

University Commons Project

SCH# 2018112044

Final Environmental Impact Report

Prepared for
City of Davis



May 2020

Prepared by



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SCH# 2018112044

Lead Agency

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1. Introduction and List of Commenters

1. INTRODUCTION AND LIST OF COMMENTERS

1.1 INTRODUCTION

This Final Environmental Impact Report (EIR) contains comments received during the public review period of the University Commons Project (proposed project) Draft EIR. This document has been prepared by the City of Davis, as Lead Agency, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Section 15132. The Introduction and List of Commenters chapter of the Final EIR discusses the background of the Draft EIR and purpose of the Final EIR, and provides an overview of the organization of the Final EIR.

1.2 BACKGROUND

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

- Air Quality;
- Greenhouse Gas Emissions and Energy;
- Land Use and Planning;
- Noise;
- Public Services and Utilities; and
- Transportation and Circulation.

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

- Notice of Preparation (NOP) for the Draft EIR was released for a 30-day public review from November 16, 2018 to December 17, 2018.
- A public scoping meeting was held on December 5, 2018 to solicit public comments regarding the scope of the Draft EIR. The NOP comment letters are included as Appendix D to the Draft EIR.
- On November 6, 2019, a combined Notice of Availability (NOA) of the Draft EIR and notice of public meeting to provide comments on the Draft EIR was posted to the City's website, and mailed to local agencies, interested members of the public, and property owners within 500 feet of the proposed project site.
- On November 6, 2019, the Draft EIR was delivered to the State Clearinghouse for distribution to State agencies, resulting in a 45-day public review period from November 6, 2019 through December 20, 2019.
- The City posted the Draft EIR on the City of Davis website.
- Printed and electronic copies of the document were made available for public review at: the City of Davis Department of Community Development and Sustainability, located at 23 Russell Boulevard, Suite 2, Davis; the Yolo County Library, Davis Branch, located at 315 E. 14th Street, Davis; and the UC Davis Shields Library, located at 100 W. Quad Avenue, Davis, on the university campus.



- A public comment meeting on the Draft EIR was held before the City of Davis Planning Commission on December 11, 2019.
- The Draft EIR was also reviewed by the following advisory commissions on the following dates:
 - Bicycle, Transportation, and Street Safety Commission: November 14, 2019.

All public comments received on the Draft EIR are listed in Section 1.4 of this chapter, and written responses to comments are included in Chapter 2, Responses to Comments, of this Final EIR.

1.3 PURPOSE OF THE FINAL EIR

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

1. The Draft EIR (Volumes I and II, released November 6, 2019);
2. Comments received on the Draft EIR (Chapter 2 of this Final EIR);
3. Revisions to the Draft EIR Text (Chapter 3 of this Final EIR);
4. A list of persons, organizations, and public agencies commenting on the Draft EIR (included as Section 1.4 of this chapter); and
5. Any other information added by the Lead Agency.

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

1.4 LIST OF COMMENTERS

The City of Davis received 41 comment letters during the public comment period on the Draft EIR for the proposed project. The comment letters were authored by the following agencies, groups, and members of the public:

Agencies

- Letter 1 Gregor Blackburn, Federal Emergency Management Agency (FEMA)
Letter 2 Gavin McCreary, Department of Toxic Substances Control

Groups

- Letter 3 Patrick Soluri, Soluri Meserve Law Corporation

Members of the Public

- Letter 4 Bartley, Devin
Letter 5 Blomquist, Karen
Letter 6 Brush, Stephen
Letter 7 Driscoll, David
Letter 8 Durbin, Valerie
Letter 9 Edelman, Todd
Letter 10 Frentzel, Christiana
Letter 11 Graham, Phyllis
Letter 12 Johnson, Jerry
Letter 13 Jolly, Desmond
Letter 14 Jordan, Stephanie



Letter 15	Katz, Liza
Letter 16	Kent, Elaine
Letter 17	Klasson, Mick
Letter 18	Krich, Claudia
Letter 19	Krich-Brinton, Airy
Letter 20	Little, Sue
Letter 21	Lu, George
Letter 22	Manning, JaRue
Letter 23	McDonnell, Mike
Letter 24	McPherson, Greg
Letter 25	Oertel, Ron (1)
Letter 26	Oertel, Ron (2)
Letter 27	Reay, Elizabeth
Letter 28	Reyes, Frank
Letter 29	Rosenstein, Stan
Letter 30	Rowe, Greg (1)
Letter 31	Rowe, Greg (2)
Letter 32	Samitz, Eileen
Letter 33	Scow, Kate
Letter 34	Streeter, Steve (1)
Letter 35	Streeter, Steve (2)
Letter 36	Sweet, Nancy
Letter 37	Torres, Celina
Letter 38	Tromp, Do
Letter 39	Vidmar, Kathy
Letter 40	Warner, Adam
Letter 41	Jaepe, J

In addition, verbal comments were provided during the November 14, 2019 Bicycle, Transportation, and Street Safety Commission meeting, as well as during the December 11, 2019 public meeting to accept comments on the Draft EIR. The comments from the Bicycle, Transportation, and Street Safety Commission meeting and the Draft EIR public comment meeting are included as Letters 42 and 43, respectively.

Letter 42 Verbal Comments: Bicycle, Transportation, and Street Safety Commission Comment Summary (November 14, 2019)

Letter 43 Verbal Comments: Draft EIR Public Meeting (December 11, 2019)

1.5 CHANGES TO THE PROPOSED PROJECT SINCE DRAFT EIR

Since the release of the Draft EIR, the project applicant has made minor changes to the proposed site plan in response to modifications required by Mitigation Measure 4.6-8(b) of the Draft EIR. The revised site plan is included in Chapter 3, Revisions to the Draft EIR Text, of this Final EIR. Specifically, the applicant made the following revisions to the proposed site plan:

- The proposed parking stalls along the drive aisle to the north of the Trader Joe's building have been eliminated;
- Exclusive outbound left-turn and right-turn lanes are now proposed at the southern Sycamore Lane driveway;



- The parking stalls in front of the proposed retail development within the eastern portion of the site have been angled in order to limit parking to vehicles travelling east to west only;
- Both Russel Boulevard driveways have been aligned with the proposed parking garage entry, and the drive aisle has been adjusted to allow for more vehicle stacking at the driveway entrances to reduce vehicle backup issues;
- The total amount of parking provided remains the same, with 693 parking stalls consisting of 493 retail spaces and 264 residential spaces. The 264 residential spaces would still be located in the third garage level. The 493 retail spaces would be adjusted with 269 garage spaces and 160 surface spaces; and
- The residential levels extend farther east across the two retail levels towards Anderson Road and would maintain a building parapet height of 80 feet.

As discussed in further detail in Chapter 3 of this Final EIR, the site plan revisions would not change the amount of residential or non-residential uses included in the proposed project, nor would the revisions affect the analysis or conclusions presented in the Draft EIR.

In addition, changes have been made to the proposed new General Plan land use designation category, which are intended to allow for greater applicability towards other future mixed-use projects within the City. In order for the new land use designation to be applied to other properties in the City, a General Plan map amendment would be required, subject to separate environmental review and discretionary approval. The changes to the General Plan land use designation text would not affect the analysis or conclusions presented in the Draft EIR.

1.6 RECENT CASE LAW

Since the release of the Draft EIR, the Third Appellate District court published an opinion (December 18, 2019) regarding *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019). Among other points, Citizens challenged the City of Sacramento's adoption of its General Plan based on its use of the level of service (LOS) metric instead of the vehicle miles traveled (VMT) metric in the transportation impacts section. In 2018, the Secretary of the Natural Resources Agency promulgated and certified CEQA Guidelines Section 15064.3 to implement Public Resources Code section 21099(b)(2). The Court held that the plain language of Public Resources Code section 21099(b)(2) provides that "[u]pon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion *shall not be considered a significant impact* on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." On this basis, the Court concluded that the General Plan's LOS determinations could not constitute a significant environmental impact.

Citizens argued that if potential automobile delay caused by the General Plan's LOS determinations did not constitute a significant impact pursuant to Public Resources Code section 21099(b)(2), then the City should have been required to conduct a VMT analysis pursuant to CEQA Guidelines Section 15064.3. The Court disagreed because the City's EIR was certified before CEQA Guidelines Section 15064.3 was enacted, and the criteria set forth therein only apply prospectively (i.e., Statewide beginning on July 1, 2020).

Importantly, the Court did not provide any guidance as to other suggested method(s) by which an agency should determine significant traffic impacts during this "interim" period. As a result, the City believes it has discretion to determine the appropriate metric of traffic impacts for the proposed project. The City believes that the shift towards VMT on a statewide basis, starting in July 2020,



necessitates that this EIR determine impact significance based on VMT. However, the City also believes that as long as VMT is used as a metric for impact significance, it is not improper to also evaluate impact significance on a LOS basis during this interim period until July 2020.

As noted on page 4.6-25 of the Draft EIR, per Section 15064.3(b)(3) of the CEQA Guidelines, a lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure. Thus, a lead agency may analyze a project's VMT qualitatively based on the availability of transit, proximity to destinations, etc. In accordance with Senate Bill 743 (SB 743), the Governor's Office of Planning and Research (OPR) released the Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018) to provide guidance and recommendations to lead agencies regarding the use of VMT CEQA impact analysis purposes. The OPR Technical Advisory contains two potential VMT thresholds for consideration by lead agencies:

- OPR states that achieving 15 percent lower per capita or per employee VMT than existing development would meet State climate goals.
- The California Air Resources Board (CARB) finds that per-capita light-duty vehicle travel would need to be approximately 16.8 percent lower than existing levels in order to meet State climate goals established in the 2017 Scoping Plan Update.

Both of the potential thresholds would require a project to generate VMT per capita at a lower level than that established in the VMT significance criteria used by the City of Davis in recent CEQA documents, including the University Commons Project Draft EIR. However, as shown in Table 4.6-17 and Table 4.6-22 of the Draft EIR, the University Commons Project would generate VMT per capita at a level well below either the OPR or CARB recommended thresholds when applied to local or regional VMT averages under both Existing Plus Project and Cumulative Plus Project conditions. Specifically, under Existing Plus Project conditions, the proposed project would result in a lower VMT per capita compared to the average VMT per capita for the City of Davis, City of Davis plus UC Davis, and the Sacramento Area Council of Governments (SACOG) region by approximately 35 percent or more. Similarly, under Cumulative Plus Project conditions, the proposed project VMT per capita would be approximately 29 percent or more lower than the average local and regional VMT per capita. Thus, the Draft EIR's conclusion that the proposed project's impacts with respect to conflicting with or being inconsistent with CEQA Guidelines Section 15064.3(b) would be less than significant under both Existing Plus Project and Cumulative Plus Project conditions remains valid.

1.7 CERTIFICATION OF THE FINAL EIR

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

- Certification of the Final EIR (CEQA Guidelines Section 15090) – These findings support the adequacy of the Final EIR for decision-making purposes. The Lead Agency must make the following three determinations in certifying a Final EIR:
 1. The Final EIR has been completed in compliance with CEQA.
 2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.



3. The Final EIR reflects the Lead Agency's independent judgment and analysis.
 - Findings Regarding Significant Impacts and Project Alternatives (CEQA Guidelines Section 15091) – These findings explain how the City chose to address each identified significant impact, including the mitigation measures adopted or an explanation of why such measures are infeasible. A discussion of the feasibility of project alternatives is also required by this section (see also CEQA Guidelines Section 15126.6f).
 - Project Approval (CEQA Guidelines Section 15092) – These findings will be prepared to support approval of the project if that is the City Council's action.

Pursuant to CEQA Guidelines, Section 15093(b), when a Lead Agency approves a project that would result in significant unavoidable impacts, the agency must state in writing the reasons supporting the action (Statement of Overriding Considerations). The Statement of Overriding Considerations shall be supported by substantial evidence. The University Commons Project would result in significant and unavoidable impacts related to transportation and circulation; thus, a Statement of Overriding Considerations must be adopted if the project is approved.

1.8 ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following four chapters.

1. Introduction and List of Commenters

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

2. Responses to Comments

Chapter 2 presents the comment letters received, and responses to each comment. Each comment letter received has been numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. The response to each comment will reference the comment number.

3. Revisions to the Draft EIR Text

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

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.



2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

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

4. Mitigation Monitoring and Reporting Program

CEQA Guidelines, Section 15097, requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The intent of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure implementation of the mitigation measures identified within the EIR for the proposed project. The MMRP for the proposed project is included as Chapter 4 of this Final EIR.



2. Responses to Comments

2. RESPONSES TO COMMENTS

2.0 INTRODUCTION

This chapter contains responses to comments received at City Commission meetings and comment letters from other agencies and interested persons submitted regarding the University Commons Project (proposed project) Draft EIR.

2.1 MASTER RESPONSES

Many of the commenters raised similar concerns. For such concerns, the City has prepared a master response. Through master responses, the City can address the common topics in a comprehensive manner and without duplication in the individual responses. Some of the thematic comments submitted on the Draft EIR pertain to issues that are not considered significant impacts on the environment under CEQA or CEQA's streamlining provisions for transit-oriented development, as will be discussed in Master Response #1. Such issues include building height, solar shading, parking, and occupancy management.

Master Response #1

In 2008, the California legislature enacted SB 375. SB 375 requires that regional transportation plans, such as metropolitan transportation plans (MTPs), include Sustainable Communities Strategies (SCS). An SCS must demonstrate how the development pattern within a region, along with the integrated transportation network and related measures or policies, would reduce greenhouse gas (GHG) emissions from automobiles and light trucks in a manner that would meet the CARB GHG reduction targets for the planning area. Because an SCS drafted in compliance with SB 375 would contribute to regional GHG emissions reductions in line with regional GHG reduction targets, SB 375 included provisions for streamlined environmental review of projects deemed consistent with the applicable SCS. In order to comply with regional GHG emissions reductions, the authors of SB 375, as well as OPR, anticipated that developments consistent with SCSs would likely be infill developments within existing or established communities. Infill developments typically serve to reduce per capita vehicle miles travelled (VMT) in a manner that reduces GHG emissions. Common local impediments to infill development within existing or established communities can include concerns regarding aesthetic impacts of a project, as well as concerns related to the provision of adequate parking. The State legislature and OPR considered these local concerns in the context of the broader goal of achieving regional GHG emissions reductions targets, and concluded that in order for SCSs to successfully meet regional GHG emissions reductions targets, development projects demonstrating consistency with an SCS should be granted streamlining benefits related to the analysis of aesthetic and parking impacts. Consequently, Public Resources Code Section (PRC) 21099(d)(1) specifies that aesthetic and parking impacts of qualifying projects within transit priority areas, which are designated in regional transportation plans, shall not be considered significant impacts on the environment. In addition, under SB 743, automobile delay as measured solely by level of service or similar measure of vehicular capacity or traffic congestion is no longer considered a significant impact under PRC Section 21099. Thus, SB 375 and PRC 21099(d)(1) place greater importance on achieving regional and statewide GHG emissions reductions targets as compared to the localized issues of aesthetics and parking concerns.



The proposed project is consistent with SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), which is a regional transportation plan for purposes of PRC Section 21099, as is confirmed in the updated project consistency letter provided to the City of Davis by SACOG on January 13, 2020 (see Appendix A to this Final EIR). Due to the project's consistency with the MTP/SCS, the project would be considered to contribute to regional GHG emissions reductions, and, under PRC Section 21099(d)(1), project impacts related to aesthetics and parking would not be considered significant impacts on the environment.

These may be policy-related issues for decision makers when considering the merits of the project, but they are not required to be evaluated in the EIR. Despite the streamlining provisions discussed above, aesthetics and parking issues raised by commenters are addressed in the following sections.

Building Height

Pages 14 and 15 of the Initial Study prepared for the proposed project state the following regarding the height of the proposed structures:

[...] Construction of the proposed project would introduce buildings with heights of 80 feet to the site, which would alter the visual character of the site by contrasting with surrounding one- to three-story developments. However, the proposed 80-foot-tall structures would be set back approximately 215 feet from the project frontage at Russell Boulevard. The proposed buildings closest to Russell Boulevard in the southern and southeastern portions of the project site would be limited to two stories and would, therefore, be consistent in height with the existing Trader Joe's grocery store located in the southwestern portion of the site, as well as other development in the area. The combined effect of proposed setbacks and the location of the two-story structures between Russell Boulevard and the taller University Mall building would reduce the potential for the project to significantly degrade the aesthetic character or quality of the site for motorists, pedestrians, and bicyclists along local roadways.

Along the Anderson Road portion of the site, the building steps down to 44 feet for retail uses with no residential above. Along Sycamore Road, the seven-story structure would face the two- and three-story apartment buildings to the west. Therefore, although the proposed University Mall building would be taller than the immediately surrounding development, the project would not substantially degrade the aesthetic quality of the site or the site's surroundings, as the project area currently consists of a developed environment lacking notable scenic features such as agricultural lands, open space, or extensive native vegetation.

Based on the above, and given that the proposed project would be subject to the City's Design Review process per Section 40.31 of the City's Municipal Code, the Initial Study concluded that the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings. Furthermore, the proposed project would not be the first seven-story structure along Russell Boulevard. For example, the Davis Live Student Housing Project, which is currently under construction to the west of the project site, would consist of seven stories totaling 85 feet in height (excepting the parapets, elevator and stair penthouses, and mechanical equipment, which would be taller). Furthermore, per the MTP/SCS EIR, Established Communities are already denser and more compact than other community types, and the visual landscape of Established Communities is, therefore, dominated by existing urban developments. Considering the existing condition of Established Communities, the MTP/SCS EIR concluded that further infill development in such areas would not have the potential to impact the visual character of



Established Communities. The proposed project is located in an area identified as a Transit Priority Area by the MTP/SCS, and would be considered an urban infill project, as is confirmed in the updated project consistency letter provided to the City of Davis by SACOG on January 13, 2020 (see Appendix A to this Final EIR).

Solar Shading

Given that the proposed project is eligible for CEQA streamlining, as discussed above, analysis of issues related to aesthetics, including shadow effects, is not required per CEQA. In addition, the City has not adopted standards regarding shadows cast by buildings. Nonetheless, a discussion of shadow effects associated with the project is provided herein for informational purposes.

The degree to which shadows would be cast by the proposed structures would vary depending on the solar inclination, which varies throughout the year. Figure 2-1 and Figure 2-2 below present a simulation of the shadows that would be cast by the proposed structure at various times throughout the year.

As shown in Figure 2-1, during the summer solstice, the proposed building would cast a shadow on approximately two single-family residences and the Davis Chinese Christian Church located to the east of the site during the early evening hours (as a result of the sun being lower on the horizon, thereby casting longer shadows). Due to the orientation of the proposed building (east to west), the seven-story structure would not cast a shadow beyond the northern project site boundary during the summer solstice, given that the sun's arc is also east to west. Thus, the proposed building would not cast a shadow on the apartment buildings to the north of the project site. As shown in Figure 2-2, the largest shadows to the north of the proposed structures would be produced during the winter months, when the solar inclination is at the lowest angle. During the winter solstice, the project would cast shadows on the neighboring apartment buildings to the north of the site during the morning, midday, and afternoon periods. In addition, during the afternoon period, the project would cast a shadow on approximately two residences to the east of the site.

Because the sun begins the day low in the sky, potential impacts related to shadows are typically not considered substantial unless the shadows persist into the normal daylight hours. For example, the City of Los Angeles recommends use of a threshold where shadow-sensitive use areas (where sunlight is important to its function) would be shaded by project-related structures for more than three hours between the hours of 9:00 AM and 3:00 PM Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 AM and 5:00 PM Pacific Daylight Time (between early April and late October), compared to existing conditions.¹ During the winter, the shadows cast by the proposed project on the single-family residences to the east of the site would not occur for more than a couple of hours, primarily between 3:00 PM up to sunset at 4:45 PM. Therefore, while the proposed project may cast shadows on existing structures to the east of the site during the winter solstice, the shadows would be temporary and would only occur during the evening hours. As such, the existing residences to the east of the site would not be subject to frequent shadows from the proposed project.

¹ City of Los Angeles. *L.A. CEQA Thresholds Guide*. 2006.



Figure 2-1
Shadow Exhibit: Summer Solstice

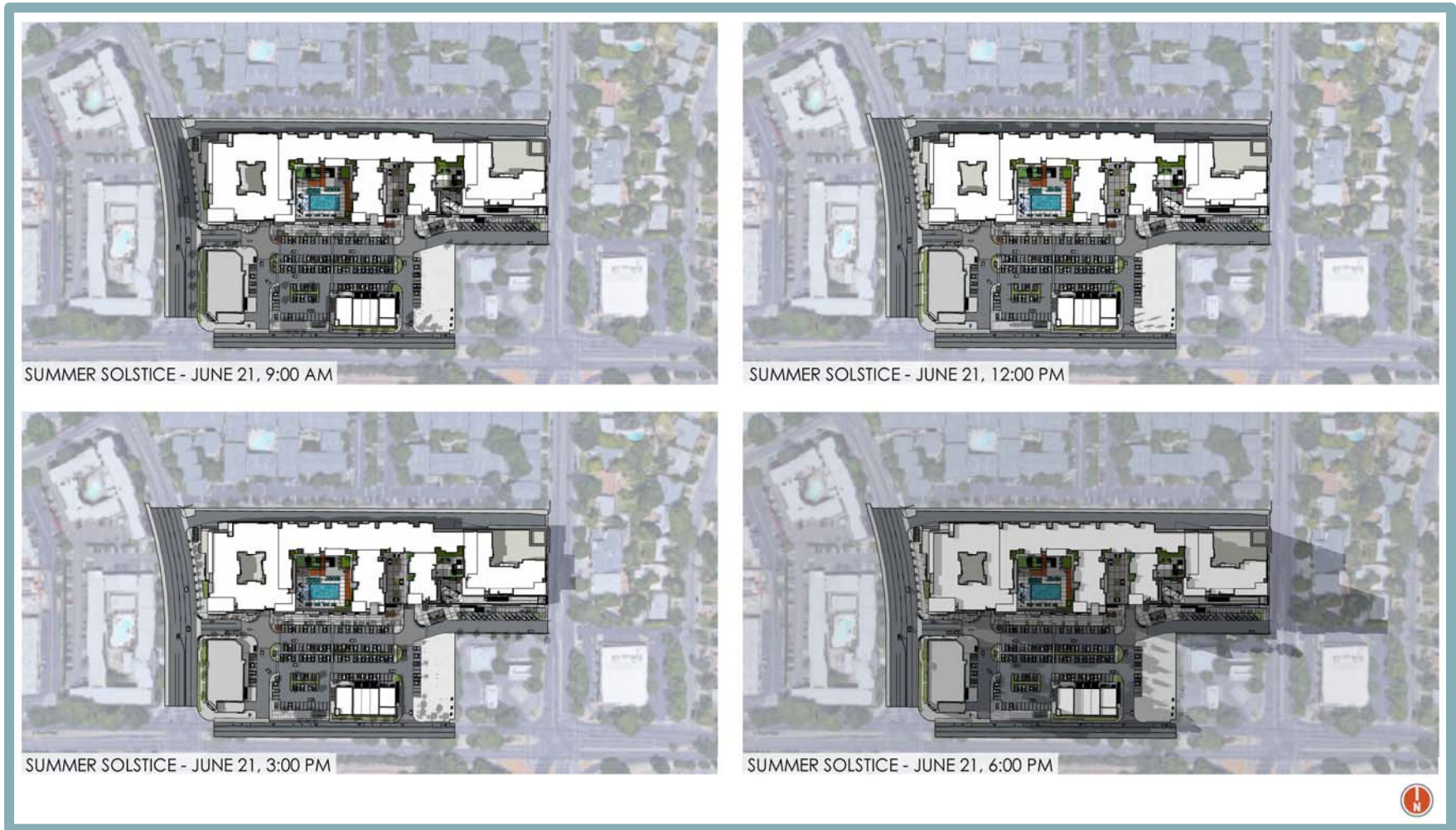


Figure 2-2
Shadow Exhibit: Winter Solstice



As a result, the proposed project would not substantially affect the residences to the east of the site through the creation of shadows that would block the natural light for a substantial duration of time. While the proposed buildings would cast shadows on the apartment complex to the north of the project site during a substantial portion of the day during the winter months, the shadows would only extend to a portion of the apartment complex, and only a small percentage of the units within the complex would experience prolonged shading.

CEQA case law has determined that environmental review “must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general.”² While the project would cast shadows on nearby residential uses during limited hours, at times of the year when the sun’s arc is lower in the sky, the project would not cast substantial shadows on any significant public spaces for an extended duration of time. Furthermore, none of the existing multi-story apartment buildings located to the north or west of the site include solar panels. As such, the proposed project would not be expected to cast shade on existing rooftop solar installations. The limited residential areas that would experience shadows generated by the project are not shadow-sensitive use areas (where sunlight is important to its function).

Parking

Page 4.6-19 of the Draft EIR states the following regarding analysis of parking impacts.

Senate Bill (SB) 743 (Stats. 2013, ch. 386) (SB 743) requires the Governor’s Office of Planning and Research (OPR) to establish new metrics for determining the significance of transportation impacts of projects within transit priority areas (TPAs) and allows OPR to extend use of the metric beyond TPAs. [...] SB 743 establishes that aesthetic and parking impacts of a residential, mixed-use residential, or employment center projects on an infill site within a TPA shall not be considered significant impacts on the environment.

[...] The project site is located within the Yolo Transit Priority Area. Transit Priority Areas are areas of the region within one-half mile of a major transit stop (existing or planned light rail, street car, train station, or the intersection of two or more major bus routes) or an existing or planned high-quality transit corridor included in the MTP/SCS. The project site is entirely within one-half mile of Russell Boulevard, a high-quality transit corridor identified in the MTP/SCS.

Page 4.6-1 of the Draft EIR further states the following:

The proposed project is consistent with Sacramento Area Council of Governments’ (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and, thus, the proposed project is eligible for streamlining under Public Resources Code (PRC) 21159.28. Accordingly, this EIR is not required to include an analysis of project-specific or cumulative impacts from cars and light-duty truck trips generated by the project on the regional transportation network. Although parking is not required to be analyzed in this EIR pursuant to the project’s eligibility for CEQA streamlining, and is not considered a CEQA issue nor required to be analyzed in this EIR per CEQA Guidelines, because parking is an important planning consideration, the Transportation Impact Study (Appendix J) includes a parking analysis. See the “CEQA Streamlining” section below for more detail.

Based on the above, the Draft EIR is not required to include an analysis of potential issues related to parking availability. This approach is consistent with the 2018 court case *Covina Residents for*

² *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488]



Responsible Development v. City of Covina, in which the courts established that parking impacts were exempt from CEQA review under the statutory exemption provided by Section 21099 of the CEQA Guidelines, enacted in 2013 and effective on January 1, 2014.³ Specifically, Section 21099(d)(1) provides that “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” The court noted that the statutory exemption was part of a bill “to further the Legislature’s strategy of encouraging transit-oriented, infill development consistent with the goal of reducing greenhouse gases.” Nonetheless, in response to public comments received regarding parking issues, additional details regarding the applicant’s anticipated parking management plan for the proposed project are provided below.

Parking management for the structured parking and surface level parking included in the proposed project would be actively supervised by on-site property management and regulated by access control technology. The 429 retail parking spaces would include 269 parking spaces on the first and second floors of the parking structure and 160 surface level parking spaces.

Specific methods to provide controlled access to parking for residential and retail tenants are further detailed below:

- Enforcement. The proposed project may include the following:
 - a) On-Site Property Management: The project would have an on-site property management team to enforce all retail and residential parking rules and regulations. Currently, the property has a non-customer tow policy for vehicles parked over one hour. Signs informing of this policy are posted throughout the lot and a guard is on duty from 8:00 AM to 4:00 PM, seven days per week, to tag vehicles and tow when policy is violated. On average, two vehicles per week are towed from the property, a frequency that creates a significant deterrence to repeat violations.
 - b) Retail Employee Parking: The project applicant (Brixmor) has substantial experience enforcing retail employee parking to ensure preferred parking locations are available for retail customers. In most cases, retail tenants self-regulate, but Brixmor also utilizes language within the lease documents that designates the quantity and location of employee parking. Contractual language allows Brixmor to enforce tenant employee parking with all legal options within the lease document.
- Controlled Garage Access. Entrance to the structured parking would be regulated by access controls to restrict retail parking to floors 1 through 2 and residential parking to floor 3. Garage parking for retail customers would be no cost while residential parking stalls would be billed to residential tenants on a monthly basis. A time-limited visitors parking area would be provided for guests visiting residents. Limited overnight resident guest parking would be allowed by permit only. Parking management and permits would be issued, monitored and enforced by on-site management.
- Surface Level Parking. Surface level parking would be free to retail customers only and would not be permitted for residential parking, residential guest parking or student parking during business hours.
- Neighborhood Permit Parking. The residential neighborhoods surrounding the University Commons Project are located in preferential parking permit required areas H, P, Q, S, &

³ *Covina Residents for Responsible Dev. V. City of Covina* (2018) 21 Cal.App.5th 712, 728.



U (see Figure 2-3). These required parking permit areas restrict on-street parking to residents holding valid City permit. Vehicles parked without a permit would be fined by the City of Davis Parking Patrol. University Commons would support these permit programs through tenant education curricula and on-site signage detailing the adjacent neighborhood parking restrictions and cost of violations.

- Residential Structured Parking Fee. Vehicle parking fees for residents choosing to have vehicles would be an additional charge to base rental rates. Resident base rental rates would not include the cost of parking. This additional cost is intended to discourage vehicle possession.
- Bicycle Parking. Bicycle parking areas would be provided on the first level of the residential building and each floor of the parking garage. A total of 893 residential bicycle parking spaces are planned (one per bed), with an additional 124 bicycle parking spaces planned to serve the retail uses. The abundance of planned bicycle parking within the close proximity to the UC Davis campus, in conjunction with the cost of on-site as well campus parking, should act to discourage resident vehicle ownership and encourage the use of bicycle transportation.
- Ride Share/Shared Parking. Plans would include designated areas for ride share pick up and drop off for the likes of Uber and GrubHub. The developer would pursue discussions with vendors for inclusion of “shared vehicles” (i.e. ZipCar) as an additional public amenity to further assist in the reduced need for individual vehicle use.
- Location. The proximity of the University Commons Project to the UC Davis campus, with the convenience of on-site retail and services providers, is the greatest deterrent to vehicle ownership and use. The pedestrian-oriented environment, alternate transportation options, coupled with the cost of vehicle ownership would foster an environment in which vehicle ownership and demand for parking is an exception rather than norm.

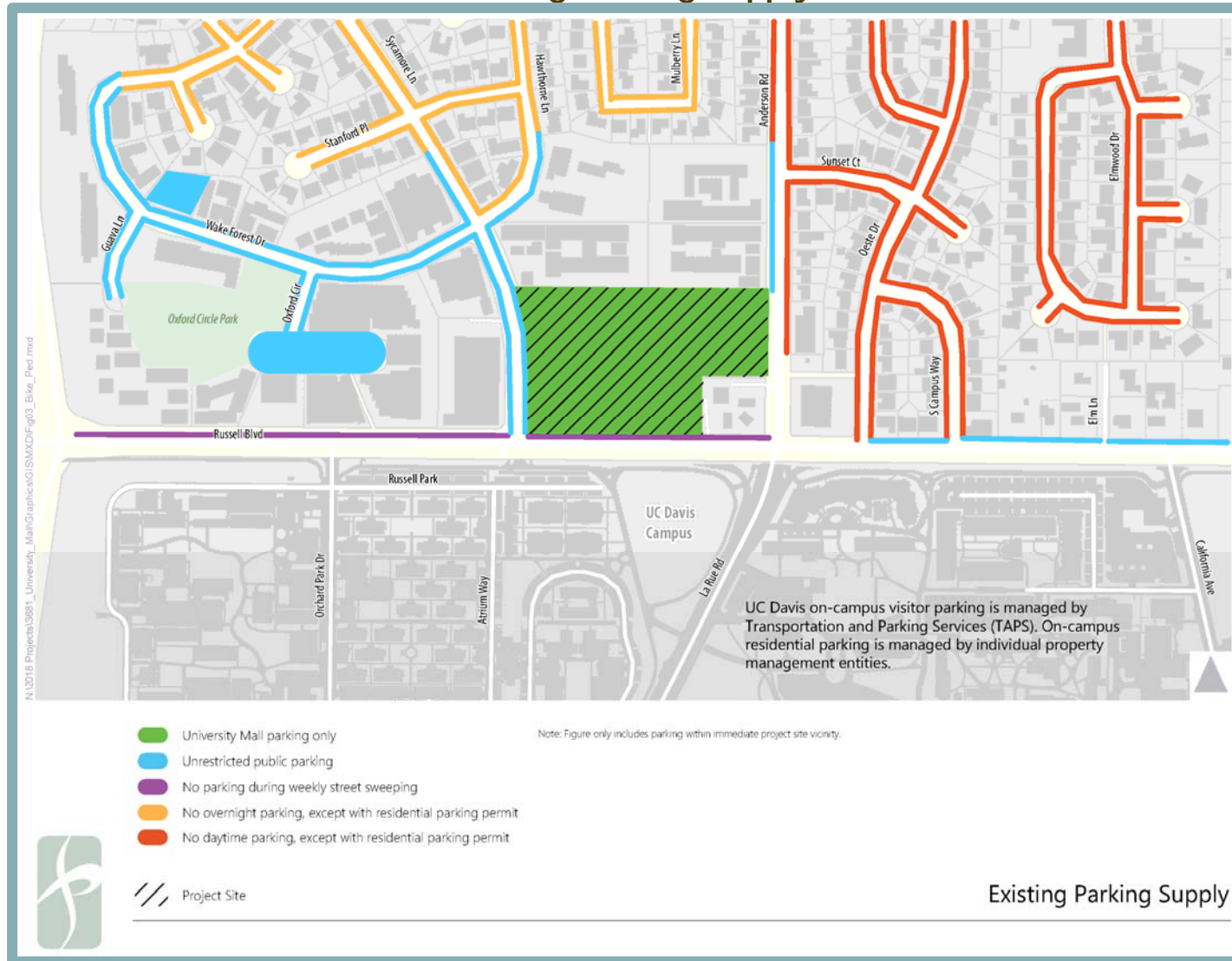
Occupancy Management

Numerous comments were submitted regarding the ability of the project applicant to restrict the total number of project occupants to the amount specified in the Project Description chapter of the Draft EIR and assumed for the EIR analysis. The project applicant has provided the following Occupancy Management Measures, which would maintain residential occupancy within the proposed project as consistent with the project approvals:

1. The maximum number of adult residents permitted within the project is 894, which will not be exceeded.
2. As part of determining maximum project residential occupancy, Owner will determine the number of residents allowed within each floor plan within the project.
3. Occupancy will be strictly limited to one resident per bedroom unless otherwise designated to accommodate double occupancy for specific unit types. An additional minor child being twelve (12) months of age or less who occupies the same bedroom with the child’s parent or legal guardian, will be permitted in addition to the bedroom occupancy guidelines as defined above.
4. Owner will use leasing software (One Site or the equivalent) to monitor maximum project occupancy and compliance through leasing agreements with residents.
5. Owner will perform quarterly unit inspections, for purposes of monitoring compliance with lease terms and occupancy requirements.
6. Owner will limit the issuance of unit keys to residents legally occupying units within the project under a current lease.



**Figure 2-3
 Existing Parking Supply**



7. Entrances to residential buildings within the project will be secure, with electronic “key” required for entry.
8. A fee will be charged for replacement of lost key to prevent duplication of keys. Management will inventory the controlled access system monthly, to ensure that missing or lost keys are deleted from the access system.
9. Owner will enforce lease terms regarding maximum unit occupancy, including initiating eviction proceedings for residents sharing their units with non-permitted occupants following receipt of a notice to comply by Owner.
10. Owner will issue temporary parking passes for guest parking spaces in the project, which will be clearly marked with the time period for which the guest pass is valid. Cars with missing or expired guest passes will be towed.
11. Owner will regularly monitor guest parking within the project to ensure that guest parking spaces are not regularly used by non-residents.

2.2 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 3 of this Final EIR. All new text is shown as double underlined and deleted text is shown as ~~struck through~~.



RECEIVED

NOV 21 2019

City of Davis
Community Development

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



November 12, 2019

Eric Lee, Planner
City of Davis
Department of Community Development and Sustainability
23 Russell Boulevard
Davis, California 95616

Dear Mr. Lee:

This is in response to your request for comments regarding the Notice of Availability of a Draft Environmental Impact Report (Draft EIR) and Notice of Public Meeting to Provide Comments on the Draft EIR – University Commons Redevelopment Project.

- 1-1 Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Yolo (Community Number 060423), May 16, 2012 and City of Davis (Community Number 060424), Maps revised June 18, 2010. Please note that the City of Davis, Yolo County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

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

- 1-2
- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- 1-3
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

www.fema.gov



Eric Lee, Planner
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November 12, 2019

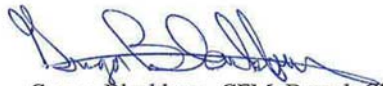
- 1-4
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

- 1-5
- Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Davis floodplain manager can be reached by calling Greg Mahoney, Chief Building Official, at (530) 757-5610. The Yolo County floodplain manager can be reached by calling Scott Doolittle, Plan Check Examiner, at ((530) 666-8609.

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

Sincerely,



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

cc:

Greg Mahoney, Chief Building Official, City of Davis

Scott Doolittle, Plan Check Examiner, Yolo County

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

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

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



**LETTER 1: GREGOR BLACKBURN, FEDERAL EMERGENCY
MANAGEMENT AGENCY**

Response to Comment 1-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 1-2

Page 49 of the Initial Study prepared for the proposed project states the following:

- g-i. According to the Yolo County Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), Map Number 06113C0592G, the proposed project site is located within Flood Hazard Zone X, which is described by FEMA as an area of minimal flood hazard, usually above the 500-year flood level.⁴ Thus, development of the proposed project would not place housing within a 100-year flood hazard zone nor place structures within a 100-year floodplain that would impede or redirect flood flows, and restrictions on development or special requirements associated with flooding are not requisite for the project.

Based on the above, the project site is not located within a riverine floodplain or other Special Flood Hazard Zone, and would not be subject to any substantial flood-related risks.

Response to Comment 1-3

The project site is not located within a Regulatory Floodway, as designated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the site.

Response to Comment 1-4

See Response to Comment 1-2 above.

Response to Comment 1-5

See Response to Comment 1-2 above.

⁴ Federal Emergency Management Agency. *Flood Insurance Rate Map Number 06113C0592G*. June 2010.





Jared Blumenfeld
Secretary for
Environmental Protection

Department of Toxic Substances Control

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



Gavin Newsom
Governor

December 10, 2019

Mr. Eric Lee, Planner
City of Davis Department of Community Development and Sustainability
23 Russell Boulevard, Suite 2
Davis, California 95616

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE UNIVERSITY COMMONS
REDEVELOPMENT PROJECT – DATED NOVEMBER 2019
(STATE CLEARINGHOUSE NUMBER: 2018112044)

Dear Mr. Lee:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for the University Commons Redevelopment Project.

The proposed project would include demolition of approximately 90,653 square feet (sf) of the existing University Mall building to create a mixed-use development. Buildout of the project would result in the addition of 264 new multifamily residential units and approximately 136,800 sf of retail space.

2-1

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

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

2-2

2. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California



**Letter 2
Cont'd**

Mr. Eric Lee
December 10, 2019
Page 2

2-2
Cont'd

environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).

2-3

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

2-4

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

2-5

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



**Letter 2
Cont'd**

Mr. Eric Lee
December 10, 2019
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If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



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

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Ms. Lora Jameson, Chief
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
Lora.Jameson@dtsc.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov



LETTER 2: GAVIN MCCREARY, DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Response to Comment 2-1

Potential risks related to accident and/or upset conditions involving hazardous materials are addressed in Section VIII of the Initial Study prepared for the proposed project, which is included as Appendix C to the Draft EIR. As discussed on pages 41 through 43 of the Initial Study, a Phase I Environmental Site Assessment (ESA) was prepared for the proposed project by AEI Consultants. Based on the results of the Phase I ESA, the Initial Study concluded that the proposed infill project site is not located in the vicinity of any identified hazardous materials sites that could pose a risk to future residents of the proposed project and further on- or off-site RECs considered likely to impact the project site were not identified. The Initial Study identified potential impacts associated with the release of asbestos-containing materials (ACMs) and lead-based paint (LBP) related to demolition of the existing structure. However, Mitigation Measures VIII-1 and VIII-2, which require a site assessment for ACMs and LBP prior to issuance of a demolition permit for the existing on-site structure, would ensure that implementation of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. As a result, impacts were determined to be less than significant.

Response to Comment 2-2

See Response to Comment 2-1 above. Mitigation Measures VIII-1 and VIII-2 in the Initial Study include requirements that the project applicant retain a licensed contractor to evaluate the existing on-site structures for potential ACM and LBP hazards. Mitigation Measure VIII-1 specifies that if ACMs are detected, the applicant would be required to prepare and implement an asbestos abatement plan consistent with federal, State, and local standards, subject to approval by the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District (YSAQMD). Per Mitigation Measure VIII-2, if LBP is found, all loose and peeling paint must be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. With implementation of both mitigation measures, the Initial Study concluded that associated impacts would be reduced to a less-than-significant level.

Response to Comment 2-3

As noted on page 4.1-23 of the Draft EIR, the proposed project is assumed to require import of approximately 1,500 cubic yards of material during site grading. Consistent with standard City requirements, all soils imported to the project site would be carefully sourced and sampled to ensure that the imported soil is free of contaminants.

Response to Comment 2-4

The project site is currently developed and has not been used for any agricultural purposes, at least since the 1960s when the University Mall was first developed. Thus, the site has not been subject to recent application of organochlorine pesticides (OCPs) or other agricultural chemicals, and such chemicals would not pose a risk to the proposed project.

Response to Comment 2-5

The comment is a concluding statement and does not address the adequacy of the Draft EIR.





tel: 916.455.7300 • fax: 916.244.7300
510 8th Street • Sacramento, CA 95814

December 20, 2019

SENT VIA EMAIL (elee@cityofdavis.org)

Eric Lee, Planner
City of Davis Department of Community
Development and Sustainability
23 Russell Boulevard
Davis, CA 95616

**RE: University Commons Project
Comments on Draft Environmental Impact Report
SCH # 2018112044**

Dear Mr. Lee:

Thank you for the opportunity to review and provide comments on the Draft Environmental Impact Report ("DEIR") for the University Commons project ("Project").

3-1

Serious deficiencies exist in the DEIR's analysis of the Project's potential environmental impacts. The Project's approvals include a General Plan Amendment that will amend the text of the City's General Plan to create a *new* Mixed Use Urban Retail land use designation and a map amendment to apply that new designation only to the Project site. (DEIR, p. 3-16.) Under the existing land use designation for the Project site, the maximum floor area ratio ("FAR") for retail is 0.50, with an additional 0.15 allowed for the residential component in a mixed-use project. (DEIR, p. 3-16.) The new land use designation allows for a substantially higher FAR. (DEIR, p. 3-17.)

3-2

The Project's approvals also include an amendment of the City's zoning map (Section 40.01.090 of the City's Municipal Code) to establish a *new* Planned Development zoning designation (PD #03-18) that would apply to the Project site. (DEIR, p. 3-17.) The Project site's current zoning is PD #2-97B, which establishes a building height limitation of 50 feet and allows residential uses above the ground floor. (DEIR, p. 3-17.) The new proposed PD zone would allow a greater intensity of residential uses, as well as additional office uses and limited research, development, and lab uses. (DEIR, p. 3-18.)



**Letter 3
Cont'd**

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City of Davis Department of Community
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3-3

Combined, the new land use designation and zoning allow the Project to accommodate approximately 263 residential units in mixed-use buildings that may be up to 80 feet in height. (DEIR, pp. 3-5 to 3-8.) That number of residential units allows for a nearly 400 percent increase in residential density compared to the permissible uses under the existing land use designation and zoning, which allow for approximately 53 residential units in buildings with a maximum height of 50 feet. (DEIR, p. 6-14 [describing the Existing Zoning Mixed Use Build Out Alternative].) The DEIR concludes that the Project's General Plan Amendment and new zone will not conflict with the City's existing General Plan or Zoning Ordinance and will therefore result in less than significant project-level and cumulative impacts. (DEIR, pp. 4.3-6 to 4.3-8.) However, the DEIR's analysis and significance determinations are seriously flawed for several reasons.

3-4

First, the DEIR contains absolutely no analysis of the reasonably foreseeable consequences of adding a new land use designation and zone that could apply to other project sites throughout the City. CEQA makes clear that a lead agency must evaluate the potential environmental impacts of the "project" as the "whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1188; Pub. Resources Code, § 21065; CEQA Guidelines, § 15378.) As our Supreme Court recently held, a "reasonably foreseeable indirect physical change is one that the activity is capable, at least in theory, of causing." (*Union of Medical Marijuana Patients, Inc., supra*, 7 Cal.5th at p. 1198 [holding city's adoption of zoning ordinance authorizing establishment of medical marijuana dispensaries and regulating their location and operation was a project under CEQA because the ordinance was capable of causing a direct or reasonably foreseeable indirect physical change in the environment].)

The DEIR states that for the new land use designation to be applied to other properties in the City, a General plan map amendment would be required, which would be subject to separate environmental review and discretionary approval. (DEIR, pp. 3-16, 4.3-7.) However, that conclusory statement provides no analysis of the reasonably foreseeable future activities related to the Project, which include the likely potential for the new land use designation and zoning to apply elsewhere in the City. (*See Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428; Pub. Resources Code, § 21065; CEQA Guidelines, § 15064 (d).) Given the possibility for a project's residential density to increase by 400 percent under the new land use designation and zone classification, it is likely that future projects will seek



Eric Lee, Planner
City of Davis Department of Community
Development and Sustainability
December 20, 2019
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3-4
Cont'd

those same classifications. Yet, the DEIR provides no analysis of the reasonably foreseeable impacts from those classifications applying to other sites throughout the City.

3-5

The second major flaw related to the DEIR's inadequate analysis of the new land use designation is that the DEIR ignores the central principles of a general plan to allow for comprehensive and thoughtful planning throughout the City. "Because of its broad scope, long-range perspective, and primacy over subsidiary land-use decisions, the general plan has been aptly described as the constitution for all future developments within the city or county." (*Denham, LLC v. City of Richmond* (2019) 41 Cal.App.5th 340, 344.) By adding a new land use designation with no analysis of how that land use designation may fit within the City's long range planning in the DEIR, the City ignores the General Plan's function to serve as a constitution for future development. The DEIR also provides no analysis as to how the new land use designation is consistent with the existing policies and goals in the City's General Plan. (Gov. Code, § 65300.5; *Denham, LLC v. City of Richmond* (2019) 41 Cal.App.5th 340, 344.) The City's approach to add a new land use designation without any programmatic analysis of how the new designation fits within the City's General Plan allows for ad hoc and piecemealed analysis that is contrary to the purpose of the General Plan. (See *City of Hayward v. Trustees of Cal. State University* (2015) 242 Cal.App.4th 883, 849 [describing when programmatic environmental review is appropriate under CEQA].) Similarly, the City's creation of a new zone without any comprehensive analysis of how the new zone fits within and is consistent with the City's existing zoning code deprives the public of a full understanding of the potential consequences of the new zone.

3-6

Finally, the DEIR provides a woefully inadequate analysis of how the new land use designation and zoning as applied to the specific Project will lead to less than significant impacts. The DEIR provides a circular conclusion that with approval of the General Plan amendment, the Project would be consistent with the City's General Plan. (DEIR, p. 4.3-7.) The DEIR similarly concludes that with approval of the new zone, the Project would be consistent with the City's Zoning Ordinance. (DEIR, p. 4.3-7.) The DEIR, therefore, concludes the General Plan Amendment and new zone would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (DEIR, p. 4.3-7.) While the DEIR reviews how the Project is consistent with certain policies in the City's General Plan, the Draft EIR does not analyze how the new land use designation or zone classification as applied to the Project would be consistent with existing land use policies and regulations. Accordingly, the DEIR lacks substantial evidence to support its land use determinations for the Project.



**Letter 3
Cont'd**

Eric Lee, Planner
City of Davis Department of Community
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December 20, 2019
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3-7

In sum, the DEIR is so fundamentally and basically inadequate and conclusory in nature with regards to the Project's potential land use impacts that meaningful public review and comment have been precluded. A revised DEIR must be recirculated for the public and decisionmakers to fully review and evaluate the Project's potential environmental impacts. (CEQA Guidelines, § 15088.5.)

Thank you for your consideration of these comments.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri



LETTER 3: PATRICK SOLURI, SOLURI MESERVE LAW CORPORATION

Response to Comment 3-1

Potential environmental impacts associated with the requested General Plan Amendment, which would allow for development of the project site at an increased floor-to-area ratio (FAR), are evaluated throughout the Draft EIR. See also the below responses to comments.

Response to Comment 3-2

Potential environmental impacts associated with the requested rezone are evaluated throughout the Draft EIR.

Response to Comment 3-3

The comment generally notes that the analysis and significance determinations presented in the Draft EIR are flawed; specific issues raised by the commenter are addressed in the responses below.

Response to Comment 3-4

As noted on page 3-17 of the Draft EIR, the proposed project would require the amendment of the City's zoning map (Section 40.01.090 of the City's Municipal Code) to establish a new Planned Development zoning designation (PD #03-18) for the project site. The PD #03-18 zoning designation would be applied to the project site, similar to the site's existing PD #2-97B zoning, and would not be applicable to any other future development occurring within the City.

With regard to the new Mixed Use General Plan land use designation, any future development projects applying for a General Plan map amendment to the new designation would do so independently of the proposed project, and would be subject to separate environmental review and discretionary approval. Approval of the requested General Plan Amendment for this project would not commit the City towards any particular course of action regarding future General Plan amendments.

The court case cited by the commenter, which addressed whether an ordinance adopted by the City of San Diego was a "project" for CEQA purposes, is not relevant in this situation where an EIR has been prepared. Further, the commenter's quotes leave out important language. After stating that a "reasonably foreseeable indirect physical change is one that the activity is capable, at least in theory, of causing", the court goes on to state:

Conversely, an indirect effect is not reasonably foreseeable if there is no causal connection between the proposed activity and the suggested environmental change or if the postulated causal mechanism connecting the activity and the effect is so attenuated as to be "speculative."

It is reasonable to conclude that there is no causal connection between the creation of a new General Plan land use designation and induced development elsewhere within the City of Davis. Notwithstanding, it is noted that there are two other projects currently being processed in the City which are also candidate sites for the new Mixed Use General Plan land use designation. These projects consist of the proposed University Research Park and Olive Drive Mixed Use project. Consistent with the discussion above, both projects are undergoing separate environmental review. Furthermore, the potential traffic generated by these projects was accounted for in the



cumulative traffic analysis performed for the University Commons Draft EIR.⁵ To the extent there may be additional future applications is speculative, and would require the City to engage in pure guesswork not only as to where and when such proposals may be made, but also as to details such as density, mix of uses, and other information necessary for any sort of meaningful environmental review. Any future actions on the part of private property owners are too speculative to be considered in the Draft EIR. Per Section 15145 of the CEQA Guidelines, CEQA does not require evaluation of speculative impacts.

Therefore, it can be concluded that the physical development of future mixed-use residential projects under the Mixed Use General Plan land use designation is not a reasonably foreseeable consequence of the proposed project, and does not require analysis within the Draft EIR for this project.

Response to Comment 3-5

With regard to General Plan policy and zoning consistency issues, the CEQA Guidelines require only that an EIR evaluate the potential for a proposed project to create a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Within the Draft EIR, such issues are evaluated under Impacts 4.3-1 and 4.3-2, with the conclusion that there will be no significant land use and planning impact as a result of either the General Plan Amendment or the establishment of the new zone. In addition, while the General Plan does serve as the constitution for future development, Planning and Zoning law acknowledges that amendments will occur over time, but limits the number of amendments that can occur in any given year for continuity (see, Govt. Code Sec. 65358(b)). Consistency of the project with other General Plan policies which may be applicable to the project is a policy issue and City staff will provide a more comprehensive policy consistency analysis as part of the staff report for consideration by the decisionmakers. The proposed project rezones the site from an existing Planned Development to a new Planned Development. The City Zoning Code provides for Planned Development (PD) zoning to allow for innovative approaches to development and more efficient use of land with flexibility from the rigid standards of conventional zoning.

Response to Comment 3-6

See Response to Comment 3-5 above. The Draft EIR is not required to analyze how the new land use designation as applied to the project would be consistent with existing land use policies and regulations. Rather, consistent with Appendix G of the CEQA Guidelines and the Standards of Significance (pg. 4.3-5) used in the Draft EIR, an EIR is required to evaluate the potential for a proposed project to create a significant environmental impact due to a conflict with any land use plan, policy, or regulation *adopted for the purpose of avoiding or mitigating an environmental effect* (emphasis added). This analysis is provided in Table 4.3-2 of the Draft EIR. The analysis within Table 4.3-2, as well as the analysis throughout the entirety of the Draft EIR, addresses all aspects of the proposed project, including the legislative changes of the General Plan Amendment and rezone. While not required, it is noted that “Under Planning and Zoning Law (Govt C Sections 65000-66499.58), strict conformity with all aspects of a general plan is not required. A proposed project should be considered to be consistent with the local general plan if it furthers one or more

⁵ For example, according to Fehr & Peers, the travel demand model assumes a growth of up to 300 employees for the University Research Park project area. Assuming an industry standard 300 square feet of office space per employee, results in up to 90,000 square feet of office space. Using the trip generation estimates in the University Research Park Transportation Study (March 2020), this results in a total of 111 AM peak hour trips and 103 PM peak hour trips, which is nearly equivalent to the trip generation estimate for University Research Park.



policies and does not obstruct other policies.”⁶ As noted in Table 4.3-2 of the Draft EIR, given implementation of Mitigation Measures 4.2-3(a) and 4.2-3(c), the proposed project would be consistent with General Plan Policy TRANS 1.6, which calls for reducing carbon emissions from the transportation system in Davis by encouraging the use of non-motorized and low carbon transportation modes. In addition, given implementation of Mitigation Measures 4.4-1 and 4.4-5, the project would also be consistent with Policy NOI 1.1, which calls for minimization of vehicular and stationary noise sources, and noise emanating from temporary activities. As stated on page 4.3-7 of the Draft EIR, Table 4.3-2 demonstrates that the proposed project would be generally consistent with the policies in the City of Davis General Plan adopted for the purpose of avoiding or mitigating an environmental effect.

Response to Comment 3-7

The comment is a concluding statement. The commenter does not provide substantial evidence that the Draft EIR must be revised and recirculated and information in the responses to these comments do not trigger the need for recirculation.

⁶ Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition*. March 2019 Update, pg. 12-42.



From: Devin Bartley <devinmichaelbartley@gmail.com>
Sent: Friday, December 20, 2019 8:43 AM
To: Eric Lee <ELee@cityofdavis.org>; Sherri Metzker <SMetzker@cityofdavis.org>
Subject: University Commons project

Dear fellow residents of Davis,

I wish to object to the proposed University Commons Project for the following reasons.

4-1

This project proposal is too large and out of scale for that site, and would be luxury apartments with no affordable housing. None of this helps the City's need for housing for our community's workers and families and does nothing to provide affordable housing needed. In addition, it encourages UCD to continue neglecting to build the needed student housing on its enormous 5,300-acre campus with a 900- acre core campus. UCD is the only UC which has not agreed to provide 50% on-campus housing, yet it is the largest UC having so much land. The U-Mall needs to be redeveloped into an expanded and updated retail center which is the environmentally superior alternative in the EIR, not another mega-dorm, or possibly a dramatically scaled down mixed-use project if the parking and circulation can work. The City needs the sales tax and this site was intended for retail serving the entire community, not serving UCD's student housing needs. The City needs the sales tax and this site was intended for retail serving the entire community, not serving UCD's student housing needs. We have few sites left in the City to offer retail and this is one of the most important.

Thank you for your attention and please let me know if I need to comment in a different format.

Regards and Happy Holidays,

Devin

Devin M. Bartley, PhD
Robin Welcomme Fellow
Department of Fisheries and Wildlife
Michigan State University (USA)
&
Senior Research Associate
World Fisheries Trust (Canada)

TEL (USA): +1 530 933 7348
Skype:devinmbartley



LETTER 4: DEVIN BARTLEY

Response to Comment 4-1

The comment addresses the merits of the proposed project and does not address the adequacy of the Draft EIR. The commenter's concerns have been forwarded to the decision-makers for their consideration.



Letter 5

From: kmbloomquist@juno.com <kmbloomquist@juno.com>

Sent: Monday, December 16, 2019 1:16 PM

To: Eric Lee <ELee@cityofdavis.org>; Sherri Metzker <SMetzker@cityofdavis.org>

Subject: TOO BIG, TOO MUCH TRAFFIC

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

5-1

The Mall renovation into many living quarters (enclosed in a sky scrapper) is too large a project for the corner of Sycamore/Anderson, and Russell. Maybe it is time to stop the overwrought growth by decreasing the planning department staff!! RETHINK YOU MISTAKE!!

Sincerely, Karen Blomquist



LETTER 5: KAREN BLOMQUIST

Response to Comment 5-1

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers for their consideration.



Letter 6

1015 Vassar Drive
Davis, CA 95616

December 18, 2019

Mr. Eric Lee
City of Davis Department of Community Development and Sustainability
23 Russell Blvd.
Davis, CA 95616

Dear Mr. Lee,

6-1 I write in opposition to the plans for the proposed University Mall redevelopment project - "University Commons." I am a resident in the neighborhood north of University Mall – bounded by Anderson Rd., West 8th St. and Sycamore Avenue on the east, north, and south. This is the neighborhood that will be most impacted by the proposed redevelopment.

6-2 I have three specific concerns. First, I object to the plan to build a seven-story structure for University Commons. The seven stories planned for the complex is grossly out of proportion to the single-family homes in the adjacent neighborhood. I believe that the seven-story plan reflects the desire for profit by the developers rather than the interests of the residents of Davis. At the very least, the City of Davis should follow the guidelines laid out in the draft Downtown Davis Specific Plan. These call for limiting building heights to five-stories. Indeed, even a five-story building in the University Mall area is disproportionate to our neighborhood. I urge you to request the developers to submit a plan that is more in keeping with the neighborhood described above.

6-3 Second, and more importantly, I believe strongly that the number of apartments and beds planned for University Commons will overwhelm the adjacent neighborhoods with vehicles in search for parking. According to the University Commons plans posted on the City of Davis website, the complex will provide one parking space for each of the 264 residential units. However, since the University Commons anticipates space for 900 beds, we can expect that there will be several times more residents' vehicles than the parking spaces provided. This neighborhood has many rental properties that provide housing, mostly for university students, and it is normal for each student to have a personal vehicle. For instance, our street has a five bedroom rental property that currently has eight cars associated with it. I find it incredulous that University Commons with 900 beds will not have a number of vehicles approaching that number.



**Letter 6
Cont'd**

6-4

Third, I believe that the traffic resulting from the planned University Commons will be unsustainable to this section of Davis. I am very concerned that the Transportation Impact Study prepared by Fehr & Peers (Appendix J on project's site at the City of Davis website) is based on observations made in May 2018 and thus does not include the actual traffic flow that can be expected upon the completion of four residential complexes that have either been opened since May 2018 or are under construction. These complexes include the University of California Davis's Webster Hall (400 beds), Shasta Hall (800 beds), and Orchard Park (up to 1400 beds) all on Russell Blvd. and the Davis Live complex on Oxford Circle (440 beds). In other words, the Transportation Impact Study was based on observations that did not include as many as 2840 beds in the vicinity by the time the University Commons is completed. These complexes will expand UCD student housing in the area around Russell Blvd. and Sycamore Ave. from an estimated 1260^[a] beds to 2840 beds. The data supporting the Transportation Impact Study were unrealistic in not taking into consideration housing complexes that were planned but not open at the time of data gathering. These additional facilities will already greatly increase bicycle and vehicular traffic in this area of Davis before the addition of another 900 beds in the University Commons.

6-5

I accept that increased enrollment at UC Davis plus other growth in the city's population requires the University and City to plan for and build additional housing, but I think that the City of Davis should accomplished this according to the five story guidelines laid out in the draft Downtown Davis Specific Plan. Additionally, the City needs to use planning data that reflects the actual number of residents that can be expected to live in neighborhoods that will be impacted by proposed new development or redevelopment. I believe that the proposal for University Commons fails to meet both of these criteria.

Respectfully submitted,

Stephen Brush

^[a] Webster expansion replaces 260 beds, Shasta expansion replaces 440 beds, and Orchard Park expansion replaces 200 apartments (estimated 500 beds) with "up to 1400" beds (UC Davis Student Housing and Dining Services website).



LETTER 6: STEPHEN BRUSH

Response to Comment 6-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR. Please refer to the responses to more specific comments below.

Response to Comment 6-2

The comment references building heights in the Downtown Davis Specific Plan. However, the proposed project is not within the Downtown Davis Specific Plan area and is not subject to its proposed standards. Additionally, the Downtown Davis Specific Plan is in the process of being drafted and reviewed by the City and the community and is not yet adopted. For further discussion of aesthetics and building height issues, see Master Response #1.

Response to Comment 6-3

See Master Response #1.

Response to Comment 6-4

Section 4.6, Transportation and Circulation, and Appendix J of the Draft EIR, provide a detailed analysis of the anticipated environmental effects of the proposed project on the surrounding transportation system, including the identification of impacts and mitigation measures under both baseline and cumulative conditions. The commenter does not present any data, analyses, or other objective evaluations that would support an assertion that the Draft EIR was deficient in its evaluation of potential transportation system impacts that would be caused by the proposed project. CEQA establishes baseline conditions at the time of issuance of the NOP. The Transportation Impact Study prepared for the proposed project, as required by CEQA, included a cumulative analysis which looked at reasonably foreseeable projects and transportation system changes expected to occur by the 2036 analysis year, including the completion of the proposed project. Such changes include, but are not limited to, the following planned, approved, or under construction (at the time of the Draft EIR NOP) land use and transportation projects relevant to the proposed project. The analysis included the projects mentioned by the commenter and accounted for the number of beds in student-oriented projects within the immediate site vicinity.

- Land Use Projects
 - UC Davis 2018 Long Range Development Plan (LRDP) – The LRDP anticipates the addition of 5,175 students, 2,135 employees, and 10,958 residents (9,050 students, 485 employees, and 1,423 dependents) on the UC Davis campus between 2016 and 2030. Individual components of the LRDP relevant to the University Commons project include the following:
 - West Village Expansion – located west of SR-113 and south of Russell Boulevard, will include an additional 3,300 student beds and 485 employee residents. The student housing portion of the project has been approved by the UC Regents and is currently under construction.
 - Orchard Park Redevelopment – located east of SR-113 and south of Russell Boulevard, will include an additional 200 student family housing units and up to 1,200 student beds.
 - Webster Hall Replacement (Yosemite Hall) – located on Oxford Circle west of Sycamore Lane and north of Russell Boulevard, included the demolition of an existing 260-bed dormitory and the construction of a new dormitory with capacity for up to 400 beds. Yosemite Hall was under construction at



- the time of the University Commons Project Draft EIR NOP and existing transportation conditions data collection, but is occupied as of Fall 2019.
- Emerson Hall Replacement (Shasta Hall) – located on Oxford Circle west of Sycamore Lane and north of Russell Boulevard, will include the demolition of an existing 500-bed dormitory and the construction of a new dormitory with capacity for up to 800 student beds. Emerson Hall was occupied at the time of the University Commons Project Draft EIR NOP and existing transportation conditions data collection. As of February 2020, Emerson Hall has been demolished and the construction of Shasta Hall is underway.
 - Davis Live Student Housing project – located on Oxford Circle west of Sycamore Lane and north of Russell Boulevard, will include the construction of a 71-unit, 440-bed student-oriented housing project.
 - Other mid- to large-sized planned or approved development projects within the City of Davis located over one mile from the project site, including the Nishi Residential Project, Lincoln40, Sterling 5th Street Apartments, Plaza 2555, and the 3820 Chiles Road Apartments.
 - Including the City of Davis development projects listed above, residential and employment growth equal to 2036 control totals projected for the City of Davis by SACOG in the adopted 2016 MTP/SCS.
 - The Mace Ranch Innovation Center, according to the August 2015 project description. Note that a new version of this project (referred to as Aggie Research Campus) is currently under review by the City and is subject to a public vote pursuant to Measures J/R.
 - Transportation System Projects
 - Upgrades to the existing shared-use path on the south side of Russell Boulevard between SR-113 and Anderson Road/La Rue Road to be funded and constructed by UC Davis. The path upgrades will include the widening of the path to increase capacity, physically separate bicyclists and pedestrians, and reduce potential conflicts involving bicyclists and pedestrians. The improvement was identified as a mitigation measure in project-level EIRs completed by UC Davis for the West Village Expansion project and the Orchard Park Redevelopment project. UC Davis indicated that the first phase of this improvement between Orchard Park Drive and Anderson Road/La Rue Road will be completed in 2020, with the occupancy of the first phase of the West Village Expansion project expected in Fall 2020. The first phase of the improvement wholly encompasses the portion of the Russell Boulevard path required for upgrade in Mitigation Measure 4.6-2(e) of the University Commons Project Draft EIR.
 - Anderson Road four-to-two lane reduction between West Covell Boulevard and Villanova Drive.
 - Fifth Street four-to-two lane reduction between L Street and Pole Line Road.
 - I-80/Richards Boulevard interchange improvements.
 - I-80 high occupancy vehicle (HOV) lanes from Richards Boulevard to Sacramento.

The cumulative analysis in Section 4.6 of the Draft EIR provides a detailed discussion of potential cumulative impacts related to vehicle delay/LOS, VMT, and project site access on pages 4.6-64 through 4.6-73. The UC Davis/City of Davis Travel Demand Model was utilized to prepare travel demand forecasts for each of the aforementioned topics. The model has a base year of 2016 and forecast years of 2030 and 2036. The model includes all of the reasonably foreseeable land use and transportation system changes described above, and was developed in close coordination



with the City of Davis and UC Davis in order to properly incorporate such inputs. Please refer to Response to Comment 30-10 for additional description of the Draft EIR cumulative impact analysis. Changes to the Draft EIR are not required in response to the comment.

Response to Comment 6-5

With regard to the height of the proposed redevelopment, see Master Response #1. With regard to regional growth assumptions, see Response to Comment 6-4.



From: David F. Driscoll <david.f.driscoll@gmail.com>
Sent: Tuesday, December 17, 2019 9:57 AM
To: Sherri Metzker <SMetzker@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>
Subject: Comment on Draft EIR for University Commons

Letter 7

Dear City Staff,

7-1

I write to you to support the University Commons project as currently designed. Davis desperately needs more large-scale apartment buildings within walking distance of the university, both to achieve sustainability goals (reducing long commutes for students from outside of Davis) and to reduce Davis' high rental costs. Furthermore, as a neighbor to the project living three blocks away I would welcome the additional retail space and the improved bike path.

Best,
David Driscoll
821 Pine Ln.
Davis, CA 95616



LETTER 7: DAVID DRISCOLL

Response to Comment 7-1

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers.



Letter 8

From: Valerie Durbin <vdurbin1@gmail.com>
Sent: Sunday, December 15, 2019 7:31 AM
To: Eric Lee <ELee@cityofdavis.org>
Subject: "University Commons"

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

Dear Eric,

The title of the project says it all: It would be an extension of the campus, yet paid for by Davis taxpayers.

8-1

Why should an out-of-town development corporation be allowed to determine how our city will evolve.

I strongly oppose this plan for University Mall, regardless of the height of the complex.

Yours,
Valerie Durbin
320 Fiesta Avenue
Davis, CA 95626



LETTER 8: VALERIE DURBIN

Response to Comment 8-1

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to the decision-makers.



From: Todd Edelman <todd@deepstreets.org>
Sent: Friday, December 20, 2019 5:35 AM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Comments for University Commons DEIR
Importance: High

Hi Eric,

These are my personal comments on the University Commons DEIR.

Thanks.

Recommendations:

The Draft Environmental Impact Report (DEIR) for the proposed University Commons has two serious flaws. First is that the “Low Parking Alternative” proposes very few concrete parameters that could otherwise encourage a significant differentiation in the project from others. The second - the core or foundational issue - is that the DEIR has been created though UC Davis is not an equal partner in a shared formal district or other legal entity – if only a temporary one – based on the actual, current dynamic of the region’s unique City-Campus.

The re-development of a 1960’s-style shopping center across the street from one of the country’s greenest universities in a city that has the best bicycle transportation in the country and one of the best bus systems for a city of its size, should be required to not only complement these benefits, but also to push them further and increase their value. Preservation of surface parking across the street from the University during a housing crisis is absurd on multiple levels and is very disrespectful to the needs of students and others struggling to get housing.

9-1

It’s unfortunately not the job of an EIR to look at positive impact. But for the purpose of discussion it seems reasonable to suggest that it can be sympathetic. It’s also unfortunate that the Low Parking Alternative in the University Commons DEIR arbitrarily limits its parameters. I say “arbitrarily” because while **it appropriately considers an amount of residential parking well under the City’s traditional provision and even recent approvals — it simultaneously does little to address the retail parking situation at the development. There’s a suggestion of various measures, but nothing concrete like the residential number differential in the Alternative.** We all deserve credit for more than 50% of people arriving at UC Davis or 30% at junior high by bike, but the approximate 20-25% Citywide modal share leads me to believe that only around 10% of everyone else reaches their work destination by bike, and the even smaller fraction of trips to retail centers by bike makes it clear that **the trip-to-the-store-by-bike - and by bus - is one of the biggest mobility challenges in Davis. It’s a challenge that the design of University Commons does not adequately address.**

However, **the Alternative’s greatest flaw is that it doesn’t look into what it would happen if there were more housing in the same footprint, replacing not only residential parking but also retail parking in both structures and at surface.** This would result in hundreds more people living closer to their destination than they currently do. This would decrease VMT, an argument familiar to those that supported the “Nishi 2.0” project and others. Decreasing VMT is a topic mentioned throughout the DEIR and is of course a goal at multiple governmental levels.



Letter 9
Cont'd

9-1
Cont'd

If we don't need so much parking, we should use it for something else: Less parking should mean more housing. Parking is a convenience, housing is a necessity. Parking is nice, housing is nicer. We have a responsibility to both the City and to our regional partner SACOG to take reasonable measures to decrease VMT, and we can decrease it if hundreds more people can live a short and safe distance by foot, bike or bus to the UC Davis campus, and to the other destinations in the area.

9-2

Zooming out to a core issue, I would consider the whole DEIR tainted and fundamentally flawed, not only because of what amounts to self-censorship of the Low Parking Alternative, but because it places an arbitrary line in a living transportation network. The arbitrary line is Russell Blvd. The "multiple significant and unavoidable impacts to transportation and circulation" – as stated in the report – cannot be addressed as many of the impacts are under the sole domain of the University. To use an analogy from the medical field, this makes it impossible to treat the whole person. UC Davis needed to be a full partner in the DEIR, perhaps based on some kind of temporary district. The Russell Corridor project is coming soon, but is unlikely to form the necessary basis for this temporary district.

In sum, in two major aspects the DEIR is fundamentally-flawed. The narrow view of its most climate-repairing Alternative is nevertheless not truly onboard with City policy. The formal or perhaps legal basis or structure that requires this DEIR is not based on the reality of a dynamic and shared area of the City and campus... the City-Campus. A City-Campus District should probably be a permanent feature that could improve the actual mobility (and beyond) interplay of the two entities... with a true Commons quality. There are some design details which could be addressed now, but they are not the main problems.

Thus it is my recommendation this DEIR unfortunately needs to be rejected, and returned to City bodies and the public for review only after the Low Parking Alternative has significantly expanded features, and further that it is created only on the basis of a formal and more equal participation between the City of Davis, UC Davis and possibly Yolo County.

- Todd Edelman



LETTER 9: TODD EDELMAN

Response to Comment 9-1

As noted on page 6-1 of the Draft EIR, “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6[a]).” The alternative suggested by the commenter would appear to include development of the project site at an increased density relative to the proposed project, but with a reduced amount of parking. While a reduced amount of parking may result in certain benefits, as demonstrated by the Low Parking Alternative analyzed in Chapter 6 of the Draft EIR, because such an alternative would result in a greater population than the proposed project, the intensity of impacts associated with transportation and circulation, among other environmental topic areas, would likely be greater. Accordingly, the significant and unavoidable impacts to bicycle and pedestrian facilities and study intersections under Cumulative Plus Project conditions identified for the proposed project would remain. Thus, the alternative suggested by the commenter would not be capable of avoiding any of the significant and unmitigable environmental impacts identified for the proposed project. In addition, the EIR meets the CEQA requirement to evaluate a range of reasonable alternatives. Per CEQA Guidelines Section 15126.6(f), “The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.” The EIR evaluates four alternatives, including the No Project Alternative, required under CEQA. While it may be informative to evaluate additional alternatives, such evaluation is not required for the EIR’s alternatives analysis to be adequate.

Response to Comment 9-2

The Draft EIR appropriately concludes that improvements to circulation system facilities within the jurisdiction of UC Davis cannot be legally imposed on the project applicant by the City of Davis. Nevertheless, it has always been the intent of the City and the project applicant to work with UC Davis in good faith to implement improvements along the Russell Boulevard corridor. This intent is reflected in the language of Mitigation Measures 4.6-2(d-f), where it is generally stated that the City shall coordinate with UC Davis regarding funding contributions to UC Davis and ultimate improvements along Russell Boulevard. The City and UC Davis have engaged in discussions and have begun the process for the Russell Boulevard Corridor Plan. See Response to Comment 31-13.



Letter 10

From: Christie F <christieana18@gmail.com>

Sent: Friday, December 20, 2019 3:55 PM

To: Sherri Metzker <SMetzker@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>

Subject: University Commons EIR Comments

- 10-1 City Planners,
While I support the project overall, I do not support the proposed density and request that the City Council require the project to reduce its density to mitigate the traffic impacts on the surrounding thoroughfares and smaller neighborhood streets.
- 10-2 --The proposed mitigation of increasing signal times will encourage drivers to take non-signalized side streets to bypass.
- 10-3 --During heavy traffic times, Oak, Oeste and South Campus streets are used to bypass the signalized intersection at Anderson and Russell. These streets were not designed as thoroughfares. I didn't see the EIR address the potential impacts of the increased traffic generated by this project on Oak, Oeste and South Campus other than increasing the signal time at Oak, which has a signal light.
- 10-4 I also question the housing component of the project as it appears to be primarily providing student housing and not addressing affordable housing for non-students and families.

Sincerely,
Christiana Frentzel
744 Oeste Drive

- 10-5 EIR Travel Excerpts:
"Impact 9: Cumulative impacts to roadway operations. Under cumulative conditions, the proposed project would generate new peak hour vehicle trips that would cause unacceptable operating conditions at study intersections. This impact would therefore be significant. The project would increase a.m. and p.m. peak hour traffic volumes and delay at study intersections under Cumulative Plus Project conditions. ... Finally, at each of the three study intersections with unacceptable peak hour operations, the project would cause a cumulatively considerable increase in peak hour delay and/or traffic volume (see Table 24). Together, these criteria would constitute a significant impact."

Mitgations:
"At the Russell Boulevard/Anderson Road/La Rue Road intersection, either a. Install five-section traffic signal for the northbound right-turn lane and an accompanying bicycle/pedestrian signal to control crossing movements across the northbound channelized right-turn lane., or b. Implement alternative 2 described in Mitigation Measure 2.4 (conversion of the Russell Boulevard/Anderson Road/La Rue Road intersection to a protected intersection)"

"At all signalized intersections on Russell Boulevard, increase the p.m. peak hour cycle length from 90 to 100 seconds, which would match the a.m. peak hour cycle length under existing conditions. This signal timing adjustment should be applied to all coordinated signals along the corridor between and inclusive of Sycamore Lane and G Street."



LETTER 10: CHRISTIANA FRENTZEL

Response to Comment 10-1

Redevelopment of the project site at a reduced density is evaluated in Chapter 6, Alternatives Analysis, of the Draft EIR. As noted on page 6-16 of the Draft EIR, buildout of the project site pursuant to the Existing Zoning Mixed Use Build Out Alternative would result in fewer impacts than the proposed project related to transportation and circulation; however, the significant and unavoidable impacts identified in the EIR for bicycle and pedestrian facilities would likely remain, and Mitigation Measures 4.6-2(a) through 4.6-2(f) and Mitigation Measure 4.6-4 may still be required. Because the Existing Zoning Mixed Use Build Out Alternative would involve demolition of the existing on-site structure and new development and construction activities at the site, the significant impact identified for the proposed project related to construction vehicle traffic would still occur under the Alternative and Mitigation Measure 4.6-7 would be required. In addition, because the Alternative would add traffic to the Russell Boulevard/Anderson Road/La Rue Road, Russell Boulevard/Orchard Park Drive, and Russell Boulevard/California Avenue intersections, Mitigation Measure 4.6-9 may still be required. Because full implementation of Mitigation Measure 4.6-9 cannot be guaranteed, the Alternative's incremental contribution to the cumulative impact would remain cumulatively considerable and significant and unavoidable. It should be noted that the Draft EIR does not identify significant traffic impacts at any smaller neighborhood streets in the project vicinity.

Response to Comment 10-2

This comment appears to be in reference to Mitigation Measure 4.6-9, which provides mitigation options to address the project's cumulatively considerable impact to intersection operations identified in Impact 4.6-9.

Mitigation Measure 4.6-9 includes a list of mitigation options that would reduce peak hour vehicle delays along the Russell Boulevard corridor. One potential strategy includes lengthening the PM peak hour cycle length from 90 to 100 seconds for all signalized intersections on the Russell Boulevard corridor. Contrary to the commenter's assertion, the modification would reduce the likelihood of motorists diverting from Russell Boulevard onto side streets by reducing peak hour delays for the major eastbound and westbound movements on the corridor. Specifically, with the signal timing change, the operations analysis indicates that westbound motorists on Russell Boulevard approaching Anderson Road would not experience any added delays. Therefore, motorists would not be expected to divert (to any greater degree than they would without the modification) from Russell Boulevard to instead use the minor streets mentioned in the comment to save time.

The commenter does not provide evidence to support the assertion that the lengthening of cycle lengths on Russell Boulevard would result in increased diverted traffic from Russell Boulevard onto side streets. Moreover, the commenter does not articulate how this perceived increase in diverted traffic onto side streets would constitute a significant impact in accordance with the significance thresholds presented in the Draft EIR.

Response to Comment 10-3

The commenter states an opinion that several side streets of Russell Boulevard, including Oak Avenue, Oeste Drive, and South Campus Way, are currently used to bypass the signalized intersection at the Russell Boulevard/Anderson Road/La Rue Road intersection during peak time periods. The commenter also states an opinion that such side streets were not designed as



thoroughfares. Finally, the commenter questions the adequacy of the Draft EIR with respect to analyzing potential project impacts on Oak Avenue, Oeste Drive, and South Campus Way.

Section 4.6, Transportation and Circulation, and Appendix J of the Draft EIR provide a detailed analysis of the anticipated environmental effects of the project on the surrounding transportation system. Environmental impacts to roadway facilities are identified in instances where the project would exceed the applicable significance thresholds related to vehicle delay and level of service (LOS), or where the proposed project would substantially increase hazards due to a geometric design feature or incompatible use.

The commenter identifies three Russell Boulevard side streets of concern – Oak Avenue, Oeste Drive, and South Campus Way. The Draft EIR evaluated potential vehicle LOS impacts at the Russell Boulevard/Oak Avenue intersection (study intersection #7). Therefore, the Draft EIR considers the extent to which project-generated traffic would cause an environmental impact to Oak Avenue on the basis of peak hour vehicle LOS. The Russell Boulevard intersections at Oeste Drive and South Campus Way were not selected as study intersections for the Draft EIR, given that both intersections exhibit modest peak hour side-street volumes that, even with the addition of project-generated traffic, would preclude the intersections from exceeding applicable significance thresholds related to vehicle LOS. In particular, the side-streets would not generate sufficient minor approach volumes to meet the peak hour signal warrant, which is a requirement for a significant impact finding for unsignalized intersections.

The Draft EIR describes how the proposed project would cause modest increases in peak hour delay on the Russell Boulevard corridor compared to existing conditions. Therefore, if a relationship exists between peak hour delay on Russell Boulevard and traffic volumes on side streets, the proposed project could cause some additional diversion of traffic from Russell Boulevard onto side streets that provide alternative routing options. However, the extent to which such diversion would occur is difficult to quantify given the variety of factors that influence driver behavior and route selection, particularly given that the project would cause minor increases in peak hour delay on Russell Boulevard compared to existing conditions.

Per the significance thresholds presented in the Draft EIR, an increase in traffic volume on side streets such as Oak Avenue, Oeste Drive, and South Campus Way alone would not constitute a significant environmental impact. The commenter does not present any data, analyses, or other objective evaluations that would support an assertion that the Draft EIR was deficient in its evaluation of potential transportation system impacts that would be caused by the proposed project. Therefore, changes to the Draft EIR are not required in response to the comment. The commenter's concerns have been forwarded to the decision-makers for their consideration.

Response to Comment 10-4

The comment does not address the adequacy of the Draft EIR.

Response to Comment 10-5

The comment summarizes sections of the Transportation and Circulation chapter of the Draft EIR, but does not address the adequacy of the Draft EIR.



Letter 11

From: Phyllis Graham<phyllisagraham@gmail.com>
Sent: Monday, December 16, 2019 11:40 AM
To: Eric Lee <ELee@cityofdavis.org>; smetzger@cityofdavis.org
Subject: University Mall proposal

11-1

Once again, the City is failing to push back on a preposterous development scheme that will severely impact Russell Boulevard and nearby residential neighborhoods north of Russell.

11-2

When will the City take a firm stand with the University on housing? Already, in the space of only a few years, increased enrollments without adequate campus housing have made Russell impassable much of the day. As you must certainly be aware, local traffic is being thrown onto previously quieter residential streets, Eighth and 14th/Villanova being the most affected. The 113 on/off freeway lanes at Russell are being used as 'surface streets' to shorten driving time between Russel and Hutchinson, creating hazardous, high-speed merging conditions.

11-3

The idea of adding a 7-story student apartment complex (and let's be honest – students would be the occupants) on the already congested non-campus side of Russell can only cause one to question the motives, competence, and affiliations of those charged with running the City responsibly. As this scheme is pushed forward, the large Orchard Park plot remains undeveloped, as do many open plots in UC's expansive acreage.

I urge relevant parties to increase pressure on UC to build, and to begin to direct more energy to serving the needs of people and businesses already here, rather than pandering to the growth schemes of the University and high-density (high-profit) developers.

Phyllis Graham
Davis, CA



LETTER 11: PHYLLIS GRAHAM

Response to Comment 11-1

Potential project impacts to local roadway facilities, including Russel Boulevard, are evaluated in Chapter 4.6, Transportation and Circulation, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.

Response to Comment 11-2

The comment refers to existing traffic conditions and does not address the adequacy of the Draft EIR. Any potential re-routing of traffic due to delays on Russell Boulevard would have been captured in the 2018 traffic counts performed as part of the Transportation Impact Study prepared for the proposed project.

Response to Comment 11-3

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers for their consideration.



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

From: Jerry Johnson <jjohnson2732@mac.com>
Sent: Thursday, December 19, 2019 9:07 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: University Commons Redevelopment Project Draft EIR

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

Hello,

My main concerns with this project is the amount of parking and that the retail space is geared to students rather than the city at large.

Parking:

The project will construct only 264 parking spaces for residents? Does that make any sense at all? There is proposed 264 "residential units" yielding 894 beds which means likely 894 university students. Is there a realistic belief that only 264 of them will bring cars? These are upper division & grad students who will want to go skiing & other activities outside of town as well as going home. While some may "Uber" around town or even to Sacramento, 630 of them are not going to do it. Where are they going to park their cars. Take a look at any apartment complex in town that focuses on students and you will see that their parking lots and all surrounding street parking spaces are overflowing. If I understood the proposal correctly, they seemed to think that patrolling & ticketing students who park their cars in retail parking spaces will solve the problem. Students are not stupid. They'll figure it out. They may park their cars at the Save Mart parking lot or maybe the Veteran's Memorial parking lot or street parking in residential areas, but they will find a way.

If the developers believe that 0.3 spaces per bed are adequate (for Davis), make them prove it. I would bet that a more realistic number would be 0.75 spaces per bed, or 671 spaces for the residents. Otherwise there will be significant problems in the neighboring areas.

Either the number of beds should be reduced or the number of parking spaces increased significantly.

Retail:

This project should be aimed at benefitting the city at large rather than developing a student "ghetto" with as many students as possible shoe-horned into the space. Davis has little enough retail space that generates significant tax revenue. However, for that space to be viable for the city, parking must be available. Remember, the population is aging and older folks don't ride bikes - at least not for significant shopping.

Remember, the City should be in control, not the developer.

Thank you,
Jerry Johnson



LETTER 12: JERRY JOHNSON

Response to Comment 12-1

See Master Response #1.

Response to Comment 12-2

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers for their consideration.



Letter 13

From: Desmond Jolly <desmond_jolly@yahoo.com>
Sent: Friday, December 20, 2019 4:50 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: University Commons.

- 13-1 It is hard to make civilized comments on the proposition to tear down University Mall and build a 7-story dorm for the University. I have lived in Davis for 50 years and seen all the changes at this shopping center. With the exception of the clothing store that closed down for reasons not having to do with the mall, this is the best state that the mall has been in for those fifty years.
- 13-1 It is hard to fathom why our City's planning department would want to impose such a disruptive move on the commercial establishments represented in the mall.. A gradual refurbishment and modernization would be much preferable.
- I can only conclude that there is a fundamental inferiority complex among city officials and elected officials regarding the fact that we have been a small city, not a major metropolitan area.
- Reasons to nix this ridiculous proposal include that it continues to put pressure on rents for nonstudents, because students pay more on a per sqft basis. Workers are forced to rent elsewhere and commute to Davis.
- 13-2 A new 7-story dorm will add to traffic congestion and pollution in that area.
- 13-3 There is already stress on retail in Davis. Losing the space for the duration of the tear-down and build will inject more stress and dysfunction in the retail sector.
- 13-3 Finally, the University needs to build dorms for its students and the City needs to focus on families and individuals who work here and want to live here.
- As a 20 year resident of the City of Davis, I strongly question the wisdom of our Planning Department in advocating this disruptive, retrogressive proposal.

Desmond Jolly.
101 West 8th,
Davis.

5307567503



LETTER 13: DESMOND JOLLY

Response to Comment 13-1

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 13-2

Issues related to traffic congestion and air quality are evaluated in Chapters 4.6 and 4.1, respectively, of the Draft EIR.

Response to Comment 13-3

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.



Letter 14

From: Stephanie Jordan <sjordan@freelancecomm.com>

Sent: Friday, December 20, 2019 3:57 PM

To: Sherri Metzker <SMetzker@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>

Subject: University Mall - plans

While I rarely comment on such things, I must speak out against the current plan to construct a 7-story building on the corner of Anderson and Russell.

- 14-1 • This project proposal is too large and out of scale for that site. There is absolutely no precedent for this size and it will dwarf all things around it looking oddly out of place and ruin the skyline.
- 14-2 • The City has already approved almost 4,000 beds designed specifically for UCD students in four mega-dorms. This only encourages UCD to continue to neglect to build the needed student housing on its own campus. They have plenty of land available and resources to do it.
- 14-3 • I take my son to Willett Elementary via the Sycamore and Russell intersection and it is already hugely backed up on a daily basis. I often cannot get through the intersection and sit through multiple changes of the light cycle. This project is proposing to bring in nearly up to 1,000 more people into the vicinity. Regardless if they are walking, bike riding or in a car – the roadway will be impacted and make this even worse than it is now.
- 14-4 • The parking expectation that these apartment dwellers will not have or need a car is unrealistic. There will not be enough parking for all and the retail parking cannot be safeguarded. There is already a deep problem of kids parking there and walking across to campus because the students do not want to pay for on-campus parking.
- 14-5 What happens on move-in and move-out days when a significant number of rental units will need moving vans and trucks on the same day?
- 14-6 Am I also to understand that there will be retail parking that is simultaneously open to paid monthly parking for the dwellers? This is not a plan that will work in practice.
- 14-7 • There is no plan to include low-income housing and instead is hoping for students that will share bedrooms to offset the expense of the units. It is not family friendly.
- 14-8 • What we NEED in this town is retail and shopping. A large percent of my purchase tax dollars are leaking out to Vacaville and Woodland. Little by slow the only things here are restaurants that cater to the students (Boba and coffee shops) and grocery stores. These new beds you are proposing are not going to bring revenue to the city in a meaningful way.

14-9 I would advocate that this be considerably downsized to include a modest dwelling unit that does not exceed the current levels of height with nearby apartments. A private building in a town the size of Davis should NEVER be 7 stories high! And a private dwelling in the City of Davis should not look like on-campus housing. Even better, make this a retail only plaza that benefits everyone in Davis and not just the students.

Stephanie Tooker Jordan



LETTER 14: STEPHANIE JORDAN

Response to Comment 14-1

See Master Response #1.

Response to Comment 14-2

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 14-3

Potential project impacts to study intersection LOS levels, including the Russell Boulevard/Sycamore Lane intersection, are evaluated in Impacts 4.6-1 and 4.6-9 of the Draft EIR. As noted therein, under both Existing Plus Project and Cumulative Plus Project conditions, project vehicle LOS impacts to the Russell Boulevard/Sycamore Lane intersection would be less than significant. It should be noted, however, that Mitigation Measures 4.6-2(a) and 4.6-8(a) include improvements to the Russell Boulevard/Sycamore Lane intersection for the purpose of reducing the potential for conflicts between bicyclists and vehicles and improving queuing. Specifically, Mitigation Measure 4.6-2(a) would require the project applicant to implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Sycamore Lane intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include switching the placement of the southbound right-turn lane and the bike lane, and highlighting the existing bicycle-vehicle mixing zone with additional pavement markings. Mitigation Measure 4.6-8(a) would extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park Drive intersection.

Response to Comment 14-4

See Master Response #1.

Response to Comment 14-5

Within the City of Davis, the majority of leases on residential units expire at the end of August. Thus, moving day traffic within the City is primarily concentrated over an approximately one-week period. While vehicle traffic associated with this moving period may result in increased traffic and parking issues within the City, and in particular, on private residential properties, such issues are temporary, and do not adversely affect the City's transportation system for the remainder of the year. Given that moving day traffic associated with the proposed project would be primarily limited to approximately one week per year, requiring improvements to the circulation system in the project area to accommodate such events would result in an 'over-design' of surrounding transportation infrastructure, which is then underutilized for the remainder of the year.

Response to Comment 14-6

See Master Response #1.

Response to Comment 14-7

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.



Response to Comment 14-8

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 14-9

See Master Response #1. It should be noted that Chapter 6, Alternatives Analysis, of the Draft EIR, includes analysis of a Retail Project Only Alternative. Under the Retail Project Only Alternative, only the retail portion of the proposed project would be developed. The Alternative assumes demolition of 90,563 square feet (sf) of the existing shopping center and redevelopment of the site with a total of 136,800 sf of retail uses, an increase of approximately 46,237 sf relative to the existing shopping center. The Retail Project Only Alternative does not include residential uses.



Letter 15

- 15-1 I am writing to express my concerns regarding the proposed U-Mall project. I am in favor of increasing density of living spaces within the city of Davis, but this process must respect both the environment and the needs of those who live in Davis.
- So:
- 1) the scale of this project (height) is completely out of proportion to the neighborhood.
- 15-2 2) the proportion of 4-bedrooms units indicates utter lack of care for providing affordable housing. Further, if each of these bedrooms has its own bathroom, there is no cultivation of a sense of belonging to a community of users of our precious fluctuating resource of water. Traditional dorms have shared bathrooms; sense of community is cultivated when there is a forced consideration of others.
- 15-3 3) how about affordable retail? If we want to cultivate retail, it is incumbent to provide entrepreneurs affordable opportunities to engage in retail. High rents also drive out retail business.,
- 15-4 4) The University should provide its own housing; this project is yet another example of private profit-centered enterprise taking over non-profit enterprises.
- 15-5 5) If I cannot find parking, I do not shop locally. Wishful thinking about vehicle usage is a way to side-step responsibility about what are the actual behaviors of all driving-age citizens who live in California. No parking means more use of Amazon. This will mean shrinkage of local tax revenue.

Thank you for considering my comments.

Liza Katz
2833 Grinnel Drive
Davis, 95618



LETTER 15: LIZA KATZ

Response to Comment 15-1

See Master Response #1.

Response to Comment 15-2

As noted on page 3-8 of the Draft EIR, the proposed 264 multi-family residential units would include a mix of unit types with a total of 622 bedrooms and 894 beds with the final mix of unit types to be determined with the final project plans. The analysis in the Draft EIR is based on these proposed numbers and represents a conservative approach. The comment regarding inclusionary housing and designing the units for a sense of community does not address the adequacy of the Draft EIR. However, the commenter's concerns have been forwarded to the decision-makers for their consideration.

Response to Comment 15-3

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 15-4

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 15-5

See Master Response #1.



From: Elaine Kent <elainembk@gmail.com>
Sent: Tuesday, December 17, 2019 11:07 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Comments upon the University Commons Draft EIR

The City Of Davis has need for additional housing. The expected increase in numbers of students and associated university employees will require added housing units.

16-1 The current University Mall underutilizes the property it occupies. The area could easily accommodate combined retail and apartment buildings.

However, the proposed buildings are too massive, horizontally and vertically, for the site. Seven story buildings are suitable on campus but are visually overwhelming for a Davis property. This one would dwarf that entire section of town.

16-2 It seems that builders almost always want to have retail and office components in their projects, and the proposed retail and office space is increased from that in the current mall. Davis already has several projects with vacant, and /or struggling, retail spaces, including Westlake Mall, the Target Mall, the Coop Mall, and the current University Mall itself. The Cannery development will be building a retail center. What is the probability that the proposed large retail space will be fully tenanted?

Elaine Kent
Davis resident



LETTER 16: ELAINE KENT

Response to Comment 16-1

See Master Response #1.

Response to Comment 16-2

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.



Letter 17

Mick Klasson
2814 Tiber Avenue
Davis, CA 95616

December 20, 2019

Eric Lee, Planner
City of Davis Department of Community Development and Sustainability
23 Russell Boulevard
Davis, CA 95616
By email: elee@cityofdavis.org

Subject: Comments on University Commons Project and the
University Commons Project Draft EIR SCH# 2018112044

Dear Mr. Lee:

The University Commons Project is bold, and has the potential to fulfill a need for more housing in Davis while reducing average vehicle miles per capita travelled by Davis residents. Those are good things, and they should motivate the City to seriously consider approving the project. However, as a result of the scale of the project, it does have the potential to impact the quality of life for Davis residents, and every effort should be made to reduce negative impacts in the final project. I offer my comments in two sections: the first addresses the project itself, and the second addresses the Draft Environmental Impact Report (EIR) specifically.

1) The Project Itself

Shade Analysis

This tall project may have the potential to cast a shadow throughout the day on the nearest apartments to the north. The EIR notes that aesthetic impacts should not be considered significant impacts on the environment. However, the city should seriously consider the fairness issues of approving a General Plan Amendment where it will drastically change solar access to housing built with a reasonable expectation of solar access. The same California Environmental Quality Act (CEQA) section (Public Resources Code Section 21099(d) that would prevent considering aesthetic impacts of this project as significant CEQA effects specifically allows the City to “consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.” If the City does not yet have an ordinance or other means in place to exercise this authority, it should implement and apply one prior to approving this project. Casting a winter-long shadow on existing housing may well be an impact the City chooses to avoid through design review.

17-1



Mr. Lee Page 2 of 5

17-2

Bicycle Transportation

Plans should clearly show how tenants get their bikes out of the garage and get onto local streets, especially southbound on Anderson to make the left turn to enter campus.

Bicycle and transit frontage improvements along Russell Blvd. and Anderson Blvd. should be constructed prior to occupancy of the project.

Retail bicycle parking should explicitly allow parking for operable bike share bikes for a period that is at least overnight.

Long-term bicycle parking should accommodate typical wheel sizes from 20-29". For racks that store bikes vertically or on an upper tier, there should be some form of lift assist so the user does not have to lift the entire weight of the bicycle to secure the bike.

The project should facilitate bicycles leaving the site northbound onto Anderson. This could be accomplished by a shared-use path along the project frontage on Anderson between the northern and southern driveways, assuming that a left turn out of the northern driveway is a legal movement but out of the southern driveway is not.

There should be an opportunity for the City to review traffic and parking problems once in the first or second year following project completion and every 5 years thereafter. The condition should explicitly allow the addition of progressive parking fees if parking or traffic problems occur.

2) Draft EIR

17-3

Page 1-3: The project described in Appendix A, referenced here, does not match the project description on page 1-2. The criteria and reasoning for consistency with the MTP/SCS should be briefly described here, and if it is the case that consistency of the smaller project referenced in Appendix A implies that the larger project is also consistent, that rationale should be explained.

17-4

Page 4.6-9: In table 4.6-4, please indicate what the bold text in column 2 signifies, and whether a primary collision factor of "automobile right-of-way" indicates that the automobile had the right-of-way or did not have the right-of-way.

17-5

Figure 4.6-3: A Class I shared-use path connecting the site to Mulberry Lane is described on Page 4.6-9 but is not shown in the figure. This path is not currently suitable for heavy use, as it is rough and it joins Mulberry via a rolled curb without any additional curb cut.

17-6

Page 4.6-11, third paragraph: The peak hour factor is not described, but if I understand it correctly, a PHF of 0.59 would mean about 85 percent of peak traffic would pass through in the peak half-hour, not the 75% indicated.



Mr. Lee Page 3 of 5

- 17-7** Page 4.6-31, 4th paragraph, and page 4.6-32, Table 4.6-10: While it makes sense that “proposed project cannot be assumed to consist entirely of future land uses that generate trips at the rates of Trader Joe’s and Starbucks”, using the observed trip rates would merely assume that the project would continue to have high trip rates for 15% of the square footage. Dropping all high trip rates and assuming the project will only generate trips at the rate of the lowest generators at the existing site almost certainly underestimates trip generation. Therefore, any subsequent analysis based on these artificially low trip rates probably also underestimates impacts. Put another way, placing 622 student beds on the site can clearly be seen to increase demand for coffee, which is likely to lead to a Starbucks expansion or additional coffee shop being sited here. That in turn will result in more drivers visiting the site also, as is reflected in the existing high Starbucks trip rate notwithstanding internalization for existing beds in the area. The use of trip rates that are less than half of empirical trip rates for the site and just 76% of the ITE manual’s default is unsupported.
- 17-8** Page 4.6-34 and Page 4.6-35, Table 4.6-14: The discussion of project mode choice does not fully disclose how it is used. The travel modes come from existing uses, but the tables for trip generation were for vehicle trips only. Therefore, in subsequent intersection analysis, the vehicle trip generation should not be reduced further based on mode choice. However, the mode choice could be used to generate walk and bike trips generated. Any roadway impact analysis based on vehicle trips that were reduced by virtue of the mode choice data presented in Table 4.6-14 would severely underestimate impacts.
- 17-9** Page 4.6-48 Conclusion: this states that the project would not implement planned bicycle facilities. However, the project includes a development agreement between the City and the owner. The mitigation should require that construction of the planned facilities on Russell Blvd. between Anderson and Sycamore be made a part of the development agreement.
- 17-10** Page 4.6-40 through 4.6-58 project-specific impacts and pages 4.6-64 through 4.6-73 cumulative impacts: see the previous comments regarding trip generation.
- 17-11** Page 4.6-56 Mitigation Measure 4.6-4: Although it is not discussed, it appears as though the indicated bus stop does not have adequate roadway width for the bus to stop entirely outside of the bicycle lane. If that is the case, the mitigation measure should be modified to require the project to include construction and dedication of a bus pull-out stop to allow the bus to board and deboard without infringing on the bike lane.
- 17-12** Page 4.6-56 Mitigation Measure 4.6-4: The increased transit demand described in the analysis would fill more than one bus in the morning peak hour as well as most of a bus in the afternoon peak hour. Unitrans busses often operate at standing-room only capacity. How will the project offset impacts to Unitrans operations during peak hours and throughout the day?
- 17-13** Page 4.6-58, Table 4.6-17: This table is the best demonstration of why it is in the public interest to find a way to fix problems with the current proposal. Increasing residential



Mr. Lee Page 4 of 5

17-13
Cont'd

↑ availability near UC Davis can reduce the average amount of driving in the community. The largest caveat on this is that the project-generated VMT per capita reported in Table 4.6-17 is probably too low based on the comments made previously. Thoughtful re-analysis of trip generation, including VMT per capita, will help the decision-makers determine whether awarding new discretionary entitlements affecting the site is in the best public interest.

17-14

Page 4.6-59 and 4.6-60, Mitigation Measure 4.6-7: Past construction control efforts in Davis have led to construction signs, including “share the road signs” that encroach on and partially obstruct bike lanes, forcing cyclists into sudden merges into vehicle traffic. This measure should be edited to expressly anticipate and avoid that eventuality, especially given the heavy cyclist use already occur at the two nearby intersections.

17-15

Page 4.6-60 through 4.6-63: The project will create exit queues up to 225 feet long. Site circulation should expressly identify bike circulation that avoids these queues. Otherwise, the likely result will be bicycles lane-splitting and weaving between cars in exit queues. One possible solution would be if resident bike parking exits to the rear (north) of the parking garage, striping exiting bike lanes eastbound and westbound on this rear driveway.

17-16

Page 4.6-60 through 4.6-63: An important trip that will generated by residents at this site is northbound on Anderson Road to the nearest full-service grocery store, the Save Mart at Anderson and Covell Blvd. Cyclists turning left from the site onto Anderson will be traveling in a very congested corridor with long queues, which may encourage cyclists weaving between queued cars. The mitigation for Impact 4.6-8 should include construction of a two-way shared-use path along the project frontage on Anderson between the northern and southern driveways, thus allowing cyclists to ride around the front of the site to get to a legal left turn onto Anderson. This could be coupled with street marking on southbound Anderson to advise motorists not to block bikes existing the driveway.

17-17

Page 4.6-64, paragraph 2: The statement “The proposed project would not result in a considerable contribution to cumulative impacts on the topics listed above beyond the impacts discussed above” can easily be misread. In most of these cases a project-specific impact is cumulatively considerable. The sentence should be written something like “The proposed project would result in a considerable contribution to cumulative impacts for the following topics [name each topic where this is the case], but the contribution would not exceed the project-specific contribution discussed above.” The significance of these impacts and mitigation measures addressing them should be referenced.

17-18

Page 4.6-68 measure (6): Does “eliminate the west leg crossing” mean eliminate the crosswalk at this point?

17-19

↓ Thank you for considering my comments. Although I have concerns about the shade and traffic impacts of the project, I am generally supportive of mixed-use development and placing more



Mr. Lee Page 5 of 5

**17-19
Cont'd**

residential units at this site. The project should be adapted appropriately. I specifically do not support the retail-only alternative at this site.

Cordially,



Mick Klasson



LETTER 17: MICK KLASSON

Response to Comment 17-1

See Master Response #1. It should be noted that per CEQA Guidelines Section 15131, “quality of life” concerns raised by the commenter are a social issue and do not require analysis under CEQA. Certain quality of life issues may be related to physical environmental effects, such as the level of noise experienced in an area, or the amount of pollutants. These types of effects are evaluated in the Draft EIR. In accordance with the streamlining provisions for this project, aesthetics impacts are not considered significant impacts, but aesthetics may be still be a policy issue. The commenter suggests the City consider adopting an ordinance. The comment has been forwarded to decision makers for their consideration.

Response to Comment 17-2

The comment provides recommendations related to bicycle parking for the proposed project, but does not address the adequacy of the Draft EIR. The recommendations have been forwarded to the decision-makers.

Response to Comment 17-3

Subsequent to the release of the Draft EIR, SACOG prepared an updated letter for the proposed project confirming that the current version of the project, as evaluated in the Draft EIR, is consistent with the 2016 MTP/SCS (see Appendix A to this Final EIR). The updated letter acknowledges changes to the project components that have occurred after SACOG provided an initial consistency determination on June 19, 2018.

Response to Comment 17-4

The commenter requests clarifications related to Table 4.6-4 (Six-Year Collision History Near Project Site). The bold text under the “Parties” header indicates the party at-fault. This definition is hereby added to the table footer, as follows:

Location	Parties ²¹	Type	Primary Collision Factor	Year
Sycamore Ln at Wake Forest Dr	Bicycle, Vehicle	Head-On	Unknown	2013
Sycamore Ln north of Russell Blvd	Bicycle, Vehicle	Other	Automobile Right-of-Way	2016
Sycamore Ln north of Russell Blvd	Bicycle, Vehicle	Other	Improper Turning	2017
Russell Blvd at Sycamore Ln	Bicycle, Vehicle	Other	Automobile Right-of-Way	2017
Russell Blvd at Sycamore Ln	Bicycle, Vehicle	Broadside	Other Hazardous Violation	2015
Russell Blvd at Sycamore Ln	Bicycle, Bicycle	Other	Unknown	2014
Anderson Rd north of Russell Blvd	Bicycle , Vehicle	Head-On	Automobile Right-of-Way	2016
Anderson Rd north of Russell Blvd	Bicycle , Bicycle	Other	Improper Turning	2017
Anderson Rd at Russell Blvd	Bicycle, Vehicle	Other	Automobile Right-of-Way	2015
Anderson Rd at Russell Blvd	Bicycle, Vehicle	Other	Other Hazardous Violation	2018
Anderson Rd at Russell Blvd	Bicycle	Hit Object	N/A	2014
Anderson Rd at Russell Blvd	Vehicle , Vehicle	Head-On	Automobile Right-of-Way	2014
Anderson Rd at Russell Blvd	Bicycle , Vehicle	Other	Traffic Signals and Signs	2014
Anderson Rd at Russell Blvd	Bicycle , Vehicle	Broadside	Traffic Signals and Signs	2014
La Rue Rd at Russell Blvd	Vehicle , Motorcycle	Sideswipe	Improper Turning	2017



Location	Parties ²¹	Type	Primary Collision Factor	Year
La Rue Rd at Russell Blvd	Bicycle, Vehicle	Other	Other Hazardous Violation	2017
La Rue Rd at Russell Blvd	Vehicle , Vehicle	Rear End	Unsafe Speed	2013
La Rue Rd at Russell Blvd	Bicycle, Vehicle	Broadside	Unsafe Speed	2013
La Rue Rd at Russell Blvd	Bicycle , Vehicle	Broadside	Automobile Right-of-Way	2013
La Rue Rd at Russell Blvd	Bicycle, Vehicle	Broadside	Automobile Right-of-Way	2018
La Rue Rd at Russell Blvd	Bicycle , Vehicle	Broadside	Automobile Right-of-Way	2014
La Rue Rd at Russell Blvd	Bicycle , Vehicle	Broadside	Automobile Right-of-Way	2018

¹ **Bold** text indicates the party at fault.
Source: Fehr & Peers, 2019.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR. It should be noted that the primary collision factor of “automobile right-of-way” indicates a right-of-way violation by the party at fault.

Response to Comment 17-5

The commenter states that an existing Class I shared-use path between the project site and Mulberry Lane is described on page 4.6-9 of the Draft EIR, but not shown on Figure 4.6-3 (Bicycle and Pedestrian Facilities – Existing Conditions). Figure 4.6-3 of the Draft EIR errantly omitted this Class I shared-use path. Accordingly, Figure 4.6-3 is hereby revised, as shown on the following page, to show the path. The revision is to correct a minor typographical error, and does not affect the adequacy of the Draft EIR.

The required noise barrier along the northern property line would remove the current access point from the project site to the aforementioned path. Doing so would help ensure that potential pedestrian/delivery vehicle conflicts would not occur on-site; and adequate pedestrian and bicycle access would otherwise still be available to/from the site due to other pathways. Similar access from the pathway through Sycamore Lane Apartments is available both east to Anderson Road and west to Sycamore Lane at points immediately north of the project site. Furthermore, it is a minor access point that primarily serves the internal properties, and adequate pedestrian and bicycle access to the project site is still available. Aside from the figure revision described above, further changes to the Draft EIR are not required in response to the comment. Nonetheless, the comment has been forwarded to the decision-makers for their consideration.

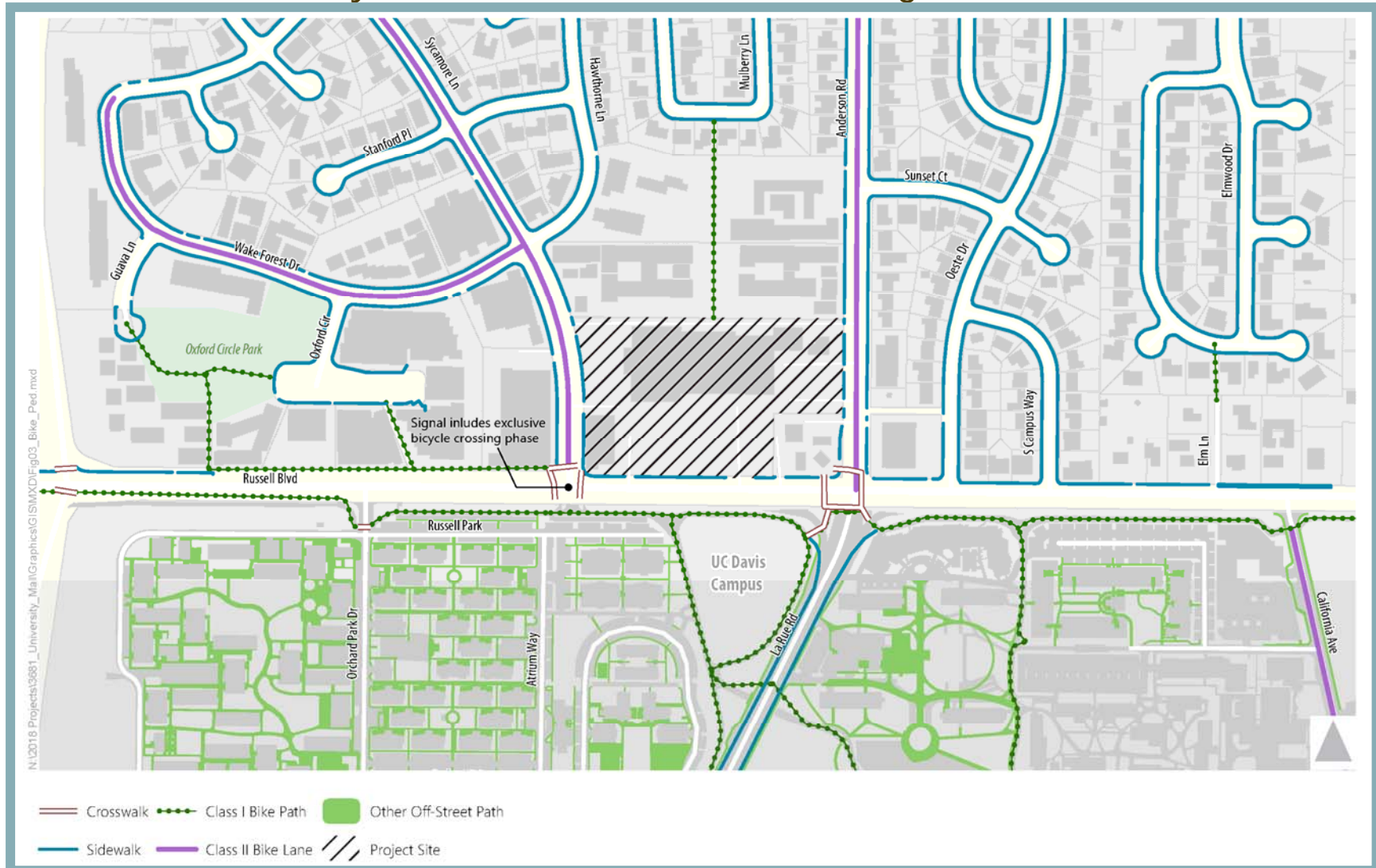
Response to Comment 17-6

The commenter offers an alternative interpretation of the peak hour factor (PHF) and the PHF’s relationship with the percentage of peak hour volume occurring during a 30-minute time period. The *Highway Capacity Manual* defines the PHF as a measure of traffic demand fluctuations within a peak hour. For intersections, PHF is calculated as follows:

$$PHF = \frac{\text{Hourly Volume}}{4 \times \text{Peak 15 – minute Volume}}$$



**Figure 4.6-3
Bicycle and Pedestrian Facilities – Existing Conditions**



Source: Fehr & Peers, 2019.



PHF alone cannot be used to determine the percentage of peak hour intersection volume occurring during time intervals other than the peak 15-minutes. Therefore, the commenter incorrectly associates PHF with the percentage of peak hour volume occurring during a 30-minute time period. The text on page 4.6-11 of the Draft EIR is hereby revised as follows to clarify any potential misinterpretation of the relationship between PHF and the percentage of peak hour volume occurring during a given time interval:

[...] Moreover, peak hour factors for bicycle demand at these intersections are low, resulting in surges in bicycle demand within concentrated periods of time. For example, at the Russell Boulevard/Anderson Road/La Rue Road intersection, the AM peak hour has a bicycle demand peak hour factor of 0.59. This intersection also experiences 75 percent of its AM peak hour bicycle demand during 50 percent (i.e., 30 minutes) of the peak hour.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

Response to Comment 17-7

Pages 58 through 70 of Appendix J to the Draft EIR (Transportation Impact Study) provide a detailed description of the project trip generation methodology. A key aspect of this approach was the collection of local trip generation data at and near the project site to understand the unique travel characteristics of the various project components. The Institute of Transportation Engineers (ITE) *Trip Generation Manual* recommends the use of local trip generation data where local circumstances indicate a study site may have different trip-making characteristics than the baseline sites for which data were collected and reported in the *Trip Generation Manual*. Accordingly, the project trip generation methodology appropriately applied this recommended procedure given the proximity of the project site to the UC Davis campus, the propensity for non-auto travel to and from existing on-site uses, and the observed unusually high trip generating characteristics of particular existing on-site uses (i.e., Trader Joe's and Starbucks) that would remain as project components in their current or equivalent forms.

The assertion in the comment that trip rates employed in the Transportation Impact Study are less than half of the empirical trip rate for the site is false. The project's retail component was assumed to generate vehicle trips at the same rate as the existing retail uses (excluding Starbucks and Traders Joes, which were isolated for the traffic analysis). The assertion in the comment that trip rates employed in this study are just 76 percent of ITE manual rates is correct. ITE trip rates are based on data collected primarily at suburban sites with little to no transit service or walking/biking destinations within close proximity. The 24 percent reduction employed in the Transportation Impact Study, which was empirically measured at the site, considers the fact that many persons visiting the existing retail uses do so by walking, bicycling, or taking transit.

The commenter also speculates as to how the project residential component would influence the size and nature of on-site coffee shop uses and, in turn, project trip generation. The commenter does not provide evidence to support their opinion that the addition of student residents at the project site would lead to additional coffee shop uses beyond those presently on-site and included in the trip generation analysis. Given the speculative nature of the comment, changes to the Draft EIR are not required.

Response to Comment 17-8

Pages 58 through 70 of Appendix J to the Draft EIR provide a detailed description of the project trip generation methodology. Table 4.6-13 of the Draft EIR presents the daily and peak hour



project vehicle trips used in the project impact analysis. Given the project trip generation methodology, the estimates provided in the Draft EIR inherently account for project person trips expected to shift to non-auto modes. Table 4.6-14 of the Draft EIR summarizes the estimated mode choice for peak hour person trips generated by the proposed project, presented for informational purposes. Therefore, the commenter incorrectly asserts that the mode choice figures in Table 4.6-14 were used to further adjust the project vehicle trip estimates shown in Table 4.6-13.

Response to Comment 17-9

As stated on page 4.6-48 of the Draft EIR:

As noted previously, Appendix C of the Bicycle Action Plan includes a variety of proposed bicycle facilities throughout the City, including the following proposed bicycle facility enhancements within the vicinity of the project site:

- Buffered bike lanes on Anderson Road and Sycamore Lane north of Russell Boulevard;
- Bike lanes on Russell Boulevard between SR 113 and A Street;
- Bicycle/pedestrian crossing markings at the Russell Boulevard/Anderson Road/La Rue Road intersection; and
- Bike lane conflict markings (green) at the Russell Boulevard/Anderson Road/La Rue Road and Russell Boulevard/Sycamore Lane intersections.

The proposed project would not conflict with any the above planned improvements. In addition, the planned improvements would be generally consistent with Mitigation Measures 4.6-2(a) through 4.6-2(f) listed below; the first two listed improvements do not overlap with the mitigation measures, and would not conflict, while the second two listed improvements are consistent with the mitigation measures provided herein.

Specifically, per Mitigation Measure 4.6-2(a), the project applicant would be required to implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Sycamore Lane intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include switching the placement of the southbound right-turn lane and the bike lane, and highlighting the existing bicycle-vehicle mixing zone with additional pavement markings. In addition, per Mitigation Measure 4.6-2(b), the project applicant would be required to implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection. Per Mitigation Measure 4.6-2(c), the project applicant would be required to either construct an off-street shared-use bike path on the north side of Russell Boulevard between Sycamore Lane and Anderson Road along the project site frontage, or construct a protected bike lane on the north side of Russell Boulevard, between Sycamore Lane and Anderson Road along the project site frontage. Other bicycle and pedestrian improvements are identified in Mitigation Measures 4.6-2(d) through 4.6-2(f).

Given that Mitigation Measures 4.6-2(d) through 4.6-2(f) require improvements to facilities that are under the jurisdiction of UC Davis, requiring such improvements as a component of the Development Agreement for the proposed project is not feasible. In addition, inclusion of the improvements mandated by Mitigation Measures 4.6-2(a) through 4.6-2(c) as a component of the Development Agreement is not necessary, as such improvements would be implemented through the MMRP for the proposed project.



As stated on page 4.6-48, the improvements identified in Mitigation Measures 4.6-2(a) through 4.6-2(f) are generally consistent with planned bike improvements identified by the City; accordingly, the Draft EIR concludes that the proposed project would not conflict with any planned bicycle facilities.

Response to Comment 17-10

See Response to Comment 17-7 above.

Response to Comment 17-11

The commenter suggests that Mitigation Measure 4.6-4 be modified to require the project applicant to include the construction and dedication of a bus pullout to allow buses to stop outside of the existing Class II bike lane. As stated in the Draft EIR, Mitigation Measure 4.6-4 requires the project applicant to enhance the passenger waiting environment at the existing bus stop on southbound Anderson Road along the project site, but not to reconstruct the stop entirely. The bus stop enhancements would include an expanded/dedicated passenger waiting area, a shelter, benches, etc. While the commenter's suggestion may have operational merits, it is noted that buses currently stop in the Class II bike lane, and are permitted to do so by law. The recommended revisions are not required to reduce a significant impact. However, the commenter's concerns have been forwarded to the decision-makers for their consideration.

Response to Comment 17-12

The commenter implies that the proposed project would cause an impact to transit operations based on the commenter's perception that existing Unitrans routes serving the project site lack available capacity to accommodate project-generated peak hour transit demand.

Table 4.6-5 of the Draft EIR summarizes the existing Unitrans routes serving the project site. Altogether, seven Unitrans routes currently connect the project site with UC Davis and other local destinations. During the AM peak hour, Unitrans operates a total of 16 bus trips from the project site to the UC Davis campus, providing a minimum total capacity of approximately 960 passengers (i.e., assuming none of the routes deploy Unitrans double-decker buses during peak operations, even though several of the trips are currently served using double-decker buses). The *Unitrans General Manager's Report, Fiscal Year 2018-19* indicates that some peak period trips do experience passenger crowding, but as a system, Unitrans currently meets target passenger load standards. More importantly, the addition of the expected new riders from the proposed project would not result in the system exceeding passenger load standards, as described below.

Page 4.6-56 of the Draft EIR describes how the project would generate an estimated 50 AM peak hour and 30 PM peak hour new transit passenger trips. During the AM peak hour, when project transit passenger demand is at its greatest, existing Unitrans service would need to accommodate an average of just over three additional passengers per trip in order to accommodate project-generated transit passenger demand. Such a relatively modest amount of additional passenger demand per trip, coupled with observations of peak hour passenger loads on existing transit routes serving the project site, resulted in the Draft EIR conclusion that project-generated transit passenger demand could be sufficiently accommodated on existing transit services. The above hypothetical, conservative scenario (i.e., zero transit riders traveling in non-peak direction or toward destinations besides UC Davis) would overstate the amount of project-generated transit passenger demand relying solely on peak hour Unitrans service to/from UC Davis, as project-generated transit passenger demand would also utilize Unitrans service to/from other Davis destinations (e.g., service north to/from the Anderson Plaza shopping center) as well as Yolobus



service to/from regional destinations (e.g., Routes 42A, 42B, and 220). Nonetheless, even under such a hypothetical scenario, buses would not reach capacity.

The commenter does not provide sufficient evidence to support the assertion that project-generated passenger demand would constitute an impact based on the significance thresholds established in the Draft EIR. Nonetheless, the commenter's concerns have been forwarded to the decision-makers for their consideration.

Response to Comment 17-13

As noted in Response to Comment 17-7 above, the commenter does not provide evidence to support their opinion that the trip generation rates applied within the Draft EIR analysis are incorrect. Changes to the vehicle trip generation assumptions are not required. Consequently, the VMT estimates presented in the Draft EIR remain accurate.

Response to Comment 17-14

As stated in Mitigation Measure 4.6-7, the Construction Traffic Control Plan required for the proposed project would include provisions for bicycle, pedestrian, and transit access and safety, subject to review and approval by the City Department of Public Works. Modifications to Mitigation Measure 4.6-7 are not required. Nonetheless, the commenter's concerns have been forwarded to the decision-makers for their consideration.

Response to Comment 17-15

The commenter presents a variety of suggestions for on-site bicycle facilities that the commenter suggests would improve on-site bicycle circulation. This comment is focused on the project site design, and not the project's potential environmental effects on the surrounding local transportation system. Therefore, the comment does not specifically address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 17-16

The commenter suggests a likelihood that some project residents would bike northerly along Anderson Road to a full-service grocery store, and that a two-way shared-use path should be considered along the project frontage to better accommodate such movements. The decision to replace existing Class II bike lanes (on both sides of the street) with a two-way shared-use path for a short distance along Anderson Road would require a thorough evaluation of the path's termini points, as well as areas for increased conflicts (i.e., due to contraflow bike movements at driveways). While the comment does not specifically address the adequacy of the Draft EIR, the comment has been forwarded to the decision-makers for their consideration.

Response to Comment 17-17

The City has determined that the language presented in the referenced cumulative transportation section of the Draft EIR is appropriate, and revisions are not necessary.

Response to Comment 17-18

The commenter requests clarifications related to the text "eliminate the west leg crossing" included in Mitigation Measure 4.6-9. As referenced in Mitigation Measure 4.6-9, elimination of the west leg crossing at the Russell Boulevard/College Park/Howard Way intersection would include removal of the marked crosswalk, removal of the pedestrian crosswalk signal, and prohibition of pedestrian crossings on the west leg, which is the western crosswalk of this intersection.



Response to Comment 17-19

The comment does not address the adequacy of the Draft EIR. The commenter's concerns have been forwarded to the decision-makers for their consideration.



Letter 18

From: Claudia Krich <claudiakrich@gmail.com>
Sent: Monday, December 16, 2019 11:33 AM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Not that it will make a difference

Hello Eric,

18-1 I've beaten this drum before, especially about the Sterling dormitory, the eyesore that is now in place, with its huge parking garage. I remember when a city council member asked, ever so politely, "Would you please try to save the trees?" The developer answered, ever so sincerely, "Of course we will." And then they took down basically all the trees. The worst thing about Sterling is that each bedroom, for example in a 5 bedroom suite, has its own bathroom. Happy 18 year olds not paying for water, while we residents conserve, and pay. And then there are the cars that will go down Russell, through downtown, on to the university.

18-2 Now of course we have the new-again Mace project, with.....what a surprise....lots of houses. Well, anyone and everyone knows there are a finite number of blocks in downtown Davis, and no one living out past Target is going to ride a bike to go out to dinner, so, there goes downtown. I think if that project HAS to go through, as they always do, then it should be only retail. It could be an alternative center to the impossibly crowded downtown, with restaurants and shops.

18-3 I read recently that 50% of Earth's surface is now "domesticated" by humans, and not natural. Since a large part of that is water, it illustrates what we're doing to the land, including our local farmland.

I am also writing to express objection to the seven story dorm planned for University Mall. It should be retail only, with maybe one or two stories of real APARTMENTS above. Not dormitories.

18-4 DORMITORIES SHOULD BE ON UNIVERSITY PROPERTY. IT IS THE UNIVERSITY'S RESPONSIBILITY. I remember when a Sterling developer had the nerve to tell me that those five bedroom/five bathroom, locks on every bedroom door, no living room bathroom, and almost no living room "apartments" were "definitely for families too!" That's just a lie.

Thank you for reading, though, to be honest, I don't expect anyone to pay the slightest attention. The developers have well paid, personable representatives in our city offices, while we each get to write letters, and have two minutes at Council meetings. No wonder so few of us bother.

Sincerely,
Claudia Krich



LETTER 18: CLAUDIA KRICH

Response to Comment 18-1

The comment is focused on the approved Sterling Apartments Project and does not address the adequacy of the Draft EIR.

Response to Comment 18-2

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 18-3

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 18-4

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration. Note that a Retail Project Only Alternative is analyzed in Chapter 6, Alternatives Analysis, of the Draft EIR.



From: Airy Krich-Brinton <airykb@gmail.com>
Sent: Monday, December 16, 2019 9:02 AM
To: Sherri Metzker <SMetzker@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>
Subject: U-Mall project proposal

19-1 I support the "reduced residential mixed-use" proposal and not the the high-density residential use proposal for the renovated University Mall. The high-density project will result in buildings that are too tall for the surrounding area and FAR too many cars being added to Davis streets and requiring parking. Where students are concerned, especially wealthy students, one can assume at least one car per student at all times. If you add 894 occupants with cars that's a LOT of cars, even assuming they don't double up in the larger rooms.

19-2 The high-density residential plan is too short-sighted. It produces a lot of money in the short-term, but the infrastructure is not available to provide any benefit in the long-term. We need affordable housing for young families if we want to keep the Davis economy strong. We need access to physical retail in Davis, which is already limited because of the competition for parking. And we need students to be housed on campus, where UCD can provide parking.

Thank you,
Airy Krich-Brinton
20-year resident as an adult, who previously grew up on Anderson Rd



LETTER 19: AIRY KRICH-BRINTON

Response to Comment 19-1

See Master Response #1 regarding building height and parking. Issues related to project-generated vehicle traffic on local roadways are evaluated in Chapter 4.6, Transportation and Circulation, of the Draft EIR.

Response to Comment 19-2

The comment does not identify any specific infrastructure deficiencies, and impacts related to infrastructure are adequately analyzed in Section 4.5, Public Services and Utilities, and Section 4.6, Transportation and Circulation, of the Draft EIR. Furthermore, the comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.



Letter 20

From: Sue Little <s_little530@yahoo.com>
Sent: Tuesday, December 17, 2019 3:01 PM
To: Sherri Metzker <SMetzker@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>
Subject: Russell Blvd. proposed housing project

To the City Council:

20-1

This article by Eileen Samitz states my sentiments for this proposal. Please reread it. Downtown Davis already lacks the charm of most university cities. There is no interesting, inviting retail. It's overwhelmingly restaurants and bars.
Thank you,
Susan Little
Davis Resident

20-2

The Russell and Anderson vicinity is already hugely impacted with traffic and this project would make it gridlock. U Mall now is difficult enough to find parking, yet the proposal wanted to add over 46,000 square feet of retail (the size of a Safeway grocery store) adding only 2 more parking spaces to support it!

20-3

This project proposal is too large and out of scale for that site, and would be luxury apartments with no affordable housing. None of this helps the City's need for housing for our community's workers and families and does nothing to provide affordable housing needed. In addition, it encourages UCD to continue neglecting to build the needed student housing on its enormous 5,300-acre campus with a 900- acre core campus. UCD is the only UC which has not agreed to provide 50% on-campus housing, yet it is the largest UC having so much land.

The U-Mall needs to be redeveloped into an expanded and updated retail center which is the environmentally superior alternative in the EIR, *not* another mega-dorm, or possibly a dramatically scaled down mixed-use project if the parking and circulation can work. The City needs the sales tax and this site was intended for retail serving the entire community, not serving UCD's student housing needs. The City needs the sales tax and this site was intended for retail serving the entire community, not serving UCD's student housing needs. We have few sites left in the City to offer retail and this is one of the most important.



LETTER 20: SUE LITTLE

Response to Comment 20-1

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 20-2

With regard to parking availability, see Master Response #1. Issues related to project-generated vehicle traffic on local roadways are evaluated in Chapter 4.6, Transportation and Circulation, of the Draft EIR.

Response to Comment 20-3

With regard to building height, see Master Response #1. It should be noted that the proposed project would result in an expanded retail center from 90,563 sf to 136,800 sf, an increase of approximately 46,237 sf of retail space compared to the existing on-site shopping center.



Letter 21

From: George Lu <georgeclu48@gmail.com>
Sent: Friday, December 20, 2019 4:18 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Comments about the University Commons Redevelopment Project EIR (SCH # 2018112044).

21-1

I have following comments regarding the competence of the Draft EIR prepared for the University Commons Redevelopment Project (SCH # 2018112044).

Comment 1

The GHG analysis on page 4.2-30 states that “the State of California has committed to increasing the efficiency of vehicles within the State through efforts such as the Advanced Clean Cars Program (AACP).” This statement is incorrect because these GHG efficiency standards have recently been negated by EPA’s new Safer Affordable Fuel-Efficient Vehicle Rule.

21-2

Comment 2

On page 4.2-32 the EIR states, “Construction-related GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change, as global climate change is inherently a cumulative effect that occurs over a long period of time and is quantified on a yearly basis.” This statement lacks support. Moreover, information published by the IPCC contradicts this assertion. IPCC’s Third Assessment Report states that the atmospheric lifetime of CO2 is 5–200 years but that “an approximate value of 100 years may be given for the adjustment time of CO2 in the atmosphere.” This report is available at <https://archive.ipcc.ch/ipccreports/tar/wg1/016.htm>.

21-3

Comment 3

The analysis unreasonably amortizes the projects construction GHG emissions over the lifetime of the project. Doing so minimizes the contribution of the construction GHGs to climate change because it overlooks the fact that CO2 persists in the atmosphere for an average of 100 years after its initial emission. The effect of CO2 emissions over time can be better understood in units of MTCO2e-year. This metric represents the mass of CO2 present in the atmosphere for one year. The table below shows how amortizing construction emissions ignores how soon and how long construction GHGs are in the atmosphere, thereby diminishing their impact. Assume that a construction project emits 100 MTCO2 during its first year. That set of emissions results in 100 MTCO2-year during year 1, 200 MTCO2-year during year 2, 300 MTCO2-year during year 3, etc., and at total of 5,500 MTCO2-year by the end of the tenth year. This effect of the initial emissions of CO2 is 10 times greater than assuming that a tenth of the construction-related CO2 would be emitted each year. Thus, the EIR severely understand the contribution of the project’s construction GHGs to climate change.

Year	Non-Amortization MTCO2e-year	Amortization MTCO2e-year
1	100	10
2	200	20



21-3 Cont'd	3	300	30	Letter 21 Cont'd
	4	400	40	
	5	500	50	
	6	600	60	
	7	700	70	
	8	800	80	
	9	900	90	
	10	1,000	100	
	Total	5,500	550	

Comment 4

21-4

Mitigation Measure 4.2-3a and 4.2-3b fail to include any on-site measures for reducing construction GHGs. The following measures are feasible and should be included to reduce the contribution of construction GHGs to climate change:

- Only use Tier 4 construction equipment, which, as explained on page 4.2-32 of the EIR, “consume approximately five percent less fuel than standard construction equipment.”
- Only use renewable diesel fuel to power non-electric construction equipment.
- Prohibit the use of fossil fuel-powered generators to power electric equipment such as drills, saws, nail guns, and welders. Instead a hookup to the grid can be provided to power electric equipment.
- Offer construction workers a monetary incentive for commuting to the construction site by some means other than a single occupancy vehicle. This is feasible because the site is already served well by transit and bicycle infrastructure and this measure would result in less space on the project site needing to be devoted to parking for workers.
- In the demolition phase, meet or exceed the 80 percent waste reduction target established in Tier 2 of the 2016 California Green Building Standards (CALGreen).

All of these measures have been required as mitigation in past EIRS.

Comment 5

21-5

The GHG analysis in the EIR falsely contends that the project’s GHG emissions would be less than significant if the project, when it is operating in 2040, does not generate more GHG emissions than the existing land uses on the project site are generating under existing conditions. First, this is not a comparison of existing conditions to existing-plus-project conditions, which CEQA suggests. Second, the project would result in a net increase in GHG emissions starting with its projected first year of operation, 2024, and every year thereafter. This would not be consistent with the 2017 Scoping Plan. No part of the 2017 Scoping Plan, and no part of SB 32 of 2016, states or implies that new land uses can wait to reduce their GHG emissions, or operate in a GHG-efficient manner, until 2030 or some other future year for which there is an established statewide GHG target. The decision in the Newhall Ranch case (Center for Biological Diversity v. California Department of Fish and Wildlife) states that it should not be assumed that the GHG efficiency of new development should be the same as the GHG efficiency of existing development to comply with the 2017 Scoping Plan and help California achieve it’s statewide GHG



21-5
Cont'd

target for 2030. This same concept easily applies to the city's carbon neutrality target for 2040. Now is the time to ensure that the new development on the project site, and the redeveloped existing land uses, would be carbon neutral and, therefore, aligned with the city's carbon neutrality target.

Comment 6

On page 4.2-20, the EIR states, "By ensuring that [GHG] emissions from redevelopment projects remain at or below existing levels, redevelopment projects would provide a proportionate share of emissions reductions and would not inhibit attainment of citywide net carbon neutrality by the year 2040, nor would the project conflict with the City's CAAP." It is simply not enough for a redevelopment project to demonstrate that it will help the city achieve the goal of its CAAP and the state achieve its statewide GHG targets because existing development also needs to become more GHG efficient. The 2017 Scoping Plan is clear about this.

21-6

On the same page the EIR states, "Therefore, the proposed project would be considered to conflict with the City's GHG reduction targets, if the project would result in net positive operational GHG emissions by the year 2040." This statement would be true of a greenfield project; however, a redevelopment project must be responsible for the GHG efficiency of the existing land uses and the additional land uses it will include. By only evaluating the net increase in GHG emissions associated with the proposed redevelopment project, the EIR is taking advantage of the fact that the existing land uses already emit GHGs. In other words, the EIR analysis is using a nonzero baseline to evaluate its GHG emissions. This is unreasonable and in violation of the policies outlined in the 2017 Scoping Plan, such as Executive Order B-30-15, which calls for the doubling of efficiency savings achieved at existing buildings, and the CEC's Existing Buildings Energy Efficiency Action Plan. If all future development in California were redevelopment that resulted in no increase in GHG emissions compared to the existing emissions of the buildings it replaced then the state would never achieve its GHG targets.

While there are many incentives for building infill development, using a nonzero baseline to evaluate GHGs is not one of them.

Comment 7

21-7

In the discussion about how the existing operational GHGs of the existing buildings on the project site were estimated, the EIR claims, "Due to increased energy efficiency regulations and improved efficiency of appliances and fixtures, buildings constructed prior to 2005, such as the existing University Mall structures, consume more energy than those built in 2005; emissions related to energy consumption of the existing University Mall structures likely present an underestimate." The EIR needs to provide evidence to support this claim. It's likely that many of the buildings have undergone energy efficiency upgrades since they were originally built—some of which were constructed in the 1960s—and some of those upgrades may have occurred after 2005 and met code requirements that were developed after 2005. Possible upgrades include improved roofing and insulation, more efficient space and water heaters, and more efficient appliances and lighting. It is critical that the analysis not overestimate the operational emissions of the existing buildings if the EIR is going to use the existing emissions level as the (alleged) nonzero baseline for evaluating the project's contribution of GHGs to the atmosphere.



**Letter 21
Cont'd**

Comment 8

21-8

In order to achieve its carbon neutrality target for 2040 the city needs new land use development to be carbon neutral and existing development to become carbon neutral—and the obvious time all the land uses on the project site to be designed to be carbon neutral would be when they are redeveloped or developed. The proposed project fails to ensure that all land uses on the project site would be carbon neutral. This means the GHG emissions associated with the land uses on the project site would conflict with both the 2017 Scoping Plan and the city’s goal of achieving carbon neutrality by 2040.

Comment 9

21-9

In the GHG discussion on page 4.2-21, the EIR claims that the project would be consistent with SACOG’s Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and is eligible for CEQA streamlining. The MTP/SCS is no longer useable because it relied on California’s more stringent emission standards for passenger vehicles that have been revoked by the Safer Affordable Fuel Efficient (SAFE) Vehicles Proposed Rule for Model Years 2021–2026 that was recently passed by the National Highway Traffic Safety Administration (NHTSA) and the EPA. Thus, the EIR needs to include an analysis of the project’s mobile-source emissions, including an analysis of whether the project would achieve a 15% reduction in VMT/resident and a 15% reduction in VMT/worker as compared to the city of Davis averages.

Comment 10

21-10

On page 4.2-19 the EIR states that YSAQMD is currently recommending GHG analysis consistent with SMAQMD’s adopted thresholds. However, no evidence is provided to support that this is the case. Besides, this statement is simply out of date. This approach is problematic because SMAQMD has acknowledged that it’s GHG thresholds are not substantiated, not consistent with the 2017 Scoping Plan, and not aligned with the statewide GHG target for 2030 mandated by SB 32 of 2016. This is why SMAQMD drafted new thresholds in January 2019, considered input from CEQA practitioners, developers, and lead agencies, and then proposed another new set of thresholds in early December 2019. See the materials at <http://www.airquality.org/businesses/ceqa-land-use-planning/ceqa-guidance-tools>.

The December 2019 draft technical report at <http://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholdsDraft2019-12-06.pdf> explains that SMAQMD’s new proposed GHG thresholds are based on land use data, land use development patterns, and development projects specific to Sacramento County. Therefore, even if these new thresholds are ultimately adopted by SMAQMD, they will not be applicable to projects in Davis or other parts of Yolo County. This distinction is important because in *Golden Door v. County of San Diego*, the court ruled that the thresholds used to evaluate a project’s GHG emissions should be based on local data and thresholds should be adopted through a public process.

Comment 11

21-11

Nonetheless, the GHG analysis can borrow some concepts from SMAQMD’s most recent proposed thresholds that will help the City of Davis evaluate whether the project would be consistent with the 2017 Scoping Plan and not obstruct achievement of statewide GHG targets. For instance, like SMAQMD



**Letter 21
Cont'd**

21-11
Cont'd

is proposing, the analysis could qualitatively assess the project's consistency with the 2017 Scoping Plan based on the following:

- Whether the residential units would be served by natural gas or be all electric.
- Whether a sufficient portion of onsite parking would include electric vehicle charging stations.
- Whether the project would achieve a 15% reduction in VMT/resident and a 15% reduction in VMT/worker as compared to the city of Davis averages.
- Whether all the project would only use natural refrigerants (e.g., ammonia, CO₂, or hydrocarbons) instead of high-global warming potential refrigerants.

For more detail about SMAQMD's recommended measures see

<http://www.airquality.org/LandUseTransportation/Documents/SMAQMDBMPSUMMARY2019-12-6.pdf>

Comment 12

21-12

Additional feasible measures for reducing the project's GHG emissions and demonstrating its consistency with the 2017 Scoping Plan include the following:

- For the multi-family residential buildings, follow the energy efficiency performance standards set forth in Tier 1 of the 2016 California Green Building Standards Code, Section A4.203.1.2.1. These reductions shall be achieved by employing energy efficient design features and/or solar photovoltaics.
- The new and redeveloped non-residential buildings shall be designed to achieve a 10 percent or greater reduction in energy use compared to the standard Title 24 code-compliant building through energy efficiency measures consistent with Tier 1 of the 2016 California Green Building Standards Code, Section A5.203.1.2.1.
- Include Cool Roofs in accordance with the requirements set forth in Tier 2 of the 2016 California Green Building Energy Codes (CALGreen), Sections A4.106.5 and A5.106.11.2.
- Comply with requirements for water efficiency and conservation as described in the CALGreen Divisions 4.3 and 5.3.
- Include electric outlets on the exterior of newly constructed buildings for purposes of charging or powering electric landscaping equipment and providing an alternative to using fossil fuel-powered generators. The electrical receptacles shall have an electric potential of 100 volts with a minimum of one electrical receptacle on each side of the building and one receptacle every 75 linear feet around the perimeter of the building.
- Only electric forklifts shall be used at any loading docks or loading areas for loading and unloading commercial delivery trucks.
- All loading docks or loading areas shall be equipped to provide electric power from the grid, including connections for Transportation Refrigeration Units.
- All outdoor parking areas shall include solar canopies designed to result in a minimum 50 percent shading of parking lot surface areas.



**Letter 21
Cont'd**

**21-12
Cont'd**

- Provide no more on-site parking spaces than necessary to accommodate the number of employees working at the project site.
- Provide parking spaces for car share services such as Zipcar.
- Provide adequate, convenient, and secure on-site bicycle parking racks at retail and commercial buildings.
- For residents living at the project site, provide secure on-site bicycle parking and storage. The bicycle parking area shall be under a roof and in a locked area that is only accessible by residents. Or provide a separate bicycle storage area in the design of each dwelling unit near the main entrance to each dwelling unit. The amount of storage room provided for bikes shall be consistent with the number of beds at a 1-to-1 ratio.
- Include elevators large enough to accommodate bikes in residential units.
- Include a common space with a shared bike tool station and compressor air pump for inflating tires.
- The property manager of the residential buildings shall unbundle the costs of parking from the cost of leasing a dwelling unit.
- Buildings should not be allowed to use appliances that use refrigerants with a high global warming Potential. This is one of the Best Management Practices applied as a qualitative threshold of significance in SMAQMD's proposed new CEQA guidelines at <http://www.airquality.org/businesses/ceqa-land-use-planning/ceqa-guidance-tools>.

If these measures are not incorporated it cannot be concluded that the project would be consistent with all applicable plans, policies and regulations adopted for the purpose of reducing the emissions of GHGs, including the 2017 Scoping Plan, the RTP/SCS, and the Davis Climate Action and Adaptation Plan.

If the applicant claims that any of these measures would not be economically feasible, the City should require the applicant to provide detailed proof of its infeasibility and the public should have the opportunity to review and comment on any evidence provided by the applicant. Any feasibility analysis shall acknowledge that implementation of many of these GHG reduction measures in the new buildings uses would make them cheaper to operate.

Comment 13

21-13

Because Mitigation Measure 4.2-3a does not require the net increase in GHG emissions associated with the project to be zero until 2040, the analysis is essentially based on a comparison of the GHG emissions associated with the existing buildings in 2019 to the GHG emissions associated with the proposed redevelopment project in 2040. CEQA does not allow an analysis to be based on comparison of the existing-no-project condition to a future-plus-project condition.

By requiring the project to reduce its net increase in GHG emissions to zero by 2040 the project is getting credit for all the GHG efficiency resulting from state and local GHG policies, including more stringent energy efficiency building standards and appliance standards and improved GHG efficiency of electricity supplied from the grid. However, the comparison of existing-no-project condition to a future-plus-project condition used in the GHG analysis does not assign the same advantages to the existing buildings.



Comment 14

21-14

Part 3 of Mitigation Measure 4.2-3a suggests that the project could “use all-electric, energy-star appliances” to achieve GHG reductions. This measure would not be feasible because it is not enforceable. There is no enforceable mechanism to prevent an owner or tenant from purchasing and using a non-Energy Star-rated appliance.

Also, there is a reasonably high chance that EPA and the Department of Energy will cancel their Energy Star program under the current administration.

Comment 15

21-15

Mitigation Measures 4.2-3a and 4.2-3b do not include a mechanism for the public to evaluate which GHG reduction measures would be implemented or comment on whether the reductions achieved by these measures are well substantiated. Item four of Mitigation Measure 4.2-3a states, “The emissions reductions resulting from implementation of the above measures [listed in Mitigation Measure 4.2-3a] shall be calculated, using methods acceptable to the City.” However, there is no mechanism for the public to review whether the city or its consultants would take this measure seriously and quantify the GHG reduction achieved by various measures based on convincing evidence.

Comment 16

21-16

Mitigation Measure 4.2-3a includes a table showing how much GHG reduction the project must achieve between its initial operation in 2024 and 2040. The table shows that maximum permitted project GHG emissions must decrease by an additional 20.42 MTCO₂e every year between 2024 and 2040. Even if the threshold used in the analysis were legitimate and well substantiated, it would be more appropriate to use a linear percentage reduction rate each year (e.g., 31 percent reduction as compared to the previous calendar year) instead of flat linear rate.

Comment 17

21-17

The analysis under Impact 4.2-2, specifically Table 4.2-5, shows that the project would result in a net increase in natural gas consumption. Any increase in natural gas consumption is inconsistent with the 2017 Scoping Plan, which calls for the state to substantially reduce its natural gas combustion compared to existing consumption levels. It does not matter that the increase amounts to approximately 0.04 percent of the total natural gas consumption in Yolo County.

An analysis included in SMAQMD’s technical report for its new recommended GHG thresholds explains, “there is no remaining emissions budget for natural gas from new developments; in fact, existing developments will need to reduce their natural gas use to meet the 2030 sector target.” See page 34 of the technical report, which is available at <http://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholdsDraft2019-12-06.pdf>. Thus, SMAQMD recommends that all new buildings not be supplied with natural gas and, instead, be all-electric; or, at the very least, be designed to be all-electric after 2045 to enable the state to achieve the carbon neutrality goal of Executive Order B-55-18.



Comment 18

21-18

The GHG analysis states that “the proposed project would contribute to the City’s CAAP objective of reducing overall VMT.” Given that the proposed project would result in an increase from 40,275 VMT per weekday to 56,770 VMT per weekday, and increase of approximately 16,000 VMT per per day, this statement is not true.

Comment 19

21-19

The EIR’s quantification of the project’s operational GHG assumes a 25-year lifespan of the project. Most Davis residents would agree that this is short, given that most of the buildings in Davis are older than 25 years. Most of the existing buildings on the project site are older than 25 years. Some of them first opened in 1967. The EIR fails to provide a basis for using this lifespan, thereby understating the project’s operational GHG emissions.

Comment 20

21-20

On page 4.2-22, the EIR states, “The modeling performed for the proposed project included compliance with YSAQMD rules and regulations (i.e., low-VOC cleaning supplies),...” It’s unclear why the use of low-VOC cleaning supplies is an important consideration in a GHG analysis.

Comment 21

21-21

Most of the deficiencies raised by the previous comments in this letter would be resolved if the project design was altered in the following ways:

- Don’t provide onsite parking for residents.
- Enforce a 2- to 4-hour limit at all parking spaces.
- Provide designated drop off locations for U-trans and Yolobus.
- Provide designated drop off locations for ridesharing services.
- Provide a covered parking area for car-sharing services (e.g., Zipcar) and for bike-sharing services (e.g., Jumbike).
- Provide world class bicycle storage areas and elevators that can easily accommodate bikes.

Plenty of UC Davis students who don’t have cars and don’t want to have cars would be interested in living in the residential units proposed by the project. They would be living across the street from campus and a short walk or bike ride from downtown Davis. This would allow shoppers to visit the retail land uses like they do today and also alleviate concerns about parking and traffic. If necessary, the applicant shall provide funding for the implementation of a neighborhood parking permit program for the existing residences in the neighborhood. And with less parking needed the redeveloped University Commons building could be lower than seven stories tall, which would alleviate some of the concerns of nearby neighbors.



LETTER 21: GEORGE LU

Response to Comment 21-1

As discussed on page 4.2-13 of the Draft EIR:

On June 30, 2009, the USEPA granted a waiver of CAA preemption to California for the State's GHG emission standards for motor vehicles, beginning with the 2009 model year. Pursuant to the CAA, the waiver allows for the State to have special authority to enact stricter air pollution standards for motor vehicles than the federal government's. On September 24, 2009, the CARB adopted amendments to the Pavley regulations (Pavley I) that reduce GHG emissions in new passenger vehicles from 2009 through 2016.

In addition to the Pavley I standards, California also adopted Pavley II standards that were anticipated to result in an estimated reduction in GHG emissions from light-duty passenger vehicles by 27 percent in 2030. At the time of publication of the Notice of Preparation (NOP), which was published on November 16, 2018, California's waiver for preemption of the CAA was still in place. Consistent with CEQA Guidelines Section 15125, the basis of environmental analysis was established with the release of the NOP. Subsequent to the release of the NOP, on September 19, 2019, the federal government revoked California's CAA waiver, thus preventing the state from setting independent vehicle emissions standards. In addition, the federal government rolled back previously instated fuel economy standards. In response to the September 19th actions, 22 states, the District of Columbia, and two cities filed suit in the US District Court for the District of Columbia requesting the court grant permanent injunctive relief by declaring the preemption portion of the final rule unlawful. At the time of preparation of this Final EIR, the fate of that injunctive relief and the judicial proceedings had not yet been determined.

Although the fate of the judicial proceedings has not yet been determined because the NOP was published while California's CAA waiver was still in place and the Pavley II standards were still adopted, the existence of the waiver and the Pavley II standards is part of the environmental baseline for the project pursuant to CEQA Guidelines Section 15125.

However, in an effort to provide further information related to the regulatory context of the project, page 4.2-13 of the Draft EIR has been revised as follows:

AB 1493

California AB 1493 (Stats. 2002, ch. 200) (Health & Safety Code, §42823, 43018.5), known as Pavley I, was enacted on July 22, 2002. AB 1493 requires that the CARB develop and adopt regulations that achieve "the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty truck and other vehicles determined by the CARB to be vehicles whose primary use is noncommercial personal transportation in the state." On June 30, 2009, the USEPA granted a waiver of CAA preemption to California for the State's GHG emission standards for motor vehicles, beginning with the 2009 model year. Pursuant to the CAA, the waiver allows for the State to have special authority to enact stricter air pollution standards for motor vehicles than the federal government's. On September 24, 2009, the CARB adopted amendments to the Pavley regulations (Pavley I) that reduce GHG emissions in new passenger vehicles from 2009 through 2016. The second phase of the Pavley regulations (Pavley II) is expected to affect model year vehicles from 2016 through 2020. The CARB estimates that the regulation would reduce GHG emissions from the light-duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030.



However, on September 19, 2019, the federal government revoked the 2013 waiver. In addition, the federal government is anticipated to roll back the previously sanctioned fuel economy standards, which would have the effect of freezing fuel economy standards at 2020 levels. In response to the September 19th actions, 22 states, the District of Columbia, and two cities filed suit in the US District Court for the District of Columbia requesting the court grant permanent injunctive relief by declaring the preemption portion of the final rule unlawful. At the time of preparation of this environmental analysis, the fate of that injunctive relief and the judicial proceedings had not yet been determined.

The foregoing revisions pertain to changes to the regulatory context that occurred following the release of the NOP for the Draft EIR. Consequently, the revisions do not alter the conclusions presented within the Draft EIR.

Response to Comment 21-2

As opposed to operational sources of emissions, which emit GHGs continuously over the lifespan of a project, construction activity is a finite activity that occurs over a relatively short time frame. In the case of the proposed project, for instance, construction is anticipated to occur over approximately 27 months, during which time the existing emissions from operations of the University Mall would cease. In addition, construction-related emissions of GHGs are typically much less than emissions related to operations of a project. Although the quoted section of the Draft EIR does inform the reader of the comparatively limited role that construction-related GHGs play in the cumulative impact of global climate change, the following section of the Draft EIR incorporates an analysis of construction-related emissions with the analysis of operational emissions. Specifically, GHG emissions from construction are quantified and presented in Tables 4.2-6 and 4.2-7, and amortized construction emissions are included in the quantification of operational emissions, as presented in Table 4.2-8. Table 4.2-8 forms the basis of the emissions reductions requirements included in Mitigation Measure 4.2-3(a). Consequently, the Draft EIR fully discloses, analyzes, and mitigates for potential impacts related to the emission of GHGs during project construction.

The atmospheric lifetime of CO₂ is presented on page 4.2-2 and in Table 4.2-1 of the Draft EIR. As noted in Table 4.2-1, for a given amount of CO₂ emitted, some fraction of the atmospheric increase in concentration is quickly absorbed by the oceans and terrestrial vegetation, some fraction of the atmospheric increase will only slowly decrease over a number of years, and a small portion of the increase will remain for many centuries or more. As also noted by the source provided by the commenter, according to the IPCC's Third Assessment Report, due to the different rates of uptake by different removal processes, a single lifetime cannot be defined for CO₂.

Response to Comment 21-3

Please refer to Response to Comment 21-2 with regard to the presentation of the atmospheric lifespan of different GHGs.

Tables 4.2-6 and 4.2-7 present the total construction-related GHG emissions in units of MTCO₂e/yr associated with implementation of the proposed project. Thus, the Draft EIR does present the duration and total amount of construction-related GHG emissions. As discussed in Response to Comment 21-2, once the full construction-related emissions were disclosed in the Draft EIR, construction-related emissions were then included in the analysis of total project-related GHG emissions against the City of Davis' goal of Citywide carbon neutrality. By including construction-related emissions within the total net operational emissions, construction-related



emissions are factored into the required emissions reductions presented in Mitigation Measure 4.2-3(a). Use of an amortized approach for construction-related GHG emissions is consistent with existing air district recommendations within the State, including recommendations by SMAQMD⁷, the South Coast Air Quality Management District,⁸ and the Bay Area Air Quality Management District (as demonstrated through a number of adopted documents and analyses). The requirements of Mitigation Measure 4.2-3(a) would result in emissions reductions that occur in perpetuity, either throughout the operational lifetime of the project, or on an ongoing basis through purchase of offset credits. Therefore, while the commenter is correct that the one-time construction-related emissions would have a relatively long atmospheric residency time, the ongoing nature of the required reductions per Mitigation Measure 4.2-3(a) would ensure that GHG emissions reductions occur each year into the foreseeable future. The annual emissions reductions would be additive, with each year's emissions reductions adding to the past year's reductions. Consequently, by including the construction-related emissions within the net total emissions analysis, the Draft EIR does not underestimate construction-related emissions and ensures that construction-related emissions would be offset over the life of the project.

Response to Comment 21-4

Although Mitigation Measures 4.2-3a and 4.2-3b do not directly include measures to reduce construction-related GHG emissions, it is important to note that, as discussed on pages 4.2-32 through 4.2-33 of the Draft EIR, Mitigation Measure 4.1-3 of the Draft EIR requires the use of Tier 4 compliant engines. As noted in the Draft EIR, Tier 4 engines consume approximately five percent less fuel than standard construction equipment; consequently, the Draft EIR does include mitigation related to the reduction of GHG emissions from project construction, and the use of Tier 4 engines, as requested by the commenter, is already required by the Draft EIR in Mitigation Measure 4.1-3.

The commercial availability of renewable diesel sufficient to meet the needs of all on-site equipment is currently unknown and speculative. However, to the maximum extent feasible, the project applicant intends to rely on grid electricity to provide power to on-site equipment. As noted by the commenter, the project site is well served by transit service as well as pedestrian and bicycle infrastructure. Consequently, construction workers employed at the project site would have the option to access the site without the use of single-occupancy vehicles. Because the project's impact on air quality would be less than significant, no further mitigation measures are required. However, the project applicant has been made aware of the commenter's request that subsidies be offered to employees choosing to use such modes of transportation.

The City of Davis' Municipal Code requires that all development within the City comply with the Tier 1 standards of the CalGreen Code. The Tier 1 standards require a minimum reduction in construction waste of 65 percent compared to standard construction projects. The project is not required to adhere to the requirements of the Tier 2 CalGreen Code, nor has the project applicant indicated that the project will implement the Tier 2 requirements.

It should be noted that, with the exception of requiring Tier 4 compliant engines, EIRs recently certified by the City of Davis have not adopted the mitigation measures suggested in the comment. Notwithstanding the measures identified by the commenter, analysis of Impact 4.2-3 concludes

⁷ SMAQMD. *Guide to Air Quality Assessment in Sacramento County* [pg. 6-15]. April 2020. Available at: <http://www.airquality.org/LandUseTransportation/Documents/Ch6GHG4-25-2020.pdf>. Accessed May 2020.

⁸ South Coast Air Quality Management District. *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*. October 2008.



that the project's GHG impacts would be less than significant with implementation of the mitigation measures already identified in the Draft EIR. As such, the mitigation measures recommended by the commenter are not required to reduce a significant impact to a less-than-significant level.

Response to Comment 21-5

Section 15064.4 of the CEQA Guidelines specifies that a lead agency should consider, among other things: "The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting." In light of the direction in Section 15064.4, the analysis of GHG emissions presented in the Draft EIR focused on the potential for the proposed project to result in an increase or reduction in GHG emissions as compared to the emissions level that currently occurs under existing operations. Furthermore, the relevant plan, policy, or document adopted for the purpose of reducing GHG emissions includes the City of Davis' CAAP and the City's resolution declaring a climate emergency. Consequently, the analysis presented in the Draft EIR focuses on whether implementation of the proposed project would conflict with either of the two documents. The 2017 Scoping Plan provides a statewide approach to achieving the emissions reductions goals of AB 32 and SB 32; however, given the stringent standards included in the City's CAAP and the City's resolution declaring a climate emergency, compliance with these City-specific documents would ensure that the proposed project would also comply with the statewide emissions reductions goals that form the basis of the 2017 Scoping Plan.

Contrary to the commenter's assertion that the project would wait to reduce emissions until a future date, Mitigation Measure 4.2-3(a) clearly demonstrates that emissions reductions would be required on an on-going basis. Indeed, many of the suggested measures included in Mitigation Measure 4.2-3(a) are project-design measures that would partially offset the project's emissions as soon as operation of the project commences. Consequently, implementation of Mitigation Measure 4.2-3(a) is anticipated to result in immediate operational reductions in GHG emissions.

It is important to consider that although the proposed project was anticipated to result in an unmitigated net increase in emissions, the anticipated increase in emissions would occur as a result of densification of the project site, which, as a transit priority project, is envisioned by and in furtherance of the MTP/SCS. The project site currently contains 90,563 sf of retail space, and, as shown in Table 4.2-8 of the Draft EIR, operations of the existing University Mall result in the emission of approximately 185.53 MTCO₂e/yr from area, energy, solid waste, and water related sources for an emission rate of approximately 2.05 MTCO₂e/yr per 1,000 sf of building area. On the other hand, the proposed project's gross emissions of approximately 512.21 MTCO₂e/yr over 795,300 sf of building area would equate to an emission rate of approximately 0.64 MTCO₂e/yr per 1,000 sf of building area, which is a substantial per sf reduction. Thus, while the gross emissions would increase with the proposed project, the efficiency of such emissions by building area would improve with implementation of the project. An overall increase in emissions efficiency is in keeping with the goals of the City's CAAP and climate emergency resolution, as well as statewide efforts to reduce emissions.

Response to Comment 21-6

The City's CAAP and resolution declaring a climate emergency represent the relevant plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Thus, the City's approach to analyzing GHG emissions from the proposed project is based on the City's understanding of the CAAP as well as the City Council's resolution declaring a climate emergency. As stated on page 4.2-20 of the Draft EIR:



Based on the City's understanding of Table 1 of the CAAP, and the City Council's recent actions, the desired goal of carbon neutrality is anticipated to be met through a combination of efforts by developers, the City, regional organizations, the State government, the federal government, and international institutions. Thus, emissions from existing development within the City that were operable at the time the City conducted its GHG inventory in 2008 for the CAAP, can be addressed through actions previously planned by the City's CAAP (i.e., actions taken by the City to encourage citywide reductions of VMT, increased generation of renewable energy within the City, and increased use of alternative vehicle fuels, as well as actions taken by regional organizations, the State government, the federal government, and international institutions). In order to maintain the emissions reductions trajectory anticipated by the CAAP and mandated by the City's climate emergency declaration, redevelopment projects would be required to demonstrate that operations on redeveloped sites would not exceed existing emissions levels associated with the same site. Should redevelopment projects result in increased on-site emissions relative to existing levels, the redevelopment project would be responsible for reducing post-project emissions to a level equal to the existing level of emissions. By ensuring that emissions from redevelopment projects remain at or below existing levels, redevelopment projects would provide a proportionate share of emissions reductions and would not inhibit attainment of citywide net carbon neutrality by the year 2040, nor would the project conflict with the City's CAAP.

Based on the above, the City must balance the need for new development to reduce GHG emissions with existing and on-going efforts to reduce GHG emissions implemented by the City's CAAP. However, it is important to note that the entirety of the burden of GHG reductions does not fall solely on new development. Rather, actions taken by the City, regional organizations, and the State government are also anticipated to reduce GHG emissions associated with the sources that existed during the 2008 Citywide inventory prepared for the CAAP. It should further be noted that the approach taken in the Draft EIR is consistent with CEQA Guidelines Section 15064.4, which allows CEQA analysis to focus on the net change in emissions from existing condition. Therefore, the analysis presented in the Draft EIR required that project-related emissions be reduced to existing levels, despite the proposed increase in density on-site. In order to ensure that emissions from the proposed project do not exceed existing emissions levels, the project must be shown to result in efficient operations that minimize GHG emissions.

As further evidence that the City did not intend to place the entire burden of emissions reductions on new development, the City's original GHG reduction targets that were implemented with the City's CAAP were developed along with carbon allowances for new and existing residential units.⁹ The assignment of new and existing development with a carbon allowance indicates that the City's CAAP was not intended to prohibit new development from resulting in any GHG emissions; rather, the carbon allowances demonstrate that new and existing developments are anticipated to result in GHG emissions, but that such emissions must be reduced towards net zero. The analysis presented in Impact 4.2-3 complies with this City adopted approach.

Response to Comment 21-7

The Draft EIR's assertion that the CBSC has become increasingly stringent over time is well supported by current and past documents related to the CBSC and subsections of the building code. For instance, the Abstract of the 2013 Building Energy Efficiency Code provides an in-depth discussion of the areas of improvement between the 2010 and 2013 Building Energy Efficiency

⁹ City of Davis. *Staff Report to City Council, Subject: Greenhouse gas emissions: Inventory update, Davis greenhouse gas emissions reduction targets, and carbon allowances for residential development.* November 4, 2008.



Code,¹⁰ while the California Energy Commission has published documentation demonstrating that residences built under the 2019 Building Energy Efficiency Code would achieve between a seven and 53 percent increase in efficiency compared to the 2016 Code, while non-residential developments would be approximately 30 percent more efficient.¹¹ Similar documentation exists for previous iterations of the Building Energy Efficiency Code. In fact, the California Energy Commission states on its website that “California’s energy code is designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings.”¹² Thus, the statement from the Draft EIR quoted by the commenter is well supported.

The project applicant, and current owner of the University Mall, has confirmed that although tenant improvements have been made to existing spaces within the University Mall, such improvements have been relatively limited and have not involved the large upgrades referenced by the commenter (such as improved roofing insulation or more efficient space and water heating). Although larger renovations may have been completed at some point since the original construction in 1966, larger renovations have not been completed in the past 25 years. Moreover, although the energy use rates were set to the earliest available year in CalEEMod, which is 2005, the University Mall was constructed as early as 1966, and renovated no more recently than 1995; thus, the existing structure likely operates less efficiently than a building constructed to 2005 standards. Consequently, the analysis within the Draft EIR likely overestimates the energy efficiency of the existing structure and may underestimate the existing emissions used as the baseline, which represents a conservative approach.

Response to Comment 21-8

Please refer to Responses to Comments 21-5 and 21-6. With implementation of Mitigation Measure 4.2-3(a), the project would comply with the City’s CAAP. While the City’s CAAP is the applicable document for analysis, it should further be noted that the City’s CAAP complies with AB 32 and SB 32, which form the basis of the emissions reduction goals for the 2017 Scoping Plan.

Response to Comment 21-9

At the time of release of the NOP for the proposed project, SACOG’s 2016 MTP/SCS was in effect. Per CEQA Guidelines Section 15125, the basis of environmental analysis was established with the release of the NOP; consequently, the analysis of the proposed project under the 2016 MTP/SCS complies with CEQA Guidelines. Furthermore, the preemption of California’s more stringent automobile emissions standards by the federal government is currently under litigation, the outcome of which is speculative at this time.

As discussed in Chapter 1, Introduction and List of Commenters, of this EIR, per Section 15064.3(b)(3) of the CEQA Guidelines, a lead agency has discretion to choose the most appropriate methodology to evaluate a project’s VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure. Thus, a lead agency may analyze a project’s VMT qualitatively based on the availability of transit, proximity to destinations, etc. In accordance with Senate Bill 743 (SB 743), the Governor’s Office of Planning and Research (OPR) released the Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018) to provide

¹⁰ California Energy Commission. *2013 Building Energy Efficiency Standards*. May 2012.

¹¹ California Energy Commission, Efficiency Division. *2019 Building Energy Efficiency Standards: FAQ*. March 2018.

¹² California Energy Commission. *Building Energy Efficiency Standards – Title 24*. Available at: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards>. Accessed February 2020.



guidance and recommendations to lead agencies regarding the use of VMT CEQA impact analysis purposes. The OPR Technical Advisory contains two potential VMT thresholds for consideration by lead agencies:

- OPR states that achieving 15 percent lower per capita or per employee VMT than existing development would meet State climate goals.
- The California Air Resources Board (CARB) finds that per-capita light-duty vehicle travel would need to be approximately 16.8 percent lower than existing levels in order to meet State climate goals established in the 2017 Scoping Plan Update.

Both of the potential thresholds would require a project to generate VMT per capita at a lower level than that established in the VMT significance criteria utilized by the City of Davis in recent CEQA documents, including the University Commons Project Draft EIR. However, as shown in Table 4.6-16 of the Draft EIR, the University Commons Project would generate VMT per capita at a level well below either the OPR or CARB thresholds when applied to local or regional VMT averages. Thus, the impacts with respect to conflicting with or being inconsistent with CEQA Guidelines Section 15064.3(b) were determined to be less than significant under both Existing Plus Project and Cumulative Plus Project conditions.

Response to Comment 21-10

The use of the Sacramento Metropolitan Air Quality Management District's (SMAQMD) recommended approach to GHG analysis has been suggested by the YSAQMD since at least 2015. YSAQMD staff confirmed this approach through in-person communication between Matt Jones, the Planning and Air Monitoring Manager at YSAQMD, and Jacob Byrne, Senior Associate/Air Quality Technician with Raney Planning and Management, Inc., on January 16, 2020.

Although SMAQMD is in the process of adopting updated thresholds for the analysis of GHG emissions, as noted on page 4.2-19 of the Draft EIR:

Although SMAQMD has designed thresholds for project review, SMAQMD further specified that where cities have adopted city-specific Climate Action Plans or GHG Reduction Plans, proposed projects should be assessed in relation to the city-specific plans, rather than SMAQMD's thresholds. As discussed in further depth below, the City of Davis has adopted a citywide GHG reduction program for operational GHG emissions of existing and proposed developments in the City.

Based on the above, although the YSAQMD recommends use of SMAQMD's methodology for assessing GHG emissions, SMAQMD's methodology encourages the analysis of proposed projects based on City-specific Climate Action Plans. The City of Davis has adopted a City-specific CAAP, as well as emissions reductions goals for the year 2040. In compliance with the YSAQMD and SMAQMD recommendations, and as discussed in-depth throughout the remainder of Section 4.2 of the Draft EIR, the analysis presented in the Draft EIR is based solely on City-specific thresholds and methodologies. Consequently, the current applicability of SMAQMD's existing thresholds is irrelevant to the analysis presented in the Draft EIR.

Response to Comment 21-11

Mitigation Measure 4.2-3(a) of the Draft EIR includes several options for potential mitigation measures similar to the measures provided by the commenter. For instance, Mitigation Measure 4.2-3(a), as presented in the Draft EIR, includes use of all-electric appliances, or exceedance of



electric vehicle charging stations standards as potential means of achieving the required GHG emissions reductions. The intention of Mitigation Measure 4.2-3(a), as included in the Draft EIR, was to encourage installation of all-electric appliances, as a potential option for project mitigation. However, in response to the commenter’s request, Step #3 in Mitigation Measure 4.2-3(a) is hereby revised as follows:

3. *Should net operational emissions be shown to exceed the maximum emissions levels presented in the table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:*
 - *Design all or portions of the project without the infrastructure necessary to support natural gas appliances;*
 - *Use of installation of only all-electric, energy-star large appliances (i.e. ranges, ovens, water heating, and/or space heating equipment) in all or part of the project;*
 - *Require future refrigeration systems to only use low GWP potential gases;*
 - *Installation of on-site photovoltaic systems in excess of the City’s standards in place at the time of this environmental analysis;*
 - *Use of LED lights in proposed parking areas and other outdoor areas;*
 - *Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);*
 - *Implement a Transportation Demand Management Program in accordance with Section 22.15 of the City of Davis Municipal Code;*
 - *Provide electric vehicle charging infrastructure in excess of existing CBSC requirements; and/or*
 - *Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis.*

The foregoing revisions provide greater clarity on potential mitigation measures that can be implemented to reduce project-related GHG emissions. The revisions do not affect the adequacy of the analysis presented in the Draft EIR.

It should be noted that with regard to EV charging infrastructure, the City has adopted an *Electric Vehicle Charging Facilities Plan* that includes specific requirements for the number of spaces and level of chargers needed for new developments within the City. The proposed project would be required to comply with the City’s EV Charging Facilities Plan, through incorporation of EV charging stations within the project site. Compliance with the City’s EV Charging Facilities Plan would likely exceed the CBSC requirements for EV charging, and would result in GHG emissions reductions that were not quantified or presented in the Draft EIR.

Regarding VMT analysis, see Response to Comment 21-9.

Response to Comment 21-12

A discussion of each of the commenter’s recommended measures is provided in the table below.

Commenter Recommended Measures	Consistency/Feasibility
For the multi-family residential buildings, follow the energy efficiency performance standards set forth in Tier 1 of the 2016 California Green Building	City of Davis Municipal Code Section 8.01.065(a) requires that all new developments comply with Tier 1 of the CalGreen Code. Consequently, the



Standards Code, Section A4.203.1.2.1. These reductions shall be achieved by employing energy efficient design features and/or solar photovoltaics.	project would be required to include design features sufficient to fulfill the suggested measure without the need for additional mitigation. It should be noted that the applicable CalGreen Code is the 2019 CalGreen Code.
The new and redeveloped non-residential buildings shall be designed to achieve a 10 percent or greater reduction in energy use compared to the standard Title 24 code-compliant building through energy efficiency measures consistent with Tier 1 of the 2016 California Green Building Standards Code, Section A5.203.1.2.1.	As noted above, the project is required to comply with the Tier 1 2019 CalGreen standards and would be more efficient than the 2016 Tier 1 CalGreen Standards cited. Thus, additional mitigation mandating such compliance is unnecessary.
Include Cool Roofs in accordance with the requirements set forth in Tier 2 of the 2016 California Green Building Energy Codes (CalGreen), Sections A4.106.5 and A5.106.11.2.	Tier 1 of the applicable 2019 CalGreen Code requires the installation of cool roofs, except in cases where such roofing systems would conflict with proposed photovoltaic (PV) systems. Davis Municipal Code Section 8.01.060 requires that new non-residential and high-rise multifamily structures include PV systems. Due to the City's Municipal Code requirements, inclusion of a cool roof may be preempted by inclusion of a PV system. The feasibility of including both solar and cool roofs would be determined by the City and applicant during preparation and review of the final planned development required for the project.
Comply with requirements for water efficiency and conservation as described in the CalGreen Divisions 4.3 and 5.3.	Tier 1 of the applicable 2019 CalGreen Code requires the implementation of water efficiency and conservation strategies. The proposed project would comply with such measures and further mitigation is not necessary.
Include electric outlets on the exterior of newly constructed buildings for purposes of charging or powering electric landscaping equipment and providing an alternative to using fossil fuel-powered generators. The electrical receptacles shall have an electric potential of 100 volts with a minimum of one electrical receptacle on each side of the building and one receptacle every 75 linear feet around the perimeter of the building.	In response to the comment, Mitigation Measure 4.2-3(a) has been updated as shown below.
Only electric forklifts shall be used at any loading docks or loading areas for loading and unloading commercial delivery trucks.	The project applicant has indicated that forklifts would not be used within the project site during project operations. Consequently, this recommended mitigation is not applicable.
All loading docks or loading areas shall be equipped to provide electric power from the grid, including connections for Transportation Refrigeration Units.	In response to the comment, Mitigation Measure 4.2-3(a) has been updated as shown below.
All outdoor parking areas shall include solar canopies designed to result in a minimum 50 percent shading of parking lot surface areas.	Davis Municipal Code Section 40.25.100 addresses parking lot shading standards and requires a minimum of 50 percent of the paved parking lot to be covered with tree canopy. It allows for the use of parking canopies to comply with the 50 percent shading requirement. Davis Municipal Code Section 8.01.060 establishes the



	<p>requirements for on-site PV systems within the City of Davis. As presented on page 4.2-37, Mitigation Measure 4.2-3(a) currently includes an option for the project-applicant to include installation of on-site PV systems in excess of the City's standards. Such systems could be used to provide the 50 percent minimum solar shading of the proposed parking areas.</p>
<p>Provide no more on-site parking spaces than necessary to accommodate the number of employees working at the project site.</p>	<p>Issues related to parking are discussed further in Master Response #1. As noted therein, the number of parking spaces provided on-site would be appropriate for the proposed uses. Consequently, the reduction of parking is not specifically included in Mitigation Measure 4.2-3(a). Restriction of on-site parking is otherwise considered in Chapter 6, Alternatives Analysis.</p>
<p>Provide parking spaces for car share services such as Zipcar.</p>	<p>A Zipcar parking space currently exists south of the Trader Joe's parking lot. Project implementation is not anticipated to include the removal of the existing Zipcar space; thus, future residents at the project site would be provided access to the existing Zipcar service. Following completion of project-design, the project applicant may elect to include additional car share service spaces.</p> <p>The commenter has not provided evidence that inclusion of additional carshare spaces would result in GHG emissions reductions or further incentivize the use of such services. Nevertheless, City staff has expressed interest in such a measure, and will explore options for incorporation of such features into the design of the project during the final design phase.</p>
<p>Provide adequate, convenient, and secure on-site bicycle parking racks at retail and commercial buildings.</p>	<p>An in-depth discussion of proposed bicycle parking is provided on page 3-12 of the Draft EIR. In addition to bicycle parking, the project would include provision of a bicycle repair station. Some of the bicycle storage areas would be accessible by an internal elevator.</p>
<p>For residents living at the project site, provide secure on-site bicycle parking and storage. The bicycle parking area shall be under a roof and in a locked area that is only accessible by residents. Or provide a separate bicycle storage area in the design of each dwelling unit near the main entrance to each dwelling unit. The amount of storage room provided for bikes shall be consistent with the number of beds at a 1-to-1 ratio.</p>	<p>The proposed amount of bicycle parking is based on existing City standards within Section 40.25A of the Davis Municipal Code. A total of 1,018 bicycle parking spaces would be provided as part of the proposed project. It includes required long-term bicycle parking spaces, which are located within the parking structure. The City's Municipal Code would require 802 total bicycle parking spaces. It includes 622 required residential spaces of which 75 percent are required to be covered and secure for long-term users. The proposed bicycle parking supply would exceed the minimum City requirements by 216 spaces. With a total of 683 long-term bicycle parking spaces, it also exceeds City requirements for total long-term bicycle</p>



	parking for the residential and retail uses by 172 spaces.
Include elevators large enough to accommodate bikes in residential units.	As previously noted, an elevator would be provided within the proposed structure for use in accessing secure long-term bicycle storage areas.
Include a common space with a shared bike tool station and compressor air pump for inflating tires.	As previously noted, a bicycle repair station would be included in the project.
The property manager of the residential buildings shall unbundle the costs of parking from the cost of leasing a dwelling unit.	As noted on page 3-11 of the Draft EIR “Garage parking for retail customers would be free, while residential parking stalls would be billed to residential tenants on a monthly basis.”
Buildings should not be allowed to use appliances that use refrigerants with a high global warming Potential. This is one of the Best Management Practices applied as a qualitative threshold of significance in SMAQMD’s proposed new CEQA guidelines at http://www.airquality.org/businesses/ceqa-land-use-planning/ceqa-guidance-tools .	Please refer to Response to Comment 21-11.

Based on the discussion presented in the table above, step #3 of Mitigation Measure 4.2-3(a) is hereby revised as follows:

3. *Should net operational emissions be shown to exceed the maximum emissions levels presented in the table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:*
 - Design all or portions of the project without the infrastructure necessary to support natural gas appliances;
 - Use of installation of only all-electric, energy-star large appliances (i.e., ranges, ovens, water heating, and/or space heating equipment) in all or part of the project;
 - Require future refrigeration systems to use only low-GWP gases;
 - Include electric outlets in outdoor areas sufficient to allow for the use of electric-powered landscaping equipment;
 - Construct all proposed loading docks with electric outlets sufficient to provide adequate electrical power for docking trucks;
 - *Installation of on-site photovoltaic systems in excess of the City’s standards in place at the time of this environmental analysis;*
 - *Use of LED lights in proposed parking areas and other outdoor areas;*
 - *Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);*
 - *Implement a Transportation Demand Management Program in accordance with Section 22.15 of the City of Davis Municipal Code;*
 - *Provide electric vehicle charging infrastructure in excess of existing CBSC requirements; and/or*
 - *Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis.*



The foregoing revisions provide greater clarity on potential mitigation measures that can be implemented to reduce project-related GHG emissions. The revisions do not affect the adequacy of the analysis presented in the Draft EIR.

It should be noted that implementation of all potential measures identified by the commenter would not be required to demonstrate consistency with the applicable GHG reduction document (i.e. the City's CAAP). Rather, consistency with the City's CAAP may be shown as outlined in the remaining sections of Mitigation Measure 4.2-3(a), by showing sufficient emissions reductions, including purchase of carbon credits, if necessary, to achieve net carbon neutrality in the year 2040.

Response to Comment 21-13

Please refer to Response to Comment 21-5.

In addition, as stated on page 4.2-22 of the Draft EIR,

To provide a direct comparison of emissions against that of the proposed project, operational emissions of the existing University Mall were modeled assuming an operational year of 2024, which is the same operational year assumed for the proposed project.

Thus, contrary to the commenter's assertion, the analysis presented in the Draft EIR is based on a comparison of the existing University Mall in the year 2024 against the proposed project in that same year. Because the operational year was selected to be 2024 for both the existing University Mall and the proposed project, operational factors such as the amount of grid electricity provided by renewable sources was constant between both scenarios. Although the continued operation of the existing University Mall would benefit from grid electricity provided by increasingly renewable sources, continued operation of the existing University Mall to the year 2024 would not be anticipated to benefit from increasingly stringent energy standards. In fact, the existing University Mall would only benefit from such standards if a large renovation of the existing structure was undertaken. Plans for such a renovation do not currently exist and assuming that large renovations would occur is speculative at this time; accordingly, improvement of the existing University Mall structures to current building standards was not included in the emissions modeling prepared for the existing University Mall.

Response to Comment 21-14

The intent of the referenced section of Mitigation Measure 4.2-3(a) was to regulate large appliances that are often natural gas powered, such as stoves and ovens, water heaters, and space heating equipment. Mitigation Measure 4.2-3(a) has been revised as part of this Final EIR; please refer to Response to Comment 21-12 for changes that address the commenter's concerns. It should be noted that the GHG Reduction Plan required per Mitigation Measure 4.2-3(a) would be prepared and implemented by the project proponent, to the satisfaction of the City, prior to issuance of a building permit for the proposed project.

Cancellation of existing energy efficiency programs is speculative at this time, and all referenced programs were in place at the time of release of the NOP. Please refer to Response to Comment 21-1 regarding the establishment of a baseline for environmental analysis with release of the NOP.



Response to Comment 21-15

Should the EIR be certified by the City, and the project approved, the City of Davis would be legally responsible, as the CEQA lead agency, for ensuring the full implementation of all mitigation measures included in the EIR. Certification of the EIR includes adoption of a Mitigation Monitoring and Reporting Program with the mitigation measures also imposed as conditions of approval of the project with the requirement for the applicant to comply with and to implement as part of the project. The implementation of all mitigation measures does not necessarily require public input or oversight, as the City is legally bound to ensure the full implementation of all measures.

Response to Comment 21-16

Please refer to Responses to Comments 21-5 and 21-6 related to the establishment of the thresholds of significance used in the Draft EIR.

The reduction of 20.42 MTCO₂e/yr required by Mitigation Measure 4.2-3(a) represents a linear path to achieving emissions reductions down to a level of net carbon neutrality, which is based on the actual estimated net GHG emissions from the proposed project. Although using a percentage reduction would operate similarly, a percentage reduction would require a greater amount of reductions in the early operational years, and increasingly smaller reductions into future years. Although emissions reductions calculated based on a constant percentage would reduce emissions and approach carbon neutrality, a constant percentage would never actually reach zero, as the required reductions would become infinitely small. Consequently, the use of a constant emissions reductions amount provides a more straightforward method of calculation that ensures emissions actually reach net carbon neutrality.

Response to Comment 21-17

As noted in Response to Comment 21-11, Mitigation Measure 4.2-3(a) was intended to include an option for the project applicant to design the project without the use of natural gas appliances in all or portions of the proposed structures. In response to the commenter's previous comments, Mitigation Measure 4.2-3(a) has been revised to clarify this mitigation option.

California legislation, such as Senate Bill 350, has established requirements for increased energy efficiency within the state. Considering the content of existing statewide legislation, the occurrence of an increase in natural gas usage does not necessarily constitute an inconsistency with the State's 2017 Scoping Plan or other statewide legislation focused on energy efficiency and GHG emissions reductions. Increased energy efficiency in compliance with the 2017 Scoping Plan and statewide legislation does not necessarily require the cessation of the use of natural gas. For instance, the replacement of existing inefficient systems with modern efficient systems can result in increased energy efficiency, while continuing to require some amount of on-going energy consumption. As noted on page 4.2-28:

With regard to natural gas consumption of the commercial uses, the existing 83,240 sf of occupied commercial space consumes 243,049 kBtu/yr, while the proposed 136,800 sf of commercial uses would consume 226,951 kBtu/yr. Thus, implementation of the proposed project would result in a reduction in natural gas consumption related to on-site commercial uses, despite the overall increase in total commercial area under the proposed project.

Therefore, the increase in on-site natural gas usage would be attributable to the new residential uses proposed for the site, and the operation of commercial uses would become more efficient. Although the proposed residential uses would increase the consumption of natural gas on-site, the residences would be required to be designed in compliance with the existing CBSC and Tier



1 of the CalGreen Code, both of which would ensure that the consumption of natural gas on-site complies with existing state legislation related to the efficient consumption of natural gas.

SMAQMD's conclusions related to natural gas consumption were based solely on research done within SMAQMD's jurisdiction. To the knowledge of the City, YSAQMD has not prepared such analysis for the City or other areas within YSAQMD's jurisdiction.

Nevertheless, as noted in Response to Comment 21-11, design of the project without the use of natural gas or with limited use of natural gas is included as a potential option to reduce operational emissions from the proposed project.

Neither the City nor YSAQMD has adopted thresholds mandating reductions in natural gas usage. Consequently, the analysis presented within the Draft EIR correctly focuses on the larger issue of GHG emissions, while acknowledging that natural gas plays a role in such emissions and including potential reductions in natural gas consumption as a means of complying with Mitigation Measure 4.2-3(a).

Response to Comment 21-18

As noted in Response to Comment 21-9, the VMT thresholds recommended for use in CEQA analyses do not state that new development projects may not result in any increase in VMT. Rather, both OPR and CARB have recognized that reductions in per capita VMT compared to local/regional averages is sufficient to show consistency with applicable statewide GHG reduction goals. Similarly, the City's CAAP is not intended to prohibit any net increase in VMT, and because the project-related per capita VMT would be far below the local average, the project would be considered to comply with the City's CAAP goals of reducing citywide VMT.

Response to Comment 21-19

The basis for the use of a 25-year building lifespan is SMAQMD's *Guide to Air Quality Assessment in Sacramento County*,¹³ which derived the number from a document developed for California's Sustainable Building Task Force titled, *The Costs and Financial Benefits of Green Buildings*, which was published in October 2003. As opposed to the 25-year building lifespan that is supported by California's Sustainable Building Task Force, adequate supporting documentation for a building lifespan in excess of 25-years was not provided by the commenter.

Response to Comment 21-20

To simplify the review of project emissions modeling, the same CalEEMod outputs were used to analyze both criteria pollutants, discussed in-depth in Section 4.1 of the Draft EIR, and GHG emissions, discussed in-depth in Chapter 4.2. The use of low-VOC cleaning supplies does not necessarily affect the analysis of GHG emissions and is more directly tied to consideration of the project's emissions of criteria air pollutants. Nevertheless, because the same modeling outputs were used to analyze criteria pollutants and GHG emissions, the quoted section and the remaining portions of page 4.2-22 through 4.2-24 of the Draft EIR seek to disclose all changes to CalEEMod implemented for project-modeling. The quoted language is therefore included for the purposes of public disclosure, but does not affect the analysis presented in Section 4.2 of the Draft EIR.

¹³ SMAQMD. *Guide to Air Quality Assessment in Sacramento County* [pg. 6-15]. April 2020. Available at: <http://www.airquality.org/LandUseTransportation/Documents/Ch6GHG4-25-2020.pdf>. Accessed May 2020.



The comment does not address the adequacy of the analysis presented in the Draft EIR.

Response to Comment 21-21

A discussion of each of the commenter’s recommended measures is provided in the table below.

Commenter Recommended Measures	Consistency/Feasibility
Don't provide onsite parking for residents	Although not proposed for the University Commons project, a Low Parking Alternative was considered in Chapter 6 of the Draft EIR. As noted in Chapter 6 of the Draft EIR, restricting on-site parking would result in fewer impacts related to air quality and GHG emissions. Considering the conclusions presented in Chapter 6 related to a Low Parking Alternative, the total exclusion of on-site parking for residents could result in further reductions related to Air Quality and GHG emissions. Despite the anticipated reductions in emissions, the Low Parking Alternative would still be anticipated to result in impacts related to emissions of pollutants, including GHGs, and mitigation would continue to be required. Moreover, as noted in Mitigation Measure 4.2-3(a), other measures exist that could reduce impacts related to GHG emissions to a less-than-significant level, even if the project continues to include resident parking.
Enforce a 2- to 4-hour limit at all parking spaces	Strict parking time limits would present challenges to both the proposed retail and residential uses. Employees, residents, customers, and guests visiting the site would need to repark periodically to comply with the parking limits, potentially resulting in additional vehicle usage on-site and in the surrounding area. The commenter has not provided evidence that such a time limit would result in decreased impacts related to GHG emissions.
Provide designated drop off locations for U-trans [sic] and Yolobus	Unitrans and Yolobus transit stops currently exist in proximity to the project site, and would be maintained with implementation of the project. In particular, a Unitrans and Yolobus stop exists on the eastern frontage of the project site, along Anderson Boulevard, while a Unitrans bus stop exists along the western frontage of the project site, along Sycamore Lane. Mitigation Measure 4.6-4 includes requirements related to the improvement of the existing Unitrans and Yolobus stop along the eastern project frontage to ensure that the the stop continues to provide adequate service to future transit patrons. Thus, the project would comply with this measure.
Provide designated drop off locations for ridesharing services.	Ample areas within the proposed parking areas exist that would allow for pick-up and drop-off of ridesharing services. Notwithstanding, City staff has expressed interest in such a measure, and will explore options for incorporation of a designated



	space during final design of the project. However, changes to address ride-share or drop-off and pick-up services are not needed to mitigate impacts.
Provide covered parking area for car-sharing services (e.g., Zipcar) and for bike-sharing services (e.g., Jumbike[sic]).	The proposed project includes both long- and short-term bicycle parking facilities, some of which could be used by Jumpbike. Furthermore, a designated Zipcar parking space exists along the southern project frontage, and the existing Zipcar space would be retained with implementation of the project. Nevertheless, City staff has expressed interest in the potential for bike-sharing and will explore options for incorporation of such features into the design of the project during the final design phase. However, changes related to bike-sharing services are not needed to mitigate impacts.
Provide world class bicycle storage areas and elevators that can easily accommodate bikes.	As discussed in Chapter 3 of the Draft EIR, the proposed project would include short- and long-term storage both outdoors and on multiple levels within the proposed structure. All levels of bicycle storage areas above the ground floor would be accessible by way of an elevator within the proposed structure, which would be capable of accommodating bicycles. While the project would comply with all existing City standards, the final details of the proposed bicycle parking would be finalized during the final design phase of the project.

The commenter’s recommendations related to the proposed project have been forwarded to decision-makers.



December 20, 2019

Letter 22

Eric Lee, Planner
City of Davis Department of Community Development and Sustainability
23 Russell Boulevard
Davis, CA 95616
elee@cityofdavis.org

Re: COMMENTS CONCERNING THE REDEVELOPMENT OF THE UNIVERSITY MALL

- 22-1 Although I strongly support the redevelopment of the University Mall located adjacent to Russell Boulevard, Anderson and Sycamore, I ask for reconsideration of facets of the project as proposed. The project as proposed would lead to a significant negative impact on the surrounding community and to those who shop at the Mall. As a resident of Davis and who has lived on Mulberry Lane since 1972, I ask the planning commission to reject and or call for significant modification to the proposed development of University Mall.
- 22-2 In particular, the development of ostensibly student apartments would have a major negative impact on the surrounding neighborhood, residents attempting to access services at the Mall, as well as adding to the significant vehicle, bicycle and pedestrian congestion already apparent at the intersections of Sycamore as well as Andersen and Russell Blvd. The EIR does not address a number of ramifications. In addition, the proposed traffic flow modifications at the intersection of Russell and Sycamore seem illogical. I think the housing issue needs a serious rethink. issue warrants rethinking no matter the outcome of the project.
- 22-3 The area between Andresen and Highway 113 has a continues stretch of student apartment building complexes including both a recently completed complex as well as one currently in progress all adding to a significant increase in student density. In addition, attention should be given to the future University development of the very large Orchard Park property located the west side of Russell which has been identified as the site of a future housing development capable of leading to a doubling of the current student residents occupying apartments on the North side of Russell.
- 22-4 The plan to provide a social space within the housing/mall complex would certainly add to the unnecessary noise already associated with “student-based” parties in the area. Any proposal approved should eliminate the recreational space. The University has open grass fields, a swimming pool and a very large recreational facility only minutes away.
- 22-5 The high impact area of Andersen/Sycamore and Russell does not need additional housing especially in a shopping mall.
Was not the original thinking of the property owner a redo of the mall but had no mention of the additional apartment complex placed on top? I thought I had read that but am unable to find the source. But I would strongly urge due consideration to the proposal for a retail only redevelopment. Given the recent increases in availability of student housing in the immediate area and the steady increase in University developed housing in West Village I see no imperative for the proposed apartment



22-5
Cont'd

complex attached to the University Mall. There has been some talk that the idea for the apartments came from within the City Administration of Davis. Who knows?

The “floor plan” of the proposed apartments certainly appears to be tailored to housing students and not University employees. The housing is quite tight and not family friendly, but then I expect that is part of the plan. There are no limits placed on numbers of students occupying an apartment so that “subleasing” to additional students as is known elsewhere in Davis seems likely.

Also, one of the initial proposals called for the addition of 2 floors of apartments (as reported in the Davis Enterprise). No explanation was given as to why the plan was modified to include an additional two floors.

22-6

The issue of parking is a concern. The proposal to extensively redo the current parking area to accommodate additional retail space has no justification other than increasing revenues. The plan needs to carefully address the issue of parking and of access to the mall from adjacent streets.

22-7

The proposal to limit access on Andersen and Sycamore to a single-entry location each is grossly inadequate as is clear to anyone who has entered/exited the Mall during the evening “rush”.

Parking on the surface parking spaces and, in the garage, must be feasible and reasonable. The space allotted per vehicle must be capable of accommodating the increasingly large sizes of vehicles. The space allotted per vehicle in the existing spaces is quite appropriate except for those spaces on the westside adjacent to Sycamore.

22-8

The issue of the “to and from” of the parking facility inside the main mall building needs to be more carefully documented. Given the number of parking spaces a more detailed plan needs to be developed to allow the reasonable entrance to and exit from the facility and paying attention to high demand times.

Related to parking is the proposal to pre-empt current parking space in lieu of additional retail buildings. Such a proposal if enacted would reduce parking at the ground level and lead to higher impact on the garage parking. My guess, knowing folks in Davis, would be to not shop there. Davis isn’t San Francisco. I would urge a reconsideration of the main footprint and elimination/reduction of additional outbuildings.

22-9

I recognize that the developers have “superior knowledge” based on detailed engineering analysis however sometimes the best knowledge available on some issues come from the folks who live in Davis and the Mall area.

Davis deserves a redeveloped Mall but does not deserve additional student housing being piled on top.

Thank for your consideration of the issues I have raised and for your efforts on the part of a better Davis.

Sincerely,

JaRue Manning
726 Mulberry Lane
Davis



LETTER 22: JARUE MANNING

Response to Comment 22-1

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

Response to Comment 22-2

Potential project impacts to the Sycamore Lane/Russell Boulevard and Anderson Road/Russell Boulevard intersections are evaluated in Chapter 4.6, Transportation and Circulation, of the Draft EIR, under Impacts 4.6-1 and 4.6-9. Impacts related to bicycle and pedestrian facilities are analyzed in Impact 4.6-2 and 4.6-3.

As noted on page 4.6-69 of the Draft EIR, while Mitigation Measure 4.6-9 includes modifications to Russell Boulevard to reduce peak hour delay at the Anderson Road/Russell Boulevard intersection, the preferred improvements cannot be determined at this time, as they will be determined through the City's Corridor Plan process. See Response to Comment 31-13 regarding the status of the Russell Boulevard Corridor Plan. It should be noted that while this EIR identifies some improvements that were determined to be infeasible, implementation of other improvements, such as those included in Mitigation Measures 4.6-2(a) and 4.6-2(b), would be required and would help to address the commenter's concerns. Specifically, per Mitigation Measure 4.6-2(a), the project applicant would be required to implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Sycamore Lane intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include switching the placement of the southbound right-turn lane and the bike lane, and highlighting the existing bicycle-vehicle mixing zone with additional pavement markings. In addition, per Mitigation Measure 4.6-2(b), the project applicant would be required to implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection.

Response to Comment 22-3

See Response to Comment 30-20.

Response to Comment 22-4

As noted on page 3-8 of the Draft EIR, the residential portion of the project would be arranged around three separate courtyards, one of which would contain an outdoor lounge area, which may potentially include a pool, as well as additional amenities such as a fitness room, bicycle storage, a bike repair station, and a rooftop terrace.

If included in the final plans for the outdoor lounge area, the pool would be located approximately 32 feet above the ground surface. Four stories of apartment units would surround the pool on the north, east, and west sides. The four floors of apartments would provide a continuous wall, or barrier, of 36 feet above the pool. In addition, a four-foot-tall glass railing would be provided along the south side of the pool. The nearest existing residences would be located approximately 175 feet to the north or west of the center of the pool. The nearest existing residences to the south would be situated approximately 600 feet from the center of the pool deck.

j.c. brennan & associates, Inc. has prepared a technical memorandum to evaluate potential noise levels associated with the proposed pool, relying on reference noise level data collected by j.c.



brennan staff at the City of Folsom Aquatic Center (see Appendix B to this Final EIR).¹⁴ The noise levels were measured at a distance of 100 feet from the pool center. The major noise sources associated with the Aquatic Center included children and adults conversing, and in some cases, yelling. Amplified sound was used at the Aquatic Center. Noise levels, expressed in decibels (dB) were measured in terms of the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A-weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The measured L_{eq} values ranged between 70 dB and 73 dB, at a distance of 100-feet from the center of the pool. The use of amplified sound at the Aquatic Center was a primary contributor to the measured noise levels.

Based on the noise level data from the Aquatic Center, j.c. brennan & associates, Inc. conducted a barrier analysis to determine the shielding effects of the surrounding on-site building facades and the four-foot glass railing to the south. The highest values measured at the Aquatic Center were used for the analysis, and were corrected, based upon distances, by -5 dB for residences to the north and west, and -16 dB for residences to the south. The results indicate that the predicted noise levels would be 49 dB L_{eq} at residences to the north and west, and 40 dB L_{eq} at residences to the south. Such levels are consistent with existing measured background noise levels presented in Table 4.4-1 of the Draft EIR, and are compatible with the daytime (7:00 AM to 9:00 PM) hourly noise level criterion of 55 dBA L_{eq} and the nighttime (9:00 PM to 7:00 AM) noise level criterion of 50 dBA L_{eq} established by the City's Municipal Code.

Response to Comment 22-5

Chapter 6, Alternatives Analysis, of the Draft EIR includes an analysis of a Retail Project Only Alternative. Under the Retail Project Only Alternative, only the retail portion of the proposed project would be developed. The Alternative assumes demolition of 90,563-sf of the existing shopping center and redevelopment of the site with a total of 136,800 sf of retail uses, an increase of approximately 46,237 sf relative to the existing shopping center. The Retail Project Only Alternative does not include residential uses. Under the Alternative, the site would continue to operate as community retail center, albeit with additional square footage and possibly a smaller parking structure for additional required parking.

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 22-6

See Master Response #1. Potential hazards related to vehicle queuing and site access/circulation, including pedestrian conflicts and bicycle, pedestrian, and transit access, are evaluated in Impact 4.6-8 of the Draft EIR, which was determined to be less than significant with implementation of mitigation.

Response to Comment 22-7

The commenter incorrectly states that the project would reduce site access to a single driveway on both Anderson Road and Sycamore Lane. The commenter also alleges that project site access would be inadequate.

The project site is currently served by two full access driveways on Sycamore Lane, two full access driveways, and one right-in/right-out only driveway on Anderson Road, and two right-

¹⁴ j. c. brennan & associates, Inc. *Response to Noise Comments on University Commons DEIR*. January 28, 2020.



in/right-out only driveways on Russell Boulevard. As shown on Figure 3-3 of the Draft EIR and described on page 3-12 of the Draft EIR, the project would eliminate one of the existing full access driveways on Anderson Road, but would not materially alter the remaining vehicular access points. Section 4.6 and Appendix J of the Draft EIR provide a detailed analysis of the anticipated environmental effects of the project on the surrounding transportation system, including the identification of impacts and mitigation measures under both baseline and cumulative conditions. The analysis presented therein considers the effects of the proposed changes to the project site driveways.

Response to Comment 22-8

See Master Response #1.

Response to Comment 22-9

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers.



Letter 23

From: Mike McDonnell <michaeljmcd@me.com>
Sent: Friday, December 13, 2019 10:35 AM
To: City Council Members <CityCouncilMembers@cityofdavis.org>
Subject: University Mall Redevelopment

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

All

23-1

I think it is fine to redevelop this property but you are losing sight of the problems it will create if you don't provide for several stories of underground parking as a requirement for this project to go forward. Unfortunately, this will be incredibly expensive and I'm sure the developer doesn't want to go there. You should not approve this project as proposed without multiple stories of underground parking.

23-2

I agree with several people from the commission meetings that this project is a housing project masquerading as a retail development project. We can say everyone should be riding bikes in Davis but the reality is there are more cars with every new student that comes to live in university housing. Don't approve this project as submitted.

Thanks
Mike
A Permanent Absentee Voter in Dan Carson's district

Mike McDonnell
michaeljmcd@me.com



LETTER 23: MIKE MCDONNELL

Response to Comment 23-1

See Master Response #1. The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers.

Response to Comment 23-2

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers.



Letter 24

DATE: November 25, 2019
TO: Eric Lee, elee@cityofdavis.org
FROM: Greg McPherson, egmcperson@gmail.com
RE: Comments on University Commons EIR

- 24-1**
1. Introduction pg. 1-6 states the development of the proposed project would require the removal of 82 of the existing 98 on-site trees. 42 were recommended for removal by the arborist due to their poor condition and suitability for preservation, and 40 were stated to have conflicts with the proposed site plan, and the remaining 16 on-site trees would be preserved.

The project's impacts on trees cannot be considered to be reduced to a *less than significant* level unless a clear mitigation measure is established in this EIR to clearly demonstrate how compliance with the City Tree Ordinance is ensured.
- 24-2**
2. The City Tree Ordinance states that, "the design and placement of development should attempt to incorporate existing healthy trees into the site design." The EIR does not address or justify how any attempt was made to avoid removal of the 40 healthy trees, or that such attempt was reviewed by staff or the Tree Commission.
- 24-3**
3. The City Tree Ordinance requires mitigation for removed trees, as well as compliance with protection measures for retained trees. A removal permit must be obtained, and in some cases, bond posted. Removed healthy trees must be mitigated by 1) replanting trees on-site with no net loss of dbh, (887 trees assuming each is 15-gal and 1" dbh), 2) replanting off-site with no net loss of dbh, or 3) paying an in-lieu fee into the City Tree Preservation Fund. The payment is typically equivalent to the assessed replacement value of healthy trees to be removed, as noted in the Arborist Report (\$356,430 as per Exhibit 3 in Arborist Report). The EIR does not address mitigation as required by the City Tree Ordinance.
- 24-4**
4. The City Tree Commission should review: the justification for the removal of 40 healthy trees; the sufficiency of the proposed mitigation measure; and the proposed mitigation for the removal of trees (that is replanting or in-lieu fee).



LETTER 24: GREG MCPHERSON

Response to Comment 24-1

Pages 26 and 27 of the Initial Study prepared for the proposed project state the following:

Article 37.03.060 of the City's Municipal Code requires approval of a valid tree removal request and/or tree modification permit prior to cutting down, pruning substantially, encroaching into the protection zone of, or topping or relocating any landmark tree or tree of significance. Furthermore, Article 37.05 contains protection procedures to be implemented during grading, construction, or other site-related work. Such procedures, include, but are not limited to, inclusion of tree protection measures on approved development plans and specifications, and inclusion of tree care practices, such as the cutting of roots, pruning, etc., in approved tree modification permits, tree preservation plans, or project conditions.

[...] Considering the tree removal activity anticipated for the project, as shown in Exhibit 8, the project applicant would be required to obtain a tree removal permit and provide for the following: (1) on-site replacement; (2) off-site replacement; and/or (3) payment of in-lieu fees.

Based on the above, consistency with the City's Tree Ordinance would be ensured through required compliance with Article 37.03.060 of the City's Municipal Code. Compliance with applicable regulatory standards can provide a basis for determining that the project will not have a significant environmental impact.¹⁵ Thus, mitigation is not required.

Response to Comment 24-2

As stated on page 26 of the Initial Study prepared for the proposed project, while 40 of the healthy trees identified on the project site would require removal due to conflicts with the proposed site layout, the remaining 16 healthy on-site trees would be preserved. It is important to emphasize the difficulties associated with tree avoidance when considering redevelopment projects. The University Commons site is constrained in many ways, not least of which is the existence of on-site buildings, some of which will remain with the proposed development (e.g., Trader Joe's), and the need to remove existing asphalt and related site features. Such limitations make it more difficult to make efficient use of the site for redevelopment purposes and avoid on-site resources. Due to site constraints, the City has determined that preservation of additional healthy trees is not feasible. However, the applicant is required to comply with the City's Tree Ordinance, which requires the applicant to either replace trees on-site or off-site, or pay an in-lieu fee. Compliance with the City's Tree Ordinance reduces any potential impacts, meaning no further mitigation is required.

Response to Comment 24-3

See Response to Comment 24-1 above.

Response to Comment 24-4

See Responses to Comments 24-1 and 24-2 above.

¹⁵ Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition*. March 2019 Update, pg. 14-20.2.



Letter 25

From: Ron O <[REDACTED]>
Sent: Tuesday, December 10, 2019 9:18 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: REVISED Planning Commission Comments - University Commons

Mr. Lee:

I have added an additional concern, regarding the University Commons proposal. Please distribute the version below (instead of the one I sent earlier this evening).

Mr. Lee:

The purpose of this email is to provide comments regarding the planning commission meeting tomorrow, in reference to the University Commons proposal. Please distribute my comments, accordingly.

25-1

Regarding the proposal, I am sorry that the city is (once again) moving away from commercial development, to a semi-residential focus. That, combined with the additional congestion and lack of adequate parking will create a situation in which the mall will no longer serve existing residents of the city. (Instead, the mall will primarily serve its own new residents.) It's difficult to believe any claims put forth regarding the "lack of commercial space" within the city, as it continues to allow conversions for semi-residential use - rather than maximizing commercial potential.

In addition to impacting accessibility for existing customers of the mall, lack of adequate parking will also likely impact other residents and visitors as the parking needs of new residents and their visitors spreads into surrounding neighborhoods. Similar impacts will occur as a result of congestion from the development. Unfortunately, lack of parking seems to be a pattern regarding recent development proposals. In general, this approach in no way "ensures" a lack of cars; instead - it simply displaces the impact of new developments onto surrounding neighborhoods and businesses. Even if parking is restricted in surrounding neighborhoods (to "exclude" new residents of the mall), some impacts will be felt unless ALL non-resident parking is prohibited, 24/7. (Such a restriction would also impact non-resident customers of the mall, as well.)

25-2

Also, how is the city planning to address the safe and efficient movement of large numbers of new bicyclists and pedestrians while crossing Richards (at an already-impacted intersection and congested street) to reach campus? Shouldn't this be addressed before approving such a massive development?



**Letter 25
Cont'd**

25-3

Perhaps most importantly, I understand that this proposal includes **NO affordable housing**. Since the city also must address SACOG affordability requirements (and the general need for Affordable housing), **how is this outcome even being considered?** Due to its sheer size and location, this site should provide the developer with plenty of opportunities for return on investment, and should easily "pencil out" even with a significant Affordable housing component included.

The city simply does not have a lot of large-sized alternative sites in which to situate Affordable housing, and to address SACOG requirements for such housing. It would be most unfortunate to miss this opportunity to address the city's Affordable housing needs.

Thank you,
Ron Oertel



LETTER 25: RON OERTEL (1)

Response to Comment 25-1

Regarding parking issues, see Master Response #1. The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 25-2

The project site is not located within the vicinity of Richards Boulevard, and future students residing at the proposed residences would not be required to cross Richards Boulevard to reach the UC Davis campus. It should be noted that issues related to bicycle and pedestrian facilities are evaluated in Impacts 4.6-2 and 4.6-3 of the Draft EIR. In addition, the Draft EIR includes a detailed analysis of Russell Boulevard intersections in the vicinity of the project where crossings to the UC Davis campus would occur.

Response to Comment 25-3

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers.



Bicycles/Pedestrian Crossings

26-1

The intersections of Russell/Sycamore and Russell/Anderson) are already among the most-impacted in the city, as a result of students crossing Russell to reach campus. *Russell is a major thoroughfare, providing access for the city at large. This proposal (along with the recently-approved Davis Live apartment complex) would create even more challenges, with no apparent alternative/mitigation – other than to situate such housing on campus.*

Inadequate Parking

26-2

I understand that the Davis Live apartment complex was recently-approved (essentially as an “experiment” in reducing minimum parking requirements) with one parking space/unit. *Since the results of this experiment are still unknown at this point, the impact of further weakening of the city’s minimum parking requirements would take the city further into “unchartered waters”. This is even more true of a semi-commercial proposal, such as University Commons – which is supposedly intended to serve more than just those living above the commercial component.*

It goes without saying that students travel to places other than campus. All students have access to motor vehicles – regardless of ownership. In addition to personally-owned vehicles, this would also include cars owned by friends/family, short-term rental services, or services such as Uber and Lyft - which still require drop-off points, at a minimum. (As do delivery services, for both residents and the retail component of the development. This would also include services which deliver/pickup electric bicycles for students, using vans.) In addition, students will host visitors (including family and friends) who would likely arrive in their own cars.

Student housing (including the University Mall proposal) likely experience higher turnover than other types of rental housing, creating a need to accommodate vehicles used for move-ins/move-outs, as well as vehicles used by friends and family arriving to assist with such moves. The timing of this activity would be heavily influenced by the university’s quarterly schedule, *ensuring that much of this activity would occur around the same times of the year – thereby concentrating its impact.*

In addition, there is no way to determine the actual number of residents with cars, since many of the units may house more than one occupant per bedroom.

A shortage of parking spaces can also further impact city streets/intersections, as residents, visitors, and commercial customers “que” into those surrounding streets while *looking/waiting for a parking spot to open*. It is also likely that some of the parking spaces “reserved” for customers of the mall would ultimately be used by residents and their visitors – rather than the intended purpose of serving the retail space.

All of these uses will compete with parking space needed to serve the retail space (ultimately threatening its viability and its original purpose for existing), and/or will likely spill-out into surrounding neighborhoods.



**Letter 26
Cont'd**

"Pushing Out" of Existing Customers

26-3

As it becomes more challenging for existing residents and Davis visitors to access the mall (as a result of both increased traffic congestion and lack of parking), existing customers will likely become "former customers", and will travel to other more-convenient (but farther) locations to do their shopping. In addition to the loss of revenue for the city, this "pushing out" of existing customers will likely increase vehicle-miles-traveled (VMTs).

Already, the existing parking lot includes many spots that are *extremely/overly-narrow* – further discouraging visitors to the mall. Especially on the northwest side – next to World Market. This makes it difficult to open a car door, without hitting the adjacent car. There's simply no reason for this, other than trying to cram too many spots into the existing lot.

26-4

Fortunately, the city does have two alternative development scenarios listed in the EIR which are "*environmentally-superior*". This includes the original commercial-only redevelopment proposal, as well as the proposal which includes fewer residential units.

Lack of Affordable Housing

26-5

The complete lack of Affordable housing in this proposal means that the city will have to look "elsewhere" to address SACOG's RHNA requirements. Since the number of sites within the city is relatively limited, this provides an "opportunity" for a sprawling development on the periphery of Davis to "offer a solution" – which would ultimately result in a significant increase in VMTs, as well as loss of farmland/open space.



LETTER 26: RON OERTEL (2)

Response to Comment 26-1

Issues related to bicycle and pedestrian facilities are evaluated in Impacts 4.6-2 and 4.6-3 of the Draft EIR.

The Draft EIR includes Mitigation Measures 4.6-2(a) through 4.6-2(f), which would reduce significant impacts associated with bicycle facilities to a less-than-significant level by supporting bicycling to and from the project site and minimizing conflicts between bicycles and other travel modes. Specifically, Mitigation Measure 4.6-2(a) requires the project applicant to implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Sycamore Lane intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include switching the placement of the southbound right-turn lane and the bike lane, and highlighting the existing bicycle-vehicle mixing zone with additional pavement markings. In addition, per Mitigation Measure 4.6-2(b), the project applicant would be required to implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection. Per Mitigation Measure 4.6-2(c), the project applicant would be required to either construct an off-street shared-use bike path on the north side of Russell Boulevard between Sycamore Lane and Anderson Road along the project site frontage, or construct a protected bike lane on the north side of Russell Boulevard, between Sycamore Lane and Anderson Road along the project site frontage.

However, as noted on page 4.6-48, elements of Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f) would occur within UC Davis right-of-way and would be subject to final approval and actions by UC Davis. Given that the required improvements are outside of the City's jurisdiction, the City, as lead agency, cannot legally impose the mitigation measures. In addition, for Mitigation Measures 4.6-2(d) through (f), the final improvements will be subject to the Russell Boulevard Corridor Plan, which is identified in General Plan Policy TRANS 2.8, Action a. The City has held initial discussions with UC Davis with the intent to proceed on developing a Russell Boulevard Corridor Plan. See Response to Comment 31-13 regarding the Corridor Plan. Until a Corridor Plan is adopted, implementation of Mitigation Measures 4.6-2(d) through (f) cannot be guaranteed, and the impact remains significant and unavoidable.

Response to Comment 26-2

See Master Response #1 and Response to Comment 14-5.

Response to Comment 26-3

As noted on page 4.6-57 of the Draft EIR, the VMT associated with the project would equate to an estimated 16.2 VMT per capita, which is lower than the local and regional VMT per capita averages. Factors that contribute to a lower VMT include the project's proximity to UC Davis, the complementary on-site retail and residential land uses, and the availability of nearby high-quality bicycle facilities and transit services. See Response to Comment 21-9.

Response to Comment 26-4

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.



Response to Comment 26-5

The comment does not address the adequacy of the Draft EIR and is speculative with respect to the notion that by not including affordable housing in the project, citywide VMT would be increased as the City would be forced to meet its affordable housing requirements on the periphery of Davis. Appendix A of the City's 2013-2021 Housing Element includes a list of underutilized sites within the City that could potentially be used to meet the City's demand for affordable housing. However, it should be noted that not all of the City's Regional Housing Needs Allocation (RHNA) obligations are affordable; thus, the project does address some aspects of RHNA.

Furthermore, the City has determined that the project qualifies for the Vertical Mixed Use Exemption pursuant to Section 18.05.080 of the City's Municipal Code that was in effect for this project at the time of the application submittal. As such, the proposed project would be exempt from the affordable housing standards established by Article 18.05, Affordable Housing, of the Municipal Code. See Response to Comment 29-1 for additional discussion.



Letter 27

From: Liz Reay <ereay1@gmail.com>
Sent: Monday, December 16, 2019 10:22 AM
To: smetzger@cityofdavis.org; Eric Lee <ELee@cityofdavis.org>
Subject: University Mall Development

City of Davis;

As a long time resident of Davis (since 1976), I have seen monumental changes to the landscape and fabric of this city over the years. Some are welcome, but others need major adjusting before they are implemented. Others promise all sorts of fabulous benefit (the Cannery promised "affordable" housing...HA!).

27-1 The redevelopment of University Mall is long overdue. However, the sheer size of the current proposed project is very much out of step with the surrounding area. A four story building should be the only height considered. If too many people are stuffed onto this site, access to new and old amenities at the new University Mall will be almost impossible for the rest of the city residents. To propose adding over 250 new apartments with more than 900 "beds" (=people) is really overloading this site. And, once again, Davis is building solely for students and nothing for UC employees or residents.

These mega dorm style properties are certainly a big win for developers, but a big lose for the city in the long run. When the City takes on all the responsibility for housing UC Davis' unquenchable thirst for out of state students (read: higher fee revenues), they lose track of the needs of the current residents: We need more single family housing and daycare facilities. And by "family housing" I do not mean more mega luxury homes. There needs to be an emphasis on smaller, scaled down housing rather than grandiose 3000+ sq ft Mc Mansions (which developers adore for the revenue it provides THEM). We need smaller units much like those at Pomegranate Place on 8th street.

Please reconsider the huge scale of the housing planned at this redevelopment plan for this site.

Thank you for listening.

Elizabeth Reay



LETTER 27: ELIZABETH REAY

Response to Comment 27-1

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration. With respect to concerns about the size of the building, refer to Master Response #1.

It should be noted that the proposed project would not include over 900 beds, as is asserted by the commenter. As noted on page 3-7 of the Draft EIR, the 264 proposed multi-family residential units would include a mix of unit types with a total of 622 bedrooms and 894 beds.



From: Frank Reyes <freyes@ucdavis.edu>
Sent: Monday, December 2, 2019 6:08 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: University Commons Public Comment Submission

Hello Eric,

Below I'll like to submit my public comment for the University Commons Redevelopment project EIR.

28-1 The project seems to adequately meet the goal of providing housing for UC Davis students while upgrading the building stock of the current University Mall. I would like to suggest that the Low Parking alternative be pursued, with some cost savings from a reduced parking garage size going to bike facility and public transit amenity improvements directly adjacent to the site.

Thank you for your time and consideration.

Sincerely,

Frank Reyes



LETTER 28: FRANK REYES

Response to Comment 28-1

The comment expresses support for the Low Parking Alternative, but does not address the adequacy of the Draft EIR. The commenter's suggestion has been forwarded to the decision-makers for their consideration.



Letter 29

From: Stan Rosenstein <stan.rosenstein@gmail.com>
Sent: Monday, December 16, 2019 6:08 AM
To: Eric Lee <ELee@cityofdavis.org>; Sherri Metzker <SMetzker@cityofdavis.org>
Subject: Fwd: University Mall

29-1

Hello, I was also surprised to hear that this development did not include any affordable housing. I thought every large development in Davis required it. That was certainly the case when I bought into a new development back in 1986. Davis has a major problem with people being able to afford housing here. Please make sure this development does it share to make affordable housing available. It would be a sin not to. Thank you.
Stan

From: Stan Rosenstein <stan.rosenstein@gmail.com>
Sent: Sunday, December 15, 2019 3:22 PM
To: smetzger@cityofdavis.org; Eric Lee <ELee@cityofdavis.org>
Subject: University Mall

29-2

Please reject the current proposal to redo the University Mall into what will become a mega dorm. This proposal is too large and out of scale for that site and will have far too many negative impacts on traffic and the local community. UCD needs more housing but that housing should be on their campus. Please make UCD do what other UCs are doing in providing student housing.

We need more retail to improve our tax base especially with the high cost of employee salaries and pensions. The primary focus of this site should continue to be retail. Don't let this developer destroy Davis.

Thank you.
Stan Rosenstein



LETTER 29: STAN ROSENSTEIN

Response to Comment 29-1

The CEQA Guidelines do not require analysis of issues related to affordable housing within this EIR. The City has determined that the project qualifies for the Vertical Mixed Use Exemption pursuant to Section 18.05.080 of the City's Municipal Code that was in effect for this project at the time of the application submittal in March 2018. The exemption applied to the residential component of a vertical mixed-use development, which was defined as mixed-use structures that vertically integrate residential dwelling units above the ground floor with unrelated non-residential uses on the ground floor, including office, restaurant, retail, and other non-residential uses. The exemption was created in response to a number of changes affecting the development of housing, including the dissolution of the redevelopment agency, reduction in federal housing subsidy funds, changes in development patterns from large peripheral subdivisions to compact infill projects, and fiscal challenges to develop vertical mixed-use projects. The City's Affordable Housing Ordinance was amended in January 2019 with current requirements which included revisions to the exemptions. However, the proposed project was submitted prior to the amendments. As such, the proposed project would be exempt from the affordable housing standards established by Article 18.05, Affordable Housing, of the Municipal Code.

Response to Comment 29-2

See Responses to Comments 20-3 and 22-6 above.



Comments and Notes - University Commons Project DEIR, November 2019

By Greg Rowe, Planning Commissioner
 December 5, 2019

Abbreviations and Acronyms

ES = Executive Summary	MC = Municipal Code	TDM = Transportation Demand Management programs and strategies
PD = Planned Development	UCD = UC Davis	PC = Planning Commission
DU = Dwelling Unit	LRDP = UCD Long Range Development Plan	U-Mall = University Mall; the existing project

Note: "N" in the CEQA column denotes findings or observations this reviewer finds important and/or worthy of greater consideration and discussion by the Planning Commission and City Council, but does not mean the DEIR needs to be amended, nor that the project description needs to change. A "Y" in the CEQA column indicates a comment or suggestion relative to a potential need to revise the EIR analysis and/or elements of the Project.

Chap	Pages	CEQA	Subject	Comments/Observations/ Questions	
30-1	2-ES 4.6.1	2-3 & 4.6- 48 - 54	Y	Bike – Pedestrian Improve- ments	Finding: Many of the improvements would occur on right-of-way controlled by UCD, and would be subject to final approval and actions by UCD. The City, as lead agency, cannot impose the mitigation measures, so implementation cannot be guaranteed. Comment: The mitigation measures would therefore would be unenforceable; i.e., nice ideas that may never come to fruition, thereby exposing more cyclists to dangerous travel conditions. The "...impact remains significant and unavoidable" (page 4.6-51 and subsequent pages).
	2-ES	2-3	N	Traffic Mitigations	Finding: Vehicle demand would remain high despite implementation of the mitigation measures.
30-2	2-ES	2-3	N	Parking	Comment: It is my observation and that of others that a high number of the existing U-Mall surface parking spaces are used by UCD students who park and walk across Russell Blvd to class. This problem will increase over time because UCD student enrollment continues growing but on-campus housing construction has not caught up. The UCD 2018 LRDP assumes that by the 2030-31 academic year 52% of UCD students will still live off-campus. Many of them will commute by car from other cities and will seeking free parking near campus.
30-3	2-ES	ES-5 and 76	Y	Environmentally Superior Alternative	Finding: "Retail Only" is the best project alternative. The 2 nd best would be the Existing Zoning Mixed Use Build Out Alternative, which would have 53 residential units. Comment: The City should give strong consideration to specifying that it will only consider the "Retail Only" alternative, or perhaps the Existing Mixed Use Build Out Alternative.
30-4	2-ES And	ES-5 And	Y	Transportation Demand Management (TDM) pro- grams	Comment: Transportation Demand Strategies, based on my experience, are abstract planning approaches to traffic mitigation that don't work well in practice. The Low Parking Alternative would construct only 50 spaces instead of 264. Due to the transitory nature of the parking space users (student renters), I don't see how this would feasibly work. For example, if a student renter



Letter 30
 Cont'd

	Chap	Pages	CEQA I	Subject	Comments/Observations/Questions
30-4 Cont'd	4.2-3 GHG 4	4.2-37 4.3-9		Policy TRANS 1.6	already owns a vehicle before signing a lease at University Commons, and they are unable to secure one of the 50 (or even 264) residential parking spaces available, it is highly unlikely that they would sell their car. They would simply figure out a way to park it elsewhere, most likely in a nearby neighborhood.
30-5					<p>Even though the City requires major and minor employers to adopt and implement TDM programs (MC Section 22.15), my observation over many years is that there is little actual enforcement or monitoring of TDM programs. Plus, the recent big influx of 180 drivers diverting onto city streets easily overwhelms any air quality gains obtainable from local rideshare and other TDM strategies. TDM programs also entail a great deal of administrative effort in return for relatively little payoff.</p> <p>The General Plan Consistency Discussion table on page 4.3-9 asserts that "The TDM Program would reduce single-passenger vehicle use and increase use of non-motorized and low-carbon transportation modes." I strongly question to what extent the developer and tenants could realistically control the mode of transportation by which their employees and customers would access the site. It is therefore a false premise that a TDM Program would ameliorate the transportation impacts caused by this project. This section of the DEIR suggests the imposition of TDM and TMA programs as a substitute for what could be a much more robust analysis of travel impacts. On this basis alone it could be argued that the EIR analysis is not adequate and complete.</p> <p>Also, the DEIR includes scoping comments made by residents who live near U-Mall, indicating that traffic congestion and student parking in the area surrounding the Mall is already a problem. It can be easily foreseen that adding 264 multi-family residential housing units encompassing 622 bedrooms and 894 beds (p. 3-8), but with only 264 parking spaces, will exacerbate a current neighborhood problem. The Davis Live project will only have one parking space for each of its 71 units; the City of Davis should evaluate how well that unit/parking ratio works before authorizing any more nearby projects that have greatly reduced parking resources.</p>
30-6	3	3-1	N	Community Shopping Center	<p>Finding: The Site Setting describes U-Mall as a "Community shopping center."</p> <p>Comment: If implemented as proposed, the center would cease this function and would instead become almost solely a student-oriented shopping, dining and gathering facility catering to UCD students. It could no longer legitimately be regarded as a "community shopping center" because most non-student community members would shop elsewhere.</p>
30-7	3	4-4	Y	Objectives	<p>Comment: Planning Commission and/or City Council should strongly consider revising #3 to emphasize an objective of providing housing for employees and UCD-related personnel, with far less</p>



Letter 30
Cont'd

	Chap	Pages	CEQA I	Subject	Comments/Observations/Questions
30-7 Cont'd					emphasis—if any--on providing housing for students. Housing at the site may also be better suited to senior citizens, given the proximity to downtown.
30-8	3	3-8	N	Residential Amenities	The Project Description says one of the 3 courtyards would contain an outdoor lounge area, which may potentially include a pool and amenities such as a fitness room and rooftop terrace. Comment: Recent articles, reports and statements by UCD students indicate that many students would readily forgo such amenities in exchange for simpler housing features and lower rent. UCD's 2018 Affordable Student Housing Task Force report reinforces this principle. ¹ Besides, the campus has pools, fitness centers and related facilities, so there is no need to replicate these amenities.
30-9	3	3-8	Y	Number of residential units, bedrooms & beds near other high-density student housing projects	The Project Description says there will be 264 residential units with 622 bedrooms and 894 beds. Comment: How can the developer ensure that there will not be more beds than this? Students often put 3 or more beds in each bedroom. Even if the developer were to provide beds as part of a furnished apartment package, there would be no certainty that some students would move additional beds into a unit. The number of actual on-site beds could easily end up being 1,000 or more.
30-10					Comment - Cumulative Residential Development Impact: UCD's off-campus Shasta Hall residential complex (bounded by Russell Blvd. and Wake Forest Drive) is now under construction and expected to open during the winter of 2022. It will house 800 students, replacing the previous 500-bed Emerson Hall, for a 300-bed net increase. ² The new Webster Hall (400 beds replacing 260 beds; net increase of 140 beds) opened during Fall 2019. The Davis Live apartment complex, located west of the 2 UCD projects on Russell Blvd, will accommodate an additional 440 student beds. The proposed University Commons residential project, comprising 894 primarily student residents on a site less than a quarter-mile from these new projects, combined with other nearby existing student apartment complexes, will create an overconcentration of high-density student apartments within a small geographic area that already experiences high levels of vehicle, bicycle and pedestrian congestion and interaction. (The combined net Shasta Hall and Webster Hall increase of 440 students, combined with the 440 Davis Live beds) will result in a net increase of 880 student housing beds near the project site. Adding the planned 894 University Commons beds will result in 1,774 more residents (mostly students) living in a small, relatively constrained geographic area. I have not been able to discern whether the DEIR fully evaluates the impacts of these other nearby

¹ See UCD's Chancellor's Student Housing Task Force Report (*Turning the Curve on Affordable Student Housing*, June 2018), Short-To-Medium Priority 1.7, pages 7 and 26, "Design for Affordability and Prioritize Affordable Design in New Campus Housing." This section emphasizes offering students essential housing while avoiding extra features and amenities that drive up rental prices.

² *Capital Project Report – Fall 2019*. UCD Design and Construction Management, page 42; and UCD 2018 LRDP Update report, UCD Finance, Operations and Administration, revised January 2019.



Letter 30
 Cont'd

	Chap	Pages	CEQA I	Subject	Comments/Observations/Questions
30-10 Cont'd					student housing projects, in combination with the proposed project. If the net increase in student beds at the Davis Live, Webster and Shasta projects were not included in the analysis, then the analysis should be revised to include the impact of those projects in combination of the beds to be added at Davis Commons. This analysis should be conducted Irrespective of SB 743 and SB 375.
30-11	3	3-8	Y	Student Housing Focus	"...the proposed residential development would be focused on student use, but would be available for non-students as well." Comment: the reality is that most non-students would not want to live in close proximity to noisy, unruly and partying students. The residential component will surely end up being almost completely occupied by students, unless it is reoriented toward a different demographic and aggressively marketed to that demographic. As one Councilmember said at the recent joint PC-CC meeting, the U-Mall site may be ideal for senior citizens because of its proximity to downtown.
30-12	3	3-11	Y	Parking	264 parking spaces will be designated for residential use (one per unit) and 429 designated for retail use. Comment: This means there will <u>no</u> parking spaces available for 630 of the 894 beds; i.e., parking will be provided for only 29.53% of the residents. It essentially means the project will only meet the City's MC requirement for one space per DU, regardless of the number of people residing in the units. What empirical proof does the applicant have that this number of parking spaces will be sufficient? The Project Description says parking "...would be actively supervised by on-site management and regulated by access control technology." How will this be accomplished? Will illegally parked vehicles be towed away?
30-13	3	3-11	Y	Parking Control	The Project Description says parking "...would be actively supervised by on-site management and regulated by access control technology." Comment: Please describe the "access control technology" in more detail. What will management do if students are observed parking in the garage or surface lot and then walking over to UCD campus? Will such improperly parked cars be towed?
30-14	4.2-2	4.2-28	N	Grid Supplied Electricity Use	Finding: Project implementation is anticipated to reduce the total amount of grid-supplied energy consumed on-site due to photovoltaic systems and improved energy efficiency (which is good).
30-15	4.2-4	4.2-39	N	Energy Use	Finding: A net decrease in energy use will occur despite the increase in total building area within the site because modern structures built to existing energy regulations are substantially more energy efficient than older structures. (Parts of the center were built in 1966, or 53 years ago.) This is an interesting and highly relevant finding, and one that implicitly argues for replacing aging and energy inefficient buildings.
30-16	4.3-1	4.3-7	Y	Land Use & Planning - Rezone	Finding: The project would require an amendment to the zoning map to establish a new PD designation (PD#03—18) for the project site. The proposed PD would allow greater intensity of residential uses "...as well as additional office uses and limited research, development and lab uses." Comment: I question the viability of "research, development and lab uses" because the employees of such operations would in most cases drive to their jobs, but may not find a place to park



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	Chap	Pages	CEQA I	Subject	Comments/Observations/Questions
30-16 Cont'd					because many of the 630 residents not provided with a parking space will instead end up parking in many of the 429 parking spaces designated for "retail" use. If approved as proposed, with the intended uses permitted under the new Mixed Use Urban Retail land use designation, the project is likely to encounter significant parking shortages and irresolvable conflicts among different categories of parking resource users. I therefore question whether the "less-than-significant" impact conclusion (page 4.3-8) is accurate.
30-17	4.6.2	4.6-8	N	Existing Traffic Conditions	Finding: Frequent pedestrian calls for service across Russell Blvd. (already) contribute to more lengthy queues in the east and west bound directions of Russell Blvd, which causes corridor operations to "fall out of coordination," and also block vehicular ingress/egress at the project site driveways, particular the western driveway on Russell.
30-18	4.6.2	4.6-8	N	Collisions (bicycles)	Finding: the Russell Blvd intersections with Anderson Road and Sycamore Lane have the most collisions, with most involving bicycles (both intersections have very high levels of bike activity).
30-19	4.6.2	4.6-11 & 4.6-13	Y	Bicycle Facility Operations and Pedestrian Facilities	Finding: The DEIR notes the current condition in which significant mixing of high volumes of bicyclists and pedestrians occur on shared-use paths and marked crosswalks. Comment: Adding 894 pedestrians/cyclists to the mix at the 2 heavily used intersections will worsen an already congested situation in which bicyclists, pedestrians and vehicles interact.
30-20	4.6.2	Pages 4.6-4, 46 and 48	Y	Impacts to Bicycle Facilities	Finding: The 2 primary Russell Blvd intersections (Sycamore, Anderson Road/La Rue Road) currently experience very high levels of peak hour bike and pedestrian volumes, which combined with the dimensions of the path and crossing facilities, can degrade the performance of the facilities for both cyclists and pedestrians. At the Russell/Sycamore Lane intersection, the proposed project would increase total intersection bike volume by 7% during both the AM and PM peak hours. At the Russell/Anderson intersection, the project would increase total bike volume by 29% and 23% respectively during the AM and PM peak hours. See page 4.6-46 for more information on the consequences of competition for physical space. Regarding the Russell Boulevard/Anderson Road/La Rue Road intersection, the DEIR states: "With the addition of project bicycle trips, a greater number of bicyclists would be exposed to the bicycle-vehicle conflicts that emerge at the intersection." Comment: The impact is even more pronounced than noted because the environmental analysis does not seem to take into account the additional students who will commute from the new student housing projects to the west now under construction (Davis Live, Webster Hall, Shasta Hall). See summary of student housing projects below (Table 1). The DEIR lists planned bike improvements via implementation of the Bicycle Action Plan, but given the City's fiscal status, it cannot be assured that the necessary bike facility improvements proposed at these intersections would be in place before completion of the Univ Commons residential component.



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	Chap	Pages	CEQA I	Subject	Comments/Observations/Questions
30-21	4.6-3	4.6-54	N	Pedestrian Volume	Finding: The project would increase total pedestrian volume at the Russell/Anderson/LaRue intersection by 50 and 60% during the AM and PM peak hours, respectively.
30-22	4.6.9	4.6-64-71	Y	Intersection Impacts	Finding/Comment: This section describes multiple delay and circulation problems at existing intersections of Russell Blvd and other streets. The addition of the project's planned number of units and beds will significantly exacerbate such problems. Overall Russell Blvd corridor vehicle demand would remain high, thereby limiting the effectiveness of mitigation actions (p. 4.6-69). The project should therefore be revised to match the assumptions in the Environmentally Superior Alternative or the next most environmentally superior alternative.
30-23	5.4	5-2 thru 5-4	Y	Cumulative Impacts	Comment: The cumulative impacts discussion is unfortunately limited in scope and appears to not accurately portray future cumulative impacts, especially relative to other large, student-oriented apartment projects either under construction or which will soon commence construction. If EIRs such as this do not comprehensively evaluate the cumulative impacts of more than 1,500 student-occupied off-campus units comprising 5,000 beds being constructed throughout Davis over the span of a few years, then the City should commission a separate, truly robust, and comprehensive cumulative impacts study. (See Table 1 below, a summary of recently approved large student-oriented housing projects.)
30-24	6	6-10 To 14	Y	Retail Only Project Alternative – The Environmentally Superior Alternative	Finding: This alternative would demolish the 90,563 SF existing center and develop a new center of 136,800 SF, an increase of 46,237 SF (51%). It would use less energy than the existing center due to greater energy efficiency (p. 6-11). It would also "...add a reduced number of pedestrians, bicyclists, and transit passengers to the existing transportation network compared to the proposed project" (p. 6-13) and would result in substantially reduced AM and PM peak hour trips compared to the proposed project (p. 6-13). "Overall, the Retail Project Only Alternative would result in fewer impacts related to transportation and circulation than the proposed project" (p. 6-14). It would also cause fewer air quality impacts (p. 6-11). Comment: The Environmentally Superior Alternative, and should replace the proposed project because it would not add 264 units of primarily student-oriented housing (totaling 622 bedrooms and 894 beds) in a relatively small geographic area already heavily impacted by UCD students. The proposed project would occur along a stretch of the north side of Russell Blvd. in which three large student housing projects have already been approved, under construction or nearing completion in recent years, totaling 880 beds. These projects are Davis Live (440 beds), new Webster Hall (net increase of 140 beds) and Shasta Hall (net increase of 300 beds compared to prior Emerson Hall); see Table 1 below for details.



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Chap	Pages	CEQA I	Subject	Comments/Observations/Questions
6	6-14	Y	Existing Zoning Mixed Use Buildout Alternative	<p>Finding: This alternative would be comprised of 179,685 SF of retail use and 53,905 SF residential use comprised of 53 units, a reduction of 211 residential units below the project proposal. This would be a net reduction of 328,910 SF compared to the 549,300 SF in the proposed project.</p> <p>Comment: Implementing this alternative may meet the City's desire for more sales tax generating revenue while simultaneously reducing the impact of another high-density student housing project. A 53-unit residential development may be ideally suited to accommodating UCD staff seeking housing near campus, perhaps along with senior citizens seeking housing near downtown Davis and retail shopping and dining opportunities.</p>

Table 1
Summary of Approved Large, Off-Campus Student Apartment Projects, 2017 - 2018

30-26

Project	Units	Bed-rooms	Beds	Status	Approval Date
(1) Sterling 5 th Street Apartments	160	540	540	Under Construction	4-18-17
(2) Lincoln40	130	473	708	Approved by City Council	4-25-2017
(3) Nishi Residential Project	700	TBD	2,200	Approved by City Council and on June 2018 election ballot	2-6-18
(4) Davis Live (525 Oxford Circle)	71	283	440	PC approved in May 2018	8-28-18
Subtotals	1061		3,888		
(5) University Commons	264		894	DEIR Comment Deadline is 12-20-2019	
Totals with Univ Commons	1,325	622	4,782		
(6) Plaza 2555 (proposed)	200	TBD	646	Beds estimate from Revised Unit Mix, 8-1-2018 Approved by Planning Commission	8-29-18
Totals with Plaza 2555	1,525		5,428	All projects likely to be completed within 2-4 years	
Net Increase from Expanded UCD Housing Projects on Russell Blvd (Webster Hall and Shasta Hall)	--	--	440	Webster opening Fall 2019. Shasta to open Winter 2022 (2 & 3-bedroom units). They are UCD facilities but off-campus in Davis	Both approved by Regents
Totals with UCD Webster and Shasta Halls	--	--	5,868		



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Note: According to the Demographic Research Unit of the California Department of Finance, the Davis population on January 1, 2019 was 69,761. The student populations noted above represent the following percentages of the current Davis population: (1) Projects 1 – 4, 5.6% (2) Adding Davis Commons, 6.85% (3) Adding Plaza 2555, 7.8% (4) Adding Webster Hall and Shasta Hall net increases, 8.4%.

General Comments – Growth in UCD Student Population

30-27

- **UCD LRDP:** The UC Board of Regents approved the UCD LRDP on July 18, 2018. The LRDP assumes UCD student enrollment will reach 39,000 by the 2030-31 academic year, of which 52% students will commute to campus from Davis and other cities. Campus projections:
 - The Davis-based student population will jump from the 2016-2017 baseline of 33,825 to 39,000 by 2030-31, a net increase of 5,175 students (15.3%).
 - Faculty and staff will grow from 12,365 to 14,500, an increase of 2,135 (17.2%). The LRDP makes no assumptions about where the additional employees will reside.
- **UCD is already exceeding the LRDP projections:** A *University News* article dated 11-26-2019 says the fall 2019 enrollment is 39,629, of which "...about 2,000 students are enrolled in programs at locations outside of Davis, such as the Sacramento campus."
 - This means Davis campus enrollment is 37,629, or just 1,371 students below the number expected in the 2030-31 academic year (about 3.5% below the 2030-31 projection). It is unrealistic to assume that it will take another 11 years, between the 2019-2020 and 2030-31 academic years) for UCD to add another 1,371 students
 - It means UCD will probably exceed 39,000 students on the Davis campus well before 2030.
 - This is significant because the likelihood of UCD exceeding enrollment of 39,000 within the next decade will mean that adding 894 beds at the University Mall site will only exacerbate the many problems resulting from too many students living off campus.
- The City of Davis has already approved many beds in large student-oriented housing projects (see Table 1). It is now time to suspend approval of any additional such projects until the projects already approved and under construction have been "absorbed" and evaluated.
 - None have yet been completed, so we don't yet know their full impact on Davis.
- UCD has failed to meet past on-campus student housing goals; why should the City make up for UCD's past failures?
 - *UC Housing for the 21st Century*, Board of Regents Report, November 2002. It set goals for 2011-12 academic year.
 - UCD fell short of the report's housing construction goal by 1,825 beds.



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Chap	Pages	CEQA I	Subject	Comments/Observations/Questions
				<ul style="list-style-type: none">○ The UCD 2003 LRDP set student housing goals for 2015-16 academic year.<ul style="list-style-type: none">▪ UCD fell short of the LRDP's on-campus housing construction goal by 1,400 beds. UCD exacerbated the rental housing shortage situation in Davis by executing "master leases" on a number of apartment complexes, effectively precluding rental by non-UCD students.

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LETTER 30: GREG ROWE (1)

Response to Comment 30-1

The Draft EIR appropriately concludes that improvements to circulation system facilities within the jurisdiction of UC Davis cannot be legally imposed on the project applicant by the City of Davis. Nevertheless, it has always been the intent of the City and the project applicant to work with UC Davis in good faith to implement improvements along the Russell Boulevard corridor. See Response to Comment 31-13 below for additional discussion of the Russell Boulevard Corridor Plan. This intent is reflected in the language of Mitigation Measures 4.6-2(d-f), where it is generally stated that the City shall coordinate with UC Davis regarding funding contributions to UC Davis and ultimate improvements along Russell Boulevard. It should be noted that Mitigation Measures 4.6-2(a) through 4.6-2(f) address issues related to bicycle and pedestrian facilities, and are not necessarily intended to reduce vehicle usage by project residents. However, as the commenter notes, the transportation impact remains significant and unavoidable due in part to the mitigation measures not being enforceable.

Response to Comment 30-2

See the portion of Master Response #1 regarding parking.

Response to Comment 30-3

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers for their consideration.

Response to Comment 30-4

See the portion of Master Response #1 regarding parking. While it is certainly possible that a student renter, who already owns a vehicle before signing a lease at University Commons, would retain their vehicle even if they do not secure one of the on-site residential parking spaces, the extent to which this may occur cannot be known. In addition, the limited availability of off-street parking due to current restrictions, including costs, discussed in Master Response #1, would discourage such a student renter from retaining their car. It is also important to consider the fact that student renters are not restricted to two options: car ownership versus no car ownership. Student renters, and others, have ready access to Zipcars throughout the City of Davis and on the UC Davis campus. Zipcar offers an easily accessible transport option to people who want to go car-free. Approximately 13 Zipcar stations are located in and around Davis.¹⁶ The closest Zipcar station is currently located on Russell Boulevard in front of the project site. Additionally, ride-sharing services such as Uber and Lyft also provide options to vehicle ownership.

Furthermore, while daily vehicle usage does not necessarily predict vehicle ownership or lack of ownership, information from the project and about campus travel choices of UC Davis students indicates low expected vehicle usage for the situations studied. The Transportation Impact Study prepared for the project estimated the travel mode choice for the residential and commercial components of project, which were based on field observations and person trip generation counts conducted at the adjacent Sycamore Lane Apartments and existing University Mall. For the

¹⁶ Davis Enterprise. *Zipcars provide affordable alternative to car ownership*. Available at: <https://www.davisenterprise.com/local-news/zipcars-provide-affordable-alternative-to-car-ownership/>. Accessed February 25, 2020.



residential component of the project at the AM peak hour, the estimated travel mode choice included 18 percent walking, 48 percent biking, and 19 percent self-driving with the remaining falling under transit or ride-hailing modes. For another perspective, the most recent UC Davis research report on campus travel, dated July 2, 2019, titled *Results of the 2018-2019 Campus Travel Survey*, provides information on travel modes to campus. For 2018-2019, the percentage of surveyed undergraduates living off-campus within the City of Davis and travelling to campus was reported at 39.0 percent biking, 8.1 percent walking, 34.7 percent by bus, and 13.6 percent driving alone. It should be noted that off-campus includes the entirety of the City, and the City boundaries extend more than two miles from the UC Davis campus. The project site is directly adjacent to the campus and close to a number of UC Davis dormitories. In the survey, the reported travel mode percentages for travel to campus for undergraduate students living on campus in West Village, which is a greater distance than the project site from the central campus, were 51.6 percent biking, 11.3 percent walking, 32.2 percent by bus, and 1.8 percent driving alone. Students living more centrally on campus than West Village reported even higher percentages of walking and biking.

Response to Comment 30-5

Regarding parking, see Master Response #1. As detailed in Section 22.15.040 of the City's Municipal Code, the City has minimum requirements for reporting on transportation demand management. The proposed project would be required to comply with such standards. Furthermore, implementation of a TDM Program is one of many other reduction measure options included in Mitigation Measure 4.2-3(a) to ensure that the net operational emissions associated with the project would not exceed the maximum emissions levels stipulated by Mitigation Measure 4.2-3(a). Transportation Demand Management contributes to helping with the management of vehicle travel and parking demand. It is a proven tool which encompasses a variety of measures that are used to influence individual transportation choices away from driving and towards transit, ridesharing, walking, biking and teleworking. See Response to Comment 31-15 below for additional discussion regarding enforcement of mitigation measures.

Response to Comment 30-6

The comment does not address the adequacy of the Draft EIR and the statement that the general community would cease to patronize this shopping center is speculative. The comment has been forwarded to the decision-makers.

Response to Comment 30-7

The comment does not address the adequacy of the Draft EIR. Objective 3 already includes employees and university-related personnel as potential residents. The comment has been forwarded to the decision-makers.

Response to Comment 30-8

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers.

Response to Comment 30-9

See the portion of Master Response #1 regarding occupancy management.

Response to Comment 30-10

The Draft EIR considered the projects identified in the comments as well as others, as part of its cumulative impact analysis. With respect to potential transportation impacts, Section 4.6 and



Appendix J (University Commons Transportation Impact Study) of the Draft EIR provide a detailed analysis of the anticipated environmental effects of the project on the surrounding transportation system, including the identification of impacts and mitigation measures under both baseline and cumulative conditions. The cumulative transportation impact analysis considered reasonably foreseeable land use and transportation system changes expected to occur by the 2036 analysis year, including the completion of the proposed project. Such changes include, but are not limited to, the following planned, approved, or under construction (at the time of the Draft EIR NOP) land use and transportation projects relevant to the proposed project. The analysis included the projects mentioned by the commenter and accounted for the number of beds in student-oriented projects within the immediate site vicinity.

- Land Use Projects
 - UC Davis 2018 Long Range Development Plan (LRDP) – The LRDP anticipates the addition of 5,175 students, 2,135 employees, and 10,958 residents (9,050 students, 485 employees, and 1,423 dependents) on the UC Davis campus between 2016 and 2030. Individual components of the LRDP relevant to the University Commons project include the following:
 - West Village Expansion – located west of SR-113 and south of Russell Boulevard, will include an additional 3,300 student beds and 485 employee residents. The student housing portion of the project has been approved by the UC Regents and is currently under construction.
 - Orchard Park Redevelopment – located east of SR-113 and south of Russell Boulevard, will include an additional 200 student family housing units and up to 1,200 student beds.
 - Webster Hall Replacement (Yosemite Hall) – located on Oxford Circle west of Sycamore Lane and north of Russell Boulevard, included the demolition of an existing 260-bed dormitory and the construction of a new dormitory with capacity for up to 400 beds. Yosemite Hall was under construction at the time of the University Commons Project Draft EIR NOP and existing transportation conditions data collection, but is occupied as of Fall 2019.
 - Emerson Hall Replacement (Shasta Hall) – located on Oxford Circle west of Sycamore Lane and north of Russell Boulevard, will include the demolition of an existing 500-bed dormitory and the construction of a new dormitory with capacity for up to 800 student beds. Emerson Hall was occupied at the time of the University Commons Project Draft EIR NOP and existing transportation conditions data collection. As of February 2020, Emerson Hall has been demolished and the construction of Shasta Hall is underway.
 - Davis Live Student Housing project – located on Oxford Circle west of Sycamore Lane and north of Russell Boulevard, will include the construction of a 71-unit, 440-bed student-oriented housing project.
 - Other mid- to large-sized planned or approved development projects within the City of Davis located over one mile from the project site, including the Nishi Residential Project, Lincoln40, Sterling 5th Street Apartments, Plaza 2555, and the 3820 Chiles Road Apartments.
 - Including the City of Davis development projects listed above, residential and employment growth equal to 2036 control totals projected for the City of Davis by SACOG in the adopted 2016 MTP/SCS.
 - The Mace Ranch Innovation Center, according to the August 2015 project description. Note that a new version of this project (referred to as Aggie Research



Campus) is currently under review by the City and is subject to a public vote pursuant to Measures J/R.

- Transportation System Projects
 - Upgrades to the existing shared-use path on the south side of Russell Boulevard between SR-113 and Anderson Road/La Rue Road to be funded and constructed by UC Davis. The path upgrades will include the widening of the path to increase capacity, physically separate bicyclists and pedestrians, and reduce potential conflicts involving bicyclists and pedestrians. The improvement was identified as a mitigation measure in project-level EIRs completed by UC Davis for the West Village Expansion project and the Orchard Park Redevelopment project. UC Davis indicated that the first phase of this improvement between Orchard Park Drive and Anderson Road/La Rue Road will be completed in 2020, with the occupancy of the first phase of the West Village Expansion project expected in Fall 2020. The first phase of the improvement wholly encompasses the portion of the Russell Boulevard path required for upgrade in Mitigation Measure 4.6-2(e) of the University Commons Project Draft EIR.
 - Anderson Road four-to-two lane reduction between West Covell Boulevard and Villanova Drive.
 - Fifth Street four-to-two lane reduction between L Street and Pole Line Road.
 - I-80/Richards Boulevard interchange improvements.
 - I-80 high occupancy vehicle (HOV) lanes from Richards Boulevard to Sacramento.

The CEQA Guidelines do not require an evaluation of the cumulative effects of all reasonably foreseeable land use and transportation system changes, only those in instances where the project's incremental effect would be cumulatively considerable. To that end, CEQA Guidelines Section 15065(a)(3) defines "cumulatively considerable" as "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Moreover, the CEQA Guidelines allow for less detailed analysis for cumulative conditions and to avoid speculation in forecasting and related impact analysis. The discussion should be guided by the standards of practicality and reasonableness.

The cumulative analysis in Section 4.6 of the Draft EIR provides a detailed discussion of potential cumulative impacts related to vehicle delay/LOS, VMT, and project site access on pages 4.6-64 through 4.6-73. The UC Davis/City of Davis Travel Demand Model was utilized to prepare travel demand forecasts for each of the aforementioned topics. The model has a base year of 2016 and forecast years of 2030 and 2036. The model includes all of the reasonably foreseeable land use and transportation system changes described above, and was developed in close coordination between the City of Davis and UC Davis in order to properly incorporate such inputs. More details regarding the model development process are provided on pages 4.6-27 and 4.6-28 of the Draft EIR. For cumulative impacts to vehicle delay/LOS and project site access, the forecasted peak hour traffic volumes, together with the estimated peak hour project-generated traffic volumes, were analyzed using Synchro and SimTraffic traffic operations analysis software, identical to the methodology utilized for the Existing Plus Project analysis scenario. The traffic operations analysis also incorporated expected growth in intersection bicyclist and pedestrian crossing volumes in order to appropriately reflect their effects on peak hour vehicle delay/LOS. Therefore, the Draft EIR properly analyzed cumulative impacts to vehicle delay/LOS, VMT, and project site access and addressed all of the projects mentioned by the commenter.



Response to Comment 30-11

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 30-12

The comment is speculative that each bed will result in a vehicle. See Master Response #1.

Response to Comment 30-13

See Master Response #1.

Response to Comment 30-14

The comment does not address the adequacy of the Draft EIR.

Response to Comment 30-15

The comment does not address the adequacy of the Draft EIR.

Response to Comment 30-16

See Master Response #1 regarding parking. It should be noted that Impact 4.3-2 of the Draft EIR is focused on potential conflicts with land use plans, policies, and/or regulations adopted for the purpose of avoiding or mitigating environmental effects, which does not include policies and regulations related to parking supply.

Response to Comment 30-17

The comment does not address the adequacy of the Draft EIR.

Response to Comment 30-18

The comment does not address the adequacy of the Draft EIR.

Response to Comment 30-19

Potential project impacts related to bicycle and pedestrian facilities are fully evaluated in Impacts 4.6-2 and 4.6-3, respectively, of the Draft EIR.

Response to Comment 30-20

The Draft EIR describes how the proposed project would not result in a considerable contribution to cumulative impacts related to bicycle and pedestrian facilities beyond the impacts described in the project analysis (i.e., see pg. 4.6-64). This approach is reasonable in instances where cumulative transportation impacts associated with a project are expected to be the same as those identified under Existing Plus Project conditions. For instance, the CEQA Guidelines require an EIR to describe and analyze cumulative impacts only if the project's incremental effect is cumulatively considerable. No analysis is required if the project's incremental contribution is not cumulatively considerable.¹⁷ If the lead agency finds that a project's incremental effect is not cumulatively considerable, the EIR must briefly describe the basis for its findings.¹⁸ The

¹⁷ Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition*. March 2019 Update, pg. 13-40.

¹⁸ See CEQA Guidelines, Section 15130(a); and Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act*, pg. 13-40, who note that a lengthy explanation is not required, as affirmed by the court in *Sierra Club v Gilroy City Council* (1990) 222 CA3d 30, 46, where the court held that a two-sentence explanation was sufficient.



reasonably foreseeable land use and transportation system changes described above were considered in this approach as follows, particularly as they pertain to the Russell Boulevard/Sycamore Lane and Russell Boulevard/Anderson Road/La Rue Road intersection locations referenced by the commenter:

- The Draft EIR identifies Mitigation Measure 4.6-2(e), which requires the project to contribute funding to cover a proportionate cost for improvements on the shared-use path on the south side of Russell Boulevard between Sycamore Lane and the UC Davis softball field. As described previously, improvements to this portion of the path (as well as several hundred feet east and west of the affected segment) are anticipated for completion by UC Davis prior to the cumulative analysis year. The improved path would accommodate increases in bicycle and pedestrian demand generated by the project and other nearby development projects (e.g., UC Davis' West Village Expansion and Orchard Park Redevelopment).
- Several of the reasonably foreseeable land use projects located west of the project site would generate substantial volumes of new bicycle and pedestrian trips at the Russell Boulevard/Sycamore Lane intersection. However, beyond the bicycle and pedestrian facilities at this intersection addressed in the project-specific analysis, the manner in which these trips would interact with the Russell Boulevard/Sycamore Lane bicycle and pedestrian facilities would be largely distinct from that of the project. For instance, future student residents of Shasta Hall, Yosemite Hall, and Davis Live would primarily use the shared-use path at the northwest corner of the intersection and the west leg crosswalk for bicycle and pedestrian travel between home and the UC Davis campus. Some portion of the new bicyclists would also cross through the middle of the intersection between the shared-use paths at the southerly curb and the northwest corner of the intersection during the exclusive bicycle crossing phase. Such route preferences are currently exhibited by student residents of existing apartments near Oxford Circle. Conversely, as shown in Figure 4.16-3 of the Draft EIR, additional bicycle and pedestrian trips generated by the proposed project at Russell Boulevard/Sycamore Lane would primarily utilize the east leg crosswalk and crossings through the intersection between the shared-use path on the southerly curb and the Class II bike lanes on Sycamore Lane during the exclusive bicycle crossing phase. A lesser amount of new bicycle and pedestrian trips generated by the proposed project and other development projects would use the north leg crosswalk. The east leg of the crosswalk could also experience some minor increases in bicycle and pedestrian use from off-site development projects, as residents stop at the project site on the way to/from home. Altogether, the primary bicycle and pedestrian routes for the project would not substantially overlap those of the other nearby development projects (e.g., the project is not expected to generate an appreciable amount of new bicycle and pedestrian volume at the west leg crosswalk, whereas a substantial number of additional bicycle and pedestrian trips generated by other development projects would rely on this crosswalk). Moreover, in instances where overlap would occur (e.g., the north and east leg crosswalks), the existing configuration and operation of the intersection would provide adequate capacity to accommodate the modest total increase in bicycle and pedestrian demand in addition to existing volumes. Therefore, while other development projects may cause undesirable cumulative effects to specific bicycle and pedestrian components of the Russell Boulevard/Sycamore Lane intersection, the project would have a less than cumulatively considerable contribution to such effects.



Response to Comment 30-21

The comment does not address the adequacy of the Draft EIR.

Response to Comment 30-22

The comment does not address the adequacy of the Draft EIR, but expresses support for the environmentally superior alternative. The comment has been forwarded to the decision-makers for their consideration, who will consider whether the benefits of the project outweigh the significant and unavoidable impacts identified in the Draft EIR. Approving a project with significant and unavoidable impacts requires the decision-makers, in this case, Davis City Council, to make specific findings (CEQA Guidelines 15091) and adopt a statement of overriding considerations (15093), which requires the Council to state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. These reasons can include specific economic, legal, social, technological, or other benefits. To the extent that the comment cites the significant cumulative vehicle impacts and expresses support for the environmentally superior alternative, it should be noted, as described in Impact 4.6-9, that the affected intersections would still experience cumulatively significant impacts with or without the proposed project. Significant and unavoidable impacts would still be expected to occur under the environmentally superior alternative.

Response to Comment 30-23

See Responses to Comments 30-10 and -20 above.

Response to Comment 30-24

See Response to Comment 30-22.

Response to Comment 30-25

The comment does not specifically address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 30-26

See Response to Comment 30-10 above for a description of the Draft EIR cumulative impact analysis, including the consideration of reasonably foreseeable land use and transportation system changes.

Response to Comment 30-27

The cumulative analysis presented within the Draft EIR relied on the best available data when preparing regional growth projections. Specifically, as noted under Response to Comment 30-10 above, the cumulative transportation impact analysis within the Draft EIR considered reasonably foreseeable land use and transportation system changes expected to occur by the 2036 analysis year, including growth anticipated per the LRDP. As noted in Response to Comment 30-10 above, the LRDP anticipates the addition of 5,175 students, 2,135 employees, and 10,958 residents (9,050 students, 485 employees, and 1,423 dependents) on the UC Davis campus between 2016 and 2030. The commenter's suggestion that UC Davis's cumulative growth projections under the LRDP will be reached sooner than the anticipated date of 2030 cannot be known with any certainty and, if in fact the growth projections are reached, it is not possible to reasonably predict how much additional growth would occur at UC Davis. As such, UC Davis growth beyond that which is anticipated per the LRDP is speculative and, per Section 15145 of the CEQA Guidelines, would not be required to be evaluated.



MEMO

TO: Eric Lee, Planner – City of Davis
COPY: Sherri Metzker, Principal Planner – City of Davis
Steve Streeter, Chair - Davis Planning Commission
FROM: Greg Rowe, Planning Commissioner
SUBJECT: Additional Comments, Questions and Concerns – University Commons Project
DATE: December 16, 2019

31-1

This memo conveys questions, comments and recommendations about the proposed University Commons project and the November 2019 Draft EIR (DEIR). The memo adds to my comment memo dated December 5, 2019. However, it is submitted as a replacement for the “Planning Commissioner Questions and Comments” I emailed to you on December 11, 2019, which I also handed out to the other commissioners before the DEIR public hearing. Please contact me if you have any questions.

OVERVIEW

This memo has two sections. Part A addresses DEIR issues, while Part B addresses specific concerns about the project. I contend that the DEIR is incomplete, not because of any deficiency on the part of the CEQA preparer, but because it appears the applicant, Brixmor Property Group, has not yet provided important information that would facilitate the robust analysis the proposed project warrants.

A. QUESTIONS, COMMENTS AND RECOMMENDATIONS REGARDING THE DEIR ANALYSIS

31-2

1. Transit Priority Project (TPP):

- a. Background: The project qualifies for CEQA Streamlining (p. 1-3) because it has residential density over 20 dwelling units/acre, is within 0.5 mile of a high-quality transit corridor and residential uses comprise more than 50% of the total project. DEIR Table 3-1 shows residential SF of 412,500, which is 51.8% of total SF of 795,300. With 264 units, density is 32 DU/acre.



31-2
Cont'd

b. Questions – TPP Qualification Under Existing Zoning - Mixed Use Buildout Alternative:

i. This alternative assumes redevelopment would occur according to the existing Community Retail land use designation and PD 2-97B zoning district (p. 6-14), with total allowable 233,590 SF of retail. It assumes retail identical to the proposed project (136,800 SF), with the remaining allowable space comprised of residential uses. It also assumes 53 residential units, with the mixed-use buildings assumed to be between 2 and 3 stories. As described in the DEIR alternatives analysis (pgs. 2-4 and 6-14), the Community Retail designation allows a maximum FAR of 0.50 with an additional 0.15 for the residential component of a mixed use project. Therefore, under existing standards the 8.25-acre parcel could accommodate up to 179,685 SF of retail uses and an additional 53,905 SF of residential uses.

1. What is the basis for assuming 53 units; i.e., what calculation was used? If the Community Retail designation would allow 53,905 SF of residential, it therefore appears the DEIR assumes an average of 1,017 SF/unit.
2. Is this in fact the average SF per unit the alternative analysis assumes?
3. Is any of the 53,905 SF assumed to be dedicated to hallways, stairwells, etc.?
4. What is the assumed unit mix among 1, 2, 3 and 4-bedroom types for 53 units?
 - a. For example, columns a and b in Table 1 below replicates the Unit Mix table on p. 3 of the Brixmor Design Concept on the City website (p. 14 of December 11 staff report). If the same unit mix percentages are assumed for 53 units, the results would be as shown in Table 1 below.

Table 1 – Potential Unit Mix for 53 Units

a Bedrooms	b Percent	# of Units (Rounded)	# beds if 1 bed Per bedroom	# beds if 4 beds Per bedroom
1	25	13	13	52
2	40	21	42	168
3	10	5	15	60
4	25	13	52	208
Totals	100	52	122	488

31-3

5. The problem for the environmental impact analysis: the number of beds per bedroom and per unit is not described in the DEIR. As can be seen in Table 1, the total number of beds (occupants) could vary by a large number—between 122 and 488 beds—depending what assumptions are made for the number of bedrooms and the number of beds per unit. The potential impacts would likewise vary by a large degree. (This is a significant issue, because 488 beds would be over 54% of the 894 beds proposed for the project, resulting in a what would be a



- 31-3
Cont'd
- disproportional impact from a much smaller number of units.) **Without disclosing the unit mix and number of beds per bedroom assumed for this alternative, the impact analysis is incomplete.** The City should require the applicant to provide this information so the environmental impact analysis for the “Existing Zoning Mixed Use Build Out Alternative” can be fully and accurately evaluated.
- 31-4
6. If the City decided this is the preferred project, it appears that 2 of the TPP criteria would no longer be met; i.e., density would be too low to qualify for TPP and the number of units would be far below 50% of total project SF. It would only meet the criteria for proximity to a high-quality transit corridor.
- a. Would this decision mean the project would no longer qualify as a TPP?
 - b. During the December 11 Planning Commission hearing, I asked whether revising the DEIR would be necessary if the project no longer qualified as a TPP. If I understood your response correctly, it appears that because mixed use residential comprising no more than 0.15% of FAR would be allowed by right (because it would comply with PD 2-97B), an EIR would be unnecessary. If that is the case, it should be explained in the Alternatives section of the DEIR because the average reader may not understand this technicality.

- 31-5
2. **Residential Square Footage and Location of 894 Beds:** FEIR Table 3-1 and text below the heading of “Residential Development” (p. 3-8) show that the 264 units would comprise 412,500 SF and have a density of 32 DU/acre, but I have not found any indication of the SF per type of unit; i.e., for example, what is the square footage of a 1-bedroom unit versus a 4-bed unit? I found the bedroom/unit allocation on p. 3 of Brixmor’s Design Concept (also p. 14 of staff report). By assuming one bed/bedroom, I created Table 2, below. It shows that the total number of bedrooms would be 622, which corresponds to the project description and data on p. 3-8 of the DEIR. But the project assumes a total of 894 beds (p. 3-8), which implies some bedrooms will have more than one bed. What assumptions has the applicant made about the location of the additional 272? In which unit types would they be allocated? It’s obvious there will be “doubling up” but the DEIR does not reveal in which units this would occur. This information must be fully disclosed in the project description, in the “Project Concept,” and in project plans that must be approved before this project can proceed further.

- 31-6
3. **Where Will Occupants Reside and How Will the Number of Them Be Monitored and Controlled?**
- a. **Background:** Page 3-8 includes the following sentence: “The 264 multi-family residential units would include a mix of unit types with a total of 622 bedrooms and 894 beds. The final mix of unit types will be determined with the final project plans.” Based on the data in Table 2 above, it is not clear how 894 beds were determined; i.e., in which unit mixes will they be placed? It is unacceptable for the applicant (and for the DEIR analysis) to not identify where approximately 30% of the beds will be located. It is also not explained how the multi-family residential portion of the project will be managed to ensure that the total number



- 31-6 Cont'd of occupants would never exceed 894. Given the well-known propensity for UCD students living off campus to recruit additional roommates to reduce per occupant rent costs, this is a legitimate concern.
- i. For example, at the Sterling 5th Street Apartments, access to each unit's bedroom will be controlled with an electronic key-card operated lock. Will this occur at U-Commons?
- b. Questions and Recommendations:
- 31-7 i. The applicant's pronouncement that the final mix of unit types will be determined with the final project plans is unacceptable. This information must be disclosed by the applicant now, immediately placed on the City's website, and provided to the EIR preparer. Absent this information, the potential environmental impacts of the project cannot be fully analyzed, nor can the Planning Commission knowledgeably evaluate the project. This information is also critically important relative to the RHNA discussion below.
- 31-8 ii. How many bathrooms per unit and per bedroom are planned for this project? Because this information is not included in the DEIR, it must be added to the project description and its effects must be addressed in the EIR. If the unit design includes one bathroom per bedroom, as with other recently approved large student housing projects in Davis, this fact should be disclosed in the EIR to better inform the impact analysis.
- 31-9 iii. What will be the allocation of beds among the 4-unit types; i.e., please describe and graphically display where the 272 unexplained occupants in Table 2 above will live.
- 31-10 iv. Again, what enforceable management policies and protocols will be used to ensure that no more than 894 beds (occupants) live in the project at any given time?
1. To minimize project impacts, these policies and procedures must be added as project mitigation measures.
- 31-11 v. Type of Leases: The project description and DEIR do not disclose what type of lease will be utilized. Will units be leased by the unit, by the bedroom, or by the bed? This must be disclosed before the project moves further ahead.

Table 2 – Allocation of Unit Types and Beds

a Bedrooms	b Number	c Percent	d Bedrooms (a x b)	e	f Difference (e – d)
1	66	25%	66		
2	104	40%	208		
3	28	10%	84		
4	66	25%	264		
Totals	264	100	622		
Total Project Beds				894	
Unknown Bed Locations					272



31-12

4. Traffic Analysis:

- a. Comment: At least one EIR scoping comment letter submitted on this project indicated that local traffic in the vicinity of the project site has increased in recent years, and it is suspected that the cause is the growing use of apps such as WAZE, which direct drivers off freeways such as I-80 onto local surface streets.
- b. Question: Did the DEIR traffic analysis take into account the impact of such apps on current and potential future traffic counts and congestion near the project site? If not, the analysis should be revised to account for this phenomenon.

31-13

5. **Russell Boulevard Corridor Plan:** The DEIR mentions in a number of paragraphs that some of the project's impacts could be ameliorated through completion and implementation of the Russell Boulevard corridor plan. However, page 8 of the December 11 staff report acknowledges that the corridor plan process will take time and additional discussions, and that "On-going coordination with UC Davis will be needed about the specific corridor improvements." If I recall correctly, during the DEIR hearing staff stated that the corridor study is currently not funded and there is no projected starting date.

- a. Recommendation: The DEIR should be revised to explain that the corridor plan is not currently budgeted and funded, and that there is no projected starting or completion date. In addition, due to the uncertainty regarding funding and study initiation, all references to implementation of the corridor plan serving as a potential mitigation measure should be deleted from the DEIR.

31-14

6. **Noise Associated with Amenity/Pool Deck:** The proposed project includes an "Amenity/Pool Deck," at what appears to be a height of 32 feet above grade, and surrounded by 4 floors of apartments. Given the size of this area combined with 894 potential users, it is foreseeable that pool parties and other events could generate high noise volumes that capable of negatively impacting nearby residential neighborhoods. It does not appear that such noise impacts were considered in DEIR Section 4.4.

- a. Recommendation: Model and disclose the likely noise effects resulting from use of the pool and amenity deck. Mitigate those effects by limiting the operating hours of the amenity deck and pool. As I said during the December 11 hearing, these amenities are unneeded because an ample supply of fitness facilities and swimming pools exists across Russell Boulevard on campus.

31-15

7. Enforcement of Mitigation Monitoring and Reporting Plan:

- a. Comment: As mentioned by commissioners during the December 11 hearing, considerable doubt exists about the City's ability to adequately monitor, enforce and ensure ongoing compliance with required mitigation measures. As an example, during general public comments Alan Hirsch cited examples of how the City does an inadequate job of ensuring that project developers comply with tree planting and long-term landscaping maintenance requirements.



31-15
Cont'd

- b. **Recommendation:** The DEIR should be revised to explain in concrete terms what the City would do to ensure and enforce permanent compliance with all of the mitigation measures specified in the EIR.
 - i. For example, does Community Development & Sustainability have an MMRP compliance audit function?
 - ii. How often would such compliance audits be conducted?

31-16

8. **Parking Enforcement Mitigation is Needed:** Student parking within preferential neighborhood parking permit areas near University Mall is a well-known problem, as mentioned in comment letters submitted for the Davis Live and University Commons projects. The University Commons Parking Management Plan (July 30, 2019) declares that University Commons will support the City's preferential parking permit programs "...through tenant education curricula and on-site signage detailing neighborhood parking restrictions and cost of violations." This begs the question of how Brixmor could legally compel attendance at such "curricula." The plan asserts that the additional charge for residential parking is intended to discourage vehicle possession and that the project's proximity to UCD, combined with on-site retail and services, is the greatest deterrent to vehicle ownership and use. No empirical evidence is offered to support these claims, however. Even if students walk or bike to class, they will need a place to store a vehicle for when it is needed.

Brixmor's parking management plan ignores the fact that only 264 parking stalls will be provided for 894 occupants, or ratio of only one stall for each 3.4 renters. Put another way, the parking supply will only meet 29.5% of the potential need. It has been asserted that because the 2017-18 UCD Travel Survey shows that only 80.4 percent of students possess a driver's license and that only 50% have access to a vehicle, there is no compelling need for residential parking spaces at University Commons (*Davis Vanguard*, December 14, 2019). Even if this contention were accurate, it would mean that roughly half of the 894 student occupants would still have a vehicle in Davis, meaning the parking demand would be 447 spaces, or 183 more than Brixmor wants to provide. Many students may not drive to campus, but would want to bring a vehicle to Davis and "store" it somewhere when not in use.

31-17

- a. **Recommendation:** The Parking Plan's proposal to support the current preferential parking plan through tenant education and signage is exceedingly weak and unenforceable. I recommend that the only productive and enforceable way to mitigate off-site neighborhood parking by tenants would be for the City to require University Commons to permanently provide annual funding to the City for expansion of the parking enforcement program. This would enable random neighborhood patrols so that students would be unable to evade parking tickets by continually relocating their vehicles. Please add this mitigation measure.
- b. **Recommendation:** The DEIR does not appear to identify where University Commons retail employees will park, nor have I yet found this information in the project description. Please ignore this comment if it is inaccurate, but if accurate than please add the necessary information to the project description and EIR.

31-18

- c. The DEIR Parking, Access and Circulation section (p. 3-11) states that only 264 parking spaces are required pursuant to the City parking requirement of one parking space per unit in mixed use community shopping centers; Municipal Code 40.25.090(m).



31-18
Cont'd

- i. Question: When written, did this Code section contemplate community shopping centers, such as University Commons, that would have 3- and 4-bedroom units most likely shared many roommates? I suspect that only studio, 1 bedroom and 2-bedroom apartments were foreseen when this code section became effective; please confirm.
- ii. Recommendation: To facilitate reading of the DEIR, this and other sections should cite the applicable Municipal Code section; in this case, section 40.25.090(m).

31-19

9. Solar Shading: The large 7-story building that would be constructed for this project could potentially cast shadows on residential buildings north of the project site, thereby possibly casting shade on rooftop solar panels. This potential impact should be evaluated.

10. Cumulative Impact Analysis:

31-20

a. Comment: The analysis could benefit from including more projects. In recent years the City of Davis has approved a number of large multi-family projects. They include Sterling 5th Street Apartments, Lincoln40 Apartments, Davis Live Apartments, Nishi Student Housing, 3820 Chiles Road Apartments, and Plaza 2555 Apartments. See Table 3 for details. Other large projects have been proposed recently, including Aggie Research Center with 850 housing units, and a mixed-use addition to the University Research Park. To date, I do not believe that a rigorous, comprehensive cumulative effects analysis has been performed that includes all of these projects. Some projects have possibly avoided such an analysis because they qualified for TPP designation, and were thereby excused from analyzing potential impacts such as growth inducement.

31-21

b. Recommendation: The cumulative effects analysis for the University Commons project should include such a comprehensive cumulative effects analysis. If such an analysis is deemed as not required pursuant to CEQA, then the City should commission a separate “stand alone” analysis that would be provided to the Planning Commission and City Council to facilitate informed evaluation of future large project proposals.

B. COMMENTS AND CONCERNS ABOUT THE OVERALL PROPOSED PROJECT

31-22

1. RHNA Implications and Recommendation: SACOG has determined the number of housing units and affordable units that the City of Davis must accommodate through its General Plan and Zoning for the next 8-year cycle of the Regional Housing Needs Allocation (RHNA) that begins October 2021. The RHNA for Davis will be 2,075 units with 930 units to be in the lower-income category. This is much greater than the current 1,066 units for the January 2013 – October 2021 cycle. Meanwhile, in response to questions posed by the City of Davis, the State Department of Housing and Community Development (HCD) has determined that 4 and 5-bedroom multi-family units fall into the category of “Group Accommodations,” meaning that Davis receives no additional “RHNA credit” when it



31-22
Cont'd

authorizes construction of units with a greater than typical number of bedrooms. In other words, in the view of HCD, “a unit is a unit” regardless of the number of bedrooms, beds, and occupants.

- a. Question: Given the data in sections A.2. and A.3. above, what implications does the project’s proposed 66 units with 4 bedrooms have for achieving the City’s RHNA allocation?
- b. Recommendation: The DEIR should be revised to address the RHNA implications of the unit sizes and allocation with respect to the City’s RHNA obligations. If this is not considered to be an appropriate subject for the CEQA analysis, it is strongly recommended that the City separately conduct such an analysis and provide a report of its findings and conclusions to the Planning Commission before the EIR and project return to the Commission.

31-23

2. Affordable Housing: Thus far I have been unable to find any project documents describing how the project would comply with the City’s affordable housing ordinance and policies. What is the mix of the affordable housing types that the project would provide (i.e., very low, low, moderate, etc.)?

- a. Vertical Mixed Use Exemption: Upon the recommendation of the Planning Commission, the City Council rescinded this “loop-hole” in the City’s Affordable Housing Ordinance. However, because I have not yet found any references to compliance with the ordinance in the project documents, I am speculating that the Community Development and Sustainability department may have determined, based on the date of the project application, that the residential component of the proposed project is exempt from the City’s affordable housing requirements; i.e., that the project qualifies for the former Vertical Mixed Use exemption. Is this the case?
 - i. Please inform me if there is indeed documentation available regarding the affordable housing component of the proposed project.
 - ii. Please explain to the Planning Commission and Social Services Commission, in writing, why there is no mention of affordable housing in the project description and the means by which the applicant would meet the requirements of the City’s Affordable Housing Ordinance.

31-24

3. A New Multi-Family Housing Mix Is Needed: As indicated by myself and other Planning Commissioners, the proposed project is not oriented toward meeting the rental housing needs of Davis families and workers. The unit mix and the number of planned bedrooms and beds makes it obvious that the applicant is aiming the residential component of the project exclusively at the university student demographic, to the detriment of other segments of the population that may desire rental housing in this area.

- a. Recommendation: The unit mix should be completely revised to include only the following mix of rental apartments: studios/microunits, 1-bedroom, and 2-bedroom. At most there should only be a small number of 3-bedroom units (no more than



31-24
Cont'd

10% of the total units). I recognize that a substantial number of units may ultimately be leased by students, but nonetheless strongly recommend that Brixmor aggressively market the project to post-college workers and families.

- i. Daycare: To help attract families, the project should include a day care center as one of the retail tenants.
- ii. Parking: 3-bedroom units should have 2 vehicle parking spaces available. This would take into account that 3-bedroom units may be occupied by 2 or more adults that may need vehicles for commuting in different directions. This provision would also meet the needs of families that have driving-age children.
- iii. Consider New and Creative Measures to Ensure Affordable Multi-Family Rental Housing for University Commons: The applicant should be instructed to identify methods that could be implemented to provide priority housing to specific segments of the local population. This could include individuals and families in which at least one occupant is a full-time employee of one of the entities listed below. A full-time employee would be defined as working 30 or more hours per week.
 1. City of Davis
 2. County of Yolo
 3. University of California – Davis (UCD)
 4. Employees of other employers in Davis and Yolo County

31-25

4. **Reduced Residential Amenities:** During the December 11 DEIR hearing I suggested that if Brixmor decides to move forward with the proposed residential segment of the project, rents would be more affordable for students if unnecessary and costly amenities were deleted (notably the “amenity/pool deck” and fitness room because pools and fitness facilities are on campus). This suggestion is rooted in a recommendation contained in the report of the UCD Chancellor’s Affordable Housing Task Force, titled “Turning the Curve on Affordable Student Housing,” June 30, 2018. Short-to-Medium Action Priority I.7 (pages 7 and 26) emphasizes the need to offer students essential qualities while avoiding extra features and amenities that drive up prices.

- a. Note: this suggestion is not an implied endorsement of student housing at the site. As stated above, multi-family housing at the project site should consist of units explicitly oriented toward meeting the needs of local workers and families, and should strive to meet or exceed the City’s affordable housing requirements.



Table 3 – Cumulative Effects - Approved and Pending Large, Off-Campus Student Apartment Projects, 2017 - 2019

Project	Units	Bedrooms	Beds	Status	Approval Date
(1) Sterling 5 th Street Apartments	160	540	540	Under Construction	4-18-17
(2) Lincoln40	130	473	708	Approved by City Council	4-25-2017
(3) Nishi Residential Project	700	TBD	2,200	Approved by City Council and on June 2018 election ballot	2-6-18
(4) Davis Live (525 Oxford Circle)	71	283	440	PC approved in May 2018	8-28-18
Subtotals	1061		3,888		
(5) University Commons	264		894	DEIR Comment Deadline is 12-20-2019	
Totals with Univ Commons	1,325	622	4,782		
(6) Original Webster & Emerson Halls ¹			760	UCD student housing facilities located off campus	
(7) Net Increase, Webster (140) and Shasta Halls (300)			440	Shasta Hall (open 2022) will have 2 & 3-bedrooms. Webster increased from 260 to 400 beds. Emerson had 500 beds; 800 will be in its Shasta replacement	Approved by Regents
(8) Plaza 2555 (proposed)	200	TBD	646	Beds estimate from Revised Unit Mix, 8-1-2018 Approved by Planning Commission	8-29-18
Totals with Plaza 2555	1,525		6,628	All projects likely to be completed within 2-4 years	
Total New Student Housing North Side of Russell Blvd			2,534	Includes Webster (400), Shasta (800), Davis Live (440), University Commons (894)	

31-26

Note: According to the CA Dept of Finance, Davis population on January 1, 2019 was 69,761. The student populations noted above represent the following percentages of the Davis population: (1) Projects 1 – 4, 5.6% (2) Adding Davis Commons, 6.85% (3) Adding Plaza 2555, 7.8%

¹ Emerson Hall (500 bed capacity) is being replaced by Shasta Hall on the same location, with 800 beds (net increase of 300); to be complete Winter 2022. The original Webster Hall (capacity of 260 beds) was demolished and replaced by the new Webster Hall (capacity of 400 beds or net increase of 140 beds)



31-27

Growth in UCD Student Population

- **UCD LRDP:** The UC Board of Regents approved the UCD Long Range Development Plan (LRDP) on July 18, 2018. The LRDP assumes UCD student enrollment will reach 39,000 by the 2030-31 academic year, of which 52% students will commute to campus from Davis and other cities. Campus projections:
 - The Davis-based student population will jump from the 2016-2017 baseline of 33,825 to 39,000 by 2030-31, a net increase of 5,175 students (15.3%).
 - Faculty and staff will grow from 12,365 to 14,500, an increase of 2,135 (17.2%). The LRDP does not identify nor make provisions for where the additional employees will reside. University Commons could be an excellent location.
- **UCD is Likely to Exceed the LRDP Projections:** A *University News* article dated 11-26-2019 says the fall UCD 2019 enrollment is 39,629, of which "...about 2,000 students are enrolled in programs at locations outside of Davis, such as the Sacramento campus."
 - This mean Davis campus enrollment is now 37,629, or just 1,371 students below the number expected in the 2030-31 academic year (about 3.5% below the 2030-31 projection). It is unrealistic to assume that it will take another 11 years, between the 2019-2020 and 2030-31 academic years) for UCD to add must 1,371 more students; it will occur much sooner.
 - It means UCD will probably exceed 39,000 students on the Davis campus well before 2030.
 - This is significant because the likelihood of UCD exceeding enrollment of 39,000 within the next decade means that adding 894 beds at the University Mall site will only exacerbate the many problems resulting from too many students living off campus.
- The City of Davis has already approved many beds in large student-oriented housing projects (see [Table 3](#)). It is now time to suspend approval of any additional projects of this type until the projects already approved and under construction have been "absorbed" and the resulting impact has been thoroughly evaluated.
 - None have yet been completed, so we don't yet know their full impact on Davis. There has been no cumulative effects analysis.
- UCD has failed to meet past on-campus student housing goals; why should the City make up for UCD's past failures?
 - *UC Housing for the 21st Century*, Board of Regents Report, November 2002. It set goals for 2011-12 academic year.
 - UCD fell short of the report's housing construction goal by 1,825 beds.
 - The UCD 2003 LRDP set student housing goals for the 2015-16 academic year.
 - UCD fell short of the LRDP's on-campus housing construction goal by 1,400 beds.
 - UCD exacerbated the rental housing shortage situation in Davis by executing "master leases" on a number of apartment complexes, effectively precluding rental by non-UCD students and depriving the City and Yolo County of property tax revenue.



LETTER 31: GREG ROWE (2)

Response to Comment 31-1

The comment is an introductory statement. Specific concerns raised by the commenter are addressed in the responses below.

Response to Comment 31-2

The proposed project includes an average residential unit size of 1,562 sf. As discussed on page 6-14 of the Draft EIR, the Existing Zoning Mixed Use Build Out Alternative would include a total of 83,590 sf of residential uses, including hallways, stairwells, and other shared indoor residential space, not 53,905 sf. Assuming a similar unit size as the proposed project, the Alternative is assumed to include a total of 53 units (83,590 sf / 1,562 sf/unit). While the total number of bedrooms that could be accommodated by the Alternative was not calculated, the City has determined that such information is not necessary for providing a meaningful comparison between the Alternative and the proposed project. For the proposed project, the proposed 622 bedrooms and 894 beds represents the total number of bedrooms and beds analyzed for the project. The analysis in the Draft EIR is based on these proposed numbers and represents a conservative approach. The final mix of unit types will be determined with the final project plans and would be consistent with this analysis. The mix of unit types and bedroom breakdown for the alternatives is not necessary for the discussion.

Per CEQA Guidelines Section 15126.6(d), a lead agency need only include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project as proposed. As demonstrated in Chapter 6 of the Draft EIR, a thorough comparison of impacts may be provided solely based on the residential square footage and number of units included in the Alternative.

Response to Comment 31-3

See Response to Comment 31-2 above regarding the level of detail required for an alternatives analysis.

Response to Comment 31-4

While the potential exists that the Existing Zoning Mixed Use Build Out Alternative may not qualify as a TPP, further consultation with SACOG would be required to determine the eligibility of the Alternative. The purpose of the alternatives analysis presented in the Draft EIR is to evaluate the environmental impacts of each of the alternatives relative to the proposed project, not to analyze the level of environmental review that would be required for the alternatives. Nevertheless, as mentioned by City staff at the December 11, 2019 Planning Commission hearing, it may be possible for City staff to find that development under the Existing Zoning Mixed Use Build Out Alternative could be allowed by right with only ministerial approvals¹⁹; thus, potentially minimizing the level of required environmental review. However, given that residential uses are conditionally allowable in the Community Retail General Plan Land Use Designation, it is anticipated that the

¹⁹ For discussion of ministerial, see CEQA Guidelines Section 15268.



City would have discretion over buildout of the site pursuant to existing zoning, if residential uses are included, and thus, further environmental review would be required.

Response to Comment 31-5

Throughout the Draft EIR, maximum occupancy of the proposed 894 beds, with a resulting population of 894 residents, was assumed for the purpose of determining environmental impacts, including impacts related to water and sewer demand. Thus, changes to the unit mix included in the proposed project would not affect the environmental analysis or conclusions presented in the Draft EIR, provided that the total number of beds does not increase. The final mix of unit types will be determined with the final project plans. As noted in Master Response #1, the project applicant has provided detailed Occupancy Management Measures, which would maintain residential occupancy within the proposed project as consistent with the project approvals. While separate from the EIR, the City has indicated that the Occupancy Management Measures would also be included as part of the project's Development Agreement.

Response to Comment 31-6

See Master Response #1 and Response to Comment 31-5 above.

Response to Comment 31-7

See Response to Comment 31-5 above.

Response to Comment 31-8

See Response to Comment 31-5 above and Master Response #1, regarding maximum occupancy of the proposed project.

Response to Comment 31-9

The proposed 264 multi-family residential units would include a mix of unit types with a total of 622 bedrooms and 894 beds; however, the final unit mix has not been finalized at this time and is not required for an adequate EIR, provided that the maximum occupancy analyzed in the EIR is not exceeded.

Response to Comment 31-10

See Master Response #1 and Response to Comment 31-5.

Response to Comment 31-11

See Master Response #1. The type of lease is not necessary for an adequate EIR, provided that the maximum occupancy analyzed in the EIR is not exceeded.

Response to Comment 31-12

The existing conditions analysis described in Section 4.6, Transportation and Circulation, of the Draft EIR includes a traffic operations analysis for intersections surrounding the project site. The existing conditions traffic operations analysis utilizes traffic count data collected in May 2018. The use of navigation apps and related diverted regional traffic onto local roadways in Davis (e.g., eastbound I-80 traffic during the afternoon peak period) were prevalent prior to May 2018. Therefore, the existing conditions traffic operations analysis accounts for the effects of these factors to the extent they were present in May 2018.



The cumulative conditions analysis described in Section 4.6 of the Draft EIR includes a traffic operations analysis for intersections surrounding the project site during a future year of 2036. Similar to other rapidly-evolving transportation trends and technologies, the use of navigation apps and their influence on traveler behavior have not reached a level of maturity to accurately predict their potential effect on future travel. Given this uncertainty, attempting to quantify the future effects of navigation apps would be speculative for the purposes of the Draft EIR.

It is worth noting that the cumulative traffic operations analysis utilizes future traffic volume forecasts derived from the City of Davis travel demand model. The model forecasts future traffic volumes based on a variety of transportation system characteristics, including roadway capacity, speed, and route directness. Such factors influence traveler behavior and route selection, akin to the information provided by navigation apps. While the travel demand model cannot be used to accurately predict the future effects of navigation apps, the model is still a useful tool in estimating future travel behavior and route selection, including the likelihood of diverted traffic due to roadway demand and capacity constraints.

Response to Comment 31-13

The Russell Boulevard Corridor Plan is identified in General Plan Policy TRANS 2.8, Action a. The City has held initial discussions with UC Davis with the intent to proceed on developing a Russell Boulevard Corridor Plan. However, until a Corridor Plan is adopted, implementation of Mitigation Measures 4.6-2(d) through (f) cannot be guaranteed, and the EIR concludes that the impact would remain significant and unavoidable. Although the commenter references the Corridor Plan as mitigation, it is not identified as a mitigation measure in the Draft EIR. The Draft EIR identifies improvements to mitigate transportation-related impacts, but appropriately recognizes that the final determination of the improvements and their implementation would be subject to development of the Russell Boulevard Corridor Plan.

Currently, the Russell Boulevard Corridor Plan is in the beginning stages of the process and is expected to require a minimum of one year to complete. On March 10, 2020, the City Council approved a Capital Improvement Project for the Russell Boulevard Corridor Study (CIP No. 8342). It allocated \$100,000 of City funds to initiate the project. The Corridor Study would be coordinated with UC Davis and includes a contribution from UC Davis of \$500,000, which was part of a 2018 Memorandum of Understanding between the City and UC Davis, to support the study and potential improvements.

The Russell Boulevard Corridor Plan would evaluate the entire corridor from the western City limits to A Street, and down A Street to First Street. The Plan will evaluate transportation operational efficiencies and safety for all modes. It will identify improvements for the corridor and would include the impacted facilities identified in the University Commons Project EIR. First steps would be a Request for Proposal in Spring/Summer 2020 to retain a consultant team, with data collection to take place in late Summer/Fall 2020. It is envisioned that community outreach and public meetings to share information with the community would occur during FY 2020/21.

Response to Comment 31-14

See Response to Comment 22-4 above.



Response to Comment 31-15

As stated in *Practice Under the California Environmental Quality Act*,²⁰

Agencies have a variety of tools available to ensure compliance with mitigation monitoring requirements and with the mitigation measures themselves. These enforcement mechanisms may be part of a monitoring program, but including them in the program is not required. For mitigation measures that are required during project construction, inspections that would normally be required before work is completed should suffice. The developer's failure to implement mitigation measures properly could result in permit revocations, "stop work" orders, or denial of subsequent approvals that are needed to complete, operate, or occupy the project. The agency might also choose at the time of project approval to require performance bonds.

Mitigation measures that relate to ongoing operation of the project may be more difficult to enforce. An agency may, however, be able to ensure compliance through a range of enforcement techniques, including civil and criminal fines, injunction, and even permit revocation, depending on the agency's power to enforce conditions.

The City of Davis concurs with the above overview of potential enforcement mechanisms and will use the best available means of ensuring compliance, as it may depend on the particular impact/mitigation in question. Compliance with all mitigation measures will be a condition of project approval, and failure to comply with conditions or any other development standards would enable enforcement pursuant to Davis Municipal Code, including, but not limited to, Article 40.37 (Enforcement) of Chapter 40 (Zoning), and Chapter 23 (Nuisance Abatement).

Response to Comment 31-16

See Master Response #1.

Response to Comment 31-17

See Master Response #1.

Response to Comment 31-18

See Master Response #1.

Response to Comment 31-19

See Master Response #1.

Response to Comment 31-20

See Responses to Comments 30-10 and 30-20 above.

Response to Comment 31-21

A comprehensive analysis of potential cumulative impacts is included at the end of each technical chapter (Chapters 4.1 through 4.6) of the Draft EIR. See also Responses to Comments 30-10 and 30-20 above.

²⁰ Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition*. March 2019 Update, pg. 18-15.



Response to Comment 31-22

The comment does not address the adequacy of the Draft EIR. It should be noted that as discussed on page 3-8 of the Draft EIR, the final unit mix for the project has not been finalized at this time. The final mix of unit types will be determined with the final project plans. The comment has been forwarded to the decision-makers.

Response to Comment 31-23

The City has determined that the project qualifies for the Vertical Mixed Use Exemption pursuant to Section 18.05.080 of the City's Municipal Code that was in effect for the project at the time of the application submittal. See Response to Comment 29-1 for additional discussion. However, the CEQA Guidelines do not require analysis of issues related to affordable housing within an EIR. The commenter's concern has been forwarded to the decision-makers for their consideration.

Response to Comment 31-24

The comment does not address the adequacy of the Draft EIR. The commenter's suggestions have been forwarded to the decision-makers for their consideration.

Response to Comment 31-25

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 31-26

See Responses to Comments 30-10 and 30-20 above.

Response to Comment 31-27

See Response to Comment 30-27 above.



University Commons Draft EIR Comments and Concerns

32-1 **1) Size and mass of this enormous “wall” of contiguous 80-foot tall buildings is out-of-scale and inconsistent with its surroundings.** This project is incompatible with the neighborhoods around it due to the enormous scale and impacts on the neighborhoods near it. This makes this project also inconsistent with our City’s citizen-based General Plan where infill needs to be compatible and consistent with its surroundings and not impose major impacts on the surrounding housing or commercial.

32-2 **2) Shadow-casting by this 7-story “wall” of 80-foot tall buildings upon surrounding housing and commercial development.** The enormous shadow cast by this project would not only cut out light from nearby homes or commercial development, but it would negatively impact the ability of those units to have solar added to the rooftops due to the sunlight being blocked by this enormous 7-story project towering at 80 feet.

32-3 **3) The enormous number of apartments located above 2-3 stories would likely create significant privacy issues imposed upon the surrounding residential properties.** This impact from the multitude of windows, particularly from so many apartments at the 4th, 5th, 6th and 7th floors would create an especially egregious impact upon surrounding homes.

4) Inadequate Parking:

32-4 The University Commons project has a grossly inadequate parking proposal for both the retail and the residential. While the project chooses to target students, despite the need for workforce housing (even for UCD workers) most UCD students want a parking space for storage of a vehicle that they may not need to use daily. Instead, cars may be used less frequently for students visiting family, shopping, or commuting for recreational purposes. So, assuming that only 264 parking spaces will accommodate the needs for 894 students is a fantasy. The parking demand for this project that will undoubtedly result in overspill impacts upon surrounding neighborhoods of many city blocks beyond this project site. The project needs to significantly downsizing the number of beds, or eliminating residential for a commercial-only project focusing on needed retail in Davis is the only logical solution to parking, traffic and circulation impacts.

Furthermore, regardless of how many residents might be UCD employees, working people typically have the need for a car, or if a couple, often 2 cars if he couple have children to be capable to transporting the children to school, sports events, doctors appointments, or to be picked up from school if sick etc.. So, parking for storage of cars when needed for working people (or even students who will have cars and will need parking storage as well) is not nearly being provided by this proposal.

Inadequate parking of any multi-family or mixed-use project ultimately results of overspill parking needs impacting surrounding neighborhoods as evidenced by the many complaints of the apartment complex near UCD in the past. In South Davis, this resulted in the City increasing the parking requirements of multi-family housing due to the many student housing complexes built with inadequate parking for students also want a place to store a car even for occasional use such as for grocery shopping, visiting out-of-town family and recreational destinations.



**Letter 32
Cont'd**

5) Traffic and Circulation Impacts:

32-5

The University Commons proposal present significant traffic and circulation impacts on the City cannot be resolved due to it over-ambitious size and mass, particularly of having residential targeting the housing for at least 894 student beds.

6) Russell Corridor Plan:

32-6

During the December 11th 2019 Planning Commission meeting the subject of the Russell Blvd. Corridor Plan was raised and when the timeline was going to be done and then to implement a plan. Since no funding or timeline has been identified it is clear that there is no plan to understand *if and how* circulation can work along these major arterials adding circulation from at least 894 residents of University Commons, not only along Russell Blvd. but along Anderson Road, Sycamore Ave and other connecting streets. This Draft EIR is inadequate and this project cannot possibly proceed without better understanding the traffic and circulation impacts. How is this study to be funded and accomplished to understand what the traffic and circulation the impacts of this enormous mixed-use project at the U-Mall site would be before it would potentially be approved? This Draft EIR is inadequate and must not be approved.

32-7

7) Air Quality impacts due to the backed-up traffic caused by the University Commons proposal.

8) City-wide Cumulative Impacts Study needed first:

32-8

The City has approved a number of large projects over the last few years and there is a long overdue need for a citywide "Cumulative Impacts" study needs to be done now before *any* more projects, are considered in the City, particularly large projects like this University Commons project proposal which would bring significant impacts to the City including but not limited to traffic, circulation, parking, air quality, greenhouse gases impacts and energy use as well as infrastructure needs and City services such as fire and police services and our RHNA fair share requirements.

9) Housing needs of workforce and families versus students:

32-9

In the past year the City has been prioritizing the housing needs of UCD students over the housing needs of our community's workforce and families. This resulted in four mega-dorms with for 3,888 "beds" designed exclusively for UCD students which have now been deemed "group housing" by the HCD making these units ineligible for credit towards our City's RHNA housing requirement. Yet, the City and its tax payers will be shouldering the costs of the infrastructure needed to support it including City services such as fire and police safety. Meanwhile, UCD continues to resist providing the on-campus housing it has neglected to provide for over two decades and is trying to get away with only adding new housing for the recent surge of student population growth. This project proposal not only demotivates UCD to provide far more on-campus student housing but also enables UCD to delay and avoid adding far more on-campus housing than the City-UCD MOU proposed.



**Letter 32
Cont'd**

32-9
Cont'd

The University Commons project, as its name implies, is targeting students, however the City has already approved almost 4,000 more student beds in the form of mega-dorms designed exclusively for students. As a result, the California Housing and Community Development (HCD) department is stating that the City is not entitled for any credit for its SACOG fair share of growth requirement or the coming cycle since these mega-dorm projects are designed for “group housing” not suitable for non-students. This issue was raised multiple times by public comments at City meetings during the course of these projects being reviewed by City Staff and the City Council, so why was this issue not resolve then?

The much-touted MOU executed among the City, County, and UCD unfortunately did not hold UCD to account for failing to meet the on-campus student housing targets in the 2002 Regents’ student housing report, nor the housing goals set in UCD’s 2003 LRDP. The shortfall resulting from those failures is between 1,400 and 1,800 beds. Perhaps if UCD had met those targets there would be less motivation for Brixmor to propose 894 student beds in what should be a community shopping center.

This University Commons project includes a significant number of 3- and 4- bedroom apartments which, as again, are clearly targeting students. The City Council has stated its desired to avoid more student-oriented housing projects, however that is *exactly* what this proposal *is*. University Commons is yet, *another* student oriented mega-dorm with secondary retail to give it an excuse to be designated “vertical mixed use” to avoid having any affordable housing included.

32-10

This project needs to be retail-only serving the needs of the entire-community, and not to be an extension of the UCD campus focusing on student housing and retail needs. U-Mall has not defined what retail uses it plans to recruit? Why is he City not making clear that any retail uses in this mall need to serve the needs of the community at-large not just UCD students? UCD needs to make a commitment to housing more than the 48 percent of the 2030-31 projected student population called for in the 2018 LRDP, so there will be less impetus for projects like the proposed University Commons mega-dorm.

The only other alternative to consider is to downsizing it to 53 apartment units or less (as the zoning could allow), but only allowing 1- and 2- bedrooms. This downsized project should only be considered depending upon if adequate parking can be provided for store cars for workforce and small families and if the traffic and circulation can work as well at the total environmental impacts be minimized to acceptable level is acceptable.

32-11

10) No affordable housing included and the subsequent negative impacts on the City’s RHNA affordable housing requirements:

The city’s RHNA requirement of 2017 total units includes 930 units to be lower income affordable or 44.8% affordable. This enormous project would provide NOTHING towards the City’s need to fulfill that affordable housing need. This is inexcusable and detrimental to the City and its planning process. The City needs to ask for at least 15% or more for any housing project at this point given the enormous challenge before it that SACOG has proposed for the City to provide in terms of affordable housing. How can the City possibly meet such a requirement if it is only requiring 0% to 15% affordable housing?

If the University Mall is to be considered as a mixed-use project (and it needs to be *not more* than 53 apartment units as described earlier with only 1- and 2- bedroom units) it needs to have more than 15%



Letter 32
Cont'd

32-11
Cont'd

affordable housing. Otherwise this is a travesty, and a failure by our City Staff and City Council to even attempt to provide the needed RHNA affordable housing requirements. This failure sets the City up for legal liability by the State to fail to meet its affordable housing requirements.

It is unacceptable that the City is allowing this University Commons project to *squander* a major opportunity to provide a significant amount of affordable housing for its RHNA fair share as it always has with large projects with rental apartments.

To reiterate, the only way that this project can logically provide any workforce housing is if it is 53-apartment units or less proposal with a 1- and 2-bedroom format having adequate parking for working people needs to store their cars as well, as adequate parking for the retail shopping.

11) Affordability of market-rate units:

32-12

In addition to the need for affordable housing for legally qualified low-income residents, there is the need for market rate housing which is affordable. This project has a rooftop pool and recreation area and other amenities indicating that it will be luxury housing. The cost of these market rate units needs to be defined first to determine if this housing would simply escalate the cost of other rental housing.

12) Complications and problems presented by a mixed-use project at the U-Mall site:

32-13

a) Parking management would be Incapable of protecting retail parking from being “raided” by residential users and their visitors. This is an important issue since retail depends upon having plenty of available free parking to motivate shoppers to purchase at the brick-and-mortar stores. Having shoppers with cars come to shop also encourages more as well as heavier and bulkier items to be purchased (since they can be transported home by car) to help with providing *much needed* sales tax to the City. The City needs to do all it can to recruit and retain as much retail as possible to provide merchandise to Davis residents and so that the community is not forced to travel to surround cities for merchandise or get primarily dependent upon Amazon for shopping.

32-14

b) Traffic and circulation would be significantly increased to an already heavily impacted area. The vicinity of Russell Blvd. and Anderson Road is already an incredibly impacted vicinity since it is one of only a few exit sites from the ICD campus into the City. Rush hour peak traffic is especially high funneling down to bottleneck areas like at Russell and B St. backing up traffic for long stretches from one end of the City to the other.

32-15

c) Constant turn-over of student residents of the apartment units would result in far greater impacts of moving trucks loading and unloading possessions frequently (including larger items like furniture which takes long periods of time to move). This in turn would cause major disruption for significant periods of time to the already crowded project parking and circulation. Plus, the project description does not indicate whether the units would be furnished. If not furnished, it will be necessary for the residential property manager to provide many large dumpsters when students move out in the spring, as is already the case at many large apartment complexes in Davis. These added project impacts would create even more impacts on the surrounding areas of the project.



Letter 32
Cont'd

32-16 **d) Would the project be allowing double occupancy per bedroom and if not, how would it prevent double-occupancy from occurring? How would it control that potential problem?** Otherwise, if not controlled and unmonitored this issue could result in potentially doubling the number of residents and impacts from the project, Students have become accustomed to sharing rooms to divide rent up amongst more occupants of housing in Davis.

32-17 **e) Retail stores focused on serving students primarily, would likely result in a student-oriented mixed-use project like “University Commons” proposal, rather than community-serving retail serving the needs of the entire community.** The U-Mall zoning is clear on the intent of the mall which is to provide “community serving retail” which is intended not only for the shopping convenience of Davis residents, but also to avoid the need for residents to commute to other cities for their shopping needs, and to provide needed sales tax for the City.

32-18 **13) Noise from the rooftop pool and recreational area would resonate noise essentially an “echo chamber” corridor around it.** There needs to be a noise study done to anticipate of this rooftop pool is a rational design features since the noise from many students recreating would resonate in what amounts to an echo chamber with a corridor of apartments. This noise can resonate for miles literally coming from an elevated height as it is designed. The Draft EIR is inadequate and requires a noise study regarding this rooftop pool and recreational area impacts and the noise generated by this proposed University Commons project.

14) General Plan inconsistencies:

32-19 a) Our City’s citizen based General Plan that infill projects need to be consistent and compatible with the surroundings with minimal impacts. This enormous University Commons project proposal is the antithesis of this fundamental and critical policy. The University Commons project violates all of these basic principles while doing major harm to the surround neighborhoods and the community as a whole. Neighborhood preservation is a key component of the General Plan and this project proposal imposes far too many destructive impacts rather than respecting and maintaining neighborhood preservation.

INFILL

GOAL LU 2. Define the types, locations, pace, and intensity of infill development consistent with neighborhood, agricultural and open space preservation policies.

b) Neighborhood Retail and Community Retail in our General Plan allow only a maximum of 50% increase of density of these projects to allow their size and scale to be consistent with the surroundings.

Maximum Floor Area Ratio: 50 percent, with an additional 15 percent allowed for the housing component of a mixed-use project. Such additional floor areas shall include any housing units allowable under an affordable housing bonus.

c) For Neighborhood Retail the housing is supposed to be secondary to the retail, not the reverse. Only 15% of the projects square footage is allowed to be housing.



Neighborhood Retail Allowable Uses and Densities:

1. Neighborhood shopping centers, which are shopping centers that serve the daily needs of the surrounding neighborhood for goods and services, such as groceries, pharmaceuticals, dry cleaning, and other uses.
2. Residential uses to the extent they are secondary and do not conflict with the primary use of the area.

32-19
Cont'd

Maximum Floor Area Ratio: 50 percent, with an additional 15 percent allowed for the housing component of a mixed-use project. Such additional floor areas shall include any housing units allowable under an affordable housing bonus.

Community Retail:

Allowable Uses: Retail shopping centers and freestanding buildings selling the goods listed above, with ancillary retail uses and restaurants. May include some neighborhood-serving uses such as a food store. Residential uses would be conditionally allowable.

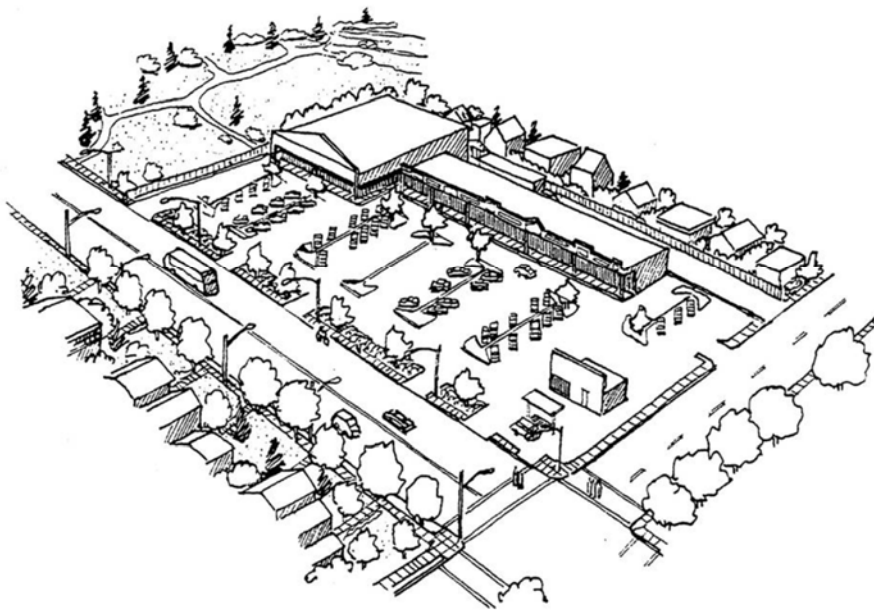
Maximum Floor Area Ratio: 50 percent, with an additional 10 percent allowed for development of shared parking facilities with neighboring uses. An additional 15 percent allowed for the housing component of a mixed-use project.

32-20

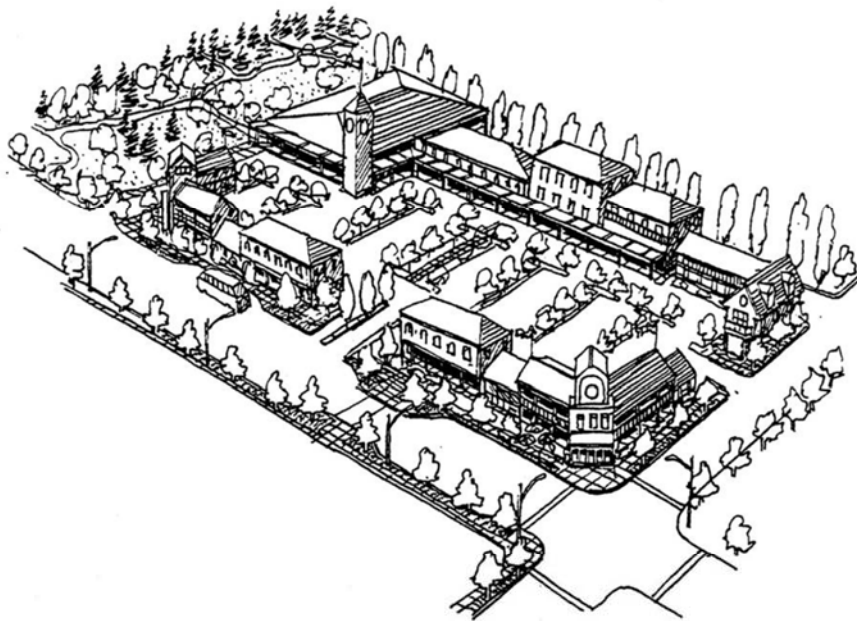
15) The new proposed Mixed-Use Urban retail General Plan category is completely inconsistent with the intent of many General Plan policies to have a small-town atmosphere. It is unreasonable for this project to expect an entirely new General Plan designation which would go from the current allowance of a 50% increase in density to between 125% or 175% (to allow underground parking). Again, the General Plan states that infill needs to be consistent and compatible with the surroundings, minimizing impacts and the University Commons project and this General Plan designation proposal clearly violates. Further to allow the project to have 75% housing in a mixed-use project is completely unreasonable particularly relative to our General Plan policies and intentions. Such a project would then become a housing project with retail as secondary “window dressing”.

The following is a rendering in our General Plan to illustrate what a mixed-use infill project should look like, not the monolithic University Commons project proposal:





Typical Existing Low Intensity Commercial Center –
Floor Area Ratio Approximately 25%



Potential Mixed Use Center Development Pattern –
Floor Area Ratio Approximately 60%

Figure 12: Infill/Transit-Oriented Development Concepts

32-20
Cont'd



As compared to the 7-story monolithic University Commons project proposal:

**Figure 3-8
University Commons North Elevation**



32-20
Cont'd

32-21

16) This University Commons Draft EIR is inadequate in multiple ways and must *not* be approved for a multitude of reasons including the above concerns raised. This includes, but not limited to the inadequate parking issues and impacts on surrounding neighborhoods, air quality impacts due to backed up traffic, inadequate analysis of the traffic and circulation impacts, and green gas and energy impacts which are being ignored of this environmentally inferior “University Commons” project as compared to the retail-only and reduced mixed-use complying with the zoning alternatives.

32-22

In Summary: The Draft EIR for the University Commons project is inadequate and must not be approved for many reasons as stated above.

32-23

In addition, what *is* needed is a redesign of the project to intensified community-serving retail which is needed with a design which is compatible with the surrounding neighborhoods. This alternative which is superior environmentally to the University Commons proposal, has *much* reduced impacts to the community environmentally, and in regard to costs to the City for services and infrastructure, as compared to the “University Commons” project proposal.

32-24

This University Commons project needs to go back to the drawing board and be redesigned to be a retail-only project with far more parking than proposed. The only other consideration is to downsize it to a 53-unit apartment (or less units) mixed-use and only if there would be far more parking for the housing and that the parking was completely segregated from the retail parking, such as a residential-



**Letter 32
Cont'd**

**32-24
Cont'd**

only parking garage. However, the problem would still exist of how to protecting the retail parking from being raided by residential users and their visitors, which seems to be an unsolvable problem.

In light of all of these issues, again, the redesign needs to be for an updated and intensified retail-only project with potentially some office uses on a second floor *if* there is enough parking to support a second floor of commercial. The retail-only option is the best solution particularly since this is an environmentally superior alternative to the project proposal.

Eileen M. Samitz

Davis resident

emsamitz@dcn.org

(530) 756-5165



LETTER 32: EILEEN SAMITZ

Response to Comment 32-1

See Master Response #1, particularly the section addressing building height and aesthetics.

Response to Comment 32-2

See Master Response #1, particularly the section addressing solar shading.

Response to Comment 32-3

Issues related to privacy are considered social issues. Per CEQA Section 15131(a), “Economic or social effects of a project shall not be treated as significant effects on the environment.” The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration. See also Master Response #1 regarding quality of life issues.

Response to Comment 32-4

See Master Response #1.

Response to Comment 32-5

The comment does not identify a specific defect in the Draft EIR. Issues related to transportation and circulation are evaluated in Chapter 4.6 of the Draft EIR.

Response to Comment 32-6

See Response to Comment 31-13.

Response to Comment 32-7

As discussed in Chapter 4.1, Air Quality, of the Draft EIR, all air quality impacts were determined to be less than significant. With regard to carbon monoxide (CO) hotspots, CO concentrations resulting from operations at the intersection of Russell Boulevard, Anderson Road, and La Rue Road under the Cumulative Plus Project condition were estimated. As shown in Table 4.1-9 of the Draft EIR, the highest predicted concentrations of CO associated with the intersection of Russell Boulevard, Anderson Road, and La Rue Road under Cumulative Plus Project conditions would be well below the applicable thresholds. Thus, impacts related to exposure of sensitive receptors to substantial concentrations of localized CO were determined to be less than significant.

Response to Comment 32-8

See Response to Comment 30-10.

Response to Comment 32-9

As discussed on page 3-8 of the Draft EIR, the final unit mix for the project has not been finalized at this time. The final mix of unit types will be determined with the final project plans. The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers.

Response to Comment 32-10

The comment does not address the adequacy of the Draft EIR. The commenter’s support for a retail-only project, which was evaluated in the Draft EIR as a project alternative, has been



forwarded to the decision-makers. In addition, as stated on page 3-4 of the Draft EIR, Project Objectives, the applicant's objective is to maintain and enhance the community and neighborhood retail uses and services.

Response to Comment 32-11

The commenter's concerns regarding the lack of affordable housing in the project do not address the adequacy of the Draft EIR, but have been forwarded to the decision-makers. See also Response to Comment 31-23.

Response to Comment 32-12

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration. It is important to note that the pool is identified in the Draft EIR as a potential on-site amenity.

Response to Comment 32-13

See the portion of Master Response #1 regarding parking.

Response to Comment 32-14

Issues related to transportation and circulation are evaluated in Chapter 4.6 of the Draft EIR. Existing traffic patterns/congestion have been accounted for in the traffic counts conducted for the project-specific traffic study.

Response to Comment 32-15

See Response to Comment 14-5.

Response to Comment 32-16

The proposed project would include 622 bedrooms and 894 beds; thus, approximately 272 of the proposed bedrooms would be double-occupancy. These are the total number of bedrooms and beds that are proposed. The final mix of unit types will be determined with the final project plans. See Master Response #1 regarding Occupancy Management.

Response to Comment 32-17

The comment does not address the adequacy of the Draft EIR. As stated on page 3-4 of the Draft EIR, Project Objectives, the applicant's objective is to maintain and enhance the community and neighborhood retail uses and services.

Response to Comment 32-18

See Response to Comment 22-4. The commenter suggests that the potential exists for the walls surrounding the proposed pool to the north, east, and west to cause sound from the pool area to reverberate southward, amplifying noise levels. People are a source of absorption of sound. Therefore, the more people congregating would theoretically result in more absorption. According to the technical memorandum prepared by j.c. brennan & associates, Inc. that evaluates potential noise levels associated with the proposed pool (see Appendix B to this Final EIR), assuming some reverberation would occur, and the levels increase two-fold, the overall levels are only expected to increase by 3 dB. Thus, if included in the final project designs, use of the proposed outdoor pool area would not result in any new significant noise impacts, and the analysis and conclusions presented in the Draft EIR remain valid.



Response to Comment 32-19

The project site is currently designated Community Retail per the City's General Plan. Thus, development standards for the Neighborhood Retail land use designation are not applicable to the project site. In addition, the proposed project would require a General Plan Amendment to create a new land use designation of Mixed-Use that allows for large-scale, multi-story mixed-use development, and a land use map amendment to apply the designation to the site. See Response to Comment 3-6 for further discussion.

Response to Comment 32-20

See Response to Comment 3-6 regarding General Plan consistency. In addition, small town atmosphere is not a CEQA issue. For further discussion in this regard, see Master Response #1.

Response to Comment 32-21

Regarding parking availability, see Master Response #1. Issues related to air quality, transportation and circulation, and GHG emissions are evaluated in Chapters 4.1, 4.6, and 4.2, respectively, of the Draft EIR. See Response to Comment 32-7 above regarding the CO hotspot analysis provided in the Draft EIR. The comment does not state why such analyses are inadequate.

Response to Comment 32-22

The comment does not provide specific reasons, nor substantial evidence, as to why the Draft EIR is inadequate. Per CEQA Guidelines Section 15088(c), "A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment."

Response to Comment 32-23

The comment does not address the adequacy of the Draft EIR and the comment has been forwarded to the decision-makers for their consideration.

Response to Comment 32-24

Regarding parking availability and occupancy management, see Master Response #1. The commenter's preference for the Existing Zoning Mixed Use Build Out Alternative and Retail Project Only Alternative is noted, and the comment has been forwarded to decision-makers for their consideration.



Letter 33

From: Kate Scow <kmscow@ucdavis.edu>
Sent: Sunday, December 15, 2019 9:13 PM
To: Sherri Metzker <SMetzker@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>
Subject: Concern about University Mall project

Dear City of Davis

I am writing in concern about the proposed project to expand the University Mall not only to provide additional retail space for the City of Davis but also to include potentially 264 multi-family housing units (which translate into several times that numbers of new residents). This is very poor planning for several reasons.

33-1

1. It brings an unreasonable density of population and traffic to the edge of campus in an already heavily impacted area by the dorms already present. This will greatly hamper the ability of people to move on and off campus via one of UCD's "gateways"—Anderson/LaRue (e.g. during moving days, sports events, graduation, etc) and during commuting on work days. It also subjects those living in the vicinity of this area to continuous excessive congestion.

33-2

2. It doesn't put the responsibility to provide housing on the University, an institution with ample space to provide housing on campus (and match what other UC campuses already provide in terms of ratio of on to off campus housing).

33-3

3. The proposed plan means that retail that does come into the new mall will be difficult to access due lack of sufficient parking, a situation that is already present at the current shopping center. With no public parking (since this area requires parking permits) allowed on adjacent streets, this creates a situation that doesn't end up benefitting retailers or customers.

33-4

In conclusion I welcome development of high quality retail in what is currently a retail desert in Davis, in a location in considerable need of more options, and not additional housing. This is what we should aspire for in the University Mall project.

Best,
Kate Scow

—

Kate M Scow
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LETTER 33: KATE SCOW

Response to Comment 33-1

Issues related to transportation and circulation are evaluated in Chapter 4.6 of the Draft EIR. Potential impacts associated with increased vehicle, bicycle, and pedestrian traffic at the Russell Boulevard/Anderson Road/La Rue Road intersection are evaluated therein. Mitigation measures have been identified, which require some physical improvements, as well as contribution of funds towards other improvements that are within the jurisdiction of UC Davis and thus, outside of the City's control. See Response to Comment 14-5 regarding moving day traffic.

Response to Comment 33-2

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 33-3

See Master Response #1.

Response to Comment 33-4

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration. It should be noted that a Retail Project Only Alternative is analyzed in Chapter 6 of the Draft EIR.



Letter 34

From: STEVE STREETER <stevestreeter@comcast.net>
Sent: Wednesday, December 11, 2019 1:41 PM
To: Eric Lee <ELee@cityofdavis.org>; Sherri Metzker <SMetzker@cityofdavis.org>
Subject: University Commons Draft EIR

34-1 Some of my key concerns are the building height, residential density, focus on student occupancy and parking.

Building Height:

- Recommend analysis of a 5-story maximum height versus 7-story redevelopment.
- 34-2 • University Mall is a neighborhood or community shopping center. The density proposed would only be suitable in some downtown locations.
- The Downtown Davis Specific Plan recommends 5 stories maximum for neighborhood large and main street medium built environments (pg. 75).
- The Davis Live 7-story apartment complex is not a precedent to propose 7-stories of mixed-use, residential, retail and restaurants on the 8.25 acre site.
- A 5 story redevelopment could be built with a 56 foot maximum building height, only 6 feet over the current maximum height permitted by zoning.

Residential Density versus Qualifying Transit Priority Projects and Residential/Mixed-Use Residential Projects:

- 34-3 • Appendix A contains the SACOG letter and worksheet. The project proposed as of June 2018 was for 174 apartment units and met the requirement for a density over 20 dwelling units per acre, i.e. 21 DU/acre.
- Eliminating 90 apartment units of the proposed 264 apartment units would still allow the project to comply with the SACOG finding of project consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy for 2036.

34-4 Focus on Student Occupancy: The project objectives focuses on students, employees and university-related personnel. The student focus needs to be balanced in relation to other student apartment projects completed or underway to the west on Russell Blvd. and off of Wake Forest Drive. Some priority for senior housing was brought up at the joint meeting of the City Council and Planning Commission in October 2019.

Parking:

- 34-5 • The draft EIR states that there are 427 existing parking spaces. I would estimate that 10% of the 90 degree spaces are often unusable due to the narrow width. Larger vehicles often spill over into a second space and single interior spaces are too small for parking except for compact/subcompact cars.



**Letter 34
Cont'd**

34-5
Cont'd

- More detail is needed on the parking projections and demand. Since Forever 21 and The Graduate are now closed, a second look at the parking dynamics is recommended. Trader Joe's appears to use a third or more of the existing parking spaces at peak times.

Davis Co-Working:

34-6

- I recommend that this valuable community resource be accommodated in the redevelopment plans. It currently occupies space above Subway and Fluffy Donuts. Plans to create some ground floor space near the east entrance of the U-Mall are underway.

I will have additional comments to submit after hearing the input on Dec. 11th and before the deadline for comments.

Thanks,

Steve Streeter

530-979-0095



LETTER 34: STEVE STREETER (1)

Response to Comment 34-1

The comment is an introductory statement. The general non-CEQA concerns raised by the commenter are addressed primarily in Master Response #1.

Response to Comment 34-2

See Master Response #1. In addition, while an additional alternative could be included in the EIR that consists of a five-story mixed-use project versus a seven-story project, as proposed, the EIR is required to evaluate a range of reasonable alternatives. As stated in CEQA Guidelines Section 15126.6(f):

The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

The City’s evaluation of four alternatives in the Draft EIR allows the decision-makers to permit a reasoned choice. In addition, consistent with the above CEQA Guidelines excerpt, alternatives should be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Consistent with streamlining provisions, building height was not determined to be a significant project effect on the environment. However, the following discussion is provided for general information to broadly address the impacts of a five-story project alternative and it should be noted that this a very cursory discussion. For the purpose of comparing impacts, a five-story project alternative is assumed to have the same layout, parking, and non-residential square footage as the proposed project, with three parking levels on the west side and two retail/office floors on the east side. However, two of the four residential floors would be eliminated compared to the proposed project, resulting in half the amount of residential square footage, units, beds, and bedrooms. As such, under a five-story building alternative, the residential uses would be assumed to result in half of the maximum total units, for a maximum of 132 units consisting of a maximum of 311 bedrooms with 447 beds. Although the amount of residential parking provided on the third parking level would also be reduced, reconfiguration of that square footage is not germane to this discussion.

Based on the above description of a five-story building alternative, such an alternative would result in less population than the proposed project, which would be expected to result in fewer vehicle trips than the proposed project. Fewer vehicle trips would generally result in fewer operational air pollutant and GHG emissions, less vehicle traffic noise, and less intense transportation and circulation impacts.

More specifically, because a five-story building alternative would involve demolition of the existing on-site retail uses within the project footprint, emissions from the demolition of the existing on-site structure would be similar to the proposed project. However, because the alternative would include fewer residential levels and units compared to the proposed project, the alternative would include construction of less building space compared to the proposed project, which would result



in fewer emissions of criteria pollutants and toxic air contaminants (TACs) during construction, as compared to the emissions estimated for the proposed project.

The total net emissions of GHG from operations at the project site under a five-story building alternative would be expected to increase compared to existing conditions. Consequently, Mitigation Measures 4.2-3(a) and 4.2-3(b) would still be required; however, the total emissions reductions required by Mitigation Measure 4.2-3(a) would be less under the alternative as compared to the mitigation requirement of the proposed project. Nonetheless, net emissions of GHG associated with implementation of a five-story building alternative would be expected to decrease, as compared to the proposed project, and overall impacts would be fewer than the proposed project.

A five-story building alternative would involve demolition of the existing on-site structure and a similar overall area of disturbance as the proposed project. Thus, construction-related noise would likely be similar to what would be expected for the proposed project. Accordingly, the impacts related to a substantial temporary or periodic increase in ambient noise levels would be similar under the alternative, and Mitigation Measure 4.4-1 would still be required. In addition, similar to the proposed project, a five-story building alternative would still involve development of an on-site loading dock area on the north side of the proposed retail uses. The same amount of retail development, and a similar amount of loading dock activity, would be expected. Therefore, impacts related to stationary source noise would be similar under the alternative compared to the proposed project, and Mitigation Measure 4.4-2(a), requiring a sound wall, and 4.4-2(b) would still be required. Overall, similar impacts as the proposed project related to noise would be expected.

A five-story building alternative would involve a reduction of residential units compared to the proposed project, which would add a reduced number of pedestrians, bicyclists, and transit passengers to the existing transportation network compared to the proposed project. However, because the alternative would still include an increased amount of development relative to the existing University Mall, overall, the alternative would still increase demands on pedestrian, bicycle, and transit infrastructure, and the significant and unavoidable impacts identified in the Draft EIR for bicycle and pedestrian facilities would likely remain. Mitigation Measures 4.6-2(a) through 4.6-2(f) and Mitigation Measure 4.6-4 may still be required. In addition, because the alternative would involve demolition of the existing on-site structure and new development and construction activities at the site, the significant impact identified for the proposed project related to construction vehicle traffic would still occur under the alternative and Mitigation Measure 4.6-7 would be required. Furthermore, due to the reduced residents at the site, the alternative would result in slightly reduced daily, AM peak hour, and PM peak hour trips compared to the proposed project, as shown in the following table:

Time Period	Proposed Project	Five-Story Alternative
Daily	2,978	2133
AM Peak Hour	91	57
PM Peak Hour	208	162

Consequently, the alternative would likely result in decreased delay at nearby intersections compared the proposed project and could result in fewer impacts related to study intersections than the proposed project. However, because the alternative would still add traffic to the impacted intersections, Mitigation Measure 4.6-9 may still be required. Because full implementation of Mitigation Measure 4.6-9 cannot be guaranteed, the alternative's incremental contribution to the cumulative impact would remain cumulatively considerable and significant and unavoidable.



Overall, a five-story building alternative would result in fewer impacts related to transportation and circulation than the proposed project, but the significant and unavoidable impacts would remain.

Response to Comment 34-3

Subsequent to the release of the Draft EIR, SACOG prepared an updated letter for the proposed project confirming that the current version of the project, as evaluated in the Draft EIR, is consistent with the 2016 MTP/SCS (see Appendix A to this Final EIR). The updated letter acknowledges changes to the project components that have occurred after SACOG provided an initial consistency determination on June 19, 2018.

Response to Comment 34-4

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers for their consideration.

Response to Comment 34-5

See Master Response #1.

Response to Comment 34-6

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers for their consideration. The applicant intends to retain existing tenants to the extent feasible.



Letter 35

From: STEVE STREETER <stevestreeter@comcast.net>
Sent: Friday, December 20, 2019 4:39 PM
To: Eric Lee <ELee@cityofdavis.org>
Cc: Sherri Metzker <SMetzker@cityofdavis.org>
Subject: Supplemental comments on University Commons Draft EIR

These comments are supplemental to my December 11, 2019 written comments:

Parking Demand by High Traffic Generating Businesses:

35-1

I read through the Fehr & Peers traffic study more thoroughly and saw that they analyzed the parking impacts of Trader Joe's and Starbucks, the two highest traffic generators. A separate traffic analysis suggested in my earlier comments may not be necessary.

I did have a conversation with one of the senior Trader Joe's employees about the parking demand from out of town customers. He said they currently estimate the figure to be 20%. It would be expected that nearly 100% of those customers would drive to the site.

Visitor Parking for Apartments:

35-2

Some visitor parking spaces are recommended for the proposed apartments. Since no on-site or parking garage accommodation for visitor parking is included, the default would be for visitors to park in the shopping center spaces or find on-street parking spaces in the vicinity outside of restricted parking hours.

Shadow and Solar Shading Effect:

35-3

The solar shading and shadow effects on the apartments, church and medical center to the north are a concern to be explored further. A photo simulation with projected shadow effects is recommended.

Project Alternative:

35-4

In my prior comments, I recommended analysis of a 5-story maximum height versus 7-story redevelopment. An additional alternative is recommended for Section 6.4 of Chapter 6 that would analyze an alternative project of mixed use at a maximum height of five stories.

Thank you for the opportunity to submit comments,

Steve Streeter

530-979-0095



LETTER 35: STEVE STREETER (2)

Response to Comment 35-1

See Master Response #1.

Response to Comment 35-2

As stated on page 3-11 of the Draft EIR, a time-limited visitors parking area would be provided for guests visiting residents. Limited overnight resident guest parking would be allowed by permit only. Parking management and permits would be issued, monitored, and enforced by on-site management. See also Master Response #1.

Response to Comment 35-3

See Master Response #1.

Response to Comment 35-4

See Response to Comment 34-2 above.



December 18, 2019

To: City of Davis Department of Community Development and Sustainability
Attn: Eric Lee, Planner (elee@city of davis.org)
23 Russell Boulevard
Davis, CA

From: Nancy Sweet
Davis resident

Re: Comments on the EIR for University Mall Redevelopment Project

36-1

I am writing these comments because I feel very strongly that the proposed University Mall Redevelopment Project on Russell Boulevard in the configuration reviewed by the EIR would have a major negative impact on the surrounding neighborhood in the city. The findings in the EIR support this conclusion in part. The EIR failed to thoroughly address the issue of the impact that such a large building would have on the quality of life in nearby residential neighborhoods.

When I moved to Davis in 2003, I chose to buy a house in a friendly and family-oriented neighborhood a few blocks north of the University Mall. The mall was aging but the nearby commercial presence was very welcome in the neighborhood. I believed that Davis prides itself on maintaining a congenial family atmosphere while also accommodating student rentals that do not overwhelm the character of the individual neighborhoods.

36-2

The “dorm on steroids” that is proposed for the University Mall would completely change the character of the adjacent neighborhoods from “family oriented with some students” to an overwhelmingly student-dominated atmosphere. The sheer number of students that will cram themselves into those apartments (and believe me, they will do that) and bring hundreds of cars to the parking structure and parking lot in the mall will overwhelm the community. I have been here almost 20 years now and have seen students in rental houses a block or two from campus who all have cars squeezed into driveways and parked bumper to bumper in the street in front of the house. Those cars will come with the tenants in any new apartment facility. And every student will have one, as will the guests visiting the tenants.

36-3

There are already several large structures either recently completed, or in progress, on the Russell Boulevard corridor and in West Davis across 113. The hundreds (maybe thousands) of student-tenants in those structures will increase the load on traffic, bicycle and pedestrian flow and commercial businesses, even before renovation on the University Mall complex is taken into account. There is a new 4 or 5 story apartment complex that was recently completed on Russell near Sycamore. “Build out” of what looks to be a very large new complex on Russell west of the new apartment building has just begun, with consequent congestion from construction vehicles



**Letter 36
Cont'd**

**36-3
Cont'd**

clogging up Russell, Sycamore, the mall parking lot and the residential streets to the west of Sycamore. The University most likely intends to rebuild Orchard Park in the near future, which will add even more traffic and bodies to the corridor. Russell Boulevard will be significantly impacted by those new structures apart from the impact of a Mall redevelopment.

36-4

The EIR reports that the University Mall Project as currently proposed will have an adverse effect on congestion and traffic flow in some respects in the area and that effect cannot be mitigated. I believe that the EIR significantly understates that adverse effect. For vehicle traffic, it is very difficult even now to turn onto Sycamore Road from Russell or onto Anderson Road from Russell during much of the day when school is in session. The bike lanes and pedestrian traffic at the Anderson/LaRue and Russell intersection are already congested and barely separated. A longer turn lane from Russell onto Sycamore to access the Mall and streets to the north will not solve anything. I was in the existing turn lane this week and it took me three red light cycles to make the left turn through the light onto Sycamore. And that was in the middle of the morning. It is gridlock around the Mall during the commute times. Anyone who lives in the area could tell you as much. No one knows what the impact will be once the new and future

36-5

large structures on Russell between Sycamore and 113 and in West Davis are completed.

36-6

The EIR does not present a realistic and complete picture of the impact the proposed design would have on the surrounding neighborhoods. The students will most definitely park in the residential neighborhoods when the parking at the Mall is not adequate (which it clearly is not in the present design). Parking enforcement “drive bys” by the city once per day will not be adequate. The large neighborhood “through roads” such as Anderson and Sycamore are already very congested, particularly in commute time frames. An enormous apartment structure at the Mall will surely encroach in a significant way on the adjacent residential neighborhoods.

36-7

The City of Davis should not bear the responsibility for providing student dorms for the University, much less ensuring that students have new swimming facilities and gym equipment. Loud pool noise from crowds of partying students at the Mall is totally a foreseeable consequence of the proposed plan. The University ARC is a block away on campus and the outdoor swimming pool is a few blocks away. Any students in the apartments on Russell should use those University facilities. If the University continues to increase the number of students, they should use the property across 113 in West Davis to build out additional dorms for student housing, pools and recreation facilities.

36-8

Please consider limiting the University Mall Project to “retail only”. That would result in a much-needed update to the commercial structures with a limited impact on traffic and noise and pollution and other issues. That scope would preserve the current function of the Mall. Customers of those businesses might even have a shot at a parking space at the Mall, even given that several new buildings inserted in the parking lot will reduce the available spaces. “Retail only” would be my preference.



**Letter 36
Cont'd**

36-9

Some may feel it desirable to have some form of housing above the commercial structures at the University Mall. While I do not agree, especially in light of the new and future nearby “dorm-apartments” on Russell Boulevard, I would urge the Planning Commission to design a different character of housing for the University Mall if the decision is to allow the housing units. There is a huge need for housing for non-student Davis residents who have been priced out of housing or simply cannot find available housing. I would ask that you consider a different type of building than that which is currently proposed. Fewer units and fewer people in those units would reduce the future congestion and compaction (which would still come to a lesser degree) but would provide much needed housing for Davis residents.

36-10

Please require the project sponsors to redesign their proposal with less of a negative impact on our neighborhood. They should be required to eliminate the adverse impacts that the EIR currently states cannot be mitigated. It seems to be unwise planning to allow a project to go forward and ignore future adverse impacts that are known in advance to be inevitable. Thank you for your consideration.

Q d q f | #Vz hhw#
720 Mulberry Lane
Davis, CA
nlsweet@ucdavis.edu



LETTER 36: NANCY SWEET

Response to Comment 36-1

The comment broadly discusses destructive environmental and quality of life impacts on residents, but does not identify specific concerns related to the proposed project. See Master Response #1 regarding quality of life issues.

Response to Comment 36-2

See Master Response #1 regarding parking and occupancy management. Traffic effects of the project are evaluated in Section 4.6, Transportation and Circulation, of the Draft EIR.

Response to Comment 36-3

See Responses to Comments 30-10 and 30-20. It should be noted that while construction traffic from other development along Russel Boulevard could potentially combine with construction traffic associated with the proposed project, any overlap would be temporary and would not cause long-term impacts to the City's transportation system. In addition, this EIR includes Mitigation Measure 4.6-7 to ensure that project-level impacts related to construction traffic associated with the proposed project would be reduced to a less-than-significant level.

Response to Comment 36-4

Section 4.6, Transportation and Circulation, and Appendix J to the Draft EIR provide a detailed analysis of the anticipated environmental effects of the project on the surrounding transportation system, including the identification of impacts and mitigation measures under both baseline and cumulative conditions. The commenter does not present any data, analyses, or other objective evaluations that would support an assertion that the Draft EIR significantly underestimates potential transportation system impacts that would be caused by the proposed project.

Response to Comment 36-5

See Responses to Comments 30-10 and 30-20 above.

Response to Comment 36-6

See Master Response #1 related to parking. Draft EIR Section 4.6, Transportation and Circulation, adequately analyzed adjacent project roadways and intersections, including Sycamore Lane and Anderson Road. The commenter does not identify any deficiencies in the analysis.

Response to Comment 36-7

See Response to Comment 22-4.

Response to Comment 36-8

The commenter's preference for the Retail Project Only Alternative is noted, and has been forwarded to the decision-makers for their consideration.

Response to Comment 36-9

The comment does not address the adequacy of the Draft EIR, and has been forwarded to the decision-makers for their consideration



Response to Comment 36-10

The decision as to whether the benefits of the proposed project outweigh the unavoidable adverse environmental effects listed within the Draft EIR is the responsibility of the City Council. Thus, the comment is not a question related to the adequacy of the Draft EIR; the comment has been forwarded to the decision-makers for their consideration.



Letter 37

From: Celina Torres <celinita29@idoud.com>
Sent: Monday, December 16, 2019 10:11 AM
To: Eric Lee <ELee@cityofdavis.org>
Subject: u mall project

Hello there- I submitted the posting below to Nextdoor and I want to share it with you. Thank you.

37-1

Thank you for this posting. I will write to the city council and voice my concerns and opposition. From my perspective as a family with elementary age children, many families can't afford the rental homes because the landlords have such high rental rates and many landlords don't live in Davis so they don't care about the community. More apartments wont reduce the rental rates of homes because UC Davis just keeps expanding its population without much consideration of the community. Why is more always better? This mall is close to my home and I can both walk and ride my bike to it. It's one of the reasons I bought my home because I'm trying reduce the use of my vehicle and get exercise. World Market is a great store and offers most anything you need. Already, the parking is impossible afternoon 1 pm on most days. I wish the City Council would think more about Davis families and the school district. Will this complex offer a good home for families? How will it accommodate children? It is affordable? Could families buy condos or flats? Will it have a play structure? How much income will it generate for the school district? What type of commercial space will be for businesses for families? There is no where to buy clothing for kids in Davis except Target. Could there be another option?



LETTER 37: CELINA TORRES

Response to Comment 37-1

The comment does not address the adequacy of the Draft EIR. The commenter's concerns have been forwarded to the decision-makers for their consideration. However, while it is reasonable to expect that a majority of the residents at the proposed project would be UC Davis students, the units would be available to anyone wishing to rent. Fair housing laws prohibit discrimination and the units can be rented by interested families.



Letter 38

From: Do Tromp <do.tromp@gmail.com>
Sent: Friday, December 20, 2019 4:55 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Comments to Draft Environmental Impact Report (SCH# 2018112044) for the University Commons Redevelopment Project

Dear Eric Lee,

Please find my comments to the Draft Environmental Impact Report (SCH# 2018112044) for the University Commons Redevelopment Project below.

Comments on section 3 Project Description:

3.6 Project Components

38-1

Retail Development: The proposed retail spaces are all very large in footprint and seem to target big box stores, and other chain stores. With the current trend being that the many shoppers move away from these types of stores (reference: <https://www.foxbusiness.com/retail/features-retail-apocalypse-bankruptcy-stores-closing> & <https://www.thebalancesmb.com/all-us-store-closings-2891888>), as well as the general atmosphere in Davis against these big box stores (reference: https://localwiki.org/davis/Target_Debate), it seems in appropriate to aim to build more stores with such a large footprint. Large footprint stores tend to not do well in Davis (Note how Forever21, GAP, and Whole Foods are recent examples of big footprint stores closing in Davis). It further does not support the small business owners in Davis who are trying to make a business, and are providing employment. The majority of small business owners currently doing business at University Mall are all likely to permanently close down when they get displaced by the remodel (the businesses include Fluffy Donuts, Davis Coworking, Tum2Racing, T&M Bike shop, Super Eyebrow, Old Tea House, Ramen Hook, Ohana Hawaiian BBQ & OnTap). As the owner of Davis Coworking, I have had conversations with many of the small business owners here, and the majority has confirmed with me that they are planning to close down permanently, as there are no viable & affordable alternatives for their shops in Davis.

It is my opinion further that a space like Davis Coworking can have a great positive environmental impact on the city of Davis as it attracts and nurtures high tech start-ups, as well as providing a place for a mix of entrepreneurs, small business owners and remote workers to find affordable, flexible office space, while also creating community. The displacement of Davis Coworking may compromise these positive effects.

38-2

Landscaping: It seems inaccurate that the section notes that the majority of the landscaping would be maintained, when it states that 83% of the trees will be removed. No mention is made of what mature trees would be replaced in their stead. The landscaping section is short and does not provide a lot of detail on how landscape elements would be maintained (including mature trees). A particular important point for a city like Davis, which prides itself on the abundant and mature green cover that reduces heat buildup of pavements and CO2 sequestration.



4.5.2 Existing Environmental Setting

38-3 Fire Protection: The proposed height of the new development may necessitate the consideration of purchasing a Ladder Truck for the City of Davis. With the new high rise developments of UC Davis it seems inappropriate to be solely dependent on the UC Davis Ladder Truck for fire safety. The city of Davis residents will have to carry the cost of owning and operating an additional fire truck.

Other notes

38-4 I was surprised to find no mention of the importance of providing affordable housing. That should be included in the consideration.

Thank you for considering my comments, respectfully submitted,

~Do

—

Do Tromp, PhD

www.dotromp.com

Owner Davis Coworking

www.davis-coworking.com



LETTER 38: DO TROMP

Response to Comment 38-1

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration. In addition, as stated on page 3-4 of the Draft EIR, Project Objectives, the applicant's objective is to maintain and enhance the community and neighborhood retail uses and services. The applicant fully intends to retain existing tenants to the extent feasible.

Response to Comment 38-2

As stated on page 27 of the Initial Study prepared for the proposed project, considering the tree removal activity anticipated for the project, as shown in Exhibit 8, the project applicant would be required to obtain a tree removal permit and provide for the following: (1) on-site replacement; (2) off-site replacement; and/or (3) payment of in-lieu fees. The size, species, and location of replacement trees, if selected to comply with the City's Municipal Code, would be determined in consultation with the City, as part of the final planned development approval. It should be noted that while the project would require removal of a portion of the existing on-site trees. As noted in the Project Description of the Draft EIR, the new building would generally be located in the footprint of the existing mall. The internal vehicle circulation pattern is also largely unchanged. While much of the landscape areas would remain, they would be re-landscaped. Furthermore, the required tree mitigation, whether direct tree replacement or payment to the City's Tree Preservation Fund, which is used to maintain and plant new trees, provides CO₂ sequestration.

Response to Comment 38-3

With regard to the analysis of potential impacts related to fire protection services, the relevant CEQA threshold used in the Draft EIR, in accordance with Appendix G of the CEQA Guidelines, focuses on the potential for a project to "[...] result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives." Thus, the relevant question is focused on physical environmental impacts related to altering/constructing new stations, which is addressed in detail in Section 4.5, Public Services and Utilities, of the Draft EIR, specifically under Impact Statement 4.5-1. As discussed therein, alteration or construction of a new fire station is not required in order to adequately serve the proposed project. Potential purchase of fire-fighting equipment by the Davis Fire Department is beyond the scope of this EIR.

In addition, as noted on page 4.5-23 of the Draft EIR, the City of Davis has an automatic aid agreement with UC Davis. UC Davis' Truck 34, which has a 100-foot ladder, would be dispatched as needed to incidents at the project site. The proposed maximum building height would be approximately 80 feet; thus, with sufficient access, the 100-foot ladder could safely reach all floors of the proposed buildings. Furthermore, fire protection service is evaluated and addressed annually on a citywide level by the Davis City Council and Fire Chief. The City Council adopts an annual budget allocating resources to fire protection services, which effectively establishes the service ratio for that particular year. The annual budget is based on community needs and available resources as determined by the City Council and the Fire Chief. The City of Davis has also adopted citywide development impact fees, which include Public Safety Impact Fees. In accordance with existing law, prior to issuance of any building permits for any phase of development, the project applicant shall pay the City's Public Safety Impact Fees. Development impact fees can be adjusted by the City, as needed.



Response to Comment 38-4
See Response to Comment 31-23.



Letter 39

From: Kathy <ckvidmar@yahoo.com>
Sent: Tuesday, December 10, 2019 8:41 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: University Mall Project

Dear Mr. Lee,

The Davis Enterprise has published several articles with information about the plans to demolish and replace University Mall with mixed-use housing and retail. Members of the public were encouraged to attend the planning commission meeting or send comments to you.

39-1

I would just like to comment that it seems like the project is too large for that site. I support mixed-use and creating more housing close to the university for students, but would favor a smaller amount of housing units with 4-5 story buildings. I shop at Trader Joe's and other stores that have been in the mall over the many years that I have lived in Davis. It is already crowded and congested getting in and out of the parking lot (and at times trying to even get a parking place.) I feel the impacts on transportation in that area would be better if the amount of apartments and people living there could be reduced.

Sincerely,
Kathy Vidmar



LETTER 39: KATHY VIDMAR

Response to Comment 39-1

Given that the proposed project qualifies for CEQA streamlining, analysis of reduced density alternatives is not required. Nonetheless, Chapter 6 of the Draft EIR includes analysis of an Existing Zoning Mixed Use Build Out Alternative, which includes a reduced building height compared to the proposed project and a total number of 53 units. As noted on page 6-16 of the Draft EIR, buildout of the project site pursuant to the Existing Zoning Mixed Use Build Out Alternative would result in fewer impacts than the proposed project related to transportation and circulation; however, the significant and unavoidable impacts identified in the EIR for bicycle and pedestrian facilities would likely remain, and Mitigation Measures 4.6-2(a) through 4.6-2(f) and Mitigation Measure 4.6-4 may still be required. The comment does not specifically address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.



Letter 40

From: Adam Warner <a.wallace.warner@gmail.com>
Sent: Friday, December 20, 2019 1:11 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: University of Commons - Draft EIR Comment

Hi Eric,

40-1

Writing to express my full support for the project. Dense university-oriented housing near the university makes sense. It's a good use of the site and long overdue.

Thank you,

Adam Warner
Davis resident



LETTER 40: ADAM WARNER

Response to Comment 40-1

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.



Letter 41

December 18, 2019

To: Mr. Eric Lee

Davis Dept. of Community Devel. and Sustain.

Sir: I live at 866 Leland Lane. I have read the Proposal for "University Commons" very near my home. While I believe in a mixed model of retail and residence I do have some concerns.

41-1

Due to the large construction under way west of the "University Commons" site traffic and congestion has increased greatly. Another large project such as "U.C." raises additional concerns. Perhaps a medium project is more realistic.

41-2

"U.C." proposes 265 units for a student population allocating 1 parking space per unit. Since some units will have 4 bedrooms this does not seem to be adequate.

Could additional spaces be developed in a permit only area, possibly on the south side of Russell Blvd., across from the proposed "U.C." site? Thank you,



LETTER 41: J JAEPE

Response to Comment 41-1

Issues related to transportation and circulation are evaluated in Chapter 4.6 of the Draft EIR. Cumulative traffic issues are analyzed in Impacts 4.6-9, 4.6-10, and 4.6-11. Such cumulative analyses account for traffic generated by approved and pending development to the west of the project site. The commenter is also referred to the Alternatives Chapter (Chapter 6) of the Draft EIR, where a reduced project is evaluated.

Response to Comment 41-2

See Master Response #1 relating to parking.



Letter 42

**Bicycle, Transportation, and Street Safety Commission Comments Summary
University Commons Draft EIR - November 14, 2019 BTSSC Meeting**

BTSSC comments included:

- | | |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 42-1 | 1. Question about effects on vehicle traffic near Chavez Elementary School. |
| 42-2 | 2. Comment expressing support for the Low Parking Alternative. City should limit car ownership. It reduces GHG emissions and as a UCD-oriented development, complements mission to reduce cars on campus. Low Parking Alternative meets commission's goals. |
| 42-3 | 3. Comment that UC Davis is not involved enough. |
| 42-4 | 4. Comment that project preserves parking. More housing should be built instead of parking. |
| 42-5 | 5. Comment that the Low Parking Alternative is good. Is there a plan for spillover parking impacts? |
| 42-6 | 6. Comment that the project needs: <ul style="list-style-type: none">a. Long term bike parking for bikes with trailers, cargo bikes.b. Protected bike lane on Russell.c. Solutions for intersections.d. Project should not proceed without addressing problems and the impacts to bicycle and pedestrian facilities and study intersections. |
| 42-7 | 7. Comment that the elevator should be large enough to fit bikes at least 10-feet long. |
| 42-8 | 8. Comment on the idea of a bridge to move across Russell Blvd. |
| 42-9 | 9. Comment suggesting redistributing money from constructing parking to make more improvements to Russell Blvd. |



LETTER 42: VERBAL COMMENTS: BICYCLE, TRANSPORTATION, AND STREET SAFETY COMMISSION MEETING (NOVEMBER 14, 2019)

Response to Comment 42-1

Cesar Chavez Elementary School is located under one-half mile north of the project site on the west side of Anderson Road. The northern-most study intersection considered in Section 4.6, Transportation and Circulation, and Appendix J the Draft EIR, is the Anderson Road/West Eighth Street intersection, located approximately 1,000 feet south of Cesar Chavez Elementary School. As such, the Draft EIR analyzes the effect of project traffic on peak hour operations at this intersection and, in turn, any changes to peak hour delay that would be experienced by school traffic utilizing the intersection. As noted therein, impacts to the intersection under both Existing Plus Project and Cumulative Plus Project conditions were determined to be less than significant.

Response to Comment 42-2

The commenter's support for the Low Parking Alternative is noted, and has been forwarded to the decision-makers for their consideration.

Response to Comment 42-3

The comment does not address the adequacy of the Draft EIR, and has been forwarded to the decision-makers for their consideration. It is noted that Mitigation Measure 4.6-2 requires coordination with UC Davis for those identified improvements within their jurisdiction.

Response to Comment 42-4

The comment does not address the adequacy of the Draft EIR. The support for increasing on-site housing and reducing on-site parking has been forwarded to the decision-makers.

Response to Comment 42-5

See Master Response #1.

Response to Comment 42-6

As stated on page 3-12 of the Draft EIR, the proposed project would include bicycle parking in the form of 335 short-term spaces (32 percent of total) and 683 long-term spaces (68 percent of total). City Code would require 802 total bicycle parking spaces, including 291 short-term spaces and 511 long-term spaces. Therefore, the proposed bicycle parking supply would exceed the minimum City requirements by 216 spaces are required to meet standard dimensions for bicycle parking. While the City would encourage bicycle parking to accommodate cargo bikes and other non-traditional bicycles, it is not a City requirement and is not required to mitigate an impact. The layout and design of the bicycle parking will be finalized as part of the final project plans. Furthermore, as stated on page 3-13, the proposed project would include the provision of pedestrian walkways throughout the property, as well as access to existing off-street bikeways adjacent to the site. Surrounding roadways, including Sycamore Lane and Anderson Road, include marked bike lanes and Russell Boulevard provides access to the City's off-street bicycle loop path. Per Mitigation Measure 4.6-2(c), the project applicant would be required to either construct an off-street shared-use bike path on the north side of Russell Boulevard between Sycamore Lane and Anderson Road along the project site frontage, or construct a protected bike lane on the north side of Russell Boulevard, between Sycamore Lane and Anderson Road along the project site frontage. In addition, for those facilities that are outside the City's jurisdiction, and



thus, their construction cannot be legally imposed on the applicant by the City, the applicant has agreed, and Mitigation Measure 4.6-2 requires, payment of fair share contribution towards future bike/pedestrian-related improvements.

Regarding impacts to bicycle and pedestrian facilities, which were determined to remain significant and unavoidable, the decision as to whether the benefits of the proposed project outweigh the unavoidable adverse environmental effects listed within the Draft EIR is the responsibility of the City Council. Thus, the comment is not a question related to the adequacy of the Draft EIR; the comment has been forwarded to the decision-makers for their consideration.

Response to Comment 42-7

The comment does not address the adequacