant project design features, sequencing or phasing, or similar features and requirements as shown on project exhibits and plans submitted for voter approval, which cannot be eliminated, significantly modified or reduced without subsequent voter approval. In other words, once set, the baseline features cannot be modified without a subsequent public vote.

Baseline features are enforced in multiple ways depending on stage of development, the type of baseline feature and the type of alleged violation. For example, each phase of the project will have requirements for specific implementation of baseline features applicable to that phase and baseline project features that may not be physically within the phase but which are required for that phase. City approval is required for all implementation entitlements, such as subdivision maps and final planned development permits, and the baseline features will be included in the entitlements for the phase and the implementation entitlements. The project's development agreement will also include the baseline project features and enforcement mechanisms, including but not limited to seeking judicial orders for specific performance of the baseline features. Finally, baseline project features can be enforced through nuisance abatement actions on the grounds that failure to comply with the applicable general plan, land use and zoning for any property constitutes a public nuisance and is enforceable through administrative processes, and through civil and/or criminal actions. Should a developer fail to comply with one or more baseline features, the City would review the specific issue and determine the most effective method of enforcement most likely to obtain compliance. These methods are not exclusive and multiple avenues of enforcement may be used. Finally, as implementation of Measure R, enforcement may also be accomplished through the general enforcement mechanisms in the City's Municipal Code (i.e. Section 1.01.110)

Master Response #5 – Project Phasing

The project is proposed to develop in four phases (see Draft EIR page 3-43). Phase 1 consists of portions of the southerly approximately 1/3 of the project site. Phase 2 is generally central to the site. Phase 3 completes the southerly land area and includes a portion of the northern area of the property. Phase 4 consists of the remaining northerly portion of the property.

As illustrated in Figure 3-20 on page 3-45 of Chapter 3, Project Description, MRIC Phase 1 is anticipated to consist of approximately 48 acres in the southern portion of the MRIC site. MRIC Phase 1 is estimated to contain approximately 540,000 square feet, which will include 400,000 square feet of Research/Manufacturing space to accommodate the expansion needs of Schilling Robotics, and 140,000 square feet of research/office/research and development (R&D), which may incorporate ground floor ancillary retail of up to 40,000 square feet. Two access points will be provided for MRIC Phase 1: 1) a new intersection at Mace Boulevard and Alhambra Boulevard, and 2) a new southern access point, which will connect to County Road 32A, east of the existing Park-and-Ride lot driveway. These two roadways will connect within the site, thereby linking Phases 1A and 1B, and creating through-site circulation.

Future phasing is anticipated to move out to the central core and then north and east. Phase 2 is proposed to comprise approximately 29 acres, south of the Mace Channel. Total building square footage for this phase is projected to be 700,000 square feet, including the proposed

hotel/conference center, various research/office/R&D centered around the Oval park, and ancillary retail. An additional 700,000 square feet of building space is projected for Phase 3, including research/office/R&D and manufacturing/research uses. The 29 acres developed in Phase 3 completes development south of the Mace Drainage Channel and along the perimeter of the Oval park. Phase 4 consists of the northerly 86 acres of the MRIC site and is projected to include approximately 714,000 square feet of manufacturing/research and research/office/R&D uses.

The applicant has not proposed details regarding how much, if any, of one phase must be completed prior to moving to the next phase. They have indicated they would like phasing to be driven by demand. Many of the draft mitigation measures are triggered by phase.

The City will work with the applicant to determine details governing phasing and bring these forward for consideration by the public, Planning Commission, and City Council together with the final action package. The City may opt to control the timing and order of phasing through conditions or approval, the development agreement, and/or as a baseline feature of the project.

Master Response #6 – Project Ownership

Project ownership information is provided below. The City allowed the applicant to include two City properties as part of the MRIC project. In particular, the City’s 25-acre property in the northwest portion of the MRIC site was allowed to be included in the general planning and design of the project. No specific requirements or outcomes for the City property were dictated to the applicant. Ultimately, in order to develop, or engage in any activities (e.g., off-site drainage; removal of soils) on property owned by the City, a negotiated agreement and sale or lease will be required. For the purposes of the EIR, this agreement was assumed to be contained within the development agreement described on page 3-11 of Chapter 3, Project Description, of the Draft EIR.

- **Mace Ranch Innovation Center**

- **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
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**

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) (26295 Mace Boulevard)

Ikeda Family Trust Trustees Linda and Steven Ikeda
Glen Ikeda
4500 Sentinel Court
Rocklin, CA 95677

Master Response #7 – Western Burrowing Owl

The following Master Response provides a summary of the comprehensive approach taken to address potential impacts to western burrowing owl (WBO) associated with the proposed project. Related errata to the text of the Draft EIR are summarized in this Master Response and provided in Chapter 2 of this Final EIR.

Applicant Proposal

In correspondence dated January 6, 2016 the applicant has proposed an amendment to their project to include construction of three artificial burrowing owl burrow complexes or dens in the proposed 150-foot agricultural buffer along the perimeter of the MRIC property. As proposed by the applicant the owl burrows would be located within the 150-foot buffer but not within the drainage swale or the 50-foot wide transition area within which the bicycle trails will be located. To support this effort the applicant has also proposed to prepare and implement a burrowing owl site management plan compliant with the requirements of the 2012 CDFW Staff Report on owl mitigation. The management plan would be submitted prior to phase one. One burrow would be constructed during the construction period for each subsequent project phase (Phases 2, 3, and 4).

Known Records

Section 4.4.2 of the Draft EIR discusses WBO, including known records of sightings near the project, and habitat for WBO both on-site and off-site. For known records, the Draft EIR focuses on WBO records in the California Natural Diversity Database (CNDDDB). The CNDDDB is a database of known occurrences of many special-status plants, animals, and ecological communities in California. It is a reliable and reputable source of known records maintained by the California Department of Fish and Wildlife (CDFW) and updated with new data monthly. The Draft EIR reports the results of a CNDDDB query for the project site and the surrounding nine-quad area, including the records within the smaller 1-mile radius mentioned in Comment 33-17. The query returned 76 CNDDDB records of WBO in the nine-quad area surrounding the project site.

Section 4.4.2 of the Draft EIR describes in detail the two WBO records that partially overlap the project site (CNDDDB Occurrence #695 and #614). According to the CNDDDB query conducted for the Draft EIR, the CNDDDB records for WBO observations in and around eastern Davis had not been updated in recent years. WBO was not observed on-site during numerous biological surveys conducted by Sycamore Environmental (see discussion below). The Draft EIR notes that nesting habitat for burrowing owl occurs in the study area in multiple locations, namely, along Mace Boulevard, along the eastern edge of the project, along the Mace Drainage Channel which bisects the site, and along the railroad berm south of the study area. The Draft EIR considers the agricultural fields and ruderal areas to provide foraging habitat.

Commenters provided information regarding other records of WBO in the vicinity of the project. The table below summarizes the additional known record information provided by commenters.

Comment	Additional Known Record Information Provided	Summary
35-2	The owls along Road 104 in commenter's page 4 and page 5 photos appear to be associated with CNDDDB Record #994 (CNDDDB notes the pole shown in the picture; two such poles are visible in Google Street view photos at this location; the tilled rows and landfill in background are also consistent with this location). This portion of Road 104 is slightly over 500 ft (150 m) north of the northern boundary of MRIC and will not be affected by the project. The agricultural field between the MRIC project and County Road 104/ County Road 30B to the north is part of the former Mace 391 property, which is protected in a permanent conservation easement and would not be affected by the project.	CNDDDB WBO Occurrence #994 appeared to be active in 2015.
45-50	Commenter cites the Davis Enterprise article (http://www.davisenterprise.com/local-news/ag-environment/workers-express-concern-for-burrowing-owls/), which describes an occupied WBO den observed at the end of the Fermi Place cul-de-sac in a vacant lot south of Second Street and west of Mace Boulevard in 2015. This location is within CNDDDB WBO Occurrence #695 described in the Draft EIR	CNDDDB WBO Occurrence #695 was active in 2015 on the west side of Mace Boulevard.

45-50	<p>Commenter cites 2014 and 2015 ebird (http://www.ebird.org) records on the “east side of CR 104 just as the road straightens out from the curve from Mace Blvd” that may provide evidence of WBO nesting activity at that location. The 2014 ebird record describes territorial behavior probably indicating a nesting pair nearby, but does not indicate an active burrow was observed. The 2015 ebird record describes an owl observed at this location, but does not provide any other information. This location corresponds with CNDDDB WBO Occurrence #614 described in the EIR.</p>	<p>CNDDDB WBO Occurrence #614 was probably active in 2014 and possibly 2015.</p>
35-5	<p>Commenter cites the Yolo County Burrowing Owl Breeding Pair Census (2014) that indicated a 75% decline in the Yolo County population in 2014. Commenter also notes a 2014 decline of 32 pairs to 2 pairs at the Wildhorse Golf Club [located approximately 1.5 miles northwest of the project on north side of Davis].</p>	<p>The 2014 census of burrowing owls does not appear to have detected any burrowing owls on the MRIC project site. The regional decline is noted and discussed further below.</p>
47-4	<p>Commenter cites the Yolo County Burrowing Owl Breeding Pair Census (2014) that indicated a 75% decline in the Yolo County population in 2014. The census referenced in this comment found two breeding pair of burrowing owls in a 5,000 meter by 5,000 meter block centered on the eastern portion of the City of Davis. The report does not indicate where the two breeding owls were located in this block.</p>	<p>The 2014 census of burrowing owls does not appear to have detected any burrowing owls on the MRIC project site. The regional decline is noted and discussed further below.</p>

With the exception of the county-wide census, the WBO observations described by the commenters match the CNDDDB records analyzed in the Draft EIR Section 4.4 and the Biological Resources Evaluation (BRE) in Draft EIR Appendix D.1. The recent observations indicate that several historic records remain active. This information does not affect the analysis in the Draft EIR. The Draft EIR (in Mitigation Measure 4.4-4) and the BRE state that WBO are known to occur in the vicinity of the project and could be present or become established in the project area. The Draft EIR states the project site provides suitable foraging and nesting habitat for WBO.

Several commenters relied on the Burrowing Owl Preservation Society (BOPS) 2014 census that concluded a county-wide decline of WBO breeding pairs has occurred in less than ten years. Comment 45-50 noted that WBO breeding pairs declined from 63 to 15 between 2007 and 2014 based on the BOPS 2014 census. Although some commenters have presented the conclusions of the BOPS 2014 census as though they were definitive, it should be recognized that the 2014 WBO census is subject to many nontrivial limitations. These include, but are not limited to: volunteer observer detection shortcomings, changes in the detection ability of volunteers between censuses, lack of a detection probability assessment, problematic assumptions to arrive at breeding pairs using observations of individual owls (which may have changed between censuses), survey access restrictions, and changes in survey access restrictions between censuses. The email transmitting the BOPS comments to the City notes that the 2014 census followed the methods of the 2007 census conducted by the Institute for Bird Populations (IBP) as described

by Wilkerson and Siegel (2010).³ Wilkerson and Siegel (2010) explain many of these limitations in the 2007 report. Although they discuss a variety of factors that could introduce error into their population estimates, the authors emphasize the inherent limitations on a method that relies heavily on the visual observations of a relatively small number of people to estimate bird populations and trends over vast areas of land:

“Our survey method likely contains some systematic sources of error. As DeSante et al. (2007) pointed out, the inability of observers to reliably detect all owls in sampled areas (Conway and Simon 2003, Conway et al. 2008), particularly in areas with limited or no road access may tend to bias our estimates low. Additionally, observers generally assumed that whenever they detected a single adult burrowing owl, it represented a breeding pair. To the extent that unmated adult birds may have been detected, this could result in an upward bias in our estimate of breeding pairs. Another potentially confounding factor was that surveyors were unable to gain access to some military installations and private landholdings; if such areas were more or less likely to be occupied by owls than other areas, bias in one direction or the other could have been introduced into our estimates. Finally, our survey methodology incorporated no means for assessing detection probability, which in some environments (such as desert areas with very low road density) may have been quite low. Perhaps of even greater concern than detection probability being low is that it could have varied substantially across survey blocks or survey regions with different physiographic characteristics.”

...

“our statistical power to detect changes in abundance was rather weak”

...

“It should be noted that burrowing owl populations can fluctuate annually, so our lower count of owls in the region does not necessarily indicate a deterministic decline.”

The 2014 WBO census data for any specific block cannot be interpreted as an absolute population estimate. Comparisons with previous census data along with any inferred population declines require interpretation with appropriate statistical disclaimers. In particular, poor or diminished detection ability and movement of owls within the local population could lead the 2014 census to erroneously conclude that there has been a decline when a decline has not actually occurred.

The recent WBO population drop at the Wildhorse Golf Club provides an example of abrupt, localized change. It should not lead to the conclusion that the owls have died or are no longer in Yolo County. It is possible that the owls dispersed into nearby suitable habitat located within areas inaccessible to census observers or into one of the many nearby census blocks that were not surveyed in the random sampling design used by the census.

Wilkerson and Siegel’s statement that *“observers generally assumed that whenever they detected a single adult burrowing owl, it represented a breeding pair”* is an especially large source of error that confounds both survey results and especially inter-survey comparisons. Some observers may have detected more than twice as many breeding pairs as others surveying the

³ Wilkerson, R. L. and R. B. Siegel. 2010. “Assessing changes in the distribution and abundance of burrowing owls in California, 1993-2007.” *Bird Populations* 10:1-36.

same block simply due to the non-standardized definition of breeding pair. Restricting the definition of breeding pair to include only confirmed breeding pairs during a subsequent survey would result in large perceived declines in the number of WBO breeding pairs even if the population did not change.

According to ebird.org, an online database of bird observations launched in 2002 by the Cornell Lab of Ornithology and National Audubon Society with quality control funded by the National Science Foundation, there were 33 observations of WBO in Yolo County in 2013, 61 in 2014, and 79 in 2015. Many of these WBO observations were for many individual WBO. Although the increase in WBO observations may represent an uptick in ebird.org reporting over time, and although records were not necessarily based on nesting pairs, the increase in WBO reports may also indicate that that WBO in Yolo County are not experiencing a decline.

Surveys

Several commenters noted that the project has not conducted baseline surveys for WBO consistent with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. The 2012 CDFW Staff Report “detection surveys” are recommendations and not requirements. The City was only required to follow these methods to the extent that the City found them to be appropriate and necessary under CEQA. Notably, CEQA does not require any particular technical approach or methodology for undertaking analyses of impacts on any species, much less burrowing owls in particular. Furthermore, CEQA lead agencies need not follow methodologies developed by expert state and federal agencies for the satisfaction of those agencies’ duties under laws other than CEQA. (See, e.g., *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1396-1398 [county lead agency, in assessing a proposed dairy’s impacts to federally-listed kit fox, was not required to follow USFWS protocols developed under the Endangered Species Act]; *North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors* (2013) 216 Cal.App.4th 614, 639-643 [water district lead agency, in assessing a desalination facility’s potential impacts to ocean fish, was not required to follow methods suggested by the Department of Fish and Wildlife and the National Oceanic and Atmospheric Administration, despite the project’s need for incidental take authorization from the latter agency under the Endangered Species Act].)

The following biological surveys were conducted by biologists familiar with WBO as part of baseline documentation for the project and are described in Sections 4.4.2 and 4.4.4 of the Draft EIR:

- 7 October 2014 – Reconnaissance Survey
- 10 December 2014 – Biological/Botanical Survey and Wetland Delineation
- 23 December 2014 – Arborist Survey
- 19 May 2015 – Botanical Survey
- 11 June 2015 – Biological/Botanical Survey of Offsite Stormwater Capacity Area

In addition to those listed above and described in the Draft EIR biological surveys of the site were conducted on multiple other occasions. Sycamore Environmental biologists familiar with

WBO conducted a botanical survey of the entire site on 11 September 2015. Fourteen surveys of the Mace Drainage Channel from Mace Boulevard to County Road 105 were conducted between January and November 2015. WBO were not observed on-site during the five surveys discussed in the Draft EIR or during any of 15 additional surveys described above.

Sycamore Environmental biologists who conducted the surveys are familiar with WBO, its habitat requirements, and its sign (pellets, white-wash, feathers, prey remains, etc.), have previously documented WBO during surveys and/or monitoring, and meet the CDFW (2012) biologist qualifications. Most of the 15 surveys involved walking across the entire site while looking for protected resources, including but not limited to, WBO. Most of these surveys would therefore have detected WBO or its sign if present. Surveys were conducted during the WBO breeding season (1 February to 31 August) and non-breeding season (1 September to 31 January). While WBO is most evident during the breeding season, both CDFW (2012) and ebird.org records indicate that WBO may be detected at any time of year.

Surveys conducted by Sycamore Environmental biologists identified suitable WBO nesting and foraging habitat on the site. No WBO were observed on-site during the surveys. Both the Draft EIR and the BRE identify the locations where existing unoccupied burrows occur, including an abundance of off-site burrows along the railroad berm located south of the project. As described above, the Draft EIR acknowledges that WBO could be present or become established on the project site despite negative survey results.

Draft EIR Mitigation Measure 4.4-4(b) requires that the applicant conduct surveys annually for WBO consistent with the 2012 CDFW Staff Report to determine whether WBO are occupying the site *prior to each phase* of the project, and appropriate mitigation if active dens are affected. The Draft EIR identifies the potential impacts to WBO and outlines in detail the avoidance mitigation that the project will implement to reduce potential impacts to WBO to less-than-significant (see also Impact and Mitigation discussions below). The mitigation measures outline compensatory mitigation for any impact to new WBO that may colonize the project site after adoption of the CEQA document. Detection of a currently occupied burrow on the project site during baseline surveys would not change the impact analysis or mitigation described in the Draft EIR.

Impacts

No active burrows are known to occur on the MRIC site based on the known records and survey results and data provided by commenters. The project will not disturb active breeding dens during the breeding season. Mitigation Measure 4.4-4 (a and c) require the applicant to retain a qualified biologist to perform the preconstruction surveys. The 2012 CDFW Staff Report, page 5, identifies the “Biologist Qualifications” requirements for the surveyor. The project will passively exclude owls from any burrows in proposed disturbance areas in accordance with the 2012 CDFW Staff Report, and only during the nonbreeding season. Ample suitable burrowing owl foraging and nesting habitat occurs nearby. Through Mitigation Measure 4.4-5, moreover, the project will be required to preserve approximately 210 acres of Swainson’s hawk foraging habitat, which is also suitable for burrowing owl.

Under the “Swainson’s Hawk Interim Mitigation Program” run by the Yolo County HCP/NCCP Joint Powers Agency (JPA), this preserved land will be enhanced and managed to improve its habitat value compared with existing conditions. Although WBO is a prey species for Swainson’s hawk, these managed preserved lands will benefit both species. The predator-prey relationship exists in nature and remains in place even within habitat areas with attributes that allow both species to prosper. The preservation, enhancement, and management of lands for Swainson’s hawk thus do not come at the expense of WBO, but rather benefit WBO, just as they benefit the species on which WBO individuals prey.

In addition, through Mitigation Measure 4.2-1(a), the project will preserve up to approximately 418 acres of agricultural land, which can provide additional foraging opportunities for WBO. For these reasons, the project will not reduce local (Davis area) or regional (County-wide) populations of WBO below self-sustaining levels.

Fermi Place

Commenters expressed concern that the project would adversely affect burrowing owls nesting across Mace Boulevard around the Fermi Place cul-de-sac and thereby accelerate decline of WBO in Yolo County. The Fermi Place cul-de-sac is located on the southwest corner of Mace Boulevard and Second Street. Approximately 11 acres of vacant land occurs along Fermi Place. The City of Davis General Plan Update EIR refers to the vacant land as the “Under Second Street” parcels with General Plan designations for office and light industrial.

The vegetation on the vacant land is maintained with a combination of herbicides and discing. Mace Boulevard, at the signalized intersection with Second Street/County Road 32A, is a busy, four-lane road with left-turn pockets and right-turn movement lanes to and from Second Street on the west side of the intersection. Existing development around the intersection includes an AM/PM gas station, Ikedas Market, the Davis Park-and-Ride, apartments, and a business park.

Given the General Plan designation and zoning for the vacant land, no long-term protection for this active den location is likely. The CNDDDB ranks this location as “D”, signifying a small and/or non-viable population, typically with degraded habitat that is usually not in good condition, and is not expected to persist over five years.

The owls are at risk due to human disturbance and harassment. CNDDDB notes an owl killed by a car at this location in 2005. The Davis Enterprise article from June 7, 2015, reports on two incidents of harassment in May. An employee at an adjacent business on Fermi Place reported that “someone had covered the burrowing owls’ holes with large rocks.” Another person said he had found “BB gun pellets, cigarette butts and beer cans surrounding the burrow... He notified the Davis Police Department.

<http://www.davisenterprise.com/local-news/ag-environment/workers-express-concern-for-burrowing-owls/>

A September 20, 2015 comment to a Davis Vanguard article reported seeing children with dirt bikes and remote racing cars/trucks drive around on the vacant lands on weekends and holidays.

The commenter noted that the activities damaged the existing burrows and caused the owls to fly off.

<http://www.davisvanguard.org/2015/07/city-davis-can-increase-available-burrowing-owl-habitat/>

The project would not result in direct effects to active burrows at this location. The project reduces the amount of foraging habitat for WBO on the east side of Mace Boulevard, but not to an extent that would cause burrow abandonment at Fermi Place. Other foraging habitat occurs nearby along the railroad right-of-way to the south and on undeveloped land on the north side of Second Street. The CDFW 2012 Staff Report says WBO typically forage within 0.37-mile (600 meters) of their dens. Approximately 50 acres of suitable WBO foraging habitat unaffected by the project occurs within 0.37-mile of the Fermi Place cul-de-sac. This habitat occurs on weedy vacant lots north of Second Street, along daylighted portions of the Mace Drainage Channel, along the railroad right-of-way, etc., and is separated from the occupied den at Fermi Place by no more than road crossings. Much of this habitat is located closer to the burrowing owl den at Fermi Place than the foraging habitat affected by the project. Within one mile, there are over 150 acres of suitable WBO foraging habitat available and accessible outside the project. The loss of foraging habitat on the project site will not substantially reduce available WBO foraging habitat within typical foraging ranges.

Passive Relocation

Several commenters expressed concern that the passive relocation described in Mitigation Measure 4.4-4(a) could constitute a significant impact. Passive relocation is a technique of installing one-way doors in burrow openings to temporarily or permanently evict burrowing owls and prevent burrow re-occupation. It is also referred to as burrow exclusion when the vacant burrows are excavated and closed. The 2012 CDFW Staff Report recognizes that passive relocation and burrow exclusion is sometimes necessary. Appendix E of the 2012 CDFW Staff Report lists the minimum requirements for an exclusion plan.

Owls that have been passively excluded have a temporarily increased risk of mortality after exclusion. As described in Mitigation Measures 4.4-4(a and b), the City proposes that the project use passive exclusion only if an active burrow cannot be avoided and, then, only during the non-breeding season. Prior to the use of passive exclusion to avoid direct mortality to owls, the project must prepare a detailed exclusion plan that includes proposed methods and careful monitoring of the process consistent with Appendix E of the 2012 CDFW Staff Report.

Suitable nesting habitat occurs in the areas surrounding the project, including, but not limited to, along railroad grade and along the edges of nearby agricultural fields and roads. These areas are suitable because there are existing ground squirrel burrows present, and ample foraging habitat occurs nearby. Thus, any owls passively excluded will have suitable replacement burrows nearby. Mitigation Measures 4.4-4(a and b) have been revised to provide more detail regarding the circumstances when passive exclusion would be used and what the mandatory exclusion plan consistent with Appendix E of the 2012 CDFW Staff Report would include. These changes are

presented in Chapter 2 of this Final EIR. With Mitigation Measures 4.4-4(a and b) passive exclusion conducted by the project would not result in a significant impact.

The 2012 CDFW Staff Report says the following about active relocation or translocation of burrowing owls:⁴

“Translocation (Active relocation offsite >100 meters). At this time, there is little published information regarding the efficacy of translocating burrowing owls, and additional research is needed to determine subsequent survival and breeding success (Klute et al. 2003, Holroyd et al. 2001). Study results for translocation in Florida implied that hatching success may be decreased for populations of burrowing owls that undergo translocation (Nixon 2006). At this time, the Department is unable to authorize the capture and relocation of burrowing owls except within the context of scientific research (FGC §1002) or a NCCP conservation strategy.” [emphasis added]

The Second Administrative Draft of the Yolo HCP/NCCP does not identify active relocation of WBO as a conservation strategy nor is it an adopted permitted plan. Therefore, under current CDFW regulations, active relocation is not a viable strategy.

Significance Criteria

Several commenters noted what they understood to be standards for significant impacts and compensatory mitigation in the 2012 CDFW Staff Report. One commenter stated that “acquiring land elsewhere does not make up for” any permanent loss of burrowing owl habitat that might occur. This suggests that any loss of permanent habitat is a significant effect.

The City appreciates these comments, but notes that the 2012 CDFW Staff Report contains only advisory recommendations, and not mandatory legal requirements. The 2012 CDFW Staff Report does not set or purport to set significance criteria for lead agencies to follow, nor could CDFW 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. (See *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 234 Cal.App.4th 214, 258-264.) Furthermore, the City disagrees with the notion that *any* loss of permanent habitat represents a significant effect under CEQA.

The CEQA Standards for Significance used by the City in the Draft EIR are presented in Section 4.4-4 of that document, and are derived from the CEQA Guidelines (e.g., Appendix G), the City’s General Plan, and professional judgment. Under criteria the City and its consultants derived from questions set forth in Appendix G of the CEQA Guidelines, impacts to a special-status species such as the burrowing owl are considered to be significant if a project has a substantial adverse effect, either directly or through habitat modifications. This requires biologists use their professional judgment and consult other provisions of law, including other

⁴ California Department of Fish and Wildlife (CDFW). 7 March 2012. *Staff report on burrowing owl mitigation*. California Department of Fish and Wildlife, Sacramento, CA.

provisions of CEQA. Such effects can occur, for example, where a project would cause a discrete wildlife population to drop below self-sustaining levels or would wholly eliminate a discrete animal community. For officially-listed endangered and threatened species (of which WBO is *not* one), projects that substantially reduce the number or restrict the range of such species would have a significant impact. (See CEQA Guidelines, Appendix G, Mandatory Findings of Significance.) Although this specific threshold does not apply to WBO, which is not listed as endangered or threatened, the City sees the threshold as requiring a regional look at listed species, and believes that such a perspective is similarly useful in assessing impacts to WBO. With these considerations in mind, the City has considered WBO populations at both the local and regional levels.

Notably, none of the factors going into the assessment of the significance of impacts requires a finding of significance simply because a proposed project would result in a net loss of habitat. Indeed, the courts have explicitly rejected such a notion. “[M]itigation need not account for every square foot of impacted habitat to be adequate. What matters is that the unmitigated impact is no longer significant.” (*Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 528, quoting *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1233.)

Finally, it is worth noting that the preservation of off-site lands as mitigation for impacts to protected species is a legitimate form of mitigation under CEQA, as the courts have recognized. (See, e.g., *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 614-626; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1038; *Save Panoche Valley, supra*, 217 Cal.App.4th at pp. 526-528; and *Banning Ranch Conservancy, supra*, 211 Cal.App.4th at pp. 1232-1233.)

Mitigation

The project includes a range of mitigation measures for burrowing owl. Some mitigation measures focus on avoiding mortality to individual owls and burrows. Other mitigation measures provide compensatory mitigation for the loss of active owl dens, if any such dens should be found on-site. The Draft EIR includes mitigation measures that cover the loss of foraging habitat.

The project incorporates approximately 23 acres of perimeter green space and an additional 20 acres of on-site agricultural buffers. Mitigation Measures 4.4-5(b) and (d) require the project to mitigate for the loss of approximately 210 acres of Swainson’s hawk foraging habitat with an equivalent acreage. Mitigation Measures 4.2-1(a) requires the project to mitigate for the loss of up to 209 acres of prime agricultural lands at a minimum ratio of 2:1 consistent with the City Code. Together, these two mitigation measures require the project to permanently protect between 210 and 628 acres depending on how the mitigation is ultimately configured. Although not directed at burrowing owl habitat losses, these two mitigation measures will have the incidental benefit of preserving foraging habitat for burrowing owls as well as for Swainson’s hawks. The acreage of required mitigation lands is sufficient to address any potential identified impacts to WBO foraging habitat on the project site.

Foraging Habitat Compatibility

The ranges of WBO and Swainson's hawk overlap in the entire Central Valley (CWHR 2015), and records of Swainson's hawk and other raptors occur across Yolo County and the greater region (see ebird.org, CNDDDB records) such that no area, including the project site, provides foraging habitat for WBO without also providing habitat for other raptors. Raptors that could prey upon burrowing owl occur and have occurred historically throughout the owl's range. Land preservation that benefits other raptors tends to incidentally benefit WBO, and vice versa.

