



October 23, 2019

Cathy Camacho
Department of Community Development & Sustainability
City of Davis
23 Russell Blvd.
Davis, CA 95616

Re: Olive Drive Mixed Use project consistency with the 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy

Dear Ms. Camacho:

You requested SACOG's confirmation that the proposed Olive Drive Mixed Use project is consistent with the 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy. SACOG provides a consistency determination at the request of the lead agency. However, it is the responsibility of the lead agency to make the final determination on a project's consistency with the MTP/SCS. This letter concurs with the City's determination that the Olive Drive Mixed Use project is consistent with the MTP/SCS. SACOG reviewed the project description and SCS consistency analysis in the project documents and Determination of MTP/SCS Consistency Worksheet that you provided to us (included as an attachment to this letter) and compared them to the MTP/SCS assumptions for the project area in order to make our determination.

The Olive Drive Mixed Use project is located on five parcels totaling 0.88 acres on Olive Drive in Davis. The project, as defined in the project documents provided to us, consists of a total of 72 apartment units and approximately 1,625 square feet of commercial space in five buildings. The gross residential density of the project is 82 dwelling units per acre and approximately 95 percent of the total building square footage consists of residential use (30,600 residential square feet ÷ 32,225 total building square feet).

The project is also located within one-half miles of the Davis Amtrak Station (a major transit stop) and within one-quarter mile of an existing or planned high-quality transit corridor included in the MTP/SCS.

The proposed project is an infill project within the Center/Corridor Community designation of the MTP/SCS for the City of Davis. Within the Center/Corridor Community, the MTP/SCS forecasts a range of low to high density residential, commercial, office, and industrial uses (MTP/SCS Appendix E-3, Land Use Forecast Background Documentation, pp. 148, February 19, 2016). The project's land uses fall within this range of general uses, densities, and building intensities. Therefore, development at the proposed densities is consistent with the assumptions for the area within this community type of the MTP/SCS.

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

With respect to consistency with the MTP/SCS policies, the applicable policies are embedded in the metrics and growth forecast assumptions of the MTP/SCS. For the purposes of determining SCS consistency, projects consistent with the growth forecast assumptions of the MTP/SCS are consistent with these policies. The MTP/SCS housing forecast for the Center/Corridor Communities was based not only on the City's land use plans and policies, but also on the following: an assessment of past building activity, current project entitlement activity, and consideration of changing demographic and housing market demand. Infill development and redevelopment is a strategy essential to the success of the Blueprint Preferred Scenario and the MTP/SCS. The Blueprint Preferred Scenario, the adopted MTP/SCS, and the draft MTP/SCS achieve transportation, air quality, and other quality of life benefits by relying in part on infill and redevelopment projects such as this one. The proposed Olive Drive Mixed Use project is consistent with MTP/SCS growth forecast assumptions. Our confirmation of the project's consistency with the MTP/SCS is not intended to express any opinion on the site design or the appropriate conditions of approval of the project.

Finally, as you requested, attached please find a map identifying the streets surrounding the project site that are part of the regional transportation network, as defined in the 2016 MTP/SCS.

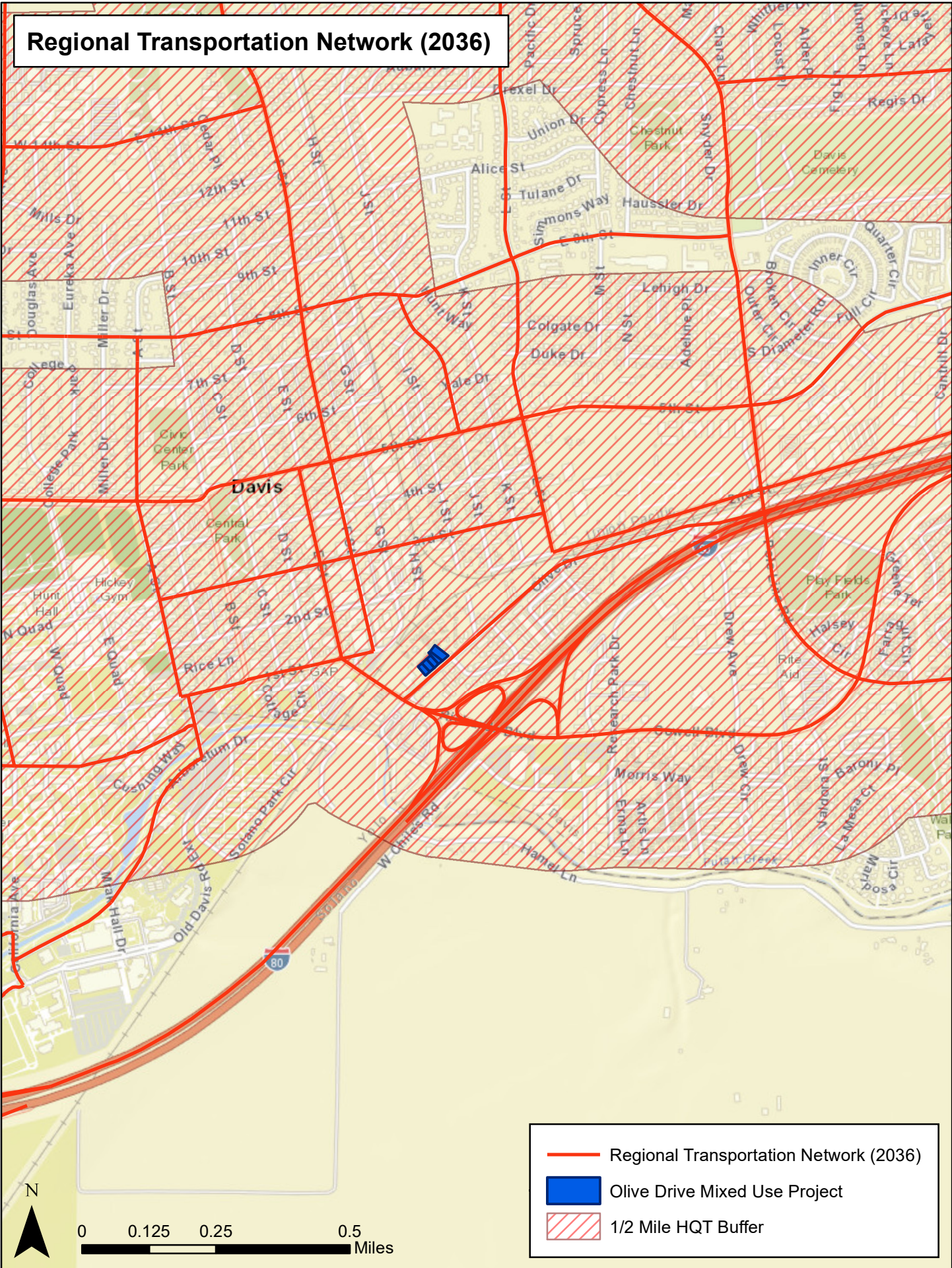
Thank you for inviting SACOG's input as to the consistency of the Olive Drive Mixed Use project with the 2016 MTP/SCS. If you have further questions or need further assistance, please don't hesitate to contact me at choltzen@sacog.org or Jennifer Hargrove at jhargrove@sacog.org.




Sincerely,

A handwritten signature in black ink, appearing to read 'Clint Holtzen', with a long horizontal flourish extending to the right.

Clint Holtzen
Planning Manager

Regional Transportation Network (2036)



-  Regional Transportation Network (2036)
-  Olive Drive Mixed Use Project
-  1/2 Mile HQT Buffer

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Olive Drive Mixed Use Development

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The project being proposed, the Olive Drive Mixed Use Development will lead the way to a new paradigm of affordable living in the City of Davis. As we all know, in Davis available real estate is at a premium and undeveloped real estate is almost non-existent. Thus we need to look to rehabilitating older sites within the City jurisdiction and creating new and exciting opportunities. Infill development is a likely and effective solution to the provision of new housing, and our project hopes to bring a new standard for sustainable and efficient workforce housing.

Conception:

The genesis of this project came from the recognition of two glaring realities; first, there are very, very few housing opportunities for the City's non-professional workforce, and secondly, there are no such opportunities being constructed or considered. There are many reasons for this including the extremely high cost of developable real estate in Davis, and the obligation to provide a significant affordable component to be included with all for-rent projects. With this project the applicants hope to provide a source of workforce housing opportunities and, by design, an affordable attractive product. This site is comprised of five developed parcels totaling .88 acres on the north side of Olive Drive, roughly 300 feet east of Richards Boulevard. Four of the properties contain smaller single family homes built in the 1940's, with the remaining lot being developed with an auto repair shop.

Description:

The project involves demolition of all existing structures, and redevelopment of the site with 72 studio apartments and approximately 1,625 square feet of commercial space. The commercial space will house the office for the apartment as well as a commercial space ideal for coffee or convenience store use. The apartment units will be relatively small, at 425 square feet. No specific commercial use is specified at this time, but the ground floor units can "flex" to commercial space if warranted. The most prominent site features, the two cork oaks, will be retained. It is expected the units will be rented by downtown workers, UC Davis employees, senior citizens, those living on a fixed income, and possibly some students. This will be accomplished by constructing 4 three-story buildings of 18 stacked flat one bedroom apartments in each. The key to this is to reducing the number of residential parking spaces from 72 (pursuant to City code 40.25.090) down to just five in order to cater the project to downtown workers, UC Davis employees, senior citizens and others living on a fixed income that have chosen not to own cars and to instead to generally utilize bicycles and public transit within the City. Considering the location, this property is in an ideal location to accommodate this segment of the population.

Location:

The key element to this project is its location on Olive Drive. From the project it will be: an approximate 5 minute walk to the Amtrak station providing access to bus and train service; an approximate 5 minute walk to a couple of Unibus stops (one at the end of Olive Drive 300 feet east); an approximate 6 minute walk to both the center of the Downtown Core and UC Davis (both heavily reliant on local workforce), a 13 minute walk to both the Safeway on Cowell Blvd. and the Davis

Food Co-op, plus similar distances from a host of food, beverage and service opportunities. With such proximity to these services, and corresponding employment opportunities, there is no pressing need to own a car and as a result, no need to provide a large supply of parking spaces, that are simply not needed and encourage automobile use.

Transportation:

While a critical element for consideration on most prototypical projects, transportation, often equated with Traffic, takes a different spin with this project. Initially, due to the proximate location, walking and bicycling seem to be the primary transportation modes. However, longer trips are necessary and alternate modes do exist close by. The bus, train and Unibus all have stops very close, but in order to up the opportunities for transportation, the project is planning on providing a ZipCar space and vehicle and is also planning to reserve two ride hailing spaces for taxis, or others such as Uber and Lyft. We are also intending to get involved with the Jump Bike program new to town and will hopefully be able to provide tenants access to these great vehicles.

Affordable Housing

The project also is proposing an affordable housing component in line with the City's code requirement. The applicants have watched the debate regarding the affordable requirement as the City has struggled with pursuing the affordable need against the ability for projects to support them. By the design of these smaller units, and by the yield generated by severely reducing the parking provided, the project can offer market rate affordable units for both moderate and low income households. In addition, the project will propose deed restricting 20 of the units as permanent Low and Moderate income housing units. This amounts to almost 28% of the provided units being guaranteed as affordable, with the balance of the units being market rate affordable. This is almost double the current number of affordable units required. However, it should be noted that the project is not proposing the provision of any Very Low or Extremely Low income affordable product. As the City's recent study has shown, (A. Plescia and Cop.; and Gruen Gruen and Associates, December 2017, and updated October 2018) provision of affordable housing product at any of the ranges (Moderate, Low, Very Low or Extremely Low) is infeasible on a market rate situation. They also point out that most market rate rental projects are unfeasible even when "*no affordable housing requirements are imposed*", due to the existing cost of real estate in the City of Davis. The applicants believe that this project can provide affordable product for the Low and Moderate income ranges without public subsidies. Subsidized projects are seemingly the only to achieve the full range of affordable housing as the study points out "*Non-profit affordable housing projects tend to have different economics than the prototypical multi-family developments*" It is for these reasons, that the applicants are only able to provide Moderate and low income affordable product.

Consistency:

This project is quite simply a significant implementation of the local preference for housing supply as detailed in the General Plan. The full application will further detail the many, many policies and actions encouraged by the General Plan which this project is consistent with. But just to highlight a few, this project is in full alignment with the following GP policies:

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1. Land Use A.2 and A.3 and Housing 1.1 call for a variety of housing types, unit sizes densities, prices and rents, designs and architecture diversity.
2. Provide a mix of housing types and price that will serve a variety of households and lifestyles, *particularly the needs of local employees.*
3. Focus growth inward to accommodate population increases. Infill is supported as an appropriate means of meeting some of the City's housing needs.
4. Create and maintain housing patterns that promote energy conserving transportation methods.
5. Particular to the Olive Drive Specific Plan area – provide for vital, mixed-use development that connects the University and Core Area along I-80 at the Gateway to Davis.
6. LU 2.1 - Develop guidelines for infill development and comprehensive car management strategies, and should recognize:
 - a. New mixed-use transit oriented development in/near established neighborhoods
 - b. Densification of existing single family lots.
 - c. Target residential infill to address the needs of UC Davis students, and employees, City and School district employees, seniors, lower income households and others.
 - d. Reduce the reliance on the automobile.
 - e. Encourage density bonuses for residential projects in proximity to public facilities and services including bus stops.

And there are many more.

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DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET
For Qualifying Transit Priority Projects and Residential/Mixed-Use
Residential Projects
As of February 20, 2018ⁱ

Background: Pursuant to SB 375, streamlined CEQA review and analysis is available to Transit Priority Projects (TPPs) and residential or mixed-use residential projects that are consistent with the SCS. The SCS was adopted by the Sacramento Area Council of Governments (SACOG) Board as part of the 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy on February 18, 2016. The California Air Resources Board (CARB) provided an Acceptance of GHG Quantification Determination for the SACOG SCS in September 2016.

Streamlined CEQA review available to TPPs consists of one of the following: 1) a Sustainable Communities Environmental Assessment (SCEA) pursuant to Public Resources Code (PRC) § 21155.2(b) or 2) an EIR pursuant to PRC § 21155.2(c).ⁱⁱ

Streamlined CEQA review available to residential or mixed-use residential projects consists of an EIR pursuant to PRC § 21159.28(a).

Purpose: The purpose of this worksheet is to provide lead agencies with assistance on three issues:

1. Whether a proposed project qualifies as a TPP;
2. Whether a proposed project qualifies as a residential or mixed-use residential project (at least 75 percent of the total building square footage is residential);
3. Whether the TPP or residential/mixed-use residential project is consistent with the general land use designation, density, intensity and applicable policies of the 2016 MTP/SCS adopted by the Sacramento Area Council of Governments (SACOG).

The lead agency has responsibility to make the final determination on these matters and to determine the applicable and appropriate CEQA streamlining, if any.

Directions: This worksheet should be completed by the lead agency, relying on the project description of the proposed project, MTP/SCS Chapters 3 and 4, and MTP/SCS Appendix E-3. Regardless of whether this worksheet is used, pursuant to PRC § 21155(a) and PRC § 21159.28(a), a project can only be consistent with the MTP/SCS if it is consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the adopted SCS. This worksheet only applies to the 2016 MTP/SCS (adopted February 18, 2016); subsequent MTP/SCS adoptions may require updates to this form.

Lead agencies are welcome to contact SACOG for assistance in completing this worksheet. For assistance, contact Kacey Lizon at klizon@sacog.org or 916-340-6265.

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DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of February 20, 2018

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Olive Drive Mixed-Use Development Project - Davis

SECTION 1: Transit Priority Project Designation (PRC § 21155(b))

A project must meet the requirements of items 1.A, 1.B, 1.C, and 1.D, below, to qualify as a Transit Priority Project. For items 1.C and 1.D, the definition of an MTP/SCS Transit Priority Area is: the area within one-half mile of a rail station stop or a high-quality transit corridor included in the MTP/SCS. A high-quality transit corridor has fixed route bus service with service intervals of 15 minutes or less during peak commute hours. See MTP/SCS Chapter 3 for the map of Transit Priority Areas.

1.A. [X] The Project has a minimum net densityⁱⁱⁱ of 20 dwelling units per acre.

Calculation: 72 units on a 0.88 acre site, yielding a density of 82 units per acre.

1.B. [X] At least 50 percent of the Project's total building square footage is in residential use, **AND**,

[X] The total building square footage of the Project has 25 percent or less non-residential use, or, if it has between 26 and 50 percent in non-residential use, has a minimum FAR of 0.75.

Calculations: Total Project Building Floor Area: 32,225 sq. ft.
Residential Use: 30,600 sq. ft.
Non-Residential Use: 1,625 sq. ft.

Percentage Residential: 95%
Percentage Non-Residential: 5%

1.C. [X] The Project is located within an MTP/SCS Transit Priority Area and the qualifying transit service is: *(transit route name/applicable street name/number or light rail stop name as identified in the adopted MTP/SCS):*

Transit Priority Area (TPA) Determination: *The MTP/SCS identifies the project site as being within a TPA, as shown in Attachment "A". Transit Priority Areas are defined as "...areas of the region within one-half mile of a major transit stop (existing or planned light rail, street car, or train station) or an existing planned high-quality transit corridor included in the MTP/SCS. A high-quality transit corridor is a corridor*

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with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.”

Transit Route Name(s): UNITRANS routes “M” and “W”, located on Richards Boulevard approximately 300 feet west of the project site. Yolo Bus service is available at the Downtown Davis Transit Center, approximately .12 miles northeast of the project site.

Rail Stop/Station: The project site is within 0.12 miles of the Downtown Davis Transit Center.

Project meets both the “Major Transit Stop” and “High-Quality Transit Corridor” criteria.

- 1.D. [X] No more than 25 percent of the area of the Project parcels are farther than one-half mile from the TPA transit stop/corridor and no more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the TPA transit stop/corridor.

As summarized in Section 1.C., the entire project site and all of the proposed residential units are well within one-half mile of both the TPA Major Transit Stop and High-Quality Transit Corridor.

Calculations:

Please see Attachment “B” depicting 100% of project site well within one-half mile of supporting/referenced transit facilities.

- 1.E [X] At least 75 percent of the total building square footage of the project consists of residential use.

Calculation:

Total Project Floor Area: 32,225 sq. ft.

Residential Area: 30,600 sq. ft.

Percentage Residential: 95%

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SECTION 1 CONCLUSION:

- [X] The proposed project meets the requirements of 1.A, 1.B, 1.C, and 1.D and therefore qualifies as a Transit Priority Project.

- [] The proposed project does not meet all the requirements of 1.A, 1.B, 1.C, and 1.D and therefore does not qualify as a Transit Priority Project

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SECTION 2: Residential or Mixed-Use Residential Project Designation for Projects Located Outside of an MTP/SCS TPA 21159.28(a)

(NOT APPLICABLE TO PROPOSED PROJECT, AS IT IS WITHIN A TRANSIT PRIORITY AREA)

SECTION 2 CONCLUSION:

- The proposed project meets the requirements of 2.A and therefore qualifies as a residential or mixed-use residential project.
- The proposed project does not meet the requirements of 2.A and therefore does not qualify as a residential or mixed-use residential project.
- Not applicable to proposed project.

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

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SECTION 3: Required Consistency with the SCS: General Use Designation, Density and Intensity, and Applicable MTP/SCS Policies (PRC § 21155(a) and PRC § 21159.28(a))

3.A. Applicable MTP/SCS Policies. For the purposes of determining SCS consistency, the policies of the MTP/SCS are embedded in the metrics and growth forecast assumptions of the MTP/SCS. Projects consistent with the growth forecast assumptions of the MTP/SCS, as determined by application of items and 3.C, are consistent with the MTP/SCS and its policies.

3.B. Applicable Community Type. The MTP/SCS land use forecast is illustrated using Community Types. In order to determine the general use designation, density and intensity of the Project area within the MTP/SCS, the Project must be located within a Community Type designated in the MTP/SCS. The MTP/SCS defines density/building intensity in terms of the amount of growth (residential and non-residential) forecasted and the amount of build out potential within each Community Type area. SACOG monitors development activity on an annual basis to check that the amount of development is consistent with the growth forecast of the MTP/SCS.

For the purposes of the lead agency's determination of SCS consistency, use MTP/SCS Appendix E-3 to identify the Community Type for the Project and fill in the applicable information, below for 3.B.1 and 3.B.2.

3.B.1. The Project is located in the following Community Type:

- Center and Corridor Community
- Established Community
- Developing Community (*list the specific name of the Developing Community as identified in the jurisdiction narrative in Appendix E-3*): _____
- Rural Residential Community

3.B.2 Development from the project when added to other entitled projects will not exceed the MTP/SCS build out assumptions for the area within this Community Type, which is 1,216 new housing units and 3,873 new employees^{IV}.

Figures cited above are based upon page 164 of Appendix E-3, provided as Attachment "C"

DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

As of February 20, 2018

3.C. General Use Designation, Density and Building Intensity.

The foundation of the land use designations for the MTP/SCS is adopted and proposed local general plans, community plans, specific plans and other local policies and regulations. A project is consistent with the MTP/SCS if its uses are identified in the applicable MTP/SCS Community Type and its uses meet the general density and building intensity assumptions for the Community Type. The proposed project does not have to include all allowed uses in the MTP/SCS.

3.C.1. Determine consistency of the Project using one of the methods below:

Option A:

The Project is located in a **Center and Corridor Community** or an **Established Community** and the Project uses are consistent with the allowed uses of the applicable adopted local land use plan as it existed in 2012 and are at least 80 percent of the maximum allowed density or intensity of the allowed uses of the applicable local land use plans. Therefore, the Project is consistent with the MTP/SCS.^v

OR

Option B:

The Project is located in a **Center and Corridor Community** or an **Established Community** and the Project uses have been reviewed in the context of, and are found to be consistent with, the general land use, density, and intensity information provided for this Community Type in Appendix E-3 of the MTP/SCS. Therefore, the Project is consistent with the MTP/SCS.

OR

Option C:

The Project is located in a **Rural Residential Community** and the Project residential density does not exceed the maximum density of one unit per acre as specified in the MTP/SCS, and employment development in the Project is at least 80 percent of the maximum allowed density or intensity of the applicable local land use plans. Therefore, the Project is consistent with the MTP/SCS.

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DETERMINATION OF MTP/SCS CONSISTENCY WORKSHEET

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OR

Option D:

[] The Project is located in a **Developing Community** and the Project's average net density meets or exceeds the average net density described for this specific Developing Community (as referenced by name of applicable specific plan, master plan, or special plan in MTP/SCS Appendix E-3) and employment development in the Project is consistent with the general employment land uses described for this specific Developing Community.^{vi} Therefore, the Project is consistent with the MTP/SCS.

SECTION 3 CONCLUSION:

The proposed project is consistent with the General Use Designation, Density and Intensity, and Applicable MTP/SCS Policies for the following reasons (*summarize findings on use designation, density and intensity for the Project evaluation completed in Section 3.C.1*):

1. *The subject site is within a Center and Corridor Community as identified by the MTP/SCS. Pursuant to the MTP/SCS, "...land uses in Center and Corridor Communities are typically higher density and more mixed than surrounding land uses. Centers and Corridors are identified in local plans as historic downtowns, main streets, suburban or urban commercial corridors, rail station areas, central business districts, or town centers. They typically have more compact development patterns, a greater mix of uses, and a wider variety of transportation infrastructure compared to the communities surrounding them." The proposed redevelopment of this infill site would be consistent with this definition in that it involves a high-density mixed-use project supported by convenient pedestrian, bicycle, bus, and rail infrastructure within an area presently developed with a wide variety of residential and commercial uses adjacent to Davis' Downtown Core.*

The proposed project would in addition advance, at a minimum, the following MTP/SCS Policies as set forth in Chapter 6 of the MTP/SCS:

1. *SACOG encourages every local jurisdiction's efforts to facilitate development of housing in all price ranges, to meet the housing needs of the local workforce and population, including low-income residents and forestall pressure for long external trips to work and essential services.*
2. *Support and invest in strategies to reduce vehicle emissions that can be shown as cost effective to help achieve and maintain clean air and better public health.*
3. *SACOG encourages locally determined developments consistent with Blueprint principles and local circulation plans to be designed with walking, bicycling and transit use as primary transportation considerations.*

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April 10, 2019

Mr. Reed Youmans
Hallmark Micro LLC
1050 Olive Drive
Davis, CA 95616

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RE: Biological Resources Analysis for the Olive Drive Mixed Use Development Project Site

Dear Youmans,

As requested, NorthStar prepared a biological resources analysis for the Olive Drive Mixed Use Development Project Site, APNs 070-260-004, 005, 006, 007, and 008 (survey area), located in the City of Davis, Yolo County, CA (**Attachment A-Location Map**). The purpose of the following analysis is to identify if there are any potential biological resources that would preclude the project from complying with the California Environmental Quality Act (CEQA), Article 19, Categorical Exemptions, Section 15332, In-Fill Development Projects, subsection (c), which states, "the project site has no value as habitat for endangered, rare or threatened species."

Existing Conditions

The project site is located within Section 15, Township 08N, Range 2E of the Davis U.S. Geological Survey 7.5-minute quadrangle. The site is located in the south-central section of the City of Davis, north of the Interstate 80 and Richards Boulevard interchange, on Olive Drive, approximately 300 feet east of Richards Boulevard. The project site consists of five developed parcels totaling 0.86-acres. Land uses include four single family residences and one auto repair shop. Surrounding land uses consist of single and multi-family residential as well as commercial facilities. The site is served by public sewer, storm drain facilities, water services, and other utilities. Road improvements consist of sidewalks, curb, and gutters along the roadway frontage. Vegetation is dominated by ornamental landscaping and characteristic of urban habitat. Plant species observed along the frontage and on residential parcels included: two large cork oak (*Quercus suber*), a large deodar cedar (*Cedrus deodara*), a large valley oak (*Quercus lobata*), privet (*Ligustrum* sp.), fan palm (*Washingtonia* sp.), black locust (*Robinia pseudoacacia*), tree of heaven (*Ailanthus altissima*), and a variety of non-native grasses and forbs.

Methodology

A site survey was conducted within the project area on March 22, 2019 by NorthStar principal planner Kamie Loeser. The survey area was assessed to determine the presence and the potential for occurrence of natural biological communities including waters of the U.S., riparian habitat, and wetlands, special-status species, and other sensitive natural resources. Ms. Loeser traversed meandering transects throughout the project area with special focus on habitat types frequently associated with special-status species.

Under the ESA, species may be listed as endangered, threatened, candidate, or proposed. An “endangered” species is in danger of extinction throughout all or a significant portion of its range. A “threatened” species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range. “Candidate” species are species for which there is enough information to warrant proposing them for listing, but that have not yet been proposed. “Proposed” species are those that have been proposed for listing, but have not yet been listed.

Section 9 of the ESA prohibits the “take” a listed animal without a permit. “Take” is defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting or any attempt to engage in any such conduct. “Harm” is defined as “an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.” Under Section 7 of the ESA, federal agencies are required to consult with the USFWS or National Marine Fisheries Service (NMFS) if their actions, including permit approvals or funding, could adversely affect an endangered plant or wildlife species or its habitat, or could adversely affect designated critical habitat. Through consultation and the issuance of a biological opinion, USFWS or NMFS can issue an incidental take statement allowing take of the species, provided the action will not jeopardize the continued existence of any federally listed species or result in the destruction or adverse modification of habitats of those species. Section 10 of the ESA provides for issuance of incidental take permits to private parties without a federal nexus provided a Habitat Conservation Plan (HCP) is developed.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) (16 USC §703) prohibits the killing of migratory birds or the destruction of their occupied nests and eggs except in accordance with regulations prescribed by the USFWS. The bird species covered by the MBTA includes nearly all of those that breed in North America, excluding introduced (i.e. exotic) species (50 Code of Federal Regulations §10.13).

California Endangered Species Act

The California Endangered Species Act enacted in 1984, is similar to the federal ESA, but pertains to state-listed endangered and threatened species. The CESA requires state agencies to consult with the CDFW when preparing documents to comply with the CEQA. The purpose is to ensure that the actions of the lead agency do not jeopardize the continued existence of a listed species or result in the destruction, or adverse modification of habitat essential to the continued existence of those species. In addition to formal listing under the federal and state endangered species acts, “species of special concern” receive consideration by CDFW. Species of special concern are those whose numbers, reproductive success, or habitat may be threatened.

California Fish and Game Code, Section 3503.5

The California Fish and Game Code (CFG) (§3503) states that “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made

with increased spacing between trees, continuous ground cover, and fewer shrubs. Wildlife species typically associated with urban habitats include Western scrub-jay (*Aphelocoma californica*), rock pigeon (*Columba livia*), European starling (*Sturnus vulgaris*), house finch (*Haemorhous mexicanus*), house sparrow (*Passer domesticus*), Eurasian collared-dove (*Streptopelia decaocto*), raccoon (*Procyon lotor*), western gray squirrel (*Sciurus griseus*), opossum (*Didelphis virginiana*), and striped skunk (*Mephitis mephitis*). The entirety of the project area is categorized urban due to the presence of residential buildings their associated landscaping (ornamental/native trees and lawns), and infrastructure (**Attachment B-Site Photos**).

Due to the developed nature of the area, there are no sensitive natural communities including riparian or wetland areas present within the project parcels and the area. The removal of trees of significance as defined by Section 37.03.050 of the Davis Municipal Code, would be required to comply with Section 37.03.070(b).

Special-status Species

No special-status species were observed during biological surveys conducted within the survey area. The urban habitat onsite does not provide suitable habitat for any special-status species due to the developed and disturbed nature of the site. However, the large trees on-site do provide potential nesting habitat for raptors and migratory birds protected by the MBTA. Bird species protected under the MBTA were observed foraging within the survey area. However, no nests were observed during the survey. The bats identified in the vicinity of the project site in the CNDDDB are not endangered nor threatened and only two are listed as species of special concern within the state of California. The pallid bat prefers roosting in mines, crevices, caves, and under bridges. The species is particularly sensitive to disturbance and the urban habitat within a neighborhood would provide the sort of disturbances that would prevent roosting. The silver-haired bat prefers roosting in montane coniferous forests, riparian habitats, pinyon-juniper woodlands, and foothill woodlands. The urban habitat, which is dominated by ornamental trees does not provide suitable roosting habitat for the species.

Sincerely,
NORTHSTAR



Kamie Loeser
Principal Planner



Matt Rogers
Associate Biologist

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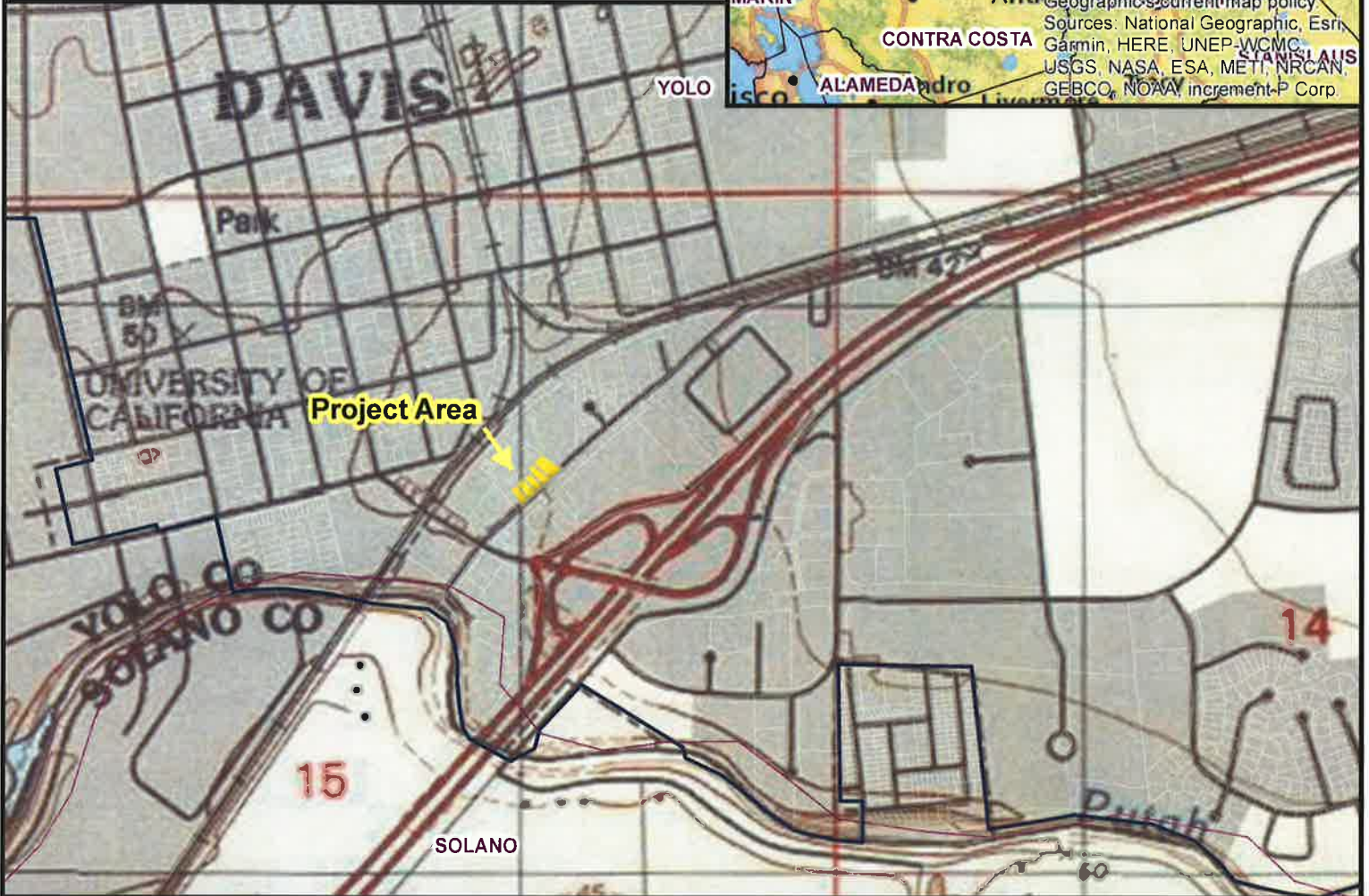
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Community Development

Attachment A: Figures (Location Map and CNDDDB Map)
Attachment B: Site Photos



Surrounding Land Use 1 inch = 800 feet



Legend

- Davis City Limits
- Project Parcels
- Davis Parcels
- CA Counties

0 500 1,000 2,000 Feet

1 inch = 1,000 ft (printed at 8.5 x 11)

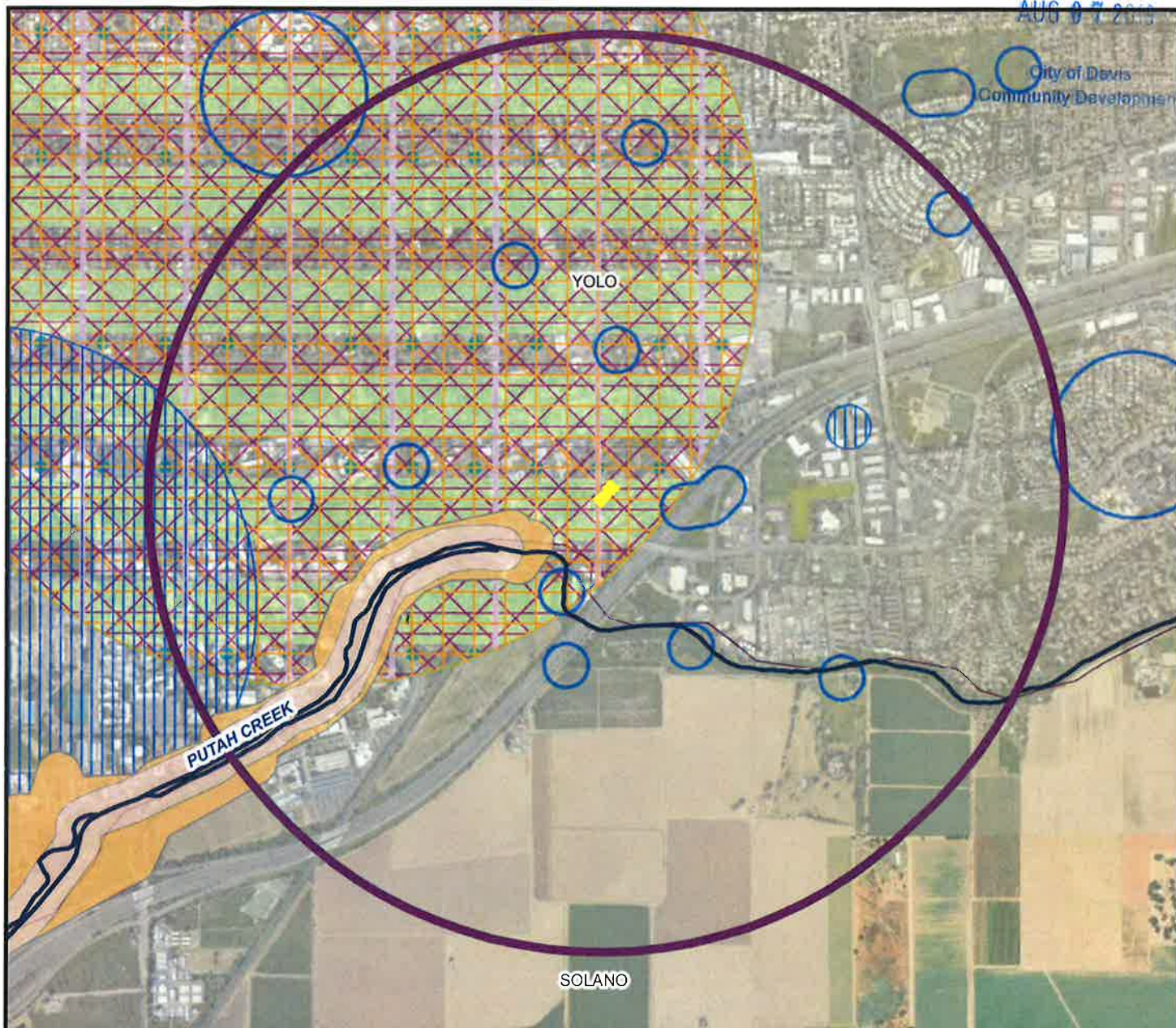
| | | |
|--|--|---|
| Imagery Source: USGS Topo | Project APNs: 070-260-004 070-260-005 070-260-006 070-260-007 070-260-008 | Within Section 15, Township 08.0N, Range 02E, Yolo County, CA DAVIS USGS 7.5' Quad |
| Inset Imagery: National Geographic | Map Date: April 10, 2019 | Drawn By: CJW |
| Surrounding Land Use Imagery: 4/13/2018 | NSE Project # 18-148 | |

Figure 1: Location Map

Olive Drive Mixed Use Development Project
- City of Davis, Yolo County, CA -

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111 MISSION RANCH BLVD., SUITE 100 CHICO, CA 95926
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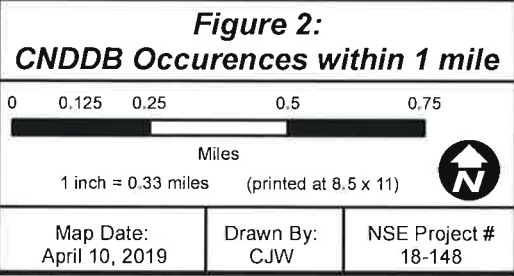
| Legend | | CNDDB Within 1 Mile | | Common Name | |
|--------|----------------------------------|---------------------|--------------------------------|-------------|-----------------------------------|
| | Project Parcels | | Crotch bumble bee | | valley elderberry longhorn beetle |
| | 1 Mile Buffer of Project Parcels | | Sacramento Valley tiger beetle | | vernal pool tadpole shrimp |
| | CA Hydro | | western bumble bee | | western pond turtle |
| | CA Counties | | Antioch multilid wasp | | burrowing owl |
| | | | Ferris' milk-vetch | | Swainson's hawk |
| | | | | | tricolored blackbird |
| | | | | | hoary bat |
| | | | | | pallid bat |
| | | | | | silver-haired bat |
| | | | | | American badger |

Within Section 15, Township 08.0N, Range 02E, Yolo County, CA DAVIS USGS 7.5' Quad

Project APNs:
070-260-004
070-260-005
070-260-006
070-260-007
070-260-008

Imagery Source:
ESRI Digital Globe, (6/18/2017)

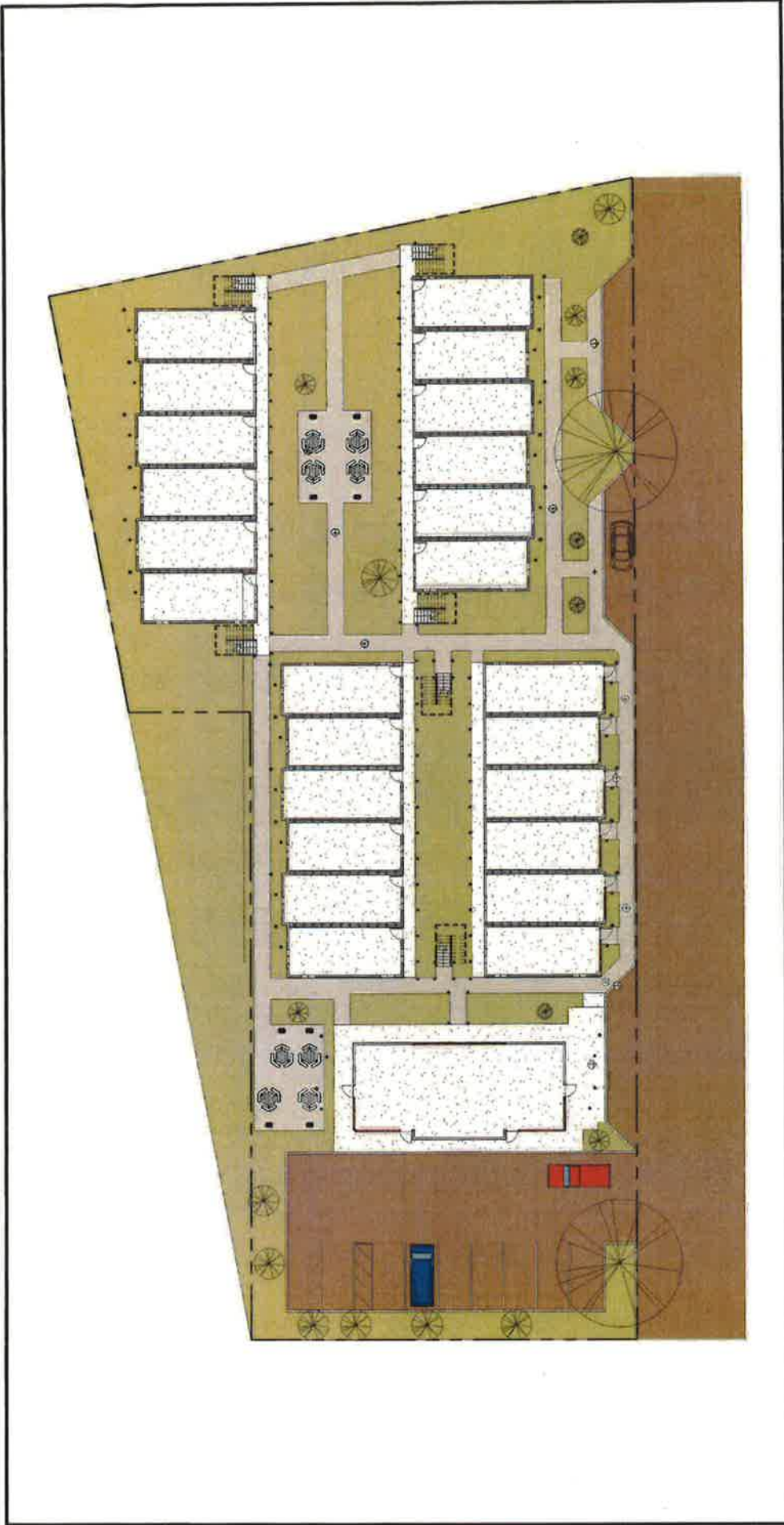
CNDDB Data Provided By:
CA Dept. of Fish and Wildlife (3/2019)



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- City of Davis, Yolo County, CA -

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 Sheet: FLOOR PLAN
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OLIVE DRIVE MIXED USE BUILDING
 for Hallmark Properties

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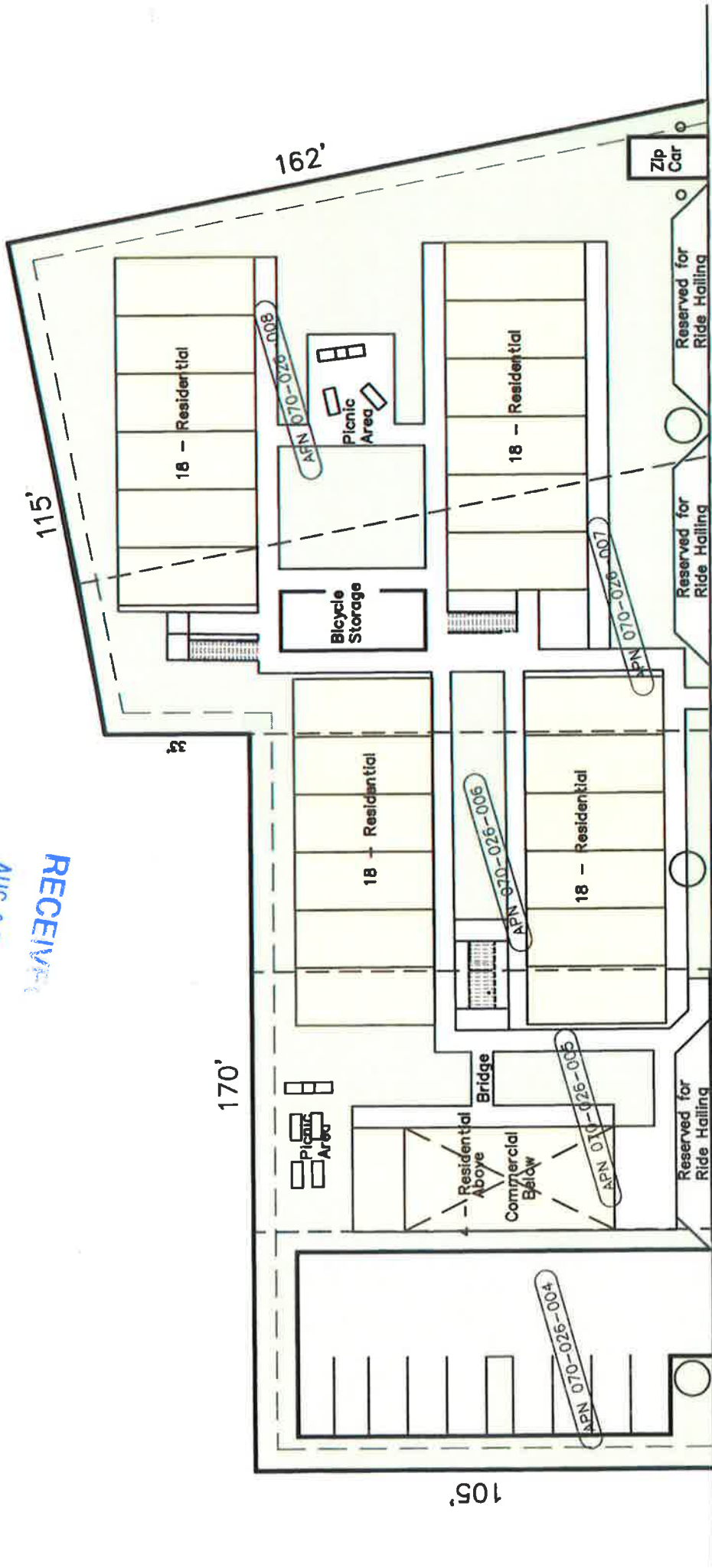
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EAST OLIVE DRIVE

EXHIBIT A

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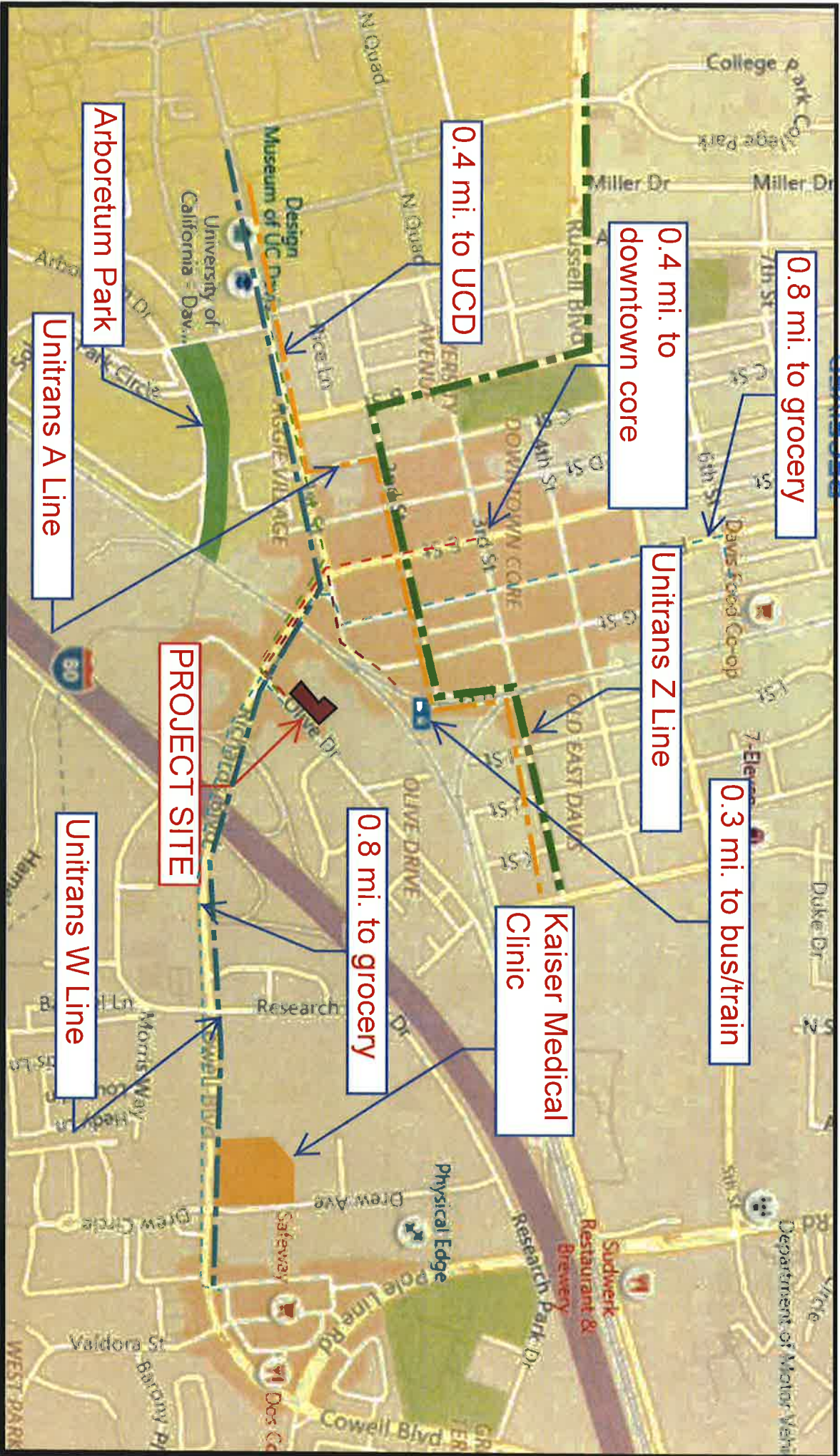




PHOTO 1 –

Looking North from across Olive Dr. showing parcels 005,006, 007, and 008.

3/22/2019

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PHOTO 2 –

Looking North from across Olive Dr. showing parcels 004, 005,006 with large Cork oak (*Quercus suber*) in the center of the photo and a Valley oak (*Quercus lobata*) to the right.

3/22/2019



PHOTO 3 –

Looking South along the frontage of parcels 004 and 005 with large Cork oak (*Quercus* *suber*) shown.

3/22/2019



PHOTO 4 –

Looking West down the left side of parcel 004.

3/22/2019



PHOTO 5

Looking West showing existing conditions of the backyard of parcel 004.

3/22/2019



PHOTO 6

Looking West showing existing conditions of the backyard of parcel 005.

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PHOTO 7 –

Looking West
at the side
yards
between
parcels 005
and 006.

3/22/2019



PHOTO 8

Looking West at
the side yard of
parcel 007.

3/22/2019

PHOTO 9 –

Looking West
across Olive Dr.
showing the large
Deodar cedar
(*Cedrus deodara*)
in the front yard of
parcel 007.

3/22/2019



PHOTO 10 –

Looking North
along the frontage
of parcel 008
showing the two
Black locust
(*Robinia
pseudoacacia*).

3/22/2019





PHOTOS 11 and 12

Looking West at the existing conditions of parcel 008. The two Black locust (*Robinia pseudoacacia*) can be seen in the foreground.

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