The permanent conservation of approximately 210 acres of Swainson's hawk foraging habitat also serves as foraging habitat for WBO. Swainson's hawk foraging habitat contains an abundance of WBO nesting opportunities, which include natural and artificial (human-made) burrows along roadsides, under water conveyance structures, and near and under runways and similar structures in both highly altered human landscapes and agricultural areas (Draft EIR Appendix D.1).

As mentioned in Draft EIR Section 4.4-4, according to the Yolo Habitat JPA, approximately 1,905 acres of Swainson's hawk foraging habitat are located within a 1-mile radius of the MRIC site. Much of this foraging habitat is also suitable for WBO foraging and nesting. Breeding pairs of WBO have been observed within the rural agricultural areas surrounding the project (as described above under Known Records). Burrows and California ground squirrels occur along the edges of tilled agricultural fields and roads throughout much of this area.

Conclusion

The project avoids take of individual owls and will permanently protect foraging habitat. Therefore, the project does not substantially reduce foraging habitat for burrowing owl or reduce the local or regional burrowing owl populations below self-sustaining levels. By permanently protecting foraging habitat within Yolo County, the project will not restrict the range or substantially reduce the number of burrowing owl within Yolo County.

Swainson's hawk foraging habitat is suitable as foraging habitat for a number of wildlife species, including WBO and white-tailed kite. The project is required to acquire conservation easements or pay the Swainson's Hawk Foraging Habitat Interim Mitigation fee to permanently protect Swainson's hawk foraging habitat within Yolo County at a ratio of 1:1. This protected habitat will then be enhanced and managed in order to maximize its habitat values. The mitigation lands are subject to the approval by the City and the JPA. The Yolo JPA and CDFW, via the 2002 MOU, ensure that the Interim Mitigation fee is aligned to achieve the short-term project specific mitigation in anticipation of achieving the long-term goal of the HCP/NCCP, which is conservation of the covered species.

Under criteria the City has derived from the CEQA Guidelines, impacts to a special-status species such as the burrowing owl are considered to be significant if a project substantially reduces the number or restricts the range of the species. The Mace Ranch Innovation Center project will not cause local or regional populations to drop below self-sustaining levels or reduce the range of the burrowing owl, substantially or otherwise. The owl's breeding range extends

from southern Canada throughout most of the western half of the United States and south to central Mexico. The loss of the project site 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 foraging habitat mitigation within Yolo County.

Master Response #8 – Swainson’s Hawk

This Master Response provides additional information about the Yolo HCP/NCCP and the Swainson’s Hawk Foraging Habitat Interim Mitigation Program. The Draft EIR proposes that MRIC be required to mitigate impacts to Swainson’s hawk foraging habitat in accordance with the Yolo County HCP/NCCP Joint Powers Agency’s (JPA) Swainson’s Hawk Interim Mitigation Program (Mitigation Measure 4.4-5b).

The City of Davis is a participant in the JPA, whose role in overseeing the Swainson’s Hawk Foraging Habitat Interim Mitigation Program arose out of a 2002 Memorandum of Understanding (MOU) with the California Department of Fish and Game (then, CDFG, now CDFW) and the JPA. The 2002 MOU authorized the creation of the Wildlife Mitigation Trust Account and provided guidelines for the expenditure of Swainson’s hawk mitigation fees. These fees are set with the intention of providing sufficient financial resources to allow the proponents of new development projects, through their fee payments, to fund the purchase of off-site conservation easements to mitigate for lost foraging habitat at a one to one ratio. The fees also support the enhancement and management of preserved lands. The MOU developed the fee program to continue to provide for mitigation of impacts to Swainson’s hawk consistent with CEQA through the acquisition and protection of Swainson’s hawk foraging habitat while the JPA continued work on the HCP/NCCP. The Interim Mitigation Program is therefore a reasonable mitigation plan for purposes of CEQA and is a legally appropriate framework for identifying Swainson’s hawk foraging habitat mitigation ratios and fees. For reasons explained at length in the Response to Comment 45-52, the Draft EIR was not required to analyze different compensation ratios.

Yolo HCP/NCCP and Swainson’s Hawk Foraging Habitat Interim Mitigation Program

Yolo County and the Cities of Davis, West Sacramento, Woodland, and Winters formed a Joint Powers Authority (JPA) in 2002 to assist with the planning, preparation, and administration of a Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The JPA’s second function is to facilitate the acquisition of habitat conservation easements to preserve habitat to mitigate for impacts to Swainson’s hawk foraging habitat.

In 2002, the JPA and California Department of Fish and Wildlife (CFDW) developed a Memorandum of Agreement (MOU) that established a Swainson’s Hawk Foraging Habitat Interim Mitigation Program. The MOU requires urban development permittees to pay an acreage-based mitigation fee sufficient to fund the acquisition, enhancement, and long-term management of one acre of foraging habitat for every one acre of foraging habitat that is converted to urban development. The MOU allows an urban development permittee to transfer

fee simple title or establish a conservation easement over foraging habitat lands, subject to written approval by CDFW, instead of paying the acreage-based mitigation fee.

The interim fee for habitat acquisition is paid into the Wildlife Mitigation Trust Account, which is managed by the JPA. The MOU requires the JPA to use all the funds deposited into the Trust Account for preservation of Swainson's hawk habitat in Yolo County. The fee includes cost estimates for the enhancement of lands, an endowment for long-term management, county administrative costs, and acquisition costs. The JPA annually reports to CDFW, detailing the received and expended funds as well as information about the location of habitat lands acquired. Between 2007 and 2012, the JPA purchased approximately 1,131 acres of Swainson's hawk conservation easements with the funds.

The California law that establishes the NCCP process requires that an NCCP must provide for the conservation of covered species and the protection and management of natural communities in perpetuity within the NCCP permit area. The term "conservation" is understood to require not just maintenance of the environmental status quo, but to require biological improvements moving in the direction of putting the species on a stronger footing over time so that ultimately they will no longer have to be treated as endangered or threatened. (See Fish & G. Code, § 2805, subd. (d) [defining "conserve," "conserving," and "conservation" to mean "to use, and the use of, methods and procedures within the plan area that are necessary to bring any covered species to the point at which the measures provided pursuant to Chapter 1.5 (commencing with Section 2050) are not necessary, and for covered species that are not listed pursuant to Chapter 1.5 (commencing with Section 2050), to maintain or enhance the condition of a species so that listing pursuant to Chapter 1.5 (commencing with Section 2050) will not become necessary"].)

NCCPs must provide for the conservation of covered species, which is defined as actions that result in the delisting of the state-listed species. The conservation standard is a stringent requirement because it obligates the JPA to work towards the recovery of the covered species. The Swainson's Hawk Foraging Habitat Interim Mitigation Program meets this standard while at the same time allowing individual development projects to mitigate project-level effects. Once the Yolo HCP/NCCP is approved, it will encompass Swainson's hawk mitigation responsibilities to achieve conservation.

The JPA established a Science and Technical Advisory Committee (STAC) in 2013. The STAC is an advisory group that provides expert guidance and recommendations to the JPA regarding proposed Swainson's hawk mitigation receiving sites and other conservation opportunities consistent with the Yolo HCP/NCCP. The JPA established operational guidelines for the STAC to follow during the formal process for receiving and reviewing mitigation receiving site and conservation easement applications. The STAC review of a proposed mitigation site is documented in a Habitat Ranking worksheet and/or Habitat Comparison and Evaluation Matrix. The mitigation receiving sites are located within Yolo County, which provides local mitigation for the loss of Swainson's hawk habitat from local development activities. While the focus is on the suitability of a site for Swainson's hawk foraging habitat, the STAC provides guidance on the conservation easement suitability for other species covered by the HCP/NCCP, such as burrowing owl and giant garter snake, as well as for specific natural communities.

In December 2014, the JPA approved STAC's recommendations for selecting four mitigation sites for conservation easements as funding becomes available. The JPA released the Second Administrative Draft of the Yolo County Habitat Conservation Plan/ Natural Community Conservation Plan (HCP/NCCP) in March 2015. The draft HCP/NCCP considers the Swainson's hawk foraging habitat lands to be suitable foraging habitat for other raptors, including white-tailed kite and western burrowing owl.

- **“Objective NC-CL1.1:** Protect at least 11,810 acres of unprotected non-rice cultivated lands that provide habitat value for covered and other native species in the Conservation Reserve Area...

Rationale: ...Achieving this objective will ensure sufficient cultivated lands in the reserve system to provide for the conservation of the species in the Plan Area. Irrigated pastures, alfalfa, grazing land, and annually cultivated, irrigated cropland provide foraging habitat for covered species including Swainson's hawk, white-tailed kite, western burrowing owl, and tricolored blackbird...”

- **“Objective NC-CL1.4:** Maintain or enhance the foraging value of the cultivated lands natural community in the reserve system for raptors.

Rationale: A number of practices on the cultivated lands natural community in the reserve system will enhance the value of these lands for foraging raptors, including covered raptors (Swainson's hawk, white-tailed kite, and western burrowing owl)...”

- **“Objective NC-G1.1:** Protect and manage 4,500 acres of unprotected grassland in the Conservation Reserve Area, including at least 3,000 acres in the Dunnigan Hills planning unit (PU 5)...

- **Rationale:**...Protected grassland will provide habitat for covered species that are dependent on grassland for part or all of their lifecycle, including California tiger salamander, western burrowing owl, tri-colored blackbird, and Swainson's hawk.”

Conclusion

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 Mitigation 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.

Based on previous CEQA analysis for projects including The Cannery and Nishi Gateway, and previous legal decisions, the City has changed the impact determination from ‘significant and unavoidable’ to ‘less-than-significant with mitigation’. Please see Response to Comment 40-12.

4.3 RESPONSES TO COMMENTS

Each bracketed comment letter is followed by numbered responses to each bracketed comment. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record. Where revisions to the Draft EIR text are required in response to the comments, such revisions are noted in the response to the comment, and are also listed in Chapter 2 of this Final EIR. All new text is shown as double underlined and deleted text is shown as ~~struck through~~.

Letter 1

From: Beth Kaffka [<mailto:blkaffka49@icloud.com>]
Sent: Sunday, August 16, 2015 12:46 PM
To: Mace Ranch Innovation Center
Subject: Traffic impact of Mace Innovation Project

To: Project Planner

1-1

I am writing to express my concern about the level of service ratings for Mace intersections and ramps predicted by the EIR for the East-West Covell Blvd. corridor. I travel the corridor as the shortest way to get to my office from my home in South Davis, trying to conserve gas and maximize my energy usage. However, given the number of stoplights and crossing on Covell, this is no longer becoming a viable through fare for cars due to the numerous stops and the prioritizing of pedestrians and cars feeding into Covell from the perimeter during peak traffic hours within the city. Adding more traffic impediments may well encourage people traveling to work within Davis to travel via streets in neighborhoods rather than on the main routes----this will have an unplanned but deleterious impact on the quality of life in those neighborhoods.

Please consider carefully the choices you make regarding traffic and possible unplanned and undesirable effects on traffic patterns.

Sincerely,

Beth Kaffka

Beth Kaffka LCSW
LCS 17894
1747 Oak Ave.
Davis, CA 95618
530-753-7272

LETTER 1: BETH KAFFKA, INDIVIDUAL

Response to Comment 1-1

Thank you for submitting comments on the MRIC Draft EIR. Your concerns about the project are noted for the record.

Several intersections along the Covell Boulevard corridor were evaluated in the traffic study for the proposed Mace Ranch Innovation Center project. As shown in Table 4.14-9a, all but one intersection, Covell Boulevard / Monarch Lane, is projected to operate at acceptable levels with the addition of project traffic. The intersection of Monarch Lane/Covell Boulevard is projected to change from LOS D for the Monarch Lane left turn, without project traffic, to LOS F with project traffic in the PM peak hour. To mitigate this impact, the Draft EIR includes Mitigation Measure 4.14-1, requiring installation of a traffic signal at the intersection of Covell Boulevard/Monarch Lane.

Letter 2

From: Elaine Musser [<mailto:erobertsmusser@gmail.com>]
Sent: Sunday, August 16, 2015 12:05 PM
To: Mace Ranch Innovation Center
Subject: RE: Mace Ranch Innovation Center Draft EIR

To Whom It May Concern:

From **Mace Ranch Innovation Center Draft EIR:**

"The Mixed Use Alternative ... will achieve reductions in daily VMT and GHG emissions, lower AM and PM peak hour vehicle trips, fewer impacts at Mace Boulevard, and elimination of impacts related to population and housing..."

2-1

Innovation Park Employee Housing Demand Re-Distributed to Region through 2035 - 815"

How could anyone guarantee that 815 of the proposed 850 homes, suggested by the Mace Ranch Innovation Center Mixed-Use Alternative, would be purchased by innovation park employees? Such a large estimate for actual "workforce" housing is pure guesswork. Thus the assumption that the Mixed-Use Alternative would achieve fewer VMT and GHG emissions is highly speculative, at best. Davis is a very desirable place to live, so that any homes built within the innovation parks may very well be purchased by non-employees who simply wish to live in Davis.

2-2

Furthermore, generally residential housing is more financially lucrative for a developer to build than businesses. So what is to stop the developer from claiming, sometime in the future, that not enough businesses want to come to the innovation park, and then call for building more residential housing? The city needs more economic development, first and foremost, to bring in much needed business tax revenue. It does not need more residential housing, which is not a tax revenue generator and often is ultimately a net fiscal negative to the city.

2-3

Mace Ranch Innovation Center is much further out from the city than Nishi. Thus housing at Mace Ranch Innovation Center would be isolated from the rest of the town - almost a little mini-urban housing complex unto itself. Is that really what this city wants? It reminds me of how isolated South Davis was at one time.

2-4

It is these layers of complication, by adding housing to the Mace Ranch Innovation Center, that make the Mixed-Use Alternative less likely to pass a Measure R vote. I believe the City Council should stand firm on its original plan to exclude housing from Mace Ranch Innovation Center.

Elaine Roberts Musser
Attorney at Law
PO Box 2366, Davis, CA 95617
email: erobertsmusser@gmail.com
tele: 530-758-8045
cell: 530-574-6556

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LETTER 2: ELAINE ROBERTS MUSSER, INDIVIDUAL

Response to Comment 2-1

Thank you for submitting comments on the MRIC Draft EIR. Your concerns about the project are noted for the record. Please see Master Response #3, Mixed-Use Alternative.

Response to Comment 2-2

Please see Master Response #4, Guarantees of Developer Performance.

Response to Comment 2-3

The on-site housing units for the Mixed-Use Alternative are intended to provide housing for MRIC employees, and environmental benefits related to employees living at the project site, such as reduced vehicle miles travelled and air quality emissions. Please see Response to Comment 2-4 below.

Response to Comment 2-4

Thank you for providing your thoughts and opinions about the merits of the project. Your position against adding housing to the project is noted for the record. This comment will be considered by the decision-makers during their deliberations.

Letter 3

From: Merry Draffan [<mailto:mrdraffan@yahoo.com>]
Sent: Tuesday, August 18, 2015 11:18 PM
To: Mace Ranch Innovation Center <maceranchinctr@cityofdavis.org>
Subject: Mace Ranch Project

3-1

First and foremost, a rating of F on traffic at the I-80 entrances, 2nd St. and Alhambra is completely unacceptable. This is the morning/afternoon/evening pathway to school (Harper Intermediate), and work for a good portion of Davis residents. There is already a huge back-up there in the morning, even before we feel the impact of the 500+ homes being built at the Cannery.

3-2

I love living in Davis for the same reasons most people do: it is easy to get to your daily destinations, as well as to the many wonderful activities in town. It is also easy to get to Sacramento, San Francisco, Lake Tahoe and Napa. Adding a traffic jam to all of these does not improve Davis! It detracts from it.

3-3

Other issues not addressed are increased water use, schools (I do not believe housing for singles only is even legal), swimming pools and manufacturing that will affect air quality. While I realize that business growth may be necessary, a business park should be built where it does not affect the daily lives of those living in established neighborhoods. Please protect the quality of life that makes Davis a great place to live.

Respectfully,
Merry Draffan
Old East Davis resident

LETTER 3: MERRY DRAFFAN, INDIVIDUAL

Response to Comment 3-1

Thank you for submitting comments on the MRIC Draft EIR. Your concerns about the project are noted for the record.

The LOS F conditions at the locations noted in the comment have been addressed with mitigation measures that would restore acceptable service levels based on the relevant standards in the Draft EIR. This includes the cumulative cases, in which Cannery Project traffic is incorporated. However, for the reasons noted in the Draft EIR (i.e., Caltrans approval required for implementation of the mitigation measures), the impacts are nevertheless identified as significant and unavoidable.

Response to Comment 3-2

Impacts related to transportation and circulation are analyzed in Section 4.14, Transportation and Circulation, of the Draft EIR, and Chapter 5, Cumulative Impacts. This includes impacts to local streets and roadways, and freeway facilities. The project's impacts to nearby intersections are limited to the intersection of Covell Boulevard/Monarch Lane and three intersections along Mace Boulevard (Mace Boulevard/I-80 WB Ramps; Mace Boulevard/2nd Street/County Road 32A; Mace Boulevard/Alhambra Drive). The Draft EIR includes mitigation to reduce the project's impact to the Covell Boulevard/Monarch Lane intersection to a less-than-significant level; and while the Draft EIR includes mitigation measures sufficient to reduce the project's impacts to the above-noted Mace Boulevard intersections, it is acknowledged that these mitigation solutions require Caltrans approval. As such, should Caltrans not approve the mitigation options the traffic impacts could remain significant.

With respect to freeway facilities providing access to the regional destinations mentioned by the commenter, the project would not result in any significant impacts to these regional facilities. It is only in the cumulative scenario, when the project's incremental traffic, is considered in combination with traffic from other anticipated development within the City, that significant freeway impacts would occur.

Response to Comment 3-3

Impacts related to water use, schools, and air quality are analyzed in Sections 4.15, 4.13, and 4.3 of the Draft EIR, respectively. As noted on pages 4.15-35 through 4.15-44, impacts related to water supply were determined to be less than significant. As noted on pages 4.13-13 through 4.13-14, impacts related to school facilities were determined to be less than significant. As noted on pages 4.3-23 through 4.3-40, impacts related to air quality were determined to be less-than-significant, with the exception of impacts related to operational air quality, which would be significant and unavoidable after implementation of mitigation.

Thank you for providing your thoughts and opinions about the merits of the project. This comment will be considered by the decision-makers during their deliberations.

Letter 4

-----Original Message-----

From: Karen Baker [<mailto:karenleighbaker@att.net>]

Sent: Wednesday, August 19, 2015 1:04 PM

To: Mace Ranch Innovation Center <maceranchinctr@cityofdavis.org>

Subject: Mace Ranch Innovation Center

4-1 Please add my email address to your list for updates on this boondoggle.

Thanks.

Karen

LETTER 4: KAREN BAKER, INDIVIDUAL

Response to Comment 4-1

Thank you for submitting comments on the MRIC Draft EIR. The commenter has been added to the eNotification list for the project.

Letter 5

From: Kenneth Celli [mailto:k_celli@sbcglobal.net]
Sent: Wednesday, August 19, 2015 9:33 AM
To: Mace Ranch Innovation Center <maceranchinctr@cityofdavis.org>
Subject: Comments on DEIR

MRIC Project Planner
City of Davis Dept. Of Community Development and Sustainability
23 Russell Boulevard, Suite 2

Davis, CA 95616

Pursuant to CEQA [Cal. Pub. Res. Code §§21002,21081 and15091(c)], the lead agency must describe conditions of mitigation or explain the infeasibility of such conditions before approving a project.

5-1

The EIR is inadequate because significant adverse impacts to bicyclists commuting between Davis and Sacramento that would be caused by this project are not identified; nor is there any discussion of measures to mitigate or avoid those impacts. The DEIR does not even acknowledge or mention the old route 40 bike path between the railroad tracks and I-80, which is the most logical alternative bicycle path to enable bicyclists to bypass Mace Blvd to travel east and west.

The EIR does not analyze the MRIC's significant adverse impacts to bicyclists

5-1
Cont'd

commuting between Davis and Sacramento. The problem is this: In order to travel between Davis and Sacramento by bicycle, there are only two connections between the Yolo Causeway and the City of Davis: CR 32A and CR 32B. CR 32B is poorly maintained and there is no bike lane. Thus only a few feet separate cyclists and cars traveling at the speed limit of 55. This leaves CR 32A, which is the road the vast majority of bike commuters take to travel between Davis and Sacramento. The EIR states that the intersection at 2nd St. and Mace Blvd. is LOS D and indicates that LOS D not sufficient for major intersections during peak hours. Also, the EIR states that the cumulative impact of the MRIC will cause the LOS at 2nd and Mace to degrade from LOS D to LOS E during peak hours. Bike commuters have no choice but to be a part of the traffic at Mace Blvd at 2nd and many of them are required to cross three lanes of traffic across Mace to get into the left turn lane for traffic transitioning from southbound Mace to eastbound Road 92. The increase in traffic will obviously have a deleterious effect on cycling safety at this intersection, yet these direct impacts to bicycle commuters were not adequately identified or analyzed in the EIR.

5-2

Further, the project conflicts with the following Davis land use policies: Policy MOB 1.3 encourages alternative transportation modes, Policy MOB 1.3 maximizes bike convenience and safety relative to automobile needs, Goal MOB 3 seeks to increase bicycle use, Policy MOB 3.1 seeks to minimize conflicts between bikes and cars, MOB 3.3 seeks to provide bike amenities, and MOB 6.1 requires that safety take priority over traffic flow in roadway planning. The conflicts with these adopted policies and plans regarding bicycle facilities that are created by this project were not analyzed in the EIR.

5-3

The indirect impacts of the increased traffic due to the MRIC are more dangerous to cyclists than the direct impacts. Regular bike commuters have observed an increase in use on CR 32A and have reported this to the city and the county since metering was installed at the Mace Blvd. onramps. Unlike Mace Blvd, where the cars are traveling at 30 mph, on 32A cyclists are within arm's reach of cars traveling at 50 to 70 mph. Drivers take CR 32A and CR 32B to avoid the metering lights on the Mace onramps to I-80 and are frequently observed to be travelling faster than the traffic on the freeway, within 3 feet of bike commuters. The increase in traffic from the MRIC will cause more drivers to try to escape the delays at Mace Blvd via CR 32. More traffic means more danger to cyclists. The EIR does not adequately analyze this impact.

5-4

Finally, the incremental impacts of the MRIC's impacts to bike commuters are cumulatively considerable. Even the EIR acknowledges the MRIC will "worsen already unacceptable levels of service at studied intersections." The bike commuters are concerned with the intersections that were not studied such as the intersection of CR32A and CR 105 which will certainly suffer an increase in traffic from the MRIC.

5-5

In summary, this project will cause significant adverse direct impacts to bicycle commuters by increasing their risk of collision with vehicle traffic when they travel on Mace Blvd to get to CR 32A or 32B. The significant adverse indirect impacts consist of the increased risk to cyclists due to project-induced increased traffic along CR 32 and a significant deterioration of the levels of service. Finally, the MRIC will contribute

**5-5
Cont'd**

to the significant adverse cumulative impacts to bike commuters as a result of the increased traffic it will cause. CEQA requires a mandatory finding of significance for these impacts.

**Letter 5
Cont'd**

However, these impacts are all easily and completely mitigable. In order to reduce these significant adverse impacts to insignificance, the MRIC project owner must separate the bicycle commuters from the drivers. This is easily done in a two step process:

5-6

First: prior to construction of the project, the project owner must provide access to the old Route 40 bike path situated between the Union Pacific railroad tracks and the I-80. The access points are the Poleline Rd. overcrossing and the Dave Pelz Overcrossing. This will enable bicycle commuters to leave and enter Davis without using Mace Blvd at all.

Second: prior to construction of the project, the project owner must pave a bike trail along the northern side of the Union Pacific railroad tracks from CR 105 east to the access to the causeway bike path. These two mitigation measures would fully mitigate any traffic impacts that would result from the construction of the MRIC project.

Ken Celli 2704 Emerald Bay Drive Davis CA 95616 wk phone = 916.651.8893 hm
phone = 530.750.1045 k_celli@sbcglobal.net

LETTER 5: KENNETH CELLI, INDIVIDUAL

Response to Comment 5-1

Thank you for submitting comments on the MRIC Draft EIR. Your concerns about the project are noted for the record. We do not agree that the EIR is inadequate. Responses to your concerns are provided below.

Please see Master Response #2, Bicycle Connection Along County Road (CR) 32A.

At the Mace Boulevard/Second Street/CR 32A intersection, Mitigation Measures 4.14-2(b) or (c) and 5-21(b) or (c) would provide acceptable LOS per City standards, and would be constructed to City standards, which would ensure safety for all roadway users. New Mitigation Measure 5-21(d), described in Response to Comment 25-5, would provide alternative geometrics at the intersections along Mace Boulevard, including the Mace Boulevard/Second Street/CR 32A intersection, which would improve bicycle safety.

Under Mitigation Measure 4.14-2(d) and 5-21(d) -- the “Interchange Alternative Mitigation Option 3” -- a grade separation of the railroad track crossing of CR 32A is proposed, which is intended to increase the attractiveness of this route for project traffic, thus increasing the project trips on CR 32A by an estimated 600 peak hour vehicles. This mitigation includes widening CR 32A as described in revised Mitigation Measures 4.14-2(d) and 5-21(d). Please see Master Response #2, Bicycle Connection Along County Road (CR) 32A.

Response to Comment 5-2

The policies cited in the comment have been superseded by the December 2013 update to the General Plan Transportation Element. The Draft EIR provides a policy consistency review of the relevant transportation policies in Impact 4.14-11, and finds that the project is generally consistent with the relevant General Plan policies related to transportation and traffic.

Response to Comment 5-3

Please see Master Response #2, Bicycle Connection Along County Road (CR) 32A.

Response to Comment 5-4

Please see Master Response #2, Bicycle Connection Along County Road (CR) 32A.

The intersection of CR 32A and CR 105 was studied in the analysis. As shown in Figure 5-3 on page 5-54 and in Table 5-13 on page 5-68 of Chapter 5, Cumulative Impacts, segment #38, CR 32A east of Mace Boulevard, was included in the cumulative analysis.

Response to Comment 5-5

Please see Master Response #2, Bicycle Connection Along County Road (CR) 32A.

Response to Comment 5-6

Please see Master Response #2, Bicycle Connection Along County Road (CR) 32A.

Letter 6

-----Original Message-----

From: moren@dcn.org [<mailto:moren@dcn.org>]

Sent: Thursday, August 20, 2015 1:59 PM

To: Mace Ranch Innovation Center <maceranchinctr@cityofdavis.org>

Subject: housing

6-1

Housing will come in many places and at many times.

Why not at InCtr?

Go for it.

. . . John E. Moren

LETTER 6: JOHN E. MOREN, INDIVIDUAL

Response to Comment 6-1

Thank you for providing your thoughts and opinions about the merits of the project. Your support for adding housing to the project is noted for the record. This comment will be considered by the decision-makers during their deliberations.

Letter 7

From: Claudia Krich [<mailto:claudiakrich@gmail.com>]
Sent: Tuesday, August 25, 2015 1:21 PM
To: Mace Ranch Innovation Center <maceranchinctr@cityofdavis.org>
Subject: Against Mace Ranch Center

7-1

I hope this is an appropriate manner to share my and my family's opinion about the Mace Ranch Innovation Center.

We are against it for many reasons. One reason is SIZE, another is WATER, another is developer greed, especially the latest mention that it will include houses.

That's houses, buildings, lawns, using water, water water, on healthy farmland, whether cultivated or not.

7-2

It means cars and pollution and greater stress on all Davis amenities.

It's too big. Way too big. Even though the developers try to paint it as helpful, it doesn't strike us as helpful in any way.

Having more "mocha sipping residents" (paraphrasing something Jason Taormino said in his pitch for the development) is not a compelling reason to build it.

7-3

I tried to attend the various forums, and for several weeks tried to get one of the council members to attend a neighborhood meeting at my house, but they said they could not attend.

My neighbors share my opinion.

Thank you for your attention,
Claudia Krich

LETTER 7: CLAUDIA KRICH, INDIVIDUAL

Response to Comment 7-1

Thank you for submitting comments on the MRIC Draft EIR. Your opposition to the project is noted for the record.

Response to Comment 7-2

Impacts related to water supply were analyzed in Section 4.15, Utilities, of the Draft EIR. As noted on pages 4.15-35 through 4.15-44, impacts related to water supply were determined to be less than significant, when considering the water demand from the proposed project in combination with the water demands from existing, approved, and anticipated development over the next 20 years. The technical water supply assessment prepared for the project, and incorporated by reference in Section 4.15, evaluated normal year conditions, as well as single- and multiple-year drought scenarios. In terms of the size of the project, the pace of development of the ultimate project would be dictated by market demand.

The proposed project does not include housing, however there has been considerable discussion regarding the Mixed Use project alternative which does include housing. The Mixed-Use Alternative is one of several potentially feasible alternatives to the proposed project, chosen for assessment pursuant to the requirements of CEQA. Please see Chapters 7 (Alternatives Analysis) and 8 (Mixed-Use Alternative) in the Draft EIR Volume II, and Master Response #3 (Mixed Use Alternative) contained herein.

The concerns about the size of the project are acknowledged. The Innovation Center Study prepared by Studio 30 in 2012, notes on page vii that, “Most innovation centers averaged around 200 acres in size ...”. Please also see Responses to Comments 33-8 and 33-9.

Response to Comment 7-3

Thank you for providing your thoughts and opinions about the merits of the project, and for participating in the public process. This comment will be considered by the decision-makers during their deliberations.

Letter 8

From: Jeff Slaton [<mailto:JSlaton@CalHFA.ca.gov>]
Sent: Tuesday, August 25, 2015 1:57 PM
To: Mace Ranch Innovation Center
Subject: Where is eNotification?

Where is the sign up for eNotifications, as mentioned below on the website? I cannot find it on the link you indicated. Thank you.

8-1

The City will host a virtual community meeting at the end of August or early fall to provide more information about the Mace Ranch Innovation Center project. Community members are encouraged to sign up for eNotifications at <http://cityofdavis.org> to receive a project updates and the link to the virtual meeting.

LETTER 8: JEFF SLATON, INDIVIDUAL

Response to Comment 8-1

Thank you for submitting comments on the MRIC Draft EIR. The commenter has been added to the eNotification list for the project.

Letter 9

-----Original Message-----

From: James Skeen [<mailto:skeenjw@sbcglobal.net>]

Sent: Tuesday, September 29, 2015 4:08 PM

To: Brian Abbanat

Subject: Mace coments

Brian,

- 9-1** I wish we had done this right away, but here are my comments.
- 9-2** 1. Rd 32A is already a raceway when 80 is jammed which seems to be normal for the commute hours. Did the EIR address traffic on Rd 32A With the additional commuters to Mace?
- 9-3** 2. The formation of an owner's group to finance improvements needed as problems develop is new to me. Will this group pay for City monitoring of the anticipated problems? What mechanism is proposed for cases where the owner's group and City disagree?
- 9-4** 3. Questions were raised about internal circulation of cars, trucks, pets and bikes. I assume these will be addressed as specific proposals for the Park are made.
- 9-5** 4. We should take a close look at how students school routes will be impacted.

Jim

LETTER 9: JAMES SKEEN, INDIVIDUAL

Response to Comment 9-1

Thank you for submitting comments on the MRIC Draft EIR. Your concerns about the project are noted for the record.

Response to Comment 9-2

Please see Master Response #2, Bicycle Connection Along County Road (CR) 32A. In terms of automobile trips along CR 32A, impacts related to study intersections and roadway segments along CR 32A were analyzed in Section 4.14, Transportation and Circulation, and Chapter 5, Cumulative Impacts, of the Draft EIR. As shown in Figure 4.14-2 on page 4.14-54 of Section 4.14, intersections #44, #45, and #38, all located along CR 32A, were included in the analysis. In addition, as shown in Figure 4.14-3 on page 4.14-55 of Section 4.14, segment #38, CR 32A east of Mace Boulevard, was included in the analysis.

Response to Comment 9-3

The applicant will be responsible for financing the implementation of all conditions of approval, mitigation measures, and other obligations and commitments of the project. There are many ways this could occur. As of this time the applicant has not provided details regarding proposed financing mechanisms, including details regarding the role of the proposed Master Owners' Association, if any, in financing.

As stated on page 3-21 of the Project Description chapter of the Draft EIR, the Master Owners' Association will be responsible for enforcing MRIC-wide covenants, conditions and restrictions ("CC&Rs"), and reporting to the City, on a regular basis, the MRIC's compliance with project approvals, including, but not limited to, the MRIC conditions of approval, the mitigation monitoring and reporting plan, and the transportation demand management plan.

The City will have the ability to require the compliance with project conditions and mitigation measures. Please see Master Response #4, Guarantees of Developer Performance.

Response to Comment 9-4

The proposed internal circulation network for cars, trucks, and bikes is conceptually shown in Figures 3-14 and 3-15 of Chapter 3.0, Project Description, of the Draft EIR. Revisions for Figure 3-15 are provided in Chapter 2 herein. Revised Figure 3-15 clarifies that the cross-sections provided by the applicant team, as part of their application, reflect on-site street Class II bike lanes on the internal streets (shown in dotted red line below). The cross-sections specifically evaluated by Fehr and Peers, which include on-street Class II bike lanes along internal streets, are denoted 'A' and 'C' in Figures 2 and 3 below. It should be noted that the applicant is also considering cross-section 'B' for some internal streets (see Figure 3), though this cross-section was not specifically evaluated by Fehr and Peers. Implementation of cross-section 'B' would not result in any additional impacts, beyond those identified in the Draft EIR.

Figure 2
Preliminary Roadway Layout and Key to Cross-Section Exhibit

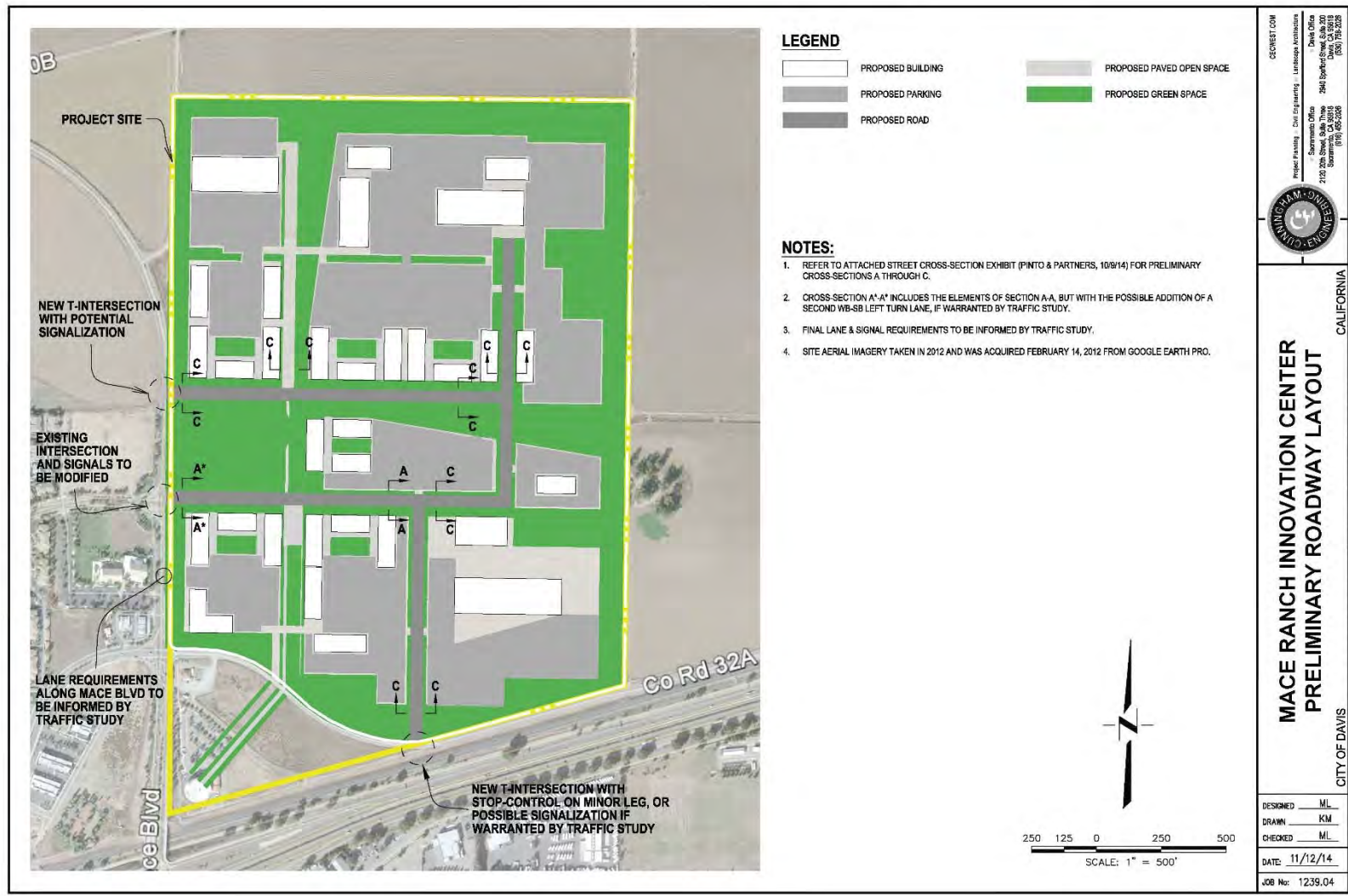
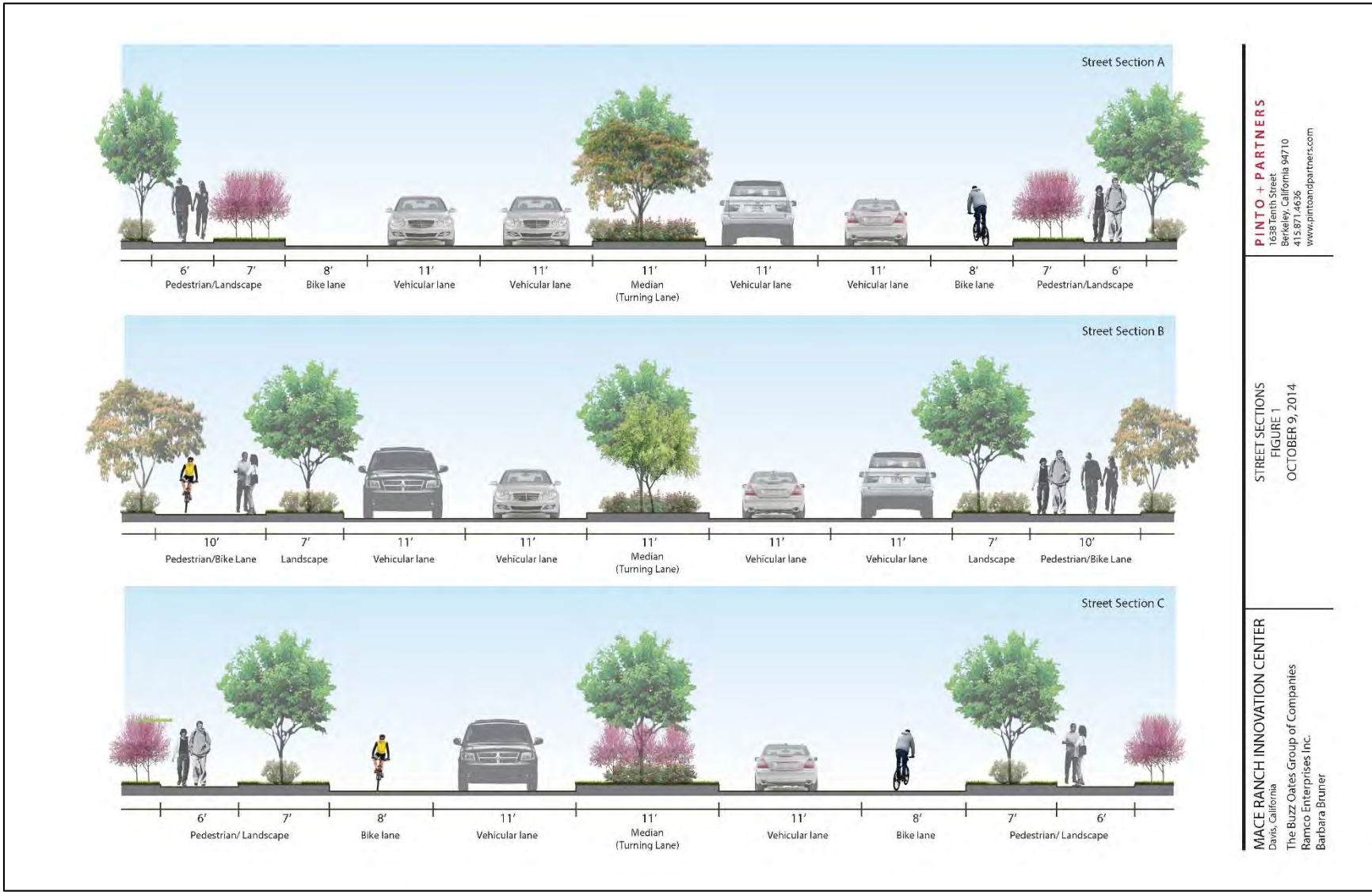


Figure 3
MRIC Street Sections



PINTO + PARTNERS
 1638 Tenth Street
 Berkeley, California 94710
 415.871.4636
 www.pintopartners.com

STREET SECTIONS
 FIGURE 1
 OCTOBER 9, 2014

MACE RANCH INNOVATION CENTER
 Davis, California
 The Buzz Oates Group of Companies
 Ramco Enterprises Inc.
 Barbara Bruner

The commenter is correct that design-level details for on-site bicycle, pedestrian, and transit facilities will be provided when specific final planned development applications are submitted to the City for review and approval.

Response to Comment 9-5

Page 4.14-30 of the Draft EIR indicates the “project would result in a significant and unavoidable impact associated with adding vehicle trips on East Davis neighborhood streets”. The section further references Korematsu Elementary School, located at the junction of Alhambra Drive and Loyola Drive.

Mitigation Measure 4.14-5 is designed to address significant impacts to East Davis neighborhood streets by requiring the project applicant to fund the development of a neighborhood traffic calming plan. The purpose of the plan is to maintain both the volume and speed of vehicle traffic on local streets through the implementation of measures such as narrow lane striping, bulb-outs, speed humps, speed tables, neighborhood traffic circles, and center islands. Implementation of a comprehensive traffic calming plan will encourage traffic to use major routes such as I-80, East Covell Boulevard, Mace Boulevard, and 2nd Street, and avoiding using residential streets as cut-through routes.

With implementation of Mitigation Measure 4-14-5, the impact would be reduced. However, successful implementation of the neighborhood traffic calming plan cannot be assured due to uncertainties regarding what measures will ultimately be included in the plan, whether the plan will be approved, and whether the plan will be effective at completely eliminating the use of the affected roadways by project traffic. Therefore, this impact is considered significant and unavoidable.

Letter 10



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SEP 14 2015



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board City of Davis
Community Development

4 September 2015

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

CERTIFIED MAIL
91 7199 9991 7035 8418 4509

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL
IMPACT REPORT, MACE RANCH INNOVATION CENTER PROJECT,
SCH# 2014112012, YOLO COUNTY**

10-1

Pursuant to the State Clearinghouse's 13 August 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Mace Ranch Innovation Center Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

10-2

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCCE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95870 | www.waterboards.ca.gov/centralvalley



10-2
Cont'd

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

10-3

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

10-4

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

10-4
Cont'd

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

10-5

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

10-6

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

10-7

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

10-7
Cont'd

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

10-8

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

10-9

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

10-10

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating

Mace Ranch Innovation Center Project
Yolo County

- 5 -

4 September 2015

10-10
Cont'd

in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

10-11

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

10-12

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

LETTER 10: TREVOR CLEAK, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 10-1

Thank you for submitting comments on the MRIC Draft EIR.

Response to Comment 10-2

The comment provides background regarding the responsibilities of the Central Valley Regional Water Quality Control Board. This information further elaborates on regulatory setting information provided in Section 4.9 of the Draft EIR. The project site is located within the Water Quality Control Plan (Basin Plan) area for the Sacramento River and San Joaquin River Basins.

Response to Comment 10-3

Comment noted. Project impacts to groundwater and surface water quality are addressed in Section 4.9, Hydrology and Water Quality, of the Draft EIR. Impacts were determined to be less than significant due to the project's inclusion of storm water quality treatment features.

Response to Comment 10-4

As described on page 4.9-36 of Section 4.9, Hydrology and Water Quality, of the Draft EIR, the applicant is required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. To do so, the applicant must prepare a project-specific Storm Water Pollution Prevention Plan (SWPPP), which would incorporate Best Management Practices (BMPs) in order to prevent or reduce to the greatest extent feasible adverse impacts to water quality from erosion and sedimentation. Mitigation Measure 4.9-2 of the Draft EIR requires the applicant to prepare a SWPPP and implement BMPs that comply with the General Construction Stormwater Permit from the Central Valley Regional Water Quality Control Board (RWQCB).

Response to Comment 10-5

As discussed on page 4.9-18 of the Hydrology and Water Quality section of the Draft EIR, the City of Davis requires projects to implement the requirements of the City's Stormwater Management and Discharge Control Ordinance, which would include BMPs to maximize stormwater quality and would be consistent with the City's NPDES Phase II Stormwater Permit. As noted on page 4.9-37, the project is required to comply with the City's low impact development (LID) measures, as applicable, included in the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment. In accordance with City and permit requirements, the storm drainage system for the proposed project would incorporate water quality treatment. For a description of the proposed drainage system, please refer to the discussion in the Draft EIR beginning on page 4.9-37.

Response to Comment 10-6

Any storm water discharges resulting from future industrial uses on the project site would comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

Response to Comment 10-7

Page 4.4-41 of Section 4.4, Biological Resources, of the Draft EIR provides background information on the Clean Water Act (CWA), including requirements concerning water discharge. Fieldwork for the *Jurisdictional Delineation Report* was conducted by Sycamore Environmental Consultants on December, 10 2014 and the report was included as Appendix D to the Draft EIR. As discussed on page 4.4-70 of the Draft EIR, based on the wetland delineation report, Sycamore determined that the Mace Drainage Channel (MDC) is a non-navigable, man-made storm water drainage ditch maintained by the City of Davis. The MDC is excavated in uplands and drains only uplands. It is not a realigned natural channel, nor does the MDC contain relatively permanent flow of water. For these reasons, the MDC is not jurisdictional.

Sycamore also verified that the roadside drainage ditches and irrigation ditches in the Study Area are non-navigable, man-made ditches excavated in uplands and draining only uplands. These features have no ordinary high water mark (OHWM), nor do they carry a relatively permanent flow of water. Therefore, these features are not jurisdictional. Similar to the Mace Ranch Innovation Center site, the Mace Triangle site does not support any federally protected wetlands. The Mace Triangle site contains either developed or disturbed habitats, including the Park-and-Ride lot and water storage tank, Ikedas Market, and a ruderal field, historically used for agricultural purposes.

As a result of the above determinations, the proposed project would not impact a federally protected wetland, as defined by Section 404 of the CWA.

Response to Comment 10-8

Please refer to Response to Comment 10-7.

Response to Comment 10-9

Please refer to Response to Comment 10-7.

Response to Comment 10-10

The comment is noted. If commercial agriculture continues to occur on-site while the project builds out over time, as is allowable under the proposed planned development zoning, then the applicant will be required to continue to comply with the referenced RWQCB agricultural runoff regulations.

Response to Comment 10-11

Dewatering is not anticipated to be required as a result of construction of the proposed project. However, should groundwater be encountered during construction and dewatering become necessary, the applicant would be required to seek the proper NPDES permit for dewatering activities.

Response to Comment 10-12

Thank you.

Letter 11



**City of Davis
Planning Commission Minutes
Community Chambers, 23 Russell Boulevard, Davis, CA 95616
Wednesday, September 9, 2015
7:00 P.M.**

Commissioners: Herman Boschken (arrived 7:05 p.m.), Cheryl Essex, George Hague, Marilee Hanson (Vice Chair) (arrived 7:05p.m.), Rob Hofmann (Chair), Cristina Ramirez, Stephen Streeter, Marq Truscott (alternate)

Staff: Principal Planner Bob Wolcott; Community Development Administrator Katherine Hess; Planner Cathy Camacho; Assistant City Manager/Community Development & Sustainability Director Mike Webb

Please note: The numerical order of items on this agenda is for convenience of reference; items may be taken out of order. No new items shall begin after 10:30 p.m. unless unanimous consent exists to continue.

1. Call to Order

Chair Hofmann called meeting to order 7:01 p.m.

2. Approval of Agenda

R. Hofmann: Staff request removal of consent item Meeting Minutes of January 14, 2015.

C. Essex moved, seconded by S. Streeter, to approve the agenda as amended.

Motion passed by the following vote:

AYES: Essex, Hague, Hofmann, Ramirez, Streeter, Truscott

NOES: None

ABSENT: Boschken, Hanson

3. Staff and Commissioner Comments

None

H. Boschken and M. Hanson arrived 7:05p.m.

4. Public Communications

None

6. Public Hearings

A. Fit House/302 G Street: Planning Application #15-04, Conditional Use Permit #1-15

Planner Cathy Camacho: Fit House currently operates at 630 Pena Drive under a conditional use permit, and at a second temporary location at 2121 Second Street since January 2015. The two sites would be consolidated into one location at 302 G Street. The proposed use is an exercise studio offering personal training and group classes utilizing the 4,820 square foot commercial building formerly occupied by the Davis Enterprise printing press facility. The subject site is located in the Central-Commercial (C-C) zoning

Planning Commission Minutes
September 9, 2015

Letter 11 Cont'd

district which conditionally permits public and semipublic buildings and uses of a recreational type. Required to provide bicycle parking, racks, cost to applicant. Parking signage on lot, up to property owner. Chiropractic CUP, fit under personal and business services/professional and administrative offices zoning.
Chair Hofmann opened the public hearing.

Burt McConnell, property owner: Building set directly on sidewalk; will include bicycle parking; raising sidewalk to match building, room for landscaping- still planning stages; main entry on G street; garbage plan to utilize residential sized garbage cans, to tuck inside building area; plan to paint over storefront; existing City art project mural to remain in-tact. Sidewalk will be replaced after PG&E improvements. Retaining existing trees.

Ty Smolly, architect: 3rd street improvements. Small planter areas available to place between doors. Limited space for landscaping without encroaching City right-of-way, or interfering accessibility.

Jennifer Miramontes, applicant: 10 years of business, challenge to find appropriate spaces. Would be asset to downtown business, clientele would bring additional business to downtown.

Lisa Herrington, applicant: Identified need for boot camp fitness classes in Davis. Business expansion provides valuable service for Davis residents in town. Thank commission for opportunity.

Chair Hofmann closed the public hearing.

Commissioner comments:

- C. Essex: Express concern with limited landscaping on site.
- R. Hofmann: Concern with permitted use, may not fit category. Add conditional use that City art mural remain on premises. Need to refine conditions regarding Condition 3: Bicycle Parking, and Condition 4: Trash enclosure. Discussion should be had regarding availability of additional parking; look at alleyway on east side and other possibilities.
- M. Truscott: Support project. Request additional requirements for bicycle parking.
- M. Hanson: Provide language for Condition 3, Bicycle Parking: "Applicant shall provide 6 bicycle parking spaces. Applicant shall install the required number of bicycle spaces on-site, if possible. If adequate space is not available, Applicant shall install bicycle racks near the site. Applicant shall be responsible for costs." Request more restrictive language for Condition 5, Trash.

M. Webb: City takes a district approach to provision of bicycle parking. City encourages provision of bicycle parking on private parking, not required. Can add condition to coordinate with bike-pedestrian coordinator to collaborate to reach 6 bicycle parking spaces.

Owner: Will be able to wheel trash bins through side Fire door. Bins will not be visible outside except for collection days.

B. Wolcott: Can amend condition to read: "Applicant shall provide bins of adequate size to meet their needs inside, except on collection days."

H. Boschken moved, seconded by G. Hague, to approve as follows:

1. Determine that the project is categorically exempt from further environmental review pursuant to CEQA Section 15303, conversion of a small structure from one use to another where only minor modifications are made to the exterior of the structure; and
2. Approve Planning Application #15-04, Conditional Use Permit #1-15 to permit the use of a fitness studio at 302 G Street, based on the findings and subject to the conditions as amended:
 - Add Condition to protect existing City Art mural.
 - Amend Condition 3, Bicycle Parking: Applicant shall provide 6 bicycle parking spaces. Applicant shall install the required number of bicycle spaces on-site, if possible. If adequate space is not available, Applicant shall install bicycle racks near the site, possibility in City right-of-way. Applicant shall be responsible for costs to add spaces.
 - Amend Condition 5, Trash: Applicant shall provide bins of adequate size to meet their needs inside, except on collection days.

C. Essex proposed Friendly Amendment: Add condition to enhance landscaping along 3rd street.

H. Boschken: Accept friendly amendment, include language "to work with City staff".

G. Hague: Planters and landscaping takes up portion of sidewalk, accepted if ensure space available on sidewalk, passable for accessibility.

C. Essex: Accepted.

Motion as amended passed unanimously.

Meeting recessed at 7:50p.m.

Meeting returned from recess at 7:55p.m.

7. Business Items

A. Comments on the Mace Ranch Innovation Center Draft Environmental Impact Report

Assistant City Manager, Community Development & Sustainability Director Mike Webb: The purpose of this item is to receive comments from any interested party regarding the adequacy of the subject DEIR as an informational tool for making decisions regarding the proposed project. This is an opportunity to provide comments and questions. Comments received at this meeting will be summarized and responded to later in writing as a part of the forthcoming Final EIR which largely includes a Response to Comments document. City Council extended public comment period to November 12th.

Heidi Tschudin, Contract Project Manager: Provide project overview. Closing period September 28th by agency comments deadline. Community comments extended to

**Letter 11
Cont'd**

Planning Commission Minutes
September 9, 2015

**11-1
Cont'd**

November 12th. Nishi DEIR release September 10. Davis Innovation Center project currently on hold. The Mace Ranch Innovation Center (MRIC) is a 229-acre project located northeast of Mace Boulevard and Interstate 80, on both sides of County Road 32A, within unincorporated Yolo County, east of the City of Davis city limits. The proposed project would include up to 2,654,000 square feet of innovation center uses and dedication of 64.6 acres of green space. Building uses will consist of research/office/R&D; manufacturing and research; supportive commercial; hotel/conference center and supportive retail throughout the MRIC. The City has included the 16.5-acre Mace Triangle from general commercial and retail opportunity within the overall project boundaries. Done to ensure that an agricultural and unincorporated island is not created and to allow the continuation and expansion of existing uses. If the project moves forward, will require annexation, General Plan Amendment Re-Zone, Preliminary Planned-Development, and Measure R Vote.

Nick Pappani, EIR consultant: Summarize DEIR. Cumulative Impacts, includes a second modified version from CEQA scenario to exclude Davis Innovation Center, currently on hold. Alternatives include no project option, reduced project, off-site, and a mixed-use alternative. Mixed-use alternative analyzed in equal-weight as original project. Overview of Impacts and Mitigation measures. Ongoing mitigation and management requirements, applicable to Mace Ranch portion not over Mace Triangle. Management and monitoring of mitigation efforts.

Heidi Tschudin: Overview of next steps. Tentative dates to follow-up report to City Council early January 2016. Open Space and Habitat Commission; Natural Resources Commission; Finance and Budget Commission; Bicycling Transportation and Street Safety Commission; and Recreation and Park Commission input. Planning Commission tentatively scheduled for hearing and Council recommendation some time in February/March 2016. Formal opportunity presented tonight for public to comment and Planning Commission.

11-2

G. Hague: Innovation Center employee occupancy. 850 units in one time frame. Compare to Cannery and other developments in Davis.

N. Pappani: Identifies percentage need within the City. 815 units that can not be accommodated in the City. Unmet need determined for units after analysis of current developments.

H. Tschudin: Part of Alternatives Analysis, original project does not include housing. Housing alternative was chosen to mitigate the identified traffic impacts. If project was chosen to include housing, the guarantee to fill housing occupancy with on-site employees only is dependent upon policies and provisions within the Development Agreement.

11-3

H. Boschken: In-fill alternative. Proposed developer control of identified in-fill sites. H. Tschudin: Described in In-fill Analysis. CEQA nuances in developing alternatives, mainly focused to mitigate impacts. Was not further analyzed, dismissed as a suitable alternative early in process due to ownership and identified. Interest in alternative property.

M. Webb: Staff to include portion in analysis for community disclosure in exploring all alternative options.

- | | |
|------|---|
| 11-4 | C. Essex: Auto-related businesses?
H. Tschudin: Applicant provided draft of list for types of businesses envisioned to fill site. Auto uses not currently proposed. |
| 11-5 | C. Essex: Existing retail site on Mace and Alhambra.
M. Webb: Retail sites are more community and residential. Mace Innovation Center more ancillary uses oriented for internal demands of employees and occupants on site. Total proposed at full build-out. Relativity to rest of development. |
| 11-6 | C. Essex: Transit plaza, makes better sense to locate near open space areas and hotel conference center to promote transit options. |
| 11-7 | S. Streeeter: Request acronym glossary to assist public in following discussions. |
| 11-8 | C. Essex: Request commission members receive presentation slides.

Chair Hofmann opened and continued Public Hearing to the October 28, 2015 Planning Commission meeting.
Commission consensus. |

8. Informational Items

A. Schedule of Upcoming Meeting Dates

Principal Planner Bob Wolcott: The next Planning Commission meeting tentatively scheduled to be held on Wednesday, September 23, 2015. Upcoming meeting items still tentative, reviewing time-sensitive items.

9. Commission and Staff Communications

- C. Essex: Request subcommittee update on Core Area Specific Plan (CASP) review.
- R. Hofmann: Will return with CASP recommendation and update.

10. Adjournment.

Meeting adjourned at 9:04p.m.

LETTER 11: PLANNING COMMISSION, CITY OF DAVIS

Response to Comment 11-1

The comment provides a summary of the staff presentation. No response is necessary.

Response to Comment 11-2

As noted in the comment, the proposed project does not include housing. The Mixed-Use Alternative is one of several potentially feasible alternatives to the proposed project, chosen for assessment pursuant to the requirements of CEQA. Please see Chapters 7 (Alternatives Analysis) and 8 (Mixed-Use Alternative) in the Draft EIR Volume II, and Master Response #3 (Mixed Use Alternative) contained herein.

Response to Comment 11-3

As noted in the comment, the Infill Alternative was dismissed from further analysis in the Draft EIR based on infeasibility. This alternative would not fulfill the objectives of the applicant or the City. As noted on pages 7-16 through 7-19 of Chapter 7, Alternatives Analysis, adequate vacant land designated and zoned appropriately for the project and owned, or available for acquisition, by the project applicant does not exist to develop the proposed project. The UC Davis Studio 30 report documents that the current isolated and dispersed sites within the City that are available and appropriately zoned are not adequate in terms of size, location, or configuration (and related constraints) to address the emerging market need of an Innovation Center.⁵ Based on absorption projections, Studio 30 estimated that Davis needs at least 200 acres for business development and expansion over a 20+/- year time horizon (pages vii, 19, 20). This alternative also does not meet City project objective 1.c. listed on page 3.8 of the Draft EIR to “maintain a steady supply of land to meet needs of growing businesses and accommodate medium-scale and large-scale (150 employees) businesses over a long term 20-year period (BPLS). Please also see Responses to Comments 33-8 and 33-9, and responses to Letter 34.

Response to Comment 11-4

As noted in the comment, auto-related businesses are not proposed as part of the project, as is evidenced by the list of permitted and conditional uses set forth in the preliminary planned development section of the Project Description chapter of the Draft EIR (see page 3-21).

Response to Comment 11-5

The proposed project may include up to 100,000 square feet of ancillary retail uses. As noted on page 3-20 of Chapter 3, Project Description, the project includes supportive retail located throughout the Mace Ranch Innovation Center (MRIC), most of which would be on the ground floor of the proposed research/office/research and development (R&D) uses surrounding the

⁵ Studio 30 UC Davis Extension. *City of Davis Innovation Center Study*. 2012, p. ix.

Oval park and the transit plaza area. As such, the proposed square footage of retail and research/office/R&D are inversely proportional; for example, if there is less demand for ancillary retail and only 50,000 square feet is developed, the square footage of research/office/R&D could increase to the proposed maximum square footage. However, the converse does not apply. The amount of allowed retail space could not exceed 100,000 square feet. The ancillary retail space within the innovation center is intended to provide employees and visitors with basic convenience shopping and dining opportunities in close proximity to the businesses, as well as fitness center amenities and other business support services.

Response to Comment 11-6

As part of the review of the merits of the project City staff is currently undertaking a detailed analysis of the proposed site layout and design, which will be reflected in the staff reports prepared for the Planning Commission and City Council hearings on the project. Location of the proposed transit plaza and other aspects of the proposed site design are under consideration as a part of that analysis.

Response to Comment 11-7

City staff provided the requested acronym glossary to the commenter after the meeting and posted the document to the City's website at:

<http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/mace-ranch-innovation-center/environmental-review>.

Response to Comment 11-8

The presentation slides were made available after the meeting and can be viewed online at the following website:

<http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Planning-Commission/Agendas/20150909/07A-Mace-Ranch-Innovation-Ctr-Draft-EIR-Presentation.pdf>

Letter 12

Sept. 9, 2015

Dear Commissioners,

12-1

I am writing in regard to the Mace Innovation Park EIR and to urge the Commission to reject the alternative of adding a housing component, and that it be a commercial-only project. The inclusion of a housing component would be counterproductive for a number of reasons. The original concept of a Tech Research Innovation Park for Davis was for a commercial-only design. The objective has been to help the city finances, therefore the housing component would not only deviate from that objective, but would generate more costs to the city long-term for the services and infrastructure needed for housing.

12-2

One concern early-on was that this Mace site was too small for a Tech research Innovation Park, so I find it astonishing that the housing component has been considered as an alternative, when it would use up significant space on that parcel. A housing component would also limit the design and research uses, some of which would not be compatible anywhere near a housing component. Mixed-use including a “live-work” concept is more appropriate for business parks, not research parks.

Since the City cannot legally reserve the housing units for any commercial entity, therefore it is an invalid assumption that the Innovation park employees would primarily inhabit these housing units. In fact that would likewise, make it harder to fill these units at a total of 850 units with Innovation Park employees only, or primarily.

12-3

As a former City of Davis Planning Commissioner and having served on the 2001 General Plan Update Land Use Committee and the General Plan Update Housing Element Steering Committee, I assure you that this is an important recommendation to make now, rather than later. The distinction of what the intent and use of the Mace Tech Research Innovation Park early-on will have a large impact on what the final proposal will look like, and if it can pass a Measure J/R vote. Many residents, like myself, have been primarily interested in exploring a commercial-only Innovation Research Park primarily for revenue, not a mixed-use including housing which would negate the reason for considering an Innovation Research Park for Davis.

12-4

I urge the Commission to reject any concept of adding a housing component, particularly when there is a significantly large parcel opposite this Mace Innovation site, which is adjacent and east of the Korematsu School site, which could potentially be considered for housing in the future if needed.

Thank you for your time and consideration, and please feel free to contact me if you would like to discuss this further.

Eileen M.
Samitz
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emsamitz@dcn.org

LETTER 12: EILEEN M. SAMITZ, INDIVIDUAL

Response to Comment 12-1

Thank you for submitting comments on the MRIC Draft EIR. Your opposition to adding housing to the project is noted for the record.

Response to Comment 12-2

The 212-acre MRIC site (not including the Mace Triangle site) is an appropriate size. The Innovation Center Study prepared by Studio 30 in 2012, notes on page vii that, “Most innovation centers averaged around 200 acres in size ...”. Please also see Responses to Comments 11-3, 33-8 and 33-9.

The Mixed-Use Alternative includes the same square footage of innovation center uses as the project. The conceptual site design (Figure 8-1 in the Draft EIR) accommodates the residential component by assuming some areas of stacked parking and multi-story housing with an average density of approximately 30 dwelling units per acre. With proper design, the housing component could address and/or avoid compatibility concerns.

The EPS study of the “Economic and Fiscal Impact Analysis of Proposed Innovation Centers in Davis” concluded that “the slightly higher costs of the MRIC Mixed Use Alternative could be offset by improved overall vitality offered by the inclusion of housing in a mixed use format. If well designed and properly integrated, housing could lead to strengthened overall economic performance and would be attractive to younger knowledge-based workers” (page 11).

The Mixed Use Alternative assumes that all dwelling units are occupied by at least one employee of the MRIC. Please see Master Response #3, Mixed Use Alternative.

Response to Comment 12-3

The proposed project is an innovation center, consisting of 2,654,000 square feet of research/office/R&D uses and no proposed housing component. The housing component is included only in the Mixed Use Alternative. As noted by the commenter there is considerable community discussion about the possibility of a housing component.

Response to Comment 12-4

Thank you for providing your thoughts and opinions about the merits of the project. This comment will be considered by the decision-makers during their deliberations.

Letter 13

September 14, 2015

Heidi Tschudin, MRIC Contract Planner
City of Davis Department of Community Development and Sustainability
23 Russell Boulevard, Suite 2
Davis, CA 95616

Dear Heidi:

13-1

Thank you for the thorough analysis you and your team of consultants have provided of the environmental impacts of the proposed Mace Ranch Innovation Center (MRIC) project. I greatly appreciate the number of significant alternatives to the project the city considered and the depth of information provided about each of them. I am certain this will serve as a sound basis for the Planning Commission and City Council to make important decisions about this project.

In response to the city's request for input on the document, I wish to submit the following comments in regard to the Draft Environmental Impact Report (DEIR):

1. Based upon my review of the information found in the Alternatives Analysis as well as Appendix K providing the Water Supply Assessment, a significant environmental impact of the project is not discussed as fully and completely as it should be in the DEIR.

13-2

The MRIC project will gradually result in a net reduction in use of water and an increase in the supply of groundwater potentially available to the city to meet its future needs. This would occur because agricultural operations would be phased out on the MRIC site as construction of the four phases of the project proceeded. While some groundwater would continue to be used at the MRIC site, at least temporarily, from a proposed on-site well for irrigation of MRIC park and open space areas, the amount of water used for such purposes would likely be much less than the amount of groundwater that would be used in the future for irrigation of crops.

Based on estimates of the range of the amount of water that would be used at the MRIC site in the future for agricultural farming operations, the project could result in a net reduction of estimated agricultural water usage at the MRIC site of between 24 million and 162 million gallons per year. The savings would depend mainly on the types of crops planted in the future if MRIC were not developed. Thus, the project would gradually increase the city's future available water supply and reduce groundwater pumping from the aquifer. This is an important environmental effect that should be noted in the DEIR in part because over-pumping of groundwater poses regional risks of land subsidence and contamination of groundwater supplies. The development of MRIC thus would help to reduce these risks.

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**13-2
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The reduction in the use of potable water supply could be even greater if, as discussed in the Project Description, recycled water is used to irrigate MRIC parks and open spaces. As the Project Description notes, special distribution infrastructure is to be constructed as part of the project to permit this future opportunity. This, in turn, would result in as much as a 276 million gallons per year net reduction in groundwater pumping at the MRIC site because of the phase-out of agricultural uses, with a related potential reduction in future risk of land subsidence and contamination of groundwater supplies.

These beneficial environmental impacts would occur regardless of the city's plan to rely more heavily on river water for the city's water supply in the future. The city retains the right to use both intermediate and deep aquifers as a potential future water supply, and plans to use both groundwater sources, at least to some degree, depending upon future water supply needs and whether meteorological conditions require their use. Thus, these environmental impacts would occur regardless of whether future agricultural groundwater pumping at an undeveloped MRIC site came from the intermediate or the deep aquifer.

These potential environmental impacts, in my view, should be discussed more fully in both the Utilities and the Alternatives analysis. While the potential reduction in water use is referenced in the Alternatives Analysis, that section of the DEIR does not mention the potential benefit of this change to the city's available future water supply or from avoiding subsidence or water contamination from regional over-drafting of groundwater supplies. Moreover, as noted above, these matters are not discussed at all in the Utilities section of the analysis, which focuses only on the adequacy of the existing water supplies to serve the project. Both sections should be modified to include a full discussion of these environmental impacts.

I have attached the existing Alternatives discussion pertaining to these issues.

13-3

2. The Project Description should identify the City of Davis as owner of 25 acres of the proposed development site. This information should be added to Section 3.2 Project Location. You may also wish to explain in this section that the development plan assumes that this city property would be available for the project, either by sale or lease of the property to the applicants or other private parties wishing to develop the land in keeping with the plan.

13-4

3. As you know, development of the project as proposed would mean that an Urban Farm would not be located on what is now city land within the MRIC footprint. Last year, a city staff report found that the remote MRIC site would not be the best choice for an urban farm, in part because of its remote location on the edge of the city limits. The City Council made no decision about the matter at the time.

Because the conversion of farmland at the MRIC site is considered in the DEIR to be a significant environmental impact, it proposes mitigation measure 4.2-1(a),

**Letter 13
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which would require the developer to preserve in perpetuity active agricultural acreage at a ratio of two acres for every one lost from project development.

I concur in this agricultural mitigation proposal, which is consistent with the City of Davis Municipal Code. However, I propose that this mitigation language be modified to require the developer, in choosing specific acreage for mitigation, to explore, with city staff and the city Open Space and Habitat Commission, the opportunities and feasibility for one or more Urban Farm locations, particularly any potential locations that would be easily accessible to Davis residents wishing to participate in urban farming projects.

The modified language would specify that no urban farm would be contemplated within the portions of the MRIC site designated for development. However, off-site properties identified for preservation of agriculture could be considered for urban farming locations. Also, land within the MRIC site that is designated for an agricultural buffer for the project could also be considered for urban farming. The project applicant would also be directed to consult with organizations experienced in urban farming operations, particularly non-profit organizations, to identify potential location of an urban farm or farms that could be operated efficiently without the provision of supporting subsidies or construction of facilities at a cost to city taxpayers. Finally, the applicant would be directed to coordinate its choice of properties to mitigate the loss of agricultural lands with the applicants for the Nishi Gateway project, city staff, and the commission to minimize the costs of mitigation efforts and to maximize the opportunities for acquisition of sites preferred by city staff and the commission.

4. The Urban Decay analysis contained in Section 4.10 cites the findings by ALH Economics about the potential impact of new ancillary retail space on existing city businesses. ALH specifically found that the magnitude of the projects at the MRIC site would not result in urban decay due to competition with already existing retail enterprises. This is because of the findings by economists that any potential loss of retail demand would be more than offset by the opportunity by existing retailers to capture the sizeable leakage of sales outside of Davis and because of growth in future household demand from Davis residents.

However, the Urban Decay section of the DEIR fails to directly quote a statement by ALH, in its report in the appendix to the DEIR, that the available data “suggests that development controls for phasing of the project’s retail space are not necessary....”

Because it is important to reassure retailers that this project would not cause economic harm to the retail community, I do not propose to modify the mitigation measure 4.10-2 allowing for such controls. However, I recommend that this important finding by ALH that such development controls are not necessary be specifically added to the DEIR on page 4.10-38.

**13-4
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13-5

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13-6

5. The Transportation and Circulation section of the DEIR discusses changes to the way bicyclists and motorists might access the developed MRIC site via County Road 32A. The DEIR mentions, in several places in the narrative, that Union Pacific Railroad “has discussed the potential closure of the at-grade rail crossing” on Road 32A. In order that the public can better understand this aspect of the project, the DEIR should be modified to provide more information about (a) the proposed reasons for closure, (b) what private or governmental agencies would decide whether the crossing would be closed, (3) what process would be necessary for a closure to occur, (4) whether any closure process has been initiated to date, and (5) the potential for requirement of mitigation of negative traffic circulation effects from closure of the crossing.

6. The findings in this DEIR for MRIC in regard to the cumulative impacts on the provision of fire protection services appear to be inconsistent with the findings in the comparable component in the DEIR for the Nishi/Gateway project.

The Public Services component of the DEIR for MRIC finds that the fire protection impacts for that project are less than significant, mainly on the basis of a determination by the fire chief that the existing Station 33 could provide fire services to the new development with existing resources and personnel. The Public Services component of the EIR thus found that no mitigation for the project was required.

13-7

However, the Cumulative Impacts component of the DEIR for MRIC found that the cumulative impact of the project--in combination with the Nishi Gateway project, the second Davis Innovation Center project that is now on hold, and the build-out of the city – would be significant. The DEIR found that this would be the case because, with the development of MRIC, fire engines at Station 33, the Mace Boulevard fire station, would sometimes no longer be available to cover calls ordinarily handled by downtown Station 31. Accordingly, that component of the MRIC DEIR proposes as mitigation that MRIC contribute an unspecified “fair share” of the costs to building a fourth city fire station or an alternative approach to meeting future fire service needs.

The DEIR for the Nishi Gateway project likewise found no impacts on fire protection services in its Public Service analysis. In addition, the DEIR analysis for Nishi Gateway found that no cumulative impacts would be caused by the project and thus required no mitigation for fire protection services. This latter finding is surprising for two reasons:

- (a) Nishi Gateway, unlike MRIC, is proposed to house a residential population of 1,920 in 650 housing units. Ordinarily, residential housing drives far more calls for fire service than a project like MRIC that would (in the baseline project) contain no housing.
- (b) Nishi Gateway is much closer to Station 31 than MRIC, and thus is far more likely to have a direct impact on the ability of Station 31 to respond to other

**Letter 13
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calls for service in its assigned area than MRIC. Moreover, Nishi Gateway, by its proximity to UC Davis, will probably frequently respond to calls in the new development. This, in turn, will indirectly affect the ability of UC Davis fire personnel to provide backup to Station 31 when Station 31 firefighters are busy on another call.

**13-7
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No explanation is provided in either DEIR for this difference in the findings of cumulative impacts for fire protection services. Accordingly, I believe one of three possible changes should be made, depending on staff and consultant's reassessment of this issue:

- (a) The finding in the MRIC DEIR in regard to there being a significant cumulative impact upon fire protection would be changed to a finding of less than significant impact, and mitigation requirement 5-19 would be dropped.
- (b) The findings and mitigation proposed for MRIC would not be changed, but parallel findings and mitigation requirements would be added to the Nishi Gateway DEIR.
- (c) Staff would keep both DEIR findings and mitigation requirements as they are, but add language to both DEIRs explaining the factual basis as to why the two projects are different in this respect.

- 7. The Cumulative Impacts component of the MRIC DEIR finds that it is possible that the cumulative impact of building MRIC -- in combination with the Nishi Gateway project, the second Davis Innovation Center project that is now on hold, and the build-out of the city -- could cause the city wastewater treatment plant to exceed its capacity. A further expansion of the city's wastewater treatment plant beyond the one now under construction would be very expensive. The DEIR finds the likelihood of such a problem to be less than significant as long as mitigation measure 5-26(a) is adopted. This measure would require the applicant to provide funding for a study to determine if sufficient capacity exists in the wastewater treatment system before construction of any phase of the project could commence.

13-8

These requirements are reasonable and warranted. However, I believe the language should be modified to ensure that the city also specifically evaluates the possibility of reducing demand on the city's wastewater system by routing wastewater from the Nishi Gateway project to a treatment plant operated by UC Davis.

Table 5-24 in the MRIC DEIR suggests that, if Nishi Gateway sewage were redirected to the UC Davis wastewater treatment system, there would be more than sufficient capacity in the City of Davis system to handle all cumulative impacts, even with a 20 percent margin for safety. That table suggests that 300 pounds per day in future BOD sewage loads could be diverted if Nishi Gateway did not hook into the city's wastewater system. That would be sufficient diversion to avoid costly further upgrades that might be needed to the city's wastewater treatment system to accommodate all of the development projects.

**Letter 13
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**13-8
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It may be more cost-effective for MRIC and Nishi Gateway to share in the cost of building a 3,500-foot long pipeline to connect to the UC Davis system than for MRIC (and Nishi Gateway) to pay for an expansion of the city's wastewater system.

The current mitigation requirement language only contemplates MRIC support for an expansion of the city's system. I recommend that the language be modified to permit both possibilities. Further language relating to study of this cost-sharing option should be considered as part of the review of the Nishi Gateway DEIR.

13-9

These comments are offered in my capacity as a private citizen and, although I am vice chair, are not intended to represent the views of the Finance and Budget Commission. Please let me know if I can clarify my comments on the DEIR in any way.

Dan Carson
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530 753-6279

Attachment

Letter 13 Cont'd

4.9-4 Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate or preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted).

The No Project (No Build) Alternative would consist of the continuation of agricultural operations on the project site, which is currently used for farming purposes. Under this Alternative, the crop type or intensity of farming could change. A change in crop type could result in either an increase or decrease in water use as compared to the existing sunflower crops. For example, the project site could be utilized for dry farming, which would decrease water usage and thus groundwater supplies. Conversely, the project site could be utilized for a more water-intensive crop type, such as almond trees. A reasonable range of irrigation demand at the site can be estimated by considering low- and high-level water demand crop types. On the lower end of the water demand scale, is sunflowers, which typically requires approximately 2 acre-feet/year. On the higher end of the water demand scale, is almond trees, which typically requires approximately 4 acre-feet/year. Assuming that the entire 212-acre project site is farmed, which is overly conservative given that perimeter roads will need to be on-site, the total yearly irrigation water demand range could be expected to be from 424 acre-feet/year to 848 acre-feet/year. This equates to a range of approximately 138 to 276 million gallons per year, or possibly less, if drip irrigation were to be used. It is anticipated that farming operations on-site would continue to use groundwater from existing on-site wells.

In contrast, while the proposed project would also utilize groundwater from the City's potable system, the City of Davis plans to reduce the amount of groundwater use and only use the deep aquifer wells once surface water becomes available. The City is now under contract to purchase wholesale surface water from the Woodland Davis Clean Water Agency to use in combination with groundwater from deep wells. It is anticipated that surface water deliveries will begin in 2017. The proposed project is anticipated to result in a water demand of approximately 312,000 gallons per day, or 114 million gallons per year, per Table 4.15-15 of the Utilities section of this EIR, which is less than that which is predicted for the No Project (No Build) Alternative.

Therefore, in terms of groundwater supply depletion, the possibility exists that the No Project (No Build) Alternative would have more impacts to groundwater supplies than the proposed project.

LETTER 13: DAN CARSON, INDIVIDUAL

Response to Comment 13-1

Thank you for submitting comments on the MRIC Draft EIR.

Response to Comment 13-2

The commenter requests that information be added to the Draft EIR to reflect that the amount of groundwater currently used at the site for agricultural purposes would be reduced over time under the project scenario, and that this reduction could have a net overall benefit related to the City's future water needs. This comment is noted. As defined by state law, the purpose of the EIR is specifically to address the potential for significant adverse environmental impact as a result of the project. The City agrees there are many other important factors to consider during deliberations on this project, including community benefits and fiscal and financial outcomes.

The Draft EIR includes a detailed evaluation of the project's effects on water supply. The Draft EIR determined that the City of Davis would have sufficient water supplies to meet the needs of the project, as well as planned development with the City of Davis over the next 20 years, during normal years and drought years.

Response to Comment 13-3

Identification of project ownership is relevant project information, but is not necessary for the CEQA analysis. Please see Master Response #6, Project Ownership. The commenter is correct that in order to develop, or engage in any activities (e.g., off-site drainage; removal of soils) on property owned by the City, a negotiated agreement and sale or lease would be required. For the purposes of the EIR, the agreement was assumed to be contained within the development agreement described on page 3-11 of Chapter 3, Project Description, of the Draft EIR. To clarify this point, 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.).

Response to Comment 13-4

Because the project would not result in impacts to an urban farm, a mitigation measure aimed at urban farms would lack nexus to the project's impacts and could not be imposed on the project. But the City Council has expressed interest in exploring other options and could choose to consider another location for an urban farm with some of the proceeds from the sale or lease of City land. The commenter suggests that the City seek to coordinate the MRIC applicant's farmland mitigation with the Nishi applicant's farmland mitigation. This concept can be considered at the discretion of the City Council as it reflects a design consideration, and would not affect the adequacy of either EIR.

Response to Comment 13-5

Comment noted. For clarification purposes, page 4.10-39, second paragraph, of Section 4.10, Land Use and Urban Decay, 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.

Response to Comment 13-6

Please see Master Response #1, Union Pacific Railroad (UPRR) and County Road (CR) 32A closure.

Response to Comment 13-7

The comment requests clarification as to why the cumulative fire protection services impact discussed in the Nishi Gateway Project Draft EIR is determined to be less than significant without mitigation, but the MRIC Draft EIR concludes that the cumulative fire protection services impact is significant and requires, per Mitigation Measure 5-19, the applicant's fair share contribution towards one of the following mitigation options: 1) construction of a new fire station; 2) modification of existing Davis fire facilities, which may include renovation of existing fire stations; or 3) completion of a Fire Facilities Master Plan (FFMP), and Community Risk and Standards of Cover Study to identify the various alternatives that could be implemented to enable the City of Davis Fire Department to reach all areas of the City, including the MRIC, within a 5-minute response time. As also stated in Mitigation Measure 5-19, once the mitigation option is selected by the City, the improvement(s) shall be included in the City's Capital Improvement Program and the City's Fire Impact Fee updated accordingly. In addition, each improvement project shall be subject to its own environmental review process, unless it is exempt from CEQA review.

The analysis of the Nishi Gateway Project Draft EIR was based on coordination with representatives of the Davis Fire Department (FD) and available Davis FD reports. The Nishi project site is located within a four-minute drive of both Stations 31 and 34, consistent with the City's response target. This is possible because of the location of the project site within the central/southern portion of the City of Davis. Station 34 could also respond to calls at the Nishi site in the event of a second event that would require service from Station 31.

For the MRIC project, other than Station 33, the next nearest first station (Station 31) to the MRIC project site is over 2.5 miles away. Therefore, Station 33 would likely be the only station that could reasonably respond to calls for service at the MRIC project site. Furthermore, as

discussed on page 5-49 of the MRIC Draft EIR, Station 33 provides backup response to Station 31 in the downtown core of the City, given that Station 31 is overburdened with calls and cannot meet the General Plan response time goal of reaching all areas of the City within a five-minute emergency response time, 90 percent of the time. The Draft EIR therefore determined that an impact could occur under a scenario in which Station 33 is not able to provide needed back-up response to the downtown core station because the Station has already responded to a fire/medical incident at the project site. In other words, the proposed project could exacerbate the existing response time deficiency experienced in certain areas of the City of Davis by precluding Station 33 from being able to provide back-up to already impacted areas. The proposed project's impact under this circumstance is disclosed as an indirect cumulative impact to fire protection services and appropriate mitigation to address that impact has been identified.

Response to Comment 13-8

The comment raises the point that connection of the Nishi Project to UC Davis utility infrastructure may avoid potential costly improvements to the City infrastructure, including potential improvements to the City's wastewater treatment plant (WWTP) that are identified in Chapter 5, Cumulative Impacts, of the Draft EIR. This concept is being deliberated as a part of the Nishi project which is proceeding to the Planning Commission and City Council ahead of the MRIC project.

The commenter also suggests that the MRIC project consider tying in to the UC Davis sewer system for service. This was not identified as a viable option for the project and was not analyzed in the Draft EIR.

Response to Comment 13-9

Thank you.

Letter 14

- 14-1** The city of Davis has requested commentary on the Mace Ranch Innovation Center.
- We seem to be at a crossroads, where our town needs a lot more tax dollars. I'm not comfortable with this situation, and I wonder how and why we got here. We're an affluent community, yet our roads and other infrastructure elements continue to crumble, with no end in sight. I therefore assume that's why we're seriously considering "innovation" centers such as the Mace Ranch project.
- 14-2** First of all, using a fancy name doesn't change the fact that this proposal is just a business park, with possible housing attached. It's a massive development, with absolutely no verifiable acknowledgment of the water and energy certain to be used by resident companies and homes.
- Worse yet, this project will cover beautiful, rapidly shrinking farmland.
- 14-3** Yes, the project would produce much-needed tax dollars, but at the unacceptable expense of what we hold dear about our town. We have a charming community, with a population of well-educated citizens. We have lots of green space, and the perimeter is surrounded by farmland. That should remain as is: Our community planning should not be changed in order to build this — or any other — "innovation center."
- 14-4** If we truly need more income to cover our expenses, we must find another way. If this requires higher property taxes, then so be it. We must be willing, as a community, to sacrifice some of our hard-earned dollars in order to keep our town in better physical — and fiscal — shape.
- So, my public comment bottom line is simple: Don't build the Mace Ranch Innovation Center ... or anything else like it.

Gayna Lamb-Bang
gayna@dcn.org

LETTER 14: GAYNA LAMB-BANG, INDIVIDUAL

Response to Comment 14-1

Thank you for submitting comments on the MRIC Draft EIR. Your concerns about the project are noted for the record. The need for an innovation center to accommodate long-term projected employment/business growth within the City has been recognized by the City since before the City's General Plan Update circa 2000 (see discussion under Policy ED 3.2 in Table 4.10-4 of the Land Use and Urban Decay section of the Draft EIR).

Response to Comment 14-2

Impacts related to water and energy demands associated with the project were analyzed in Sections 4.15 and 4.7 of the Draft EIR, respectively. The proposed project does not include any housing. On-site housing is evaluated as part of the Mixed-Use Alternative in Chapter 8 of the Draft EIR. This alternative and the consideration of adding housing to the project is receiving considerable discussion in the community.

Response to Comment 14-3

The concerns about community character and loss of farmland are acknowledged. The Draft EIR analyzes both issues. Impacts related to agricultural resources were analyzed in Section 4.2 of the Draft EIR. Impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Important Farmlands) to non-agricultural use and the loss of agricultural land were determined to be significant and unavoidable. The Draft EIR includes mitigation measures requiring farmland mitigation elsewhere within Yolo County, consistent with the City of Davis farmland preservation ordinance. For example, Mitigation Measure 4.2-1(a) requires the project applicant to set aside in perpetuity, at a minimum ratio of 2:1 of active agricultural acreage, an amount equal to the project site.

Aesthetics and impacts to visual resources are analyzed in Section 4.1 of the Draft EIR. Impacts related to substantial adverse effects on a scenic vista were determined to be less than significant. Impacts related to creation of new sources of light or glare and conflicts with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects related to aesthetics and visual resources were determined to be less-than-significant with implementation of mitigation measures included in the Draft EIR. For example, Mitigation Measure 4.1-3 requires the project applicant to submit a lighting plan to the City Department of Community Development and Sustainability for review and approval. The lighting plan would be consistent with Chapter 6, Article 8, of the Davis Municipal Code. In addition, Mitigation Measure 4.1-4 requires that the landscape and architectural details for the project satisfy several design-related requirements included in the City's General Plan. Impacts related to substantial degradation of the existing visual character or quality of the site were determined to be significant and unavoidable in the Draft EIR.

Compatibility with community character will also be a factor in the staff analysis of the merits of the project which will be the subject of the staff reports prepared for upcoming Planning Commission and City Council hearings.

Response to Comment 14-4

Thank you for providing your thoughts and opinions about the merits of the project. Your opposition to the project is noted for the record. This comment will be considered by the decision-makers during their deliberations.

Letter 15



LOCAL
AGENCY
FORMATION
COMMISSION OF
YOLO COUNTY

CHAIR
OLIN WOODS
Public Member

VICE CHAIR
MATT REXROAD
Supervisor - 3rd District

BILL KRISTOFF
Councilmember
City of West Sacramento

LION SAYLOR
Supervisor - 2nd District

CECILIA AGLIAR-CURRY
Mayor
City of Winters

15-1

ALTERNATE
ROBERT RAMMING
Public Member

ALTERNATE
JIM PROVENZA
Supervisor - 4th District

15-2

ALTERNATE
ROBB DAVIS
Councilmember
City of Davis

Staff
CHRISTINE M. CRAWFORD, AICP
Executive Officer

15-3

SARAH KIRCHGESSNER
Management Analyst

TERRI TUCK
Commission Chair

ERIC MAY
Commission Counselor

625 Court Street, Suite 203
Woodland, CA 95695

(530) 666-8048
info@yolocounty.org

15-4

www.yololafco.org

September 15, 2015

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

Re: Comments on Draft Environmental Impact Report for the Mace Ranch
Innovation Center Project (SCH# 2014112012)

Dear MRIC Project Planner:

Thank you for the opportunity to review the Draft Environmental Impact Report for the Mace Ranch Innovation Center Project (SCH# 2014112012). As you are already well aware, one of LAFCo's core missions is the preservation of agricultural lands, and therefore, we have focused our comments primarily on Chapter 4.2 Agriculture and Forestry Resources as follows:

Comment 1:

Mitigation Measure 4.2-1(a) LAFCo appreciates the 2:1 agriculture mitigation ratio and the acknowledgement that the easement must comply with the policies and requirements of LAFCo.

Comment 2:

Mitigation Measure 4.2-1(b) This mitigation measure (and many others) relies on a Master Owners' Association (MOA) proposed by the applicant that is relied upon to implement this mitigation measure. There should be a requirement that the MOA be formed prior to final map (or some suitable timing alternative). In addition, owners associations, generally speaking, often disband or become inactive over time. Therefore, there needs to be mechanisms in place to ensure the MOA remains functional in perpetuity, and there should be a backup plan in case the MOA fails.

Comment 3:

Impact 4.2-4 The basis for the entire analysis for this impact regarding agricultural buffers is predicated on the faulty conclusion that no more than a 150' wide agricultural buffer can be required of the project, when in fact the City's policy clearly states that "wider segments should be pursued when the opportunity permits" as noted on the City of Davis Policy and Project Consistency Evaluation on page 4.2-38 of the DEIR as follows:

**Letter 15
Cont'd**

**15-4
Cont'd**

City of Davis Policy	Project Consistency
LU N.3 Segments can vary in width but to the greatest extent possible, a minimum 150-foot width should be pursued. <u>Wider segments should be pursued when opportunity permits.</u>	The relocated UATA would be a minimum of 150 feet in width along the eastern and northern sides of the MRIC site, and therefore consistent with this policy.

Clearly with a proposed project of this size and scale, the opportunity exists to have a larger buffer distance. And therefore, LAFCo strongly disagrees with the conclusion that the project is consistent with this policy. The DEIR analysis for this impact goes on to conclude that a 500' setback should be provided and that the only way to achieve this setback is to have the applicant "attempt" to purchase an easement from the adjacent landowners.

CEQA requires that the project be required to mitigate project impacts to the greatest extent feasible. Therefore, the applicant should be required to provide the 500' buffer onsite if unable to purchase an easement on the adjacent property.

15-5

Comment 4:
Page 4.13-19 – Please remove LAFCo from the list of services provided by the County. LAFCo is a separate, independent agency and our decisions are not subject to the Yolo County Board of Supervisors.

15-6

Thank you for the opportunity to comment on this Draft Environmental Impact Report.

Sincerely,



Christine M. Crawford, AICP
Executive Officer

Cc: LAFCo Commission
John Young, Yolo County Agricultural Commissioner
Michelle Clark, Yolo Land Trust

LETTER 15: CHRISTINE M. CRAWFORD, YOLO COUNTY LAFCO

Response to Comment 15-1

Thank you for submitting comments on the MRIC Draft EIR.

Response to Comment 15-2

Comment noted. The comment agrees with the mitigation language included in Mitigation Measure 4.2-1(a) with respect to the 2:1 agricultural mitigation ratio and acknowledgement that the easement must comply with the policies and requirements of LAFCO.

Response to Comment 15-3

The City agrees with the commenter's suggestions. These project details will be addressed in the project's conditions of approval and development agreement.

Response to Comment 15-4

The commenter has suggested that the City find the project to be inconsistent with the City policy regarding agricultural buffers and further that Mitigation Measure 4.2-4 be modified to require a 500-foot setback be provided on the project if the no-spray easement from the adjoining agricultural property owner cannot be attained. The City does not concur that there would be a policy inconsistency nor that the suggested change to the mitigation measure is necessary.

It is important to distinguish that the City does not consider the proposed recreational trail to be "environmentally sensitive". Users will not be compelled to use the trail, use will be completely voluntary, and users with concerns about agricultural operations on adjoining fields on any given day may, and should, leave the trail to avoid use during periods of any given agricultural activity whether that be noise during a harvest, dust during field preparation, or proximity of use during application of chemicals. Removing the trail from consideration, there are no proposed sensitive uses proposed on the site within 500 feet of the property lines. The nearest uses would be parking and/or manufacturing uses, neither of which are considered environmentally sensitive.

The City has a long history of requiring agricultural buffers with trails, and considers trails to be an important design feature with valuable community benefits. The City's Agricultural buffer requirements are codified in Section 40A.01.050 of the Zoning Ordinance. Rather than consider it a liability, the City views these trails and buffer areas as defining components of the community's pro-agriculture and open space values. Moreover the City has consistently implemented agricultural buffers of this same minimum size and conceptual design in other locations for many years and there is no precedence or known new information for treating this project differently. The 150-foot width is a City minimum and the Draft EIR appropriately relies on this. It is accurate that as a matter of policy the City may choose to require a wider buffer on-site. This will be considered as part of the staff review of the merits of the project and a staff recommendation in this regard will be presented to the Planning Commission and City Council as a part of the upcoming staff reports in support of final action on the project.

The effect of the measure as written is to give the adjoining farmer an opportunity for financial compensation to permanently modify their pesticide application options in order to address the Agricultural Commissioner’s consideration that the trail would be environmentally sensitive. The City believes this is an appropriate measure and will require the applicant to demonstrate good faith in compliance. Given that execution of the easement cannot be compelled, the residual impact is identified as significant and unavoidable given the position of the Agricultural Commissioner. However, from the City’s perspective the trail is not a sensitive use and therefore under any circumstance the project as proposed will effectively provide a buffer of 500 feet or more.

Response to Comment 15-5

Comment noted. Page 4.13-19 of Section 4.13, Public Services and Recreation, is hereby revised to delete the bullet referring to “Local Agency Formation Commission”, and is so noted in Chapter 2 of this Final EIR.

Response to Comment 15-6

Thank you.

United Brotherhood of Carpenters and Joiners of America

Letter 16



CARPENTERS LOCAL UNION NO. 46

September 17, 2015

Ms. Katherine Hess
City of Davis
23 Russell Boulevard, Suite 2
Davis, CA 95616

Re: Request for Notice of Actions Related to Mace Ranch Innovation Center Project.
SCH Number: 2014112012

Dear Ms. Hess;

I am writing to request that the City of Davis Department of Community Development and Sustainability ("City") put me on its notice list for any and all notices issued under the California Environmental Quality Act ("CEQA"), referring or related to the Mace Ranch Innovation Center Project, SCH Number: 2014112012 ("Project"). In particular, I hereby request that the City mail my office at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.

- Any and all notices prepared pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:

- o Notices of any public hearing held pursuant to CEQA.
- o Notices of determination that an Environmental Impact Report ("EIR") is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
- o Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- o Notices of preparation of an EIR or a negative declaration (or mitigated negative declaration) for a project prepared pursuant to Public Resources Code Section 21092.
- o Notices of availability of an EIR or a negative declaration (or mitigated negative declaration) for a project prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.

16-1

United Brotherhood of Carpenters and Joiners of America

Letter 16
Cont'd



CARPENTERS LOCAL UNION NO. 46

- o Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152(a).
- o Notice of any Final EIR prepared pursuant to CEQA.
- o Notice of any Final Negative Declaration, Mitigated Negative Declaration, Subsequent Mitigated Negative Declaration, and/or Supplemental Mitigated Negative Declaration prepared pursuant to CEQA.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. This request is filed pursuant to Public Resources Code Section 21092.2 and Government Code Section 65092, which require local agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please mail and email notices to:

Dan Branton
Field Representative
Carpenters Local 46
4421 Pell Drive, Suite A
Sacramento CA, 95838
dbranton@nccrc.org

Please do not hesitate to contact me if you have any questions. Thank you for your time and attention to this matter.

Sincerely,

Dan Branton

tl/cl
opeiu#29
afl-cio



16-1
Cont'd

LETTER 16: DAN BRANTON, CARPENTERS LOCAL UNION NO. 46

Response to Comment 16-1

Thank you for submitting comments on the MRIC Draft EIR. The commenter has been added to the notification list for the proposed project.

Letter 17



**Recreation and Park Commission
Davis Senior Center Valente Room, 646 A Street
Thursday, September 17, 2015
MINUTES**

Commission Members Present: Ira Bray (Chair), Cecilia Escamilla-Greenwald (Vice Chair), Will Arnold, Emily Griswold and Travie Westlund

Commission Members Absent: None

Council Liaison Present: None

Public Present: Rob Davis and Matt Williams

Staff Present: Christine Helweg, Martin Jones, Kerry Daane-Loux and Heidi Tschudin – Contract Project Manager

Chair Ira Bray called the meeting to order at 7:01 p.m.

1. Approval of the Agenda

Superintendent Helweg added one item under Written Communications, which included a public notice for the upcoming recruitment for City Advisory Commissions. A motion was made by E. Griswold, seconded by C. Greenwald, to approve the agenda as amended, and was approved unanimously.

Superintendent Helweg introduced the new Parks Manager, Martin Jones.

2. Approval of Meeting Minutes from July 16, 2015.

A motion was made by C. Greenwald, seconded by T. Westlund, to approve the meeting minutes as presented by staff. The motion was approved unanimously.

3. Public Comments

Cecilia Greenwald spoke on behalf of her daughter, Jasmine, who would like to request Parks staff to consider the installation or replacement of school-age swings in lieu of the tot swings currently located in the El Macero greenbelt area.

4. Written Communications

- a. Resignation Letter by Commissioner Einwalter
- b. Public Notice for Recruitment for City Advisory Commissions
- c. Thank You Card from former Parks Manager David Luckscheider to Commission

5. Review and Provide Comments on Draft EIR for the Mace Ranch Innovation Center

Contract Project Manager Heidi Tschudin presented information related to the content of the draft EIR for the Mace Ranch Innovation Center, including an overview of the project description, specific components addressing park amenities and/or negative impacts to the proposed project,

17-1



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Cont'd**

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Cont'd**

and specific Chapters in which the Recreation and Park Commission would most likely have the most interest and concern (i.e. Chapters 2, 3 and 4.13 – 4). H. Tschudin also suggested that the Commission also review Table 3.3 on page 3-31 and Table 3.4 on page 3-37.

17-2

General questions in need of further clarification:

1. How is the construction of the parks and public spaces going to be phased as compared to the proposed phasing of the project?

17-3

2. Are there any existing parks or open space areas in Davis, or in the region, that are privately owned and maintained? (same maintenance levels as other City parks, hours of operation, access to restroom facilities, liability for users)

17-4

3. How or would the City be able to control pesticide use and maintenance methods consistent with the City's IPM policy if privately maintained?

17-5

4. What uses are proposed for the oval space and other public green spaces, both for residents of Davis and employees of the project? What is the vision behind the design?

17-6

5. If the parks and public spaces are privately owned and maintained, then the property should be subject to the Park Maintenance Tax? How is this being addressed?

17-7

Public Comments:

Matt Williams – In his personal opinion and not that of a member of the Finance and Budget Commission, the draft EIR for the MRIC does not clearly define the impacts of the “no project” alternative, including the lack of revenue generation and its associated fiscal impacts to the City should the project not move forward.

17-8

Commission Comments:

W. Arnold – Views this project as favorable as it assists the City in diversifying its revenues - potentially allows or eases some of the financial constraints for the City; would like to see more definition of what areas are specifically being proposed to be maintained by the private property owner and that in which the City will be maintaining; would like to see same level of care/maintenance standard and public accessibility as any other City park or greenbelt; interested in reviewing more detail and clarity in later design phases. Lends the idea of being more dense and more creative with parking- can't we squeeze down the parking and potentially add more green park space, gravel path around perimeter; parking dominates footprint.

17-9

C. Greenwald – needs further clarification of proposed private parks – how are the private spaces to be used by public? Hours of operation? Standards of service or level of maintenance care? Would like to see more detail on proposed bike lanes and alternative fuel vehicles (i.e. electric vehicles); potential partnership with UCD for Research & Development or housing; promote uses for start-up companies; the potential work/live scenario needs to be balanced adequately so as to provide ease and accessibility to the arts, music, restaurants, coffee shops, theatre or other night life.

17-10

E. Griswold – interested in learning more about the concept of privately owned and maintained property; how to ensure public access; wants same level of care as other City parks and

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Cont'd**

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**17-10
Cont'd**

greenbelts; the amount of proposed parking surface is dramatic and would like to see alternative design that reduces that footprint. Confirmed that this is a conceptual plan and if the project were to become more dense, then it would require further review and approval.

17-11

T. Westlund – would like to defer providing official comments until the next meeting in October so that these concepts can be further discussed amongst Commission members. Would like to suggest that the Commission formalize their comments at the October meeting so that everyone has more time to formulate their thoughts and ideas.

17-12

I. Bray – supports the income generator to assist in supporting parks and recreation services in the community. Believes that there are some flaws in the Master Plan calculations as it does not take into account the density of a development (refer to NRPA standards); would like to see more detail on public use standards and conditions for after hour use and access; who carries the liability for privately owned/maintained spaces for public use; park designs need maximum flexibility and adaptability and should not be created for a specific sport or interest; would like to look at other examples of Innovation Centers (i.e. Palo Alto), and bring back the discussion in October.

The Commission agreed by consensus to formalize comments at their next meeting in October.

6. Consider Proposed Park Names and Community Outreach for Cannery

Superintendent Helweg provided a brief background on the City's past practices as it relates to naming parks and major facilities. In addition, information was provided to the Commission as to the City's current method for street naming for new development projects. The Cannery has proposed four separate park names based upon "historic direction" but do not appear to represent the unique history of the past and future site use.

Commission Comments:

T. Westlund – not interested in doing a large-scale community outreach for naming of the parks. Would like to suggest keeping it simple, such as Cannery-North, Cannery-Central, Cannery-South and Cannery Dog Park.

C. Greenwald – agrees with Commissioner Westlund's suggestion to keep it as simple as possible.

W. Arnold – A larger community outreach has the potential of complicating the process and has the potential of taking on a life of its own, similar to what recently occurred with the street naming process; not comfortable with the process or names that Cannery has proposed.

I. Bray – likes the diversity of the HRMC vetted names.

E. Griswold – in the past, most of the park names are affiliated with the development project and/or the street names. Would suggest that the Commission not deviate from this historical naming convention and consider naming the parks after adjacent streets in the Cannery project.

The Commission requested that this item be brought back in October with a street plan so they can consider alternative names.

**Letter 17
Cont'd**

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7. Appoint Subcommittee for Upcoming 2016 Teen Services Grant Process

Commissioners Arnold, Greenwald and Griswold volunteered to participate in the application review for the upcoming grant cycle.

8. Commissioner Announcements

T. Westlund – Sycamore dog exercise area signage has improved significantly, and inquired about status of portable restroom facility.

E. Griswold – a group of interested residents are forming and may be proposing future parklets in residential neighborhoods.

I. Bray – Recently the City Council was discussing public urination in the downtown and may be considering portable restroom facilities at G Street. The Commission may want to monitor the situation and future discussions. Palo Alto recently conducted a random public survey on restrooms as one of the top needs in parks.

Requested that staff inquire as to our existing Landscape Contracts to determine if the 7 days of mandatory sick leave is contained within our existing contract language.

9. Liaison Reports

- a. City Council Liaison – no report
- b. Finance & Budget Commission – T. Westlund stated that the FBC had received a similar presentation on the draft EIR for the Mace Ranch Innovation Center, which also included the Economic and Fiscal Impact Analysis information that Project Manager Tschuden had described earlier.
- c. Open Space & Habitat Commission – no report this month due to the resignation of liaison, Commissioner C. Greenwald agreed to attend future meetings when available until such time that a new liaison is appointed.

10. Staff Reports & Updates

- a. Superintendent Helweg announced that Carrie Dyer, Community Engagement & Cultural Services Coordinator, is currently seeking judges to assist with the selection of award winners for the City's annual photo contest. The time commitment is dependent on the number of submissions but has generally ranged in the 1-2 hour timeframe. If interested, Commissioners should contact Carrie Dyer in the City Manager's Office.
- b. Superintendent Helweg provided the Commission a brief update on the recruitment process for the Parks & Community Services Director position and also announced the recent resignation submitted by Superintendent Wallace as of October 4, 2015.

Meeting adjourned at 10:12 p.m. by consensus

Respectfully submitted:

Christine Helweg
Parks & Community Services Superintendent

LETTER 17: RECREATION AND PARK COMMISSION, CITY OF DAVIS

Response to Comment 17-1

The comment summarized the staff presentation at the meeting. No response is necessary.

Response to Comment 17-2

Proposed project phasing, including the various park and green spaces, is shown in Figure 3-21 of the Draft EIR. The applicant has provided no other specifics in this regard; however, this is an issue that will be considered by staff as part of the assessment of the merits of the project. Staff may provide recommendations about phasing of park and green space features that differ from Figure 3-21 as a component of proposed conditions of approval for the project. Please also see Master Response #5, Project Phasing.

Response to Comment 17-3

Based on initial research by City parks staff the following information was compiled.

Examples of local privately owned/maintained parks and open space areas include:

- Davis Commons (commercial area with green spaces);
- 5th and G Street Plaza (USDA/commercial theater and restaurants, access to public parking garage); and
- West Sacramento Riverfront Plaza and Promenade (not in Davis).

Davis Commons:

1. Ownership: All areas are privately owned and maintained as part of the shopping center, including plaza space with outdoor seating for restaurants, green space (lawn), and the parking lot.
2. Access: The space is managed as a private area. When conflicts with public use arise, the property manager can deny access to the space with private security and/or the Fulcrum Operations Team. Examples would include unauthorized musicians or other performers, panhandlers, etc.
3. Hours: Davis Commons does not have hours posted for the outdoor plaza and ‘park’ spaces. However, because the area is managed as a private property, the property manager can respond to specific situations if use hours are deemed inappropriate.
4. Events: The property manager is responsible for all programming and events in the publicly accessible space (i.e., music, art show, etc.) and the events are considered in light of the benefit to the various tenants of the space. The Fulcrum Operations Team tries to accommodate requests, but some are denied in certain situations, including denial of requests by the City of Davis. When anyone requests use of the space, a fairly detailed Public Use Agreement is required. The Public Use Agreement is a standard form that the

Fulcrum Operations Team has created to identify rules and regulations for use of the space.

5. Maintenance: The large turf area with existing trees creates a park-like feel, but also creates increased property owner expenses to keep the area presentable with heavy use. Allowing public access is an on-going responsibility and added property management expense.
6. Signage: Davis Commons does not have signage in the project green spaces or plazas related to use or limitations to use of the space, hours of access, operation and maintenance responsibilities, or who to contact with issues or emergencies. The Commons do, however, have signage in the parking lot noting that parking is private with time limits for use.
7. Other: Davis Commons does not have a Memorandum of Understanding (MOU) in place for public use of the space.

5th and G Street Plaza:

1. The 5th and G Street Plaza is a private space adjacent to the U.S. Department of Agriculture (USDA) building and the commercial space that includes the Signature Movie Theater, restaurants, and offices. The restaurant seating that extends into the plaza is located on privately owned and maintained property; therefore, a lease with the City is not required. In addition, the art pieces located in the plaza (ceramic murals and metal screens) are private. The main public use of the plaza is for access between the parking garage and the G Street businesses/theater. Public events are rarely held in this space.
2. Issues that have arisen in this space include managing use by homeless and vagrant population, as well as managing damage by skateboarders and other users.
3. From the owner's point of view, significant issues related to liability and maintenance arise when private spaces are used by the public.

West Sacramento Riverfront:

1. The West Sacramento Riverfront project has many similarities with the MRIC project. The larger commercial and office development provides a wide variety of urban components, including a public promenade, plazas, retail, office, and public amenities on private spaces. Many of the details of how the spaces will be owned and maintained are still being discussed.
2. Setback and public amenities: A required 35-foot setback from the levee is part of the property, and will include a public bike/multi-use path.
3. The plaza is being built by the developer, but the City has made arrangements to purchase the space. In addition, public restrooms are required. The City will pay for the design and improvements and will eventually provide maintenance; however, the developer was required to provide the land to the City.

Response to Comment 17-4

The City can impose conditions of approval on the project to require appropriate standards for operation, including controlled use of pesticides and maintenance methods consistent with City standards for public parks.

Response to Comment 17-5

The project includes 64.6 acres of green spaces that are proposed in a variety of forms such as courtyards, agricultural buffer area, parks, and landscaped commons. The proposed uses for the Oval park and other public spaces are summarized in Chapter 3, Project Description, and Section 4.13, Public Services and Recreation, of the Draft EIR. As noted beginning on page 3-29 of the Project Description chapter, the proposed MRIC would incorporate several privately maintained parks and green space areas throughout the site, totaling approximately 64.6 acres of green space. The park and green space areas would be accessible from all MRIC buildings and would include greenways, commons, courtyards, orchards, and plazas. The greenways and other green spaces would be anchored by a 5.1-acre recreational park (“the Oval”), which would be privately maintained but is proposed to be made available for public uses. Table 3-3 on page 3-31 of the Project Description chapter summarizes the size and types of green spaces.

The proposed North and South Commons, comprising approximately 13.6 acres, will create spaces for recreation, community gatherings, and social and business meetings. The courtyard plazas, comprising approximately 2.9 acres, will create localized places for employees to gather. Courtyards are proposed to be designed to connect with, and be open to, the Commons, establishing walking links throughout the site, and thereby minimizing the pedestrian interface with vehicular roadways.

The applicant has expressed that the landscape features of the innovation center are important for a variety of purposes such as creating a healthy work environment, establishing a sense of place, providing opportunities for physical activity and worker interaction, enhancing project sustainability, and incorporating community agriculture and ag-tech uses. They have proposed that the walking and biking trails will be connected to the City’s existing network, and that the sports fields may be used by corporate leagues and Davis’ youth leagues. The applicant has indicated that the design of these areas will be a part of the MRIC Design Guidelines which will include a formal Landscape Plan. The Recreation and Parks Commission will be asked to review and comment on the Design Guidelines as a part of the project review process. The staff may recommend additional requirements for design and programming details as the project moves forward in the process.

Response to Comment 17-6

In 1991, the City of Davis first levied a Landscape and Lighting Assessment District (LLAD), generating approximately \$2.3 million per year to help pay for the costs of parks and greenbelt maintenance. In 1998, the LLAD was converted to a voter-approved \$49 per parcel Park Maintenance Tax with a four-year sunset at approximately half the amount of the previous LLAD. Since the conversion to a Park Maintenance Tax in 1998, the tax has been renewed at the

same levels three times: once in June 2002, with a four-year sunset, again in June 2006, with a six-year sunset, and again in 2012.

When the first voter-approved Park Maintenance Tax was instituted in 1998, the revenue covered approximately 75 percent of the maintenance costs of parks and related amenities. With increases in acreage and costs, the current park tax revenue covers less than 20 percent of the costs with over 80 percent coming from general fund and user fees. The revenue, while dedicated solely to park and open space maintenance, does free up other General Fund dollars for other City services, such as public safety.

Whether or not the property will be subject to the Park Maintenance Tax cannot be determined at this time. If the property remains privately-maintained and owned by the developer, then the property would be subject to the Park Maintenance Tax. If a portion or all of the property is turned over to the City, then the property would not be subject to the tax.

Response to Comment 17-7

Thank you for this comment. The commenter is correct in the sense that fiscal concerns generally are not required to be addressed under CEQA (see Guidelines Section 15131(a)). Please refer to the *Economic and Fiscal Impact Analysis of Proposed Innovation Centers in Davis* prepared for the project by EPS for fiscal information related to the MRIC project.

Response to Comment 17-8

As noted in Table 3-4 the applicant is proposing that all park and green space features would be privately owned and maintained, with public access. The commenter's support for a level of operations, maintenance and access equivalent to publicly-owned parks is noted for the record. The commenter's interest in reducing parking and increased park and green space is also noted for the record. These are all issues subject to additional consideration as the process moves forward.

Response to Comment 17-9

The details regarding hours of operation and maintenance standards have not yet been determined. This information will be developed later in the process, prior to final action on the project. Alternatively, details regarding operation of the parks may be required as a condition of approval with implementation to occur after action on the project.

Proposed bike lanes are shown in revised Figure 3-15. Please see Response to Comment 9-4 and the revision to page 3-34 in Chapter 2. Mitigation Measure 4.14-6(a)(2)(a) on page 4.14-33 of Section 4.14, Transportation and Circulation, identifies several programs and strategies related to alternative fuel vehicles and parking strategies that are consistent with the suggestions of the commenter. Mitigation Measure 4.3-2 has been expanded to include a requirement for electrical vehicle charging stations in each phase of the project. Please see the revision to page 4.3-28 in Chapter 2 and Response to Comment 31-6. Details regarding proposed accommodations for alternative fuel vehicles have not been submitted.

Information regarding future partnerships with UC Davis and marketing strategies for the property has not been shared by the applicant, but may be prior to or during hearings on the project.

Proposed retail uses (not including the hotel) are restricted to no more than 100,000 square feet total. The space is defined as supportive or ancillary, which means the uses are intended to support the innovation center uses. The supportive or ancillary retail uses will be restricted to basic convenience shopping and dining opportunities in close proximity to the business, as well as fitness center amenities and other business support services (see page 3-20 of Chapter 3, Project Description). Mitigation Measure 4.10-2 on page 4.10-42 of Section 4.10, Land Use and Urban Decay, requires demonstration of unmet on-site demand prior to issuance of retail building permits in order to protect existing retailers downtown and elsewhere in the City.

The commenter's suggestions regarding the Mixed Use alternative are noted for the record.

Response to Comment 17-10

The details regarding operation of the parks have not yet been determined. This information will be developed later in the process, prior to final action on the project. Alternatively, details regarding operation of the parks may be required as a condition of approval with implementation to occur after action on the project.

A comparison of the proposed parking arrangement on the project site plan with the proposed parking arrangement on the Mixed-Use Alternative site plan demonstrates that a more dense parking arrangement is possible. Staff will work with the applicant prior to final action on the project to determine the feasibility of changes to the proposed parking layout that would increase the land use efficiency.

The proposed site plan is conceptual; however, if approved, the site plan would establish restrictions of general areas or districts where certain uses and heights could occur. Prior to final action on the project, other site plan restrictions may be identified.

The overall intensity of the site could not increase beyond the total square footage (2,654,000 square feet) proposed by the applicant and analyzed in the Draft EIR without a subsequent application and approval process. However, there is some flexibility in how the square footage is distributed over the site. The final conditions of approval, development agreement, and Measure R baseline features will further clarify the constraints of various components of the project.

In addition, please see Master Response #4, Guarantees of Developer Performance.

Response to Comment 17-11

The comment summarized the direction to other commissioners regarding preparation for a future meeting. No response is necessary.

Response to Comment 17-12

The details regarding operation of the parks have not yet been determined. This information will be developed later in the process, prior to final action on the project. Alternatively, details regarding operation of the parks may be required as a condition of approval with implementation to occur after action on the project.

Letter 18

AGENDA ITEM #7

Brian Abbanat

From: mike mitchell <spikemitchell@hotmail.com>
Sent: Thursday, September 24, 2015 2:00 PM
To: Brian Abbanat
Subject: RE: REMINDER: BTSSC deadlines approaching

Brian,

18-1

Thanks for the reminder. Three concern/thoughts about the MRIC.

18-2

1. A better mitigation plan needs to be created for safely allowing bicycles to cross H80 at Mace, especially southbound. Right now I see a plan for two lanes exiting southbound Mace to enter eastbound H80. This is a disaster waiting to happen, especially for children. The fact that cyclists will need to negotiate two lanes of traffic to continue on Mace is not putting the most vulnerable user first. Somehow we need a better solution, and I cannot think of anything but a grade separated bike path.

18-3

2. I believe that the EIR has underestimated the amount of traffic that will come in from the east on 32A. We want bikes to come in from that direction but not cars. One thought I had was that there should be an entrance/exit for only bicycles on the south-east corner of the MRIC property.

18-4

3. The flow patterns throughout the MRIC appear to very auto-centric. We need to add in multi-use paths that cut across the property, following what will be the pedestrian/cyclist desire lines. And one of these paths should connect with the south-east cycle entrance (See #2 above.).

Thanks, Brian,

Mike Mitchell
spikemitchell@hotmail.com

LETTER 18: MIKE MITCHELL, INDIVIDUAL

Response to Comment 18-1

Thank you for submitting comments on the MRIC Draft EIR.

Response to Comment 18-2

Please see Response to Comment 25-5 regarding the elimination of high speed right turn lanes on Mace Boulevard. The alternative traffic mitigation for Mace Boulevard, between Alhambra Drive and Chiles Road, would ensure that the widening referenced in the comment is not necessary, and conditions for bicyclists are improved relative to the referenced mitigation in the Draft EIR.

Response to Comment 18-3

Regarding the trip assignment to County Road 32A, please see Response to Comment 25-5 addressing the elimination of high speed right turn lanes on Mace Boulevard.

Regarding the proposed bicycle-only access to the project site at the southeast corner, this is envisioned in the current project site plan (e.g., see Figure 3-15 of the Project Description chapter of the EIR).

Response to Comment 18-4

The commenter's concerns about the project are noted for the record. Staff will be undertaking additional analysis of the merits of the merits of project including site plan layout and circulation for all modes. Staff recommendations in this regard will be presented in the staff reports prepared for the Planning Commission and City Council.

Letter 19

AGENDA ITEM #7

Brian Abbanat

From: Raoul Renaud <alcalira51@gmail.com>
Sent: Friday, September 25, 2015 5:42 PM
To: Brian Abbanat
Subject: Re: REMINDER: BTSSC deadlines approaching

Brian: here's what I was able to come up with.

Comments on MRIC DEIR

Page 4.14-18: "The resulting congestion at the I-80/Mace Boulevard interchange causes a redistribution of many "non-project" trips in East Davis and South Davis to other less congested routes. This includes roadways such as Pole Line Road, Cowell Boulevard, and Richards Boulevard." Comment: Should address traffic impacts to CR 32A from the freeway interchange (Yolo Fruit Stand area) to project site. Already dangerous for cyclists commuting between Davis and Sacramento due to high speed traffic and substandard bike lanes, this stretch of 32A will have even more high-speed traffic due to motorists trying to avoid congested I-80 and the Mace interchange.

19-1

Page 4.14-29: Proposed mitigation:

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 (14 foot travel lanes and 6 foot shoulder/on-street bike lanes).

Comment: I'd rather see narrower vehicle lanes, wider bike lanes with buffers, and a reduced speed limit OR a two-way cycle track physically separated from the vehicle lanes.

LETTER 19: RAOUL RENAUD, INDIVIDUAL

Response to Comment 19-1

Thank you for submitting comments on the MRIC Draft EIR. Please see Master Response #2, Bicycle Connection along County Road (CR) 32A.

Mace Ranch EIR comments Jon Watterson DBTSS Commissioner Sept 25,2015

General Comments

20-1

It appears that the overall design of the Mace Ranch Innovation Center is a typical Industrial Park. There is little evidence of innovation in the internal transportation infrastructure. Rather than capture the imagination of a research and development technology center it is presented as another peripheral city development. In order to capture the excitement and imagination of city residents as well as companies wanting to locate to Mace Ranch the project should incorporate a more modern campus-like design. Mass transit connections and car parking should be located on the periphery of the project. Internal bikeways can meander within greenbelts throughout the development allowing for a quiet atmosphere. The developer also does not appear to prioritize alternatives to car transport to and from the park. Considering the city stated objectives of 30% bicycle, 10% walking and 10% public transport by 2035 it seems that these goals are not given due weight in the projects transportation design and facilities. External connections from Mace Ranch to the Davis community are limited to road connectivity. Bikeways and grade separated crossings

20-1
Cont'd

of Mace Blvd are put off to the future. Some specific suggestions for improvements follow:

1. Orient all buildings on an east-west axis in order to take advantage of winter solar gain and summer cooling.
2. Reduce car parking spaces in order to encourage alternative transport
3. Provide solar photovoltaic covering all car and bike parking areas as well as mass transit stops
4. Create berms around car parking areas to shield from the protected campus area
5. Put in car, bike and motorcycle charging stations in convenient locations
6. Provide a free bike borrowing system for internal transport within the development
7. Provide a multimodal center for mass transit, bike, car parking garage similar to the Howard Way center on UCD campus
8. Build bike and pedestrian tunnel at Northwest end underneath Mace Blvd before phase 1 occupancy
9. Construct bikeway along west side of Mace Blvd connecting to Harper Jr High and Alhambra
10. Provide a continuous bike path south of county Road 32A separated from car traffic from Mace to Causeway
11. Provide Dutch junctions on Mace for pedestrian and cyclist safety at Chiles, Second St and Alhambra intersections

20-2

**Letter 20
Cont'd**

AGENDA ITEM #7

20-2
Cont'd

12. Provide contingency funding for continuing car traffic on county rd 32A from Mace Ranch to causeway if Union Pacific closes crossing.
13. Incorporate a wildlife drainage area for runoff that incorporates channels and a pond
14. Build elevation and relief into the overall landscape design
15. Develop a detailed integrated landscape and internal transportation plan including connections to surrounding street and bike paths

LETTER 20: JON WATTERSON, INDIVIDUAL

Response to Comment 20-1

Thank you for submitting comments on the MRIC Draft EIR. The comments regarding project design are appreciated and noted for the record. As part of the review of the merits of the project, City staff is undergoing a detailed analysis of the proposed site layout and design. The results of the detailed analysis will be reflected in the staff reports prepared for the Planning Commission and City Council hearings at which time action will be taken on the project.

Response to Comment 20-2

Thank you for identifying these specific design suggestions. They will be considered by staff and the decision-makers during the subsequent steps of the process.

Some of the suggestions included in the comment are already required in the Draft EIR and/or addressed in this Final EIR. Regarding item #2, please see Response to Comment 22-3. With respect to item #3, the applicant has indicated an intent to provide solar photovoltaic covering for parking areas as one of the means to meet the requirement of providing 50 percent of the project's energy demand via on-site energy generation. Details of photovoltaic covered parking structures have not been provided at this time. For item #5, Response to Comment 25-8 revises Mitigation Measure 4.3-2 of the EIR to require electric vehicle charging stations throughout each phase of the project for review and approval by the Department of Community Development and Sustainability. Regarding item #6, the bike borrowing system suggested by the commenter is consistent with the bike share service identified in Mitigation Measure 4.14-6(a) of the Draft EIR. With respect to item #7, a multi-modal transit plaza has been included as a component of the proposed project, as discussed on page 3-32 and shown in the project exhibits included in the Project Description chapter of the Draft EIR. For item #8, Mitigation Measure 4.14-9 of the Draft EIR requires the applicant to fund or construct a bicycle/pedestrian grade-separated crossing at Mace Boulevard. With respect to item #9, Mitigation Measure 4.14-9(a) of Section 4.14, Transportation and Circulation, of the Draft EIR requires installation of a separated bike path along the west side of the Mace Curve, connecting Harper Junior High and Alhambra Drive. For item #10, please refer to Master Response #2. Regarding item #11, Response to Comment 25-5 revises Mitigation Measure 5-21 of the EIR to include a fourth mitigation option, which precludes free-right turn lanes along Mace Boulevard at Alhambra Drive, 2nd Street, and Chiles Road. With respect to item #12, please see Master Response #1. Regarding item #13, Mitigation Measure 4.4-12 of the Biological Resources section of the EIR requires the project's buffer/drainage features to be wildlife friendly natural spaces, with respect to details such as plant types, detention slopes, etc.

Letter 21

Comments to Mace Ranch Innovation Center DEIR

Diane and John Swann

September 26, 2015

21-1

With regard to the transportation and circulation section of the Mace Ranch Innovation Center Draft Environmental Report (DEIR) we wish to comment on the impacts of the MRIC on bicycle traffic and the proposed mitigation measures as stated in the DEIR. We have been regular bicycle commuters between Davis and Sacramento over many years.

21-2

1. **The DEIR under-values the bicycle route between Davis and Sacramento, while placing undue importance on a bicycle crossing from Alhambra to the MRIC site.** On page 4.14 – 18 the report says that due to the extremely low vacancy rate in Davis “all of the employees in the projects were assumed to live outside the City of Davis for the Existing Plus Project scenario.” On page 4.14 – 39, however, the authors state “If 54.6% of project employees live in Davis (i.e., the current share of Davis employees who also live in Davis), approximately 700 project employees will commute to and from the project site by bicycle.” These assumptions differ wildly. It is incorrect to assume that 54.6% of project employees will live in Davis in light of the low vacancy rate. The report goes on to propose to mitigate the impact of the high volume of bicycle traffic by funding a study and design of a grade-separated bicycle crossing over Mace. Because the estimated number of bicyclists is unlikely, this study will probably not be funded. The first assumption, that all of the employees in the project will live outside of Davis, may be more realistic. It is likely that at least half of out-of-town employees will come from the Sacramento area. Thus, the focus should be on providing incentives for employees from points east of the site to arrive by bicycle or public transit. Improving the bicycle corridor from Davis to Sacramento, including providing better access to it along the old Highway 40 path would probably serve bicyclists better than constructing a grade-separated crossing of Mace Boulevard to the MRIC at Alhambra. It should be noted that the Park and Ride at the east end of the causeway in West Sacramento is only about six miles from the MRIC project site, about the same the distance as from West Davis.

21-3

2. **There are large inconsistencies in the estimated number of peak hour vehicles trips.** On page 4.14 – 29, the authors state “The addition of 600 peak hour vehicle trips to County Road 32A” On page 4.14 – 39, however the report states “The addition of 100 peak hour vehicle trips to County Road 32A...” The estimate of 100 is likely a misprint, but we believe the 600 may be an underestimate. If there are a total of 2,390 external vehicle trips at peak hour (Table 4.14-8A), it is likely that substantially more than half of them —over 1200—will come from the closest and largest metropolitan area to the project, the Sacramento area. County Road 32A is the shortest, most convenient way to reach the MRIC from westbound I-80. Should it not be assumed that automobile commuters will take the shortest, most convenient route to their work?

**Letter 21
Cont'd**

21-4

3. **Given the history of CR32A the DEIR recommends a crossing near the RR tracks that is likely to be ineffective.** The report suggests mitigating the crossing to the bike path by marking it at the west end of CR 32A. We feel this will be ineffective. The County Public Works Department has already installed flashing lights, rumble strips, and arrows to mark the corner where this crossing is and drivers *still* crash into the guard rail on a regular basis. The Director of Public Works at the County estimates there is a crash every 6 months, which fits with our observations. Since August and September 2015, three vehicular collisions damaged or completely destroyed the guardrails on the west and south side corner of the RR crossing.

21-5

4. **The DEIR does not consider the bike crossing at the east end of CR 32A up to the levee.** Whereas currently only a proportion of westbound cyclists cross CR 32A before the RR tracks to the old highway 40 bike path, *all* eastbound cyclists on CR 32A need to cross CR 32A where there is no intersection to stop or slow vehicular traffic at the east end to reach the levee. An additional 600 or more vehicles on the road at peak hour at the east end curve will make a difficult crossing even more hazardous. Most cyclists on the road are commuters traveling at peak hours, which in the winter is in the dark.

21-6

5. **Under no circumstances should the auto lane on CR 32A between the RR tracks and the levee be wider than 12 feet.** The DEIR proposes to “mitigate” the impact of 600 peak hour vehicle trips on bicycles on this segment by widening the road from 12 to 14 feet and widening the bike lane from 4 to 6 feet. Widening automobile lanes only encourages higher automobile speeds. Already the critical speed—that at which 85% of the vehicles are traveling—are 64 and 68 mph, depending on the direction. Any extra width should be allocated to the bike lane and a buffer strip between the automobile and the bike lanes. A seven-foot bike lane is the standard width for two bicyclists to travel side by side. Having a bike lane that wide or nearly that wide with a buffer would make the bike ride more inviting. Widening the auto lane reverses all the hard-fought efforts of the commuters over the past few years to lower vehicular speeds to the legal—but still considerably dangerous, on an unlighted two-lane road shared by motorists and cyclists—limit of 55 mph by having a speed limit sign posted. The speed limit sign has, at best, managed to curb only the most egregious speeding. Our experience in asking for a wider bike lane, however, has been that right-of-way (ROW) issues prevent widening the road at the ends, particularly the west end near the RR crossing.

21-7

6. **The DEIR does not consider impacts on Emergency Vehicle Access (EVA) to I-80.** The report only considers emergency vehicle access to the project site. County Road 32A, including the two mile segment from the RR tracks to the I-80 on ramp after it becomes CR 32B, currently serves as an emergency access route to I-80. Increasing traffic significantly on CR 32A will hinder that access.

21-8

7. **The island at the intersection of Mace and 2nd Street should not be removed.** Removing the island at the Mace/2nd Street/CR 32A intersection poses a considerable danger to southbound cyclists accessing the bike path via the Mace Interchange. Southbound cyclists on Mace going to the top of the Mace Interchange depend on that island for safety and it should not be replaced by another right turn lane for vehicles traveling eastbound on 2nd Street. The old highway 40 bike path has only two access points for cyclists going to Sacramento, the west end of Olive Drive and Mace Boulevard, so every effort should be made to keep the Mace Interchange as

**Letter 21
Cont'd**

**21-8
Cont'd**

safe as possible for cyclists. If UP does close the CR 32A railroad crossing there will be considerably more bicycle traffic on the Mace Interchange as this will probably be the preferred access point to the Old Highway 40 bike path by most. The only other access point is the far west end of Olive Drive.

21-9

8. **The report neglects to mention the Yolo County Bike Plan.** The project places a heavy emphasis on getting automobiles and their drivers moving quickly along CR 32A. The Yolo County Bicycle Plan's stated aim is to encourage bicycling and places the highest priority on those bike routes that serve bicycle commuters. The MRIC project will have serious negative impacts on intercity bicycle commuters, yet they are given only token recognition in the DEIR. Mitigation of the traffic impacts on bicyclists is inadequate and little to no improvements are proposed.

21-10

In general, proposals in the DEIR to mitigate traffic generated by the project are aimed at accommodating more vehicles at great expense and getting them to and from the project site faster, while at the same time relying on Travel Demand Management strategies to try to get employees not to drive to the site. A better approach would be to concentrate on bringing employees to the site by bicycle and public transit and supporting existing bicycle commuters whose transportation choice does not and will not contribute to highway congestion problems. Improving the bike route from Davis to Sacramento, would provide a built-in incentive to come by bike and not by car and probably could be achieved much less expensively than the numerous mitigation measures proposed in the DEIR to accommodate motor vehicles, i.e., extra lanes on the ramps at the interchanges, extra turning lanes, signaled intersections, relocating the intersection of CR 32A and CR105, and providing a grade-separated crossing at the RR tracks. By contrast, improving the bike route might involve building an access point from the Pole Line Road crossing, building a 2-way cycle track at the east (levee) end of CR 32A, improving the dilapidated surface on the levee, and resurfacing part of Olive Drive. Of all Davis residents, those who now commute by bicycle to Sacramento may be the ones most negatively affected by the MRIC. The project should not be discouraging them. It should be encouraging more bicycle commuters.

LETTER 21: DIANNE AND JOHN SWANN, INDIVIDUALS

Response to Comment 21-1

Thank you for submitting comments on the MRIC Draft EIR. Your concerns about the project are noted for the record.

Response to Comment 21-2

Please see Master Responses #2 (Bicycle Connection Along CR 32A) and #3 (Mixed-Use Alternative).

The comment makes reference to assumptions in the DEIR that 54.6% of project employees live in Davis. An economic evaluation prepared for the City of Davis for the Innovation Centers indicates that the 54.6% value is the estimated portion of employees that would seek housing in the City of Davis (i.e., the demand for local housing). The transportation assessment in the Draft EIR assumes that the percentage of MRIC employees living in Davis increases over time based on the projected number of new housing units that would be available. The following paragraph provides a description of the assumptions of MRIC employees that would live in Davis for the different project scenarios and the Mixed-Use Alternative.

The Existing plus Project evaluation of intersections, roadways, and freeway Level of Service (LOS) is based on an assessment of the build-out of the project added to existing conditions. Given the current limited availability of housing, the LOS assessment for the Existing plus Project scenario is based on forecasts of project traffic that conservatively assume that all project employees would live outside Davis. The Cumulative plus Project LOS evaluation, which is based on evaluating build-out of the project in 20 years, reflects the forecast addition of 2,231 new housing units in Davis by 2035. Approximately 1,238 of the new units in Davis are assumed to be occupied by MRIC employees under the Modified Cumulative scenario (i.e., 33 percent of all MRIC employees would live in Davis) based on an economic evaluation prepared for the City of Davis. The Mixed-Use Alternative adds an additional 850 work force housing units on the MRIC site that are all assumed to be occupied by MRIC employees, resulting in a total of 54.6% of MRIC employees living in Davis by 2035 under this alternative. The assessment of impacts to bicycle facilities beginning on page 4.14-38 is based on an estimate that the demand for local housing of 54.6% would be met by project build-out, as this yields the highest level of bicycle demand among all scenarios and is the worst case condition as 22 percent of all Davis residents who also work in Davis bicycle to work (i.e., as compared, for example, to 0.3 percent of UC Davis employees who live outside Davis that commute to work by bike).

The bicycle impact assessment on page 4.14-39 of the Draft EIR indicates that approximately 700 project employees would commute to and from the project site by bicycle at build-out in the future, assuming that 54.6% of the project employees live in Davis. The commenter is correct that this assumption differs from the Existing Plus Project scenario, which purposefully evaluated the traffic effects that would result if all 5,882 MRIC employees were to live outside Davis, as described above. As noted on p. 4.14-18 of the Draft EIR, this assumption, in large part, is based upon recent housing data, which indicates extremely low vacancy rates in the City

of Davis, thereby substantiating the assumption that if the proposed project were built under today's conditions, very little housing would be available in Davis to support MRIC employees. This is a conservative assumption, as it indicates that all employees would drive to the site. The assessment of traffic impacts is therefore conservative, particularly as it relates to impacts along Mace Boulevard in the project vicinity, the I-80/Mace Boulevard interchange, and I-80 to the east.

With respect to the commenter's concern that the Draft EIR places undue importance on a bicycle crossing from Alhambra to the MRIC site, it is noted that the primary MRIC access at the Mace Boulevard/Alhambra Drive intersection is projected to be the major access point for employees and residents (mixed use alternative scenario only) traveling to the project site. This is due to several factors:

- 22 percent of all Davis residents commute to work by bicycle;
- Alhambra Drive and Fifth Street provide an east-west route for cyclists to the MRIC project that approximately bisects and spans the City of Davis;
- This east-west route leads directly to the primary MRIC access at the Mace Boulevard/Alhambra Drive intersection; and
- 3.5 mile distance along the above route between the Mace Boulevard/Alhambra Drive intersection and the UC Davis Memorial Union.

Most of these employees would access the MRIC project site at the Mace Boulevard/Alhambra Drive intersection based on the factors described above. This is the basis for the mitigation measure requiring construction of a bicycle-pedestrian grade separation at this approximate location.

Evaluating a scenario based on a smaller share of MRIC employees living in Davis would yield a significantly smaller number of bicycle trips to and from the project based on available mode share data for Davis employees, who live outside Davis, as well as forecasts of what share of employees would live in Sacramento and adjacent areas. Data on these and other factors is provided below:

- A source of mode share data for Davis employees, who live outside Davis, is the annual survey conducted by UC Davis. The 2012-13 Campus Travel Survey⁶ indicates that 0.3 percent of all staff, who live outside Davis, commute to campus by bicycle.
- A source of data on the projected location of housing for MRIC workers not living in Davis is the BAE memo Economic Evaluation of Innovation Park Proposals (July 9, 2015), prepared for the City of Davis. Table C3 of this memo estimates that the share of MRIC workers not living in Davis includes 6.47 percent in West Sacramento, 20.26 percent in Sacramento, 14.42 percent in portions of Sacramento County and Placer County, and the remaining 58.85 percent living in other areas including communities in Yolo County outside Davis (37.9 percent) and other areas to the north and west.

⁶ Results of the 2012-13 Campus Travel Survey, Brigitte K. Driller, UC Davis Institute of Transportation Studies, September 2013.

- 10.7 mile distance between the easternmost MRIC access point along CR 32A and the State Capitol in the core of Downtown Sacramento.

If the bicycle impact analysis were to assume that none of the 5,882 MRIC employees live in Davis at project build-out, and apply the 0.3 percent bicycle mode share (i.e., share of UC Davis staff who live outside Davis that commute by bicycle) to all MRIC employees projected to live in Sacramento and West Sacramento (26.73%), a total of 5 project employees would commute to and from the project site by bicycle at build-out on the route between Davis and Sacramento.

The commenter expresses concern that Mitigation Measure 4.14-9(b) will not be funded. However, assuming this mitigation measure is adopted by the City as a required condition of the project, the applicant will be required to implement the measure.

The commenter also recommends that the project should focus on providing incentives for employees coming from the east to arrive by bicycle or transit. The Draft EIR requires the development of a TDM program for the entire proposed project (MM 4.14-6(a)) that must achieve reductions in average vehicle ridership as well as daily and peak hour vehicle trips. Alternative measures include funding new transit and rideshare services that would presumably be targeted to employees living to the east of the MRIC project that make up the majority of those projected to be commuting to the MRIC project from outside the City of Davis.

The commenter concludes that improving the bicycle corridor from Davis to Sacramento (Mitigation Measure 4.14-9(a)) would achieve greater benefit than construction of a grade-separated crossing of Mace Boulevard (Mitigation Measure 4.14-9(b)). This comment is noted for the record. The bicycle corridor improvements are required to be in place prior to any occupancies in Phase 1 of the project (as stated in Mitigation Measure 4.14-9(a)). The grade separated crossing is required to be in place prior to commencement of any construction in Phase 2 of the project. Both improvements are required but at different points in the development of the project. Please see Chapter 2 of this Final EIR for clarifications to Mitigation Measure 4.14-9(b) regarding timing.

As a final note, there may be people traveling from outside of Davis that arrive by train. Those individuals have the option of bringing their bicycles by train which opens up some mode options. Moreover, Yolo Bus also allows bicycles on board.

Response to Comment 21-3

The commenter suggests there is an apparent discrepancy between the references to 100 peak hour trips and 600 peak hour trips being assigned to County Road 32A. These two references are not inconsistent; rather, they deal with two different scenarios. The reference on page 4.14-39 to 100 project trips on County Road 32A refers to the baseline forecasts, whereas the reference on page 4.14-29 to 600 project trips is presented within the context of Mitigation Measure 4.14-2(d) -- the "Interchange Alternative Mitigation Option 3" -- which would improve capacity along County Road 32A by providing a grade separation of the railroad track crossing, thus increasing the attractiveness of this route for project traffic and increasing the project trips on County Road 32A by an estimated 600 peak hour vehicles. Regarding the proposal that more than half of the

peak hour trips would come from the Sacramento region by way of County Road 32A, this was not the traffic routing determined in the forecasting process; for a comprehensive description of the travel forecasting methodology, please refer to the discussion on Draft EIR pages 4.14-17 – 4.14-21.

Response to Comment 21-4

The comment incorrectly references the location of the crossing improvement for westbound bicyclists recommended in Mitigation Measure 4.14-9(a) of the Draft EIR. Westbound cyclists on CR 32A that are destined to the east-west path between I-80 and the UP rail tracks must currently make an uncontrolled left turn across both lanes of CR 32A, just south of the at-grade rail crossing at CR 105. The enhanced visibility crossing is recommended to be located southeast of the at-grade crossing, and would provide a marked, signed, and lighted crossing for bicyclists. The precise location and design of the enhanced crossing would be determined during the design process and would have input and review by City, County, and Union Pacific Railroad engineering staff.

Response to Comment 21-5

The eastbound left turn movement for bicyclists that is referenced in the comment is the reciprocal (i.e., reverse) movement to the westbound left turn referenced in Mitigation Measure 4.14-9(a). A corresponding mitigation for that movement is added to the mitigation measure, which is 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, 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 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.*

Response to Comment 21-6

Please see Master Response #2, Bicycle Connection Along County Road 32A.

Response to Comment 21-7

As noted in Response to Comment 21-3, the baseline forecasts indicate an additional 100 project trips would use County Road 32A/32B, and the resulting congestion increases at the I-80 ramp intersections would not significantly hinder emergency access via this route (see Draft EIR LOS Table 4.14-5). For the “Interchange Alternative Option 3” mitigation scenario (see discussion under Mitigation Measure 4.14-2(d)), the additional traffic shift to County Road 32A/B would still allow the two ramp intersections to operate acceptably, with signalization as described. Therefore, emergency access would not be significantly impacted.

Response to Comment 21-8

Please see Response to Comment 25-5 regarding the elimination of high speed right turn lanes on Mace Boulevard. The comment regarding the utility of the island on the southwest corner of the Mace Boulevard/Second Street/County Road 32A intersection is noted. However, the measures must be designed to address and minimize impacts generated by all travel modes, given that many will need to travel by auto (including carpools) even with a high level of bicycle and transit-supportive improvements. Please see Master Response #2, Bicycle Connection Along County Road 32A and Response to Comment 25-5 regarding revised mitigation pertaining to bicycle impacts along CR 32A/B, and a new mitigation option to exclude free right turns on Mace Boulevard, respectively. The alternative mitigation would address the concerns expressed in the comment for southbound bicycle travel along Mace Boulevard.

Response to Comment 21-9

The project will be located within the City of Davis, and the City’s General Plan policies regarding bicycle facilities are referenced in Impact 4.14-11. Because the MRIC site would be annexed to the City of Davis, consistency with the County of Yolo Bicycle Transportation Plan is not required. Consistency with the policies included in the Davis Municipal Code and the City of Davis General Plan Transportation Element are discussed in Table 4.14-14 beginning on page

4.14-45 of Section 4.14 of the Draft EIR. Furthermore, the project's impacts to County Road 32A/B, and the bicycle connections to the levee path, which connects to Sacramento, have been addressed in Draft EIR Impacts 4.14-2, 4.14-9, and 5-21, and in Master Response #2, Bicycle Connection Along County Road 32A.

Response to Comment 21-10

The City agrees with the commenter that developing and requiring measures, including programs and infrastructure, to support and encourage non-auto commuting to the project site are an important component of the City's review and approval process, including the environmental document. However, the measures must be designed to address and minimize impacts generated by all travel modes, given that many will need to travel by auto (including carpools) even with a high level of bicycle and transit-supportive improvements. The measures also need to have a rational nexus (i.e., "rough proportionality") to the actual project impacts. With the mitigation measures proposed in the Draft EIR, along with the revised measures included in the Final EIR (e.g., see Master Response #2, Bicycle Connection Along County Road 32A and Response to Comment 25-5 regarding revised mitigation pertaining to bicycle impacts along CR 32A/B, and a new mitigation option to exclude free right turns on Mace Boulevard, respectively), the City believes this balance and nexus has been achieved.

Letter 22

**Comments on
Draft Environmental Impact Report for
Mace Ranch Innovation Center Project**

22-1	The following comments are submitted to the draft Environmental Impact Report (EIR) for the Mace Ranch Innovation Center (MRIC) Project.
22-2	1) The EIR fails to discuss the impact on existing schools. The project omits discussion (section 4.8) concerning the impact upon Pioneer Elementary School and Francis Harper School on the basis that the schools are more than ¼ mile from the project. It may be that the physical address of the schools on a google map may be more than ½ mile away (.26 mile and .28 miles respectively, the EIR asserts), but both school grounds have large play-field areas that appear closer than to 1//4 mile to the project. Pioneer Park may not be legally part of Pioneer School, but the school regularly uses Pioneer Park for outside exercise activities. In addition, University Covenant Church is within ¼ mile of the project and it has a nursery school. The EIR omits consideration of the nursery school at UCC.
22-3	2) The EIR erroneously concludes that (in several places, including but not limited to Impact 4.10-3) that there is less than significant conflict with city policies. The City of Davis website asserts that: “Over the years the City of Davis has become even more pro-bicycling in its planning and policies as well as promotional events, educational programs and infrastructure.” The proposed project proposes 2,654,000 of new square feet. An approximate measure of parking spaces required for modern offices is 4 spaces / 1,000 sq feet of space. Retail requirements are sometimes higher. In order to meet a 4 parking spaces per 1000 sq foot requirement, over 10,000 parking spaces which could accommodate over 10,000 cars would be needed. The car traffic generated by a fully built-out project is not adequately addressed in the EIR. In addition, the EIR does not adequately address the impact on City of Davis biking policies or child safety on kids commuting to and from school.
22-4	3) The EIR in analyzing Urban Decay relies upon inadequate sources. The EIR relies upon Co-Star for measurements of vacancy rates. Co-star only takes into account large buildings and omits from its analysis smaller buildings. Davis has many smaller commercial projects which should be considered.
22-5	4) The EIR erroneously concludes that the project is consistent with City land use policies. The project is not consistent with the City’s vision and policies to create an innovation center or consistent with community policies.

Letter 22

Cont'd

-
- 22-6 a. The project has been promoted as an “innovation center” but in reality is urban sprawl. The project is also inconsistent with the City’s policies to create an agricultural buffer.
 - 22-7 b. There are no facts to support the erroneous belief that building office space will spur innovation. Even a small 5,000 square foot space offered at \$2 per square foot equates to a \$10,000 per month rent bill. A 3 year lease that usually requires a guarantee by a leasee or family member to repay \$360,000 in this example. There is a reason most start-ups start in a garage, the lack the funds or credit.
 - 22-8 c. In the modern age of the internet, meetings can be held thousands of miles apart over the computer. Proximity to a University is not a requirement for innovation. There are not facts to support that building commercial space as part of urban sprawl will promote the City’s policy of fostering innovation.
 - 22-8 d. Investors and business owners take economics into consideration. There is plentiful commerical space available in Woodland, West Sacramento and Sacramento. (For instance, Radio shack vacated 300,000 sq. feet in Woodland.) The EIR fails to take into account the surrounding commercial market. The aforementioned areas are within a 15 minute driving radius. *Smart* business owners will consider their options, given modern telecommunications options. Even the beloved Davis enterprise moved its printing operations out of Davis for economic reasons. Calling a large business park an innovation center doesn’t change its character.
 - 22-9 e. Large businesses with many employees are courted by local governments. Tesla, a Silicon Valley darling, could not be kept in Silicon Valley with subsidies that were being offered by out of localities. The EIR in analyzing the benefits of the project fails to take into account government subsidies that may be required to keep or attract a large business when considering the land use benefits of the project. If not enough tax revenue is generated, future residents will be subject to additional taxation to maintain roads and other infrastructure.
 - 22-10 f. The EIR fails to take into account the destabilizing effect of doubling the City’s commercial space. One reason, Davis has weathered past recessions well is that it’s a college town with a very stable employment base, the University. Elk Grove and Roseville have had large tech companies (Apple and Hewlett Packard) grow and rapidly shrink. Doubling the City’s commercial may destabilize the City’s revenues in the future when business endures an economic cycle, not if but when. The EIR in its analysis fails to take into account the impact of a business cycle.
 - 22-11 g. Contrary to project marketing, most residents that I have informally surveyed, moved to Davis because it’s a “Great Place to raise a Family,” not because it’s a “host city.” The project will create urban sprawl and

**Letter 22
Cont'd**

**22-11
Cont'd**

traffic jams that will irreparably change the fabric of the community as we know it now.

22-12

Summary, I worked at a high level position for the Public Utilities Commission in the 1990s. There were several well-meaning political appointees who deeply believe that the “free market” would bring untold benefits to utility ratepayers. Despite their good intentions and millions spent on “studies” the experiment to deregulate utilities caused chaos in the energy markets. I believe our current politicians are well meaning, but the proposal to double Davis’ commercial space will forever change the fabric of our small town that people have migrated to because it’s a great place to raise a family. The only true winner will be the developer that turns \$20,000/ acre farmland into \$1,000,000 per acre commercial land. The City Council should consider alternative “innovative” projects than regular old urban sprawl.

Joe DeUlloa
Davis Resident
Mailing:
PO Box 1966, Davis, CA 95617
916-484-3782

LETTER 22: JOE DEULLOA, INDIVIDUAL

Response to Comment 22-1

Thank you for submitting comments on the MRIC Draft EIR. Your concerns about the project are noted for the record.

Response to Comment 22-2

Comment noted. For clarification purposes, 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 that 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 that may be handled by future tenants of the MRIC and transported to the project site 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 of 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.

Response to Comment 22-3

The City does not agree with the commenter's suggestion that the conclusions in the Draft EIR related to the project's consistency with City policies are erroneous. The Draft EIR includes preliminary assessments of policy consistency that are subject, ultimately, to the independent determination of the City Council. The commenter suggests that Draft EIR's policy analysis with regard to Impact 4.10-3 related to land use and urban decay is in error. Consistency with City policies related to land use and urban decay are discussed on pages 4.10-43 through 4.10-55. The Draft EIR includes discussion and analysis in support of the less-than-significant conclusion. The commenter does not provide specific concerns or competing evidence supporting his position.

Therefore, a direct response cannot be provided. The information will be forwarded to the decision-makers for their consideration in reaching a final decision regarding the project.

With respect to parking, according to Figure 17, Parking Area, of the project application, the 212-acre MRIC is proposed to include a total of 8,356 parking spaces, located on 80.3 acres. Using the parking ratios identified on Figure 17, the Mace Triangle site would include approximately 285 parking spaces. Therefore, total proposed parking for the project would be approximately 8,640.

The City standards, if they were applied, are considerably lower:

Land Use	Area	City Ratio	Total Spaces
Office/R&D	1,510,000 sf	1 space per 400 sf	3,775 spaces
Manufacturing	884,000 sf	1 space per 1,000 sf	884 spaces
Hotel	150 rooms	1 space per room	150 spaces
Ancillary Retail	100,000 sf	1 space per 300 sf	334 spaces
TOTAL			5,060 spaces

The requested Planned Development zoning allows for development standards, such as parking, to be set at levels specific to a given project. City staff anticipates proposing parking ratios that are lower than current City standards, because the current city-wide standards pre-date the City’s climate action efforts, the revised General Plan Transportation and Circulation Element, and more recent discussion about urban design. Also, Section 40.25.020 of the City Code allows a reduction in the number of total parking spaces when “the periods of usage of such buildings or uses will not be simultaneous with each other”.

The staff analysis of parking will take into account current city policy, updated industry standards for parking for similar uses under similar conditions, and required project design, conditions of approval, and mitigations measures intended to minimize parking demand. This information will be provided to the City Council for consideration in making their final determination regarding parking and to substantiate that no adverse impacts are anticipated to result from controlling parking supply.

In addition, the commenter states that the EIR does not adequately address “car traffic” from build-out of the project. Impacts related to traffic and circulation as a result of project buildout are analyzed under “Existing Plus Project” and “Cumulative” conditions throughout Section 4.14, Transportation and Circulation, of the Draft EIR. The analysis begins on page 4.14-5 of the Draft EIR.

Response to Comment 22-4

The comment is not correct. The CoStar database of commercial buildings in Davis includes many smaller properties, including properties of less than 1,000 rentable square feet. The smaller properties have been factored into the BAE analysis, which is referenced in the Draft EIR.

Response to Comment 22-5

The Draft EIR includes preliminary assessments of policy consistency that are subject, ultimately, to the independent determination of the City Council. Sections 4.1 through 4.15 of the Draft EIR include an impact statement which specifically addresses potential consistency with City policies and regulations pertaining to each resource area. In addition, Section 4.10, Land Use and Urban Decay, analyzed impacts related to the physical division of an established community and consistency with plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Consistency with City policies related to innovation centers, business parks, or other university-related research parks is discussed in Table 4.10-4 of Section 4.10 beginning on page 4.10-48. The aforementioned impacts were determined to be less than significant.

Response to Comment 22-6

The commenter's position regarding the project is noted for the record.

With the clarification of Mitigation Measure 4.2-4 related to northwestern side of the project, the City does not agree that the project agricultural buffer is inconsistent with City policy. Please see Response to Comment 36-3.

Response to Comment 22-7

The commenter's position that the project does not support innovation is noted for the record. The BAE study (Appendix G of the Draft EIR) notes on page 14 that Davis has a number of competitive advantages that can help the community to successfully undertake physical development that is linked to knowledge-based industries. One is the access to a steady flow of innovation and local knowledge resulting from UC Davis. A local knowledge-based economy is important not only for new businesses that are commercializing new products, but also for established businesses that must integrate new innovations into their established products and services in order to remain relevant and competitive. Research universities, like UC Davis, are important sources of innovation, due to the research conducted in their labs and the exchange of ideas and knowledge that occurs among faculty, staff, students, including residents and visitors.

City objectives for the project on pages 3-9, 3-10 and 3-11 of the Draft EIR cite the building types and sizes of space, specific project facilities and services and work place attributes to be provided by the project that are identified as success factors for innovation centers, including university proximity referenced in the EPS "Economic and Fiscal Impact Analysis of Proposed Innovation Centers in Davis" report (pages 9, 44, 45).

Response to Comment 22-8

The Draft EIR has referenced extensive economic analysis that the City of Davis commissioned to serve as background studies for the evaluation of the proposed innovation centers, including the Mace Ranch Innovation Center (MRIC). The economic analysis referenced in the Draft EIR include: BAE Urban Economics, Inc. *City of Davis Economic Evaluation of Innovation Park*

Proposals. July 9, 2015, and ALH Urban & Regional Economics. *Mace Ranch Innovation Center Urban Decay Analysis*. March 2015. Further, the commenter has not taken into consideration the qualitative differences between the type of development proposed at MRIC and the examples that the commenter has cited. For example, the 300,000-square foot building in Woodland, cited in the comment, is a warehouse and distribution center, which is functionally very different from the types of buildings that office, research and development (R&D), and light manufacturing businesses targeted for the MRIC require. In addition, with the recent announcement by the Davis Enterprise that print editions will be reduced from five days per week to three days per week, the example given in the comment of the printing operation of the Davis Enterprise is not relevant to the MRIC proposal. Newspaper printing is a business function that is waning at the regional and national level; whereas, the MRIC would seek to attract businesses in sectors that are emerging and expanding due to rapid innovation.

Response to Comment 22-9

The comment expresses concerns about potential fiscal impacts from the proposed MRIC. Fiscal impacts are general not considered to be an environmental impact under the California Environmental Quality Act (CEQA) and, therefore, were not analyzed as part of the Draft EIR. Nevertheless, the City of Davis has separately commissioned Economic & Planning Systems (EPS), Inc. to prepare a fiscal impact analysis for the proposed project.⁷ The EPS fiscal impact analysis can be viewed on the City of Davis website. The analysis considers the likely new revenues that the MRIC would generate and the likely municipal service costs that the project would create for the City of Davis. The analysis projects that the MRIC would generate a surplus of revenues versus costs. Based on this analysis, the City does not anticipate that the proposed project would result in tax revenue shortfalls and/or the need to ask future residents to approve additional taxation to maintain roads and other infrastructure. Certain revenue measures designed to offset costs, such as lighting and park maintenance, and interior road maintenance, may be included in the conditions of approval for the project and made known to the prospective innovation park owners and employees. In addition, under California law new taxes would require approval by either a majority of, or 2/3rd's of, the voters and new assessments would require approval by a majority of the landowners within the proposed assessment district.

Response to Comment 22-10

The comment expresses concerns regarding potential fiscal impacts of the proposed MRIC. Fiscal impacts are generally not considered to be an environmental impact under the California Environmental Quality Act (CEQA) and, therefore, were not analyzed as part of the Draft EIR. The comment does not acknowledge that the development of the MRIC may help to diversify the Davis economy by reducing reliance on a single employer (i.e., UC Davis), which is the community's largest employer. In addition, rather than a single large business tenant, the MRIC will likely attract many smaller and mid-sized businesses that will help to insulate the business park from the impacts of rapid business contraction or relocation of a single, large tenant. Furthermore, business cycles are very difficult to predict in terms of their timing and impact on

⁷ Economic & Planning Systems, Inc. *Economic and Fiscal Impact Analysis of Proposed Innovation Centers in Davis*. September 8, 2015. Available at: <http://cityofdavis.org/home/showdocument?id=3953>.

various sectors of the economy; therefore, incorporation of impacts related to a change in the business cycle within the EIR would be speculative.

Response to Comment 22-11

The commenters concerns about the project are noted for the record. Impacts related to transportation and circulation were analyzed in Section 4.14, Transportation and Circulation, of the Draft EIR.

Response to Comment 22-12

Thank you for providing your thoughts and opinions about the merits of the project. This comment will be considered by the decision-makers during their deliberations. Please also see responses to comments 11-3, 33-8, and 33-9.

DEPARTMENT OF TRANSPORTATION
DISTRICT 3 – SACRAMENTO AREA OFFICE
2379 GATEWAY OAKS DRIVE, STE 150 – MS 19
SACRAMENTO, CA 95833
PHONE (916) 274-0638
FAX (916) 263-1796
TTY 711



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September 28, 2015

032015-YOL-0037
03-YOL-80 / 3.02
SCH# 2014112012

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

Mace Ranch Innovation Center Project – Draft Environmental Impact Report (DEIR)

Dear Project Planner:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Mace Ranch Innovation Center (MRIC) Project DEIR. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

23-1

The project proposes 4 phases of development for the MRIC project site, including future development of the Mace Triangle site, with office space for similar business types. The entire MRIC project site totals approximately 228 acres, which require land use designation amendments and rezoning from Agriculture to Innovation Technology Center (ITC) and Planned Development. Other entitlements for the MRIC project site include annexation and a general plan amendment. The MRIC is anticipated to include approximately 2.4 million square feet (sqft) of ITC uses, and approximately 260,000 sqft of commercial uses that could include 150,000 sqft of hotel/conference center use, 40,000 sqft of ancillary retail on the ground floor of the proposed research/office/retail development uses, and up to 70,000 sqft of additional retail throughout the MRIC. The project site is located northeast of the I-80/Mace Boulevard interchange (IC) with the southern boundary of the project site separated by the UPRR tracks adjacent westbound Interstate 80 (I-80). The following comments are based on the DEIR.

"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"

Traffic Impact Study (TIS)

In the Transportation and Circulation Section of the DEIR on page 4.14-27, the first paragraph states “Widening the Mace Boulevard overpass of I-80, modifying the westbound off-ramp, and widening the southbound on-ramp at the...” I-80 is an east to west corridor; please clarify whether “southbound” in the aforementioned sentence refers to the eastbound (eb) or westbound (wb) I-80 Mace Blvd. on-ramp.

23-2

Table 4.14-7 on page 4.14-65 of the DEIR indicates an existing Level of Service (LOS) on eb and wb I-80, between the CR 32A/CR 32B/I-80 IC and Richards Blvd. I-80 IC, as LOS C. Caltrans believes this LOS reading underestimates conditions on this segment. Recent Caltrans Performance Measure Systems (PeMS) counts in the same segment of eb I-80, east of the CR 32A/CR32B/I-80 IC indicate hourly volumes peak at 6228 vehicle per hour (vph), which is very close to the maximum volume allowed under LOS E, which is 6300 vph for a three lane freeway facility in one direction. Based on these PeMS counts, Caltrans recommends that the reported LOS in Table 4.14-7 be revisited.

State Highway System Mitigation

As shown in the Executive Summary Mitigation and Monitoring Program, which reflects findings from Transportation sections including Chapter 4 and Chapter 5 of the DEIR, there are several alternatives provided to mitigate project impacts which will require cooperation and coordination with Caltrans. Caltrans requests a meeting with the City to determine a reasonable schedule for implementation of improvements prior to the opening day of future phases.

23-3

In addition, Caltrans would like to explore the feasibility of a Traffic Impact Mitigation Fee (TIMF) Program as a mechanism to fund the improvements. There are examples of TIMF programs within the Sacramento region, including:

- 50 Corridor Mobility Fee Program (includes US 50)
- I-5 Subregional Corridor Mitigation Program (I-5 and SR 99)
- Interjurisdictional Transportation Mitigation Fee Program (SR 99 and SR 65)

Such programs have proven effective and defensible in terms of mitigating impacts from new development by proposing multimodal projects on both local and regional transportation systems, including the SHS.

Transportation Management Plan (TMP)

The DEIR refers to Impact 4.14-8 as potentially significant construction vehicle impacts associated with development of the MRIC. Mitigation measure 4.14-8 refers to consultation with Caltrans in development of the Traffic Control Plan for MRIC construction vehicles activities. The current Caltrans District 3 Traffic Management Plan Manager is Joyce Loftus who can be reached in the Office of Maintenance and Traffic Engineering located at 703 B Street, Marysville, CA 95901. TMPs must be prepared in accordance with Caltrans’ *Manual on Uniform Traffic Control Devices*.

23-4

“Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California’s economy and livability”

Project Planner / City of Davis Community Development and Sustainability Department
September 28, 2015
Page 3

**Letter 23
Cont'd**

**23-4
Cont'd**

Further information is available for download at the following web address:
<http://www.dot.ca.gov/hq/traffops/engineering/mutcd/pdf/camutcd2014/Part6.pdf>.

Encroachment Permit

Please be advised that any work or traffic control that would encroach onto the State Right of Way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to the address below.

23-5

Charles Laughlin
California Department of Transportation
District 3 Office of Permits
703 B Street
Marysville, CA 95901

Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website link below for more information.
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

23-6

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Arthur Murray, Intergovernmental Review Coordinator at (916) 274-0616 or by email at: arthur.murray@dot.ca.gov.

Sincerely,



JEFFERY MORNEAU, Chief (Acting)
Office of Transportation Planning—South

c: Scott Morgan, State Clearinghouse

LETTER 23: JEFFREY MORNEAU, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response to Comment 23-1

Thank you for submitting comments on the MRIC Draft EIR.

Response to Comment 23-2

On-Ramp Clarification

The use of the term “southbound” in the sentence in the Transportation and Circulation Section on page 4.14-27 that states: “Widening the Mace Boulevard overpass of I-80, modifying the westbound off-ramp, and widening of the southbound on-ramp at the...,” is a reference to the loop on-ramp from southbound Mace Boulevard onto I-80 eastbound.

Freeway Volumes and LOS on I-80

Table 4.14-7 on page 4.14-65 indicates an existing Level of Service (LOS) on the eastbound (EB) and westbound (WB) freeway segments of I-80 between CR 32 A/CR 32B and Richards Boulevard as LOS C. Caltrans believes this LOS reading underestimates conditions on these segments; one example of a recent Caltrans Performance Measure Systems (PeMS) count on the I-80 EB segment east of CR 32A/CR 32B interchange (noted as Chiles Road interchange in the analysis) indicates an hourly volumes peak at 6,228 vehicles per hour (vph), which is very close to the maximum volume allowed under LOS E, which is 6,300 vph for a three-lane freeway facility in one direction.

To investigate this issue, Fehr and Peers collected additional PeMS count data for the freeway segments on I-80 EB and WB. Several PeMS count stations exist between each interchange in which volumes from one station may vary from another. These differences between count stations may be due to poor count sensors at certain locations, but may also be due to congestion observed in the EB direction, notably from Mace Boulevard to the Chiles Road interchanges in the PM peak hour (as noted in the comment).

Based on the investigation above, the freeway segment volumes for both I-80 EB and WB have been updated to more accurately reflect balanced volumes along the corridor, while incorporating the on- and off-ramp volumes in the calculations. I-80 EB in the PM peak hour also includes the additional vehicles on the freeway segment between Mace Boulevard and Chiles Road that add to the demand volume due to congestion.

Updated freeway LOS results based on the revised volumes are provided in Appendix B to this Final EIR, which contains excerpts of the following Draft EIR tables:

- Table 4.14-7 Existing Conditions, page 4.14-65
- Table 4.14-12 Existing Plus Project, page 4.14-72
- Table 5-15 CEQA Cumulative No Project and Plus Project, page 5-83

- Table 5-16 Modified Cumulative No Project and Plus Project, page 5-87
- Table 8-25 Existing Plus Mixed-Use Alternative, page 8-155
- Table 8-35 CEQA Cumulative Plus Mixed-Use Alternative, page 8-208
- Table 8-36 Modified Cumulative Plus Mixed-Use Alternative, page 8-211

The revised freeway analysis provided in the Final EIR does not result in a substantial difference in volume/capacity ratio (V/C) increase at any of the freeway segments that experience a significant impact. The following tables show the increase in V/C for the two freeway segments where significant impacts are identified under the Modified Cumulative Plus Project scenario. Three of the four segments experience the same V/C increase in the revised Final EIR analysis, when compared to the original Draft EIR analysis. One of the four segments is forecast to experience an increase in V/C of 0.09 under the revised Final EIR analysis, compared to an increase of 0.07 under the original Draft EIR analysis.

Modified Cumulative Scenario (Freeway Segments with Significant Impacts) <i>Revised Final EIR Analysis</i>											
Route (Direction)	Segment	Mod Cumulative No Project				Mod Cumulative With Project				V/C Increase	
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour	PM Peak Hour
		V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS
I-80 (EB)	Mace Blvd to Chiles Road	-	-	1.10	F	-	-	1.19	F	-	0.09
	Chiles Road to Enterprise Blvd	-	-	1.06	F	-	-	1.14	F	-	0.08
I-80 (WB)	Enterprise Blvd to Chiles Road	0.97	E	0.99	E	1.08	F	1.01	F	0.11	0.02
	Chiles Road to Mace Blvd	0.99	E	-	-	1.10	F	-	-	0.11	-

Modified Cumulative Scenario (Freeway Segments with Significant Impacts) <i>Original Draft EIR Analysis</i>											
Route (Direction)	Segment	Mod Cumulative No Project				Mod Cumulative With Project				V/C Increase	
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour	PM Peak Hour
		V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS		
I-80 (EB)	Mace Blvd to Chiles Road	-	-	0.97	E	-	-	1.05	F	-	0.07
	Chiles Road to Enterprise Blvd	-	-	0.92	E	-	-	1.00	F	-	0.08
I-80 (WB)	Enterprise Blvd to Chiles Road	0.77	D	0.79	D	0.88	D	0.81	D	0.11	0.02
	Chiles Road to Mace Blvd	0.75	D	-	-	0.86	D	-	-	0.11	-

With the inclusion of this updated freeway LOS analysis, there would be no change to the Draft EIR findings for Project or Cumulative impacts, including for the Mixed-Use project alternative, evaluated in Chapter 8 of the Draft EIR. The impact findings and identified mitigations remain the same as reported in the Draft EIR.

Response to Comment 23-3

The City will coordinate with Caltrans as requested to develop a reasonable schedule for implementation of traffic improvements in accordance with project phasing.

Regarding the establishment of a Traffic Impact Mitigation Fee program, the City has met twice with Caltrans to discuss the suggestion of charging fees to address “systemwide” improvements to Interstate 80. The City has expressed a willingness to participate in discussions regarding a fee, assuming it is multijurisdictional and all contributing users are participating on a fair share basis. The City believes any such considerations must reflect appropriate regional, statewide, and national considerations given that this facility is an interstate highway. Caltrans is considering the City’s position and further dialog may ensue.

Response to Comment 23-4

Thank you for this information. The project’s Traffic Control Plan will be consistent with Caltran’s *California Manual on Uniform Traffic Control Devices*. The comment has been forwarded to the project applicant for informational purposes.

Response to Comment 23-5

Thank you for this comment. The project applicant would obtain an encroachment permit for any project-related work that would encroach onto the State right-of-way. The list of “Other

Agency Approvals and Permits” on page 3-13 of the Project Description Chapter of the Draft EIR has been updated in Chapter 2 of this Final EIR to include Caltrans’ issuance of an encroachment permit. In addition, the comment has been forwarded to the project applicant for informational purposes.

Response to Comment 23-6

The commenter is already on the City’s distribution list for notices related to the project. Thank you.

Letter 24



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

September 29, 2015

RECEIVED

OCT 06 2015

City of Davis
Community Development

Sarah Worley
City of Davis
23 Russell Blvd, Suite 2
Davis, CA 95616

Subject: Mace Ranch Innovation Center
SCH#: 2014112012

Dear Sarah Worley:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 28, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

24-1

**Letter 24
Cont'd**

**Document Details Report
State Clearinghouse Data Base**

SCH# 2014112012
Project Title Mace Ranch Innovation Center
Lead Agency Davis, City of

Type EIR Draft EIR
Description The 228.58-acre project site consists of the proposed 212-acre Mace Ranch Innovation Center (MRIC) site, and a separate 17-acre area (referred to as the "Mace Triangle"), south of CR 32A, which has been included within the bounds of the project site to ensure that an agricultural and unincorporated island is not created and to allow the continuation and expansion of existing uses. The MRIC site has historically been used for agricultural operations and is currently vacant and undeveloped. The MRIC site is designated AG by the Yolo County General Plan and is zoned A-N by the Yolo County Zoning Code.

Lead Agency Contact

Name Sarah Worley
Agency City of Davis
Phone 530 757 5610 **Fax**
email
Address 23 Russell Blvd, Suite 2
City Davis **State** CA **Zip** 95616

Project Location

County Yolo
City Davis
Region
Lat / Long 38° 33' 40" N / 121° 41' 22" W
Cross Streets Mace Boulevard / Country Road 32A
Parcel No. Various
Township 8N **Range** 3E **Section** 9 **Base** MDB&M

Proximity to:

Highways Hwy 80
Airports
Railways Amtrak
Waterways
Schools Various
Land Use Various

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Other Issues; Noise; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual; Population/Housing Balance; Water Supply

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3 S; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; Delta Stewardship Council

Date Received 08/12/2015 **Start of Review** 08/13/2015 **End of Review** 09/28/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 24
Cont'd



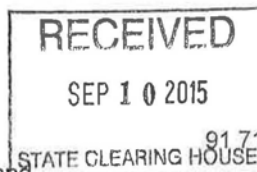
CLWA
9-28-15
E



Central Valley Regional Water Quality Control Board

4 September 2015

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



CERTIFIED MAIL
91 7199 9991 7035 8418 4509

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL
IMPACT REPORT, MACE RANCH INNOVATION CENTER PROJECT,
SCH# 2014112012, YOLO COUNTY**

Pursuant to the State Clearinghouse's 13 August 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Mace Ranch Innovation Center Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating

Mace Ranch Innovation Center Project - 5 -
Yolo County

4 September 2015
Letter 24
Cont'd

in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

LETTER 24: SCOTT MORGAN, GOVERNOR’S OFFICE OF PLANNING AND RESEARCH

Response to Comment 24-1

Thank you for submitting comments on the MRIC Draft EIR. The comment acknowledges that the City has complied with the State Clearinghouse review requirements, pursuant to CEQA. The attached Regional Water Quality Control Board letter is included as Letter 10 of the Final EIR. See Responses to Comments 10-1 through 10-12.

Letter 25

BTSSC MRIC COMMENTS FROM 10/8/15 MEETING

	Topic	Comment
25-1	Transit	Mass transit connections should be located on project periphery.
25-2	MRIC Bicycling Infrastructure	Project should include internal bikeways.
		Add in paths that cut across the property, following what will be the pedestrian / cyclist desire line.
		Build bike and pedestrian grade separated crossing at Northwest end underneath Mace Blvd before phase 1 occupancy.
		There should be multiple, separate bicycle connections on MRIC property.
25-3	Other Bike Infrastructure	Construct enhanced bikeway along west side of Mace Blvd connecting to Harper Jr. High and Alhambra.
25-4	Vehicle Parking	Provide a conservative supply of parking spaces to encourage alternative transport.
		Reduce parking demand through financial incentives.
25-5	Intersections	Provide Dutch junctions on Mace for pedestrian and cyclist safety at Chiles, Second St and Alhambra intersections
25-6	I-80 @Mace	A better mitigation plan needs to be created for safely allowing bicycles to cross I-80 at Mace, especially southbound
		Improve access to existing US 40 bike path.
25-7	County Road 32A	Should have narrower vehicle lanes, wider bike lanes with buffers, and a reduced speed limit OR a two-way cycle track physically separated from the vehicle lanes.
		Should address traffic impacts to CR 32A from the freeway interchange (Yolo Fruit Stand area) to project site.
25-8	Sustainability	Put in car, bike and motorcycle charging stations in convenient locations
		Provide a free bike borrowing system for internal transport within the development
25-9	Housing	Support for mixed-use alternative including housing versus proposed project.

LETTER 25: BICYCLING, TRANSPORTATION, AND STREET SAFETY COMMISSION, CITY OF DAVIS

Response to Comment 25-1

Mitigation Measure 4.14-10 of the Draft EIR requires the project applicant to fund and construct new bus stops with turnouts on both sides of Mace Boulevard, at the new primary project access point at Alhambra Drive. These bus stops would be located on the project periphery.

Response to Comment 25-2

This comment primarily relates to project design components that will be considered by the decision-makers prior to approval of the currently requested entitlements, as well as prior to future final planned development approvals.

Mitigation Measure 4.14-9(b) as revised requires the project applicant to fund a study to assess bicycle circulation in general in the annexed area and specifically the provision of a new bicycle crossing of Mace Boulevard to connect the project site to bicycle facilities west of Mace Boulevard. Per the mitigation measure, the study is required to 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. The study will be presented to the Bicycling, Transportation, and Street Safety Commission prior to its approval by City staff.

Pursuant to Mitigation Measure 4.14-9(b) the grade-separated crossing is required to be in place prior to commencement of any construction in phase 2 of the project. With respect to the comment that the grade-separated crossing should be constructed before Phase 1 occupancy, the following response is offered. Phase 1 of the MRIC project is estimated to support a total of 1,256 employees upon full occupancy of the 540,000 square feet of space. Of employees who currently work in Davis 54.6 percent also live in Davis. MRIC employees that live outside Davis are not expected to commute to work via bicycle, so the market for bicycle travel is based on employees who live in Davis. Census data indicates that 22 percent of Davis residents commute to work by bicycle. Given the high cost of housing and the very low vacancy rates that currently exist for housing in Davis, it seems likely that the share of Phase 1 MRIC employees who live in Davis would be lower than 54.6 percent. If, however, 54.6 percent of Phase 1 MRIC employees lived in Davis households, and 22 percent of those commuted to work by bicycle, a total of 150 Phase 1 MRIC employees would be commuting daily via bicycle at full occupancy. About half of those, or 75 cyclists, are estimated to access the MRIC Phase 1 buildings during the peak hour. This level of bicycle travel can be accommodated at the proposed primary MRIC access at the Mace Boulevard/Alhambra Drive intersection via existing at-grade bike lanes and would not reasonably be relied on to trigger the grade-separated crossing as a part of Phase 1.

Response to Comment 25-3

Mitigation Measure 4.14-9(b) requires the project applicant to construct a multi-use path on the west side of Mace Boulevard, between just north of Alhambra Drive to the existing path along the frontage of Harper Junior High School.

Response to Comment 25-4

The Transportation Demand Management (TDM) program outline, described in Mitigation Measure 4.14-6(a) of the Draft EIR, includes several parking-related measures designed to create incentives for carpooling and the use of non-auto modes with the goal of minimizing parking demand. In addition, please see Response to Comment 22-3.

Response to Comment 25-5

At their September 10, 2015 meeting, the Bicycle, Transportation, and Street Safety Commission requested that alternative mitigation measures be explored that eliminate existing high speed right turns for motor vehicles along Mace Boulevard. 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.

This assessment was undertaken and alternative mitigation measures have been identified for consideration to eliminate free-rights at these locations. The technical calculations for this analysis are included as Appendix C of this Final EIR. A technical analysis was also performed for the Mixed-Use Alternative; and these outputs are also included in Appendix C. At the three intersections referenced above, elimination of the existing high speed right turn movements would involve eliminating the island that allows the high speed movement and replacing the lane with either an exclusive right turn lane or a shared through/right lane, resulting in slower right turn movements. At the eastbound I-80 on-ramps, elimination of the high speed right turn vehicle movements requires “squaring up” of the on-ramps so the junction of the ramps with Mace Boulevard occurs at more of a right angle. These ramp junction modification concepts are consistent with new national guidance provided in the Institute of Transportation Engineers *Recommended Design Guidelines to Accommodate Pedestrians and Bicycles at Interchanges* (2014). It should be noted that changes to the on-ramp junctions would require consultation with, and approval by, Caltrans.

The following alternative mitigation (option (4)) is proposed 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. A similar mitigation option has been included for the Mixed-Use Alternative, as shown in the “8 Mixed-Use Alternative” section of Chapter 2 of this Final EIR.

A schematic of the improvements identified in the new mitigation option are shown in Figure 5.

Mitigation Measures 4.14-2 and 5-21 on pages 4.14-25 and 5-62 of the Draft EIR have been amended to include mitigation “Option 4”, 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

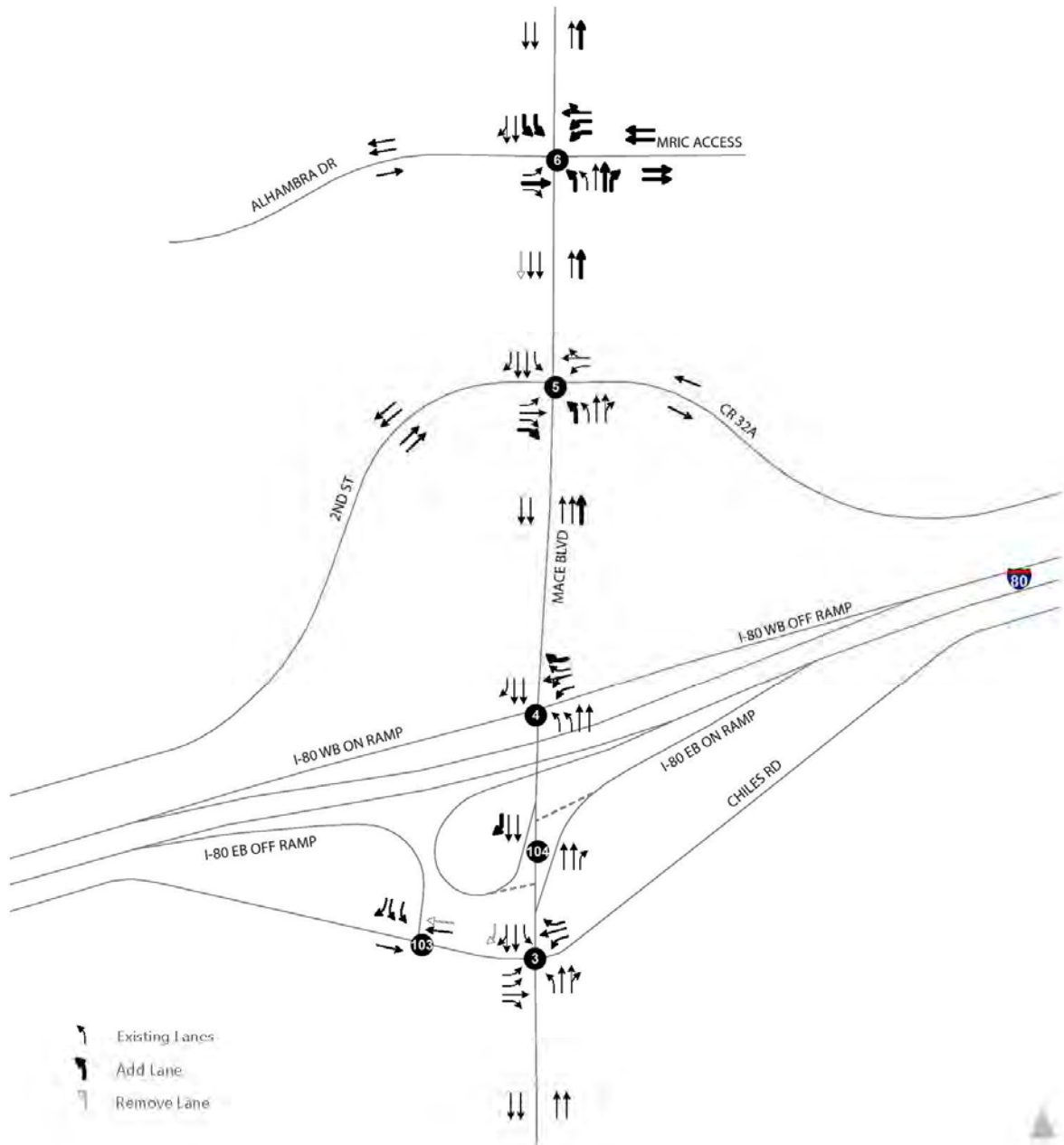
~~Three~~Four potential mitigation options are available for the mitigation of the impact to the three interchange area intersections. Each measure is described below, followed by an evaluation of its effectiveness:

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.

Mitigation Measure 4.14-2 is revised on page 4.14-29 of the Draft EIR to include a new mitigation option (e), as follows:

Figure 5
MRIC Mitigation Option 5-21(d) – Exclusion of Free Right Turns Along Mace Boulevard



Intersection Lane Configurations
Modified Cumulative Plus Project -
Mitigation 5



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.**

Mitigation Measure 5-21 is revised on page 5-60 of the Draft EIR to include a new mitigation option (e), 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.**

The above change provides another mitigation option that is as effective as the three mitigation options currently identified in the Draft EIR for this impact. This revision does not alter the conclusions of the Draft EIR.

Response to Comment 25-6

Regarding bicyclists travelling southbound across I-80 on Mace Boulevard, a fourth (i.e., new) Mitigation Measure 5-21(d) has been developed and included in the EIR that eliminates the “free right turns” and improves conditions for southbound bicyclists. Please see Response to Comment 25-5 for a description of this new mitigation option.

Regarding the request to improve access to the old Route 40 bike path, please see Master Response #2, Bicycle Connection Along County Road 32.

Response to Comment 25-7

Please see Master Response #2, Bicycle Connection Along County Road 32.

Response to Comment 25-8

The TDM program described in Mitigation Measure 4.14-6(a) of the Draft EIR includes reference to provision of an on-site bike share program. With respect to electrical vehicle charging stations, the project applicant has indicated their intent to include such features throughout the development. In order to ensure that this requirement is incorporated into the project, page 4.3-28, Mitigation Measure 4.3-2, has been revised as follows – see last bullet in first list (other revisions are shown here as a result of Response to Comment 31-6):

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 NO_x, and PM₁₀. The strategy must reduce emissions from project operation to levels at or below the applicable YSAQMD thresholds of significance to the maximum extent feasible. Feasible on-site actions to reduce emissions shall receive highest priority for implementation. Emissions that cannot be reduced through on-site actions shall be mitigated through off-site action. The strategy and all actions shall be subject to review and approval by the City in consultation with the YSAQMD, and, if applicable, the air quality management district or air pollution control district within which the 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.

Response to Comment 25-9

The commission's support for the Mixed-Use Alternative is noted for the record.

Letter 26

From: John D. Ragland [<mailto:raglanddan19@gmail.com>]

Sent: Monday, October 12, 2015 8:55 AM

To: Webmaster <webmaster@cityofdavis.org>

Subject: Feedback for City of Davis, CA

You have received this feedback from John D. Ragland <raglanddan19@gmail.com> for the following page:

<http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/notice-of-availability-of-draft-environmental-impact-report>

26-1

As a bicycle commuter from Davis to the UCD Med Center in Sacramento, I am concerned that this Innovation Center plan does not include adequate planning for bicycle commuting and will make my already dangerous commute, more dangerous. We need to make it easier and safer for bicycles, not easier and faster for cars.

John D. Ragland

LETTER 26: JOHN D. RAGLAND, INDIVIDUAL

Response to Comment 26-1

Thank you for submitting comments on the MRIC Draft EIR. Your concerns about bicycle safety are noted for the record. Please see Master Response #2, Bicycle Connection Along County Road (CR) 32.

Letter 27

ADAMS BROADWELL JOSEPH & CARDOZO

DANIEL L. CARDOZO
CHRISTINA M. CARO
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
LAURA E. HORTON
MARC D. JOSEPH
RACHAEL E. KOSS
JAMIE L. MAULDIN
ADAM J. REGELE
ELLEN L. WEHR

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-8201
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ewehr@adamsbroadwell.com

SO. SAN FRANCISCO OFFICE
601 GATEWAY BLVD., SUITE 1000
SO. SAN FRANCISCO, CA 94080
TEL: (650) 589-1660
FAX: (650) 589-5062

October 12, 2015

VIA U.S. MAIL AND EMAIL

Heidi Tschudin, MRIC Contract Planner
City of Davis
Department of Community Development
and Sustainability
23 Russell Boulevard, Suite 2
Davis, CA 95616
maceranchinetr@cityofdavis.org

Mike Webb
Director of Community Development
and Sustainability
City of Davis
23 Russell Boulevard, Suite 2
Davis, CA 95616
mwebb@cityofdavis.org

Zoe Mirabile, City Clerk
City of Davis
23 Russell Boulevard, Suite 1
Davis, CA 95616
clerkweb@cityofdavis.org

**Re: Request for Immediate Access to Documents Referenced in the
Draft Environmental Impact Report for the Mace Ranch Innovation
Center Project**

Dear Ms. Tschudin, Mr. Webb, and Ms. Mirabile:

We are writing on behalf of Davis Residents for Responsible Development¹ to request *immediate access* to all documents referenced or relied upon in the Draft Environmental Impact Report ("DEIR," SCH # 2014112012) prepared for the Mace

¹ Davis Residents for Responsible Development is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The coalition includes the International Brotherhood of Electrical Workers Local 340, Plumbers and Pipefitters Local 447, Sheet Metal Workers Local 104, and their members and their families and other individuals who live and work in the City of Davis and Yolo County.

3393-001j

27-1

**Letter 27
Cont'd**

October 12, 2015
Page 2

**27-1
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Ranch Innovation Center Project ("Project"). The proposed Project includes the annexation and development of the 212-acre Mace Ranch site with mixed uses including potential residential uses, and rezoning of the 16.5-acre Mace Triangle site for future development.

Our request for all documents referenced or relied upon in the DEIR is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced in an environmental review document be made available to the public for the entire comment period.² This request excludes a copy of the DEIR for the Project and the technical appendices to the DEIR, which are available on the Internet. This request also excludes those DEIR reference documents for which an accurate Internet address is provided in Chapter 10 of the DEIR.

Pursuant to Government Code section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into chunks of 10 MB or less), please email them to ewehr@adamsbroadwell.com as attachments. If any of the requested items are available on the Internet, we request that the City direct us to the appropriate electronic link(s) for accessing the documents.

I can be reached at (916) 444-6201 if you have any questions regarding this request. Thank you for your prompt attention to this matter.

Sincerely,


Ellen L. Wehr

ELW:ljl

² Pub. Resources Code § 21092(b)(1); 14 Cal. Code Regs. § 15072(g)(4).

3393-001j

LETTER 27: ELLEN L. WEHR, ADAMS BROADWELL JOSEPH & CARDOZO

Response to Comment 27-1

Thank you for submitting comments on the MRIC Draft EIR. The commenter's request has been satisfied by the City.

Please refer to Response to Comment 45-3.

Letter 28

ADAMS BROADWELL JOSEPH & CARDOZO

DANIEL L. CARDOZO
CHRISTINA M. CARO
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
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RACHAEL E. KOSS
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October 12, 2015

VIA U.S. MAIL AND EMAIL

Heidi Tschudin, MRIC Contract Planner
City of Davis Department of Community
Development and Sustainability
23 Russell Boulevard, Suite 2
Davis, CA 95616
maceranchinctr@cityofdavis.org

Mike Webb
Director of Community Development
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23 Russell Boulevard, Suite 2
Davis, CA 95616
mwebb@cityofdavis.org

Zoe Mirabile, City Clerk
23 Russell Boulevard, Suite 1
Davis, CA 95616
clerkweb@cityofdavis.org

**Re: Public Records Act Request – Mace Ranch Innovation Center
Project (SCH No. 2014112012)**

Dear Ms. Tschudin, Mr. Webb, and Ms. Mirabile:

We are writing on behalf of Davis Residents for Responsible Development¹ to request a copy of any and all public records related to the Mace Ranch Innovation Center Project (“Project”). This request includes, but is not limited to, applications and supporting materials, other file materials, and any and all correspondence, resolutions, memos, notes, analyses, electronic mail messages, files, maps, charts,

¹ Davis Residents for Responsible Development is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The coalition includes the International Brotherhood of Electrical Workers Local 340, Plumbers and Pipefitters Local 447, Sheet Metal Workers Local 104, and their members and their families and other individuals who live and work in the City of Davis and Yolo County.

3393-002j

28-1

**Letter 28
Cont'd**

October 12, 2015
Page 2

and/or any other documents by, to or from the City of Davis referring or relating to the Project.

This request is made pursuant to the California Public Records Act. (Gov. Code § 6250 *et seq.*) This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

We will pay for any direct costs of duplication related to this request up to \$250. However, please contact me at (916) 444-6201 with a cost estimate before copying the requested materials. This request **excludes** those records that are available through the Internet. If the City identifies such documents, we request that the City provide us with the links to responsive records that are available on the Internet.

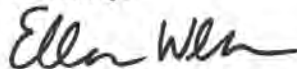
Pursuant to Government Code section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into chunks of 10 MB or less), please email them to me as attachments.

My contact information is:

Ellen L. Wehr
Adams Broadwell Joseph & Cardozo
520 Capitol Mall, Suite 350
Sacramento, CA 95814
ewehr@adamsbroadwell.com

Thank you in advance for your assistance with this matter. I can be reached at (916) 444-6201 if you have any questions regarding this request.

Sincerely,


Ellen L. Wehr

ELW:jlj

3393-002j

28-1
Cont'd

LETTER 28: ELLEN L. WEHR, ADAMS BROADWELL JOSEPH & CARDOZO

Response to Comment 28-1

Thank you for submitting comments on the MRIC Draft EIR. The commenter's request has been satisfied by the City.

Please refer to Response to Comment 45-3.

Letter 29

From: Peter Jacobsen [<mailto:peterlyndonjacobsen@gmail.com>]
Sent: Thursday, October 15, 2015 3:59 PM
To: Mace Ranch Innovation Center <maceranchinctr@cityofdavis.org>
Subject: Mace Ranch Innovation Center DEIR Comments

29-1

The draft EIR for the Mace Ranch Innovation Center anticipates that the project will add 600 peak hour vehicle trips to Road 32A. Road 32A is the most popular bicycle route in Yolo County. The DEIR proposes to mitigate the impact on people riding bicycles by widening Road 32A from 12 to 14 feet and widening the shoulder from 4 to 6 feet.

A 2014 Transportation Research Board, National Cooperative Highway Research Program, report "Evaluation of the 13 Controlling Criteria for Geometric" describes the impact of roadway design criteria on safety and operations for urban and rural roads. (It is available here: http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_783.pdf)

29-2

The report's Table 6 provides "Crash Modification Factor" (CMF) for lane width on rural two-lane roadway segments. It shows no benefit for width greater than 12 feet. (The existing lanes are 12 1/4' with the outside strip being pointed on the asphalt shoulder, not the 12' wide concrete slab.)

In Table 13, it provides CMF for shoulder width on rural two-lane roadway segments. At ADT >2000, it shows 4' shoulders have 15% more crashes than 6' shoulders. And 8' shoulders have 87% of the crashes of 6' shoulders. Hence, widening the existing shoulder to 8' reduces the CMF to 75% of that expected for a 4' shoulder.

In other words, widening the shoulder improves safety whereas widening the travel lane has no safety benefit. Hence, all the the road widening proposed should be provided for the shoulder.

Sincerely,
Peter Jacobsen
2771 14th St
Sacramento, CA 95818

LETTER 29: PETER JACOBSEN, INDIVIDUAL

Response to Comment 29-1

Thank you for submitting comments on the MRIC Draft EIR. The 600 added peak hour vehicular trips would only occur with Mitigation Option 3, Interchange Alternative. Please see Master Response #2, Bicycle Connection Along County Road (CR) 32A.

Response to Comment 29-2

The information regarding lane and shoulder width designs and their relation to safety are noted for the record. Regarding the proposed County Road 32A design recommendations, please see Master Response #2, Bicycle Connection Along County Road (CR) 32A.

Letter 30



**Recreation and Park Commission
Davis Senior Center Valente Room, 646 A Street
Thursday, October 15, 2015
MINUTES**

Commission Members Present:	Ira Bray (Chair), Cecilia Escamilla-Greenwald (Vice Chair), Will Arnold, Emily Griswold and Travie Westlund
Commission Members Absent:	None
Council Liaison Present:	None
Public Present:	Justin Walters – The New Home Company
Staff Present:	Christine Helweg, Katherine Hess – Community Development Administrator (Nishi Project), Martin Jones, Kerry Daane Loux, and Heidi Tschudin – Contract Project Manager (MRIC)

Chair Ira Bray called the meeting to order at 7:04 p.m.

- 1. Approval of the Agenda**
A motion was made by W. Arnold, seconded by T. Westlund, to approve the agenda. The motion was approved unanimously.
- 2. Approval of Meeting Minutes from September 17, 2015.**
A motion was made by T. Westlund, seconded by W. Arnold, to approve the meeting minutes as presented by staff. The motion was approved unanimously.
- 3. Public Comments**
None.
- 4. Written Communications**
None.

- 5. Continued Discussion and Comments on Draft EIR for the Mace Ranch Innovation Center**
Contract Project Manager Heidi Tschudin reviewed comments from the previous month's discussion and asked if the Commission had any other comments to add prior to the DEIR deadline.

Commission Comments:

T. Westlund – no further commentary at this time.

E. Griswold – did more research on privately owned and maintained public spaces. Davis Commons would be about the closest example here in Davis as to this maintenance arrangement. A San Francisco firm recently did a study and several areas were highlighted, such as:

30-1

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Cont'd**

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**30-1
Cont'd**

- Ensuring public access to the space
- Having adequate design review
- Public access to restroom facilities
- Hours of operation
- Code of Conduct (i.e. public protests or demonstrations on private property?)
- Clarity of Maintenance responsibilities (required signage)
- Sustainable design
- Land designation guarantee for public ownership

C. Greenwald – no further comments.

W. Arnold – Ready to move forward with existing comments.

30-2

I. Bray – dedicated acreage appears to be sufficient for project based upon the current calculation formula, 13.6 acres is very close to the acreage defined for a community park per the Parks and Recreation Facilities Master Plan which does require a public restroom.

A motion was made by W. Arnold, seconded by C. Greenwald, to compile all the comments provided by the Commission and submit as formal comments to the DEIR for the MRIC. The motion approved unanimously.

6. Review and Comment on Nishi Gateway Project

Community Development Administrator, Katherine Hess, provided a brief summary on the project's background, the context of the project and status to date. Staff solicited Commissioner comments as to the overall merits of the project. If the project moves forward, the earliest consideration for a public vote would occur in June 2016.

Commission Comments:

W. Arnold – concerned with the vehicular access crossing over tracks, bike & pedestrian traffic, wants to ensure easy public access to the greenbelt and park areas, concurs with other Commissioner comments for a public restroom.

C. Greenwald – hoping that a “no-vehicles” model is still being explored for this area.

E. Griswold – feels that many of the proposed concepts are best practices and sustainable concepts, concerned that the more sophisticated landscapes will need more specialized, trained staff than the City currently has, and whether this is sustainable longterm for the City? Given the density of the proposed housing, the need for turf space may be more of a priority even if it is contrary to existing water conservation efforts. Concerned also about the need for increased security around the detention basin due to homeless encampments.

T. Westlund – inquired if the community garden areas are going to be public spaces? The parks and recreation concepts appear to be consistent with Master Plan, concerned about the housing proximity to I80 and the train tracks.

I. Bray – this project would potentially have the highest density of any other project in the City limits. For future projects, the City really needs to re-consider its formula for calculating park

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Cont'd**

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lands that better takes into account the density of the project. Concerned about the type of landscaping because if it is all drought tolerant or resistant material, and does not include small areas of turf, where will these residents play? Need flexibility of design, need a public restroom.

A motion was made by W. Arnold, seconded by C. Greenwald, to approve and concur with determinations as presented in the staff report, and to forward comments to the Planning Commission and request their consideration of the issues and concerns explicitly expressed by the Recreation and Park Commission.

The motion passed as follows: 4 Ayes (Arnold, Bray, Greenwald, Griswold) 1 Naye (Westlund)

7. Continued Discussion and Recommendation on Proposed Park Names for Cannery

Park Planner Kerry Daane Loux gave a brief update on the proposed street names adjacent to the park and greenbelt properties in the Cannery. Representative Justin Walters from The New Home Company spoke briefly to the revised proposal of park names based upon the Commission's comments last month.

A motion was made by W. Arnold, seconded by T. Westlund, to confirm that no further community input should be sought by staff, and that the Commission recommends the proposed park names as revised and presented by the New Home Company, with the exception of "Pierce Park". The Commission would like that area to be named "Pierce Paseo".

The motion passed unanimously.

8. Consider a Proposal to Establish an Off-Leash Dog Exercise Area in Chestnut Park

Parks Manager Martin Jones gave a brief summary of the history of this proposal and his most recent discussions with one of the residents who had submitted the proposal to the Commission.

W. Arnold – not eager to go against the established standards that this Commission has already put in place, Commission has done its due diligence in establishing these standards and feels that the existing proposal would severely impact other existing uses within the park.

C. Greenwald – given the multi-uses of the park, it does not feel it is an appropriate use of this area – safety must come first.

E. Griswold – unfortunately not too sympathetic to this proposal, safety is foremost and this proposal is not compatible with other uses in the same area of the park.

T. Westlund – does not think it is a suitable use in this particular park.

I. Bray – agree with staff's concerns about not meeting approved standards that have been recently adopted by the City Council.

A motion was made by T. Westlund, seconded by E. Griswold, not to consider the area in Chestnut Park due to the non-compliance to the existing Levels of Standards recently established for off-leash dog exercise areas. The motion passed unanimously.

**Letter 30
Cont'd**

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9. Commissioner Announcements

T. Westlund – concerned about the drought tolerant landscaping being done in Mace Ranch park and in Wildhorse and would like for the Commission to consider a future discussion about these areas and have the Commission review all future landscaping plans.

E. Griswold – discussed her interest in developing more parklets around the City, and her neighborhood's most recent experience in showcasing one of these areas, announced the upcoming Plant Sale on October 31 at the Central Park Gardens & Pumpkin Patch.

C. Greenwald – requested a brief update from staff on the Rainbow City Playground Project.

10. Liaison Reports

- a. City Council Liaison – no report
- b. Finance & Budget Commission – T. Westlund stated that the FBC discussed revenue generation through the use of a Utility User Tax and how to designate its specific uses rather than creating a balance for the General Fund. FBC is interested in determining specifically what the City's needs are, and then determining what % of tax is needed.
- c. Open Space & Habitat Commission – no report.

11. Staff Reports & Updates

Superintendent Helweg announced that a new Parks & Community Services Director has been selected and an announcement will be forthcoming from the City Manager's Office. The new Director is not anticipated to begin for probably another month or so depending on the candidate.

Meeting adjourned at 10:05 p.m. by consensus

Respectfully submitted:

Christine Helweg
Parks & Community Services Superintendent

LETTER 30: RECREATION AND PARK COMMISSION, CITY OF DAVIS

Response to Comment 30-1

Thank you for this comment. Additional information regarding Davis Commons is provided in Response to Comment 17-3. This information will be considered by the decision-makers as part of the record.

Response to Comment 30-2

The concern regarding sufficiency of parks acreage is noted for the record. However, the text in the last paragraph on page 4.13-15 of the Draft EIR notes that since there is no housing component the proposed project is not directly subject to the City's parkland dedication requirements. Nevertheless, the parks and recreation components were evaluated assuming the residential subdivision requirements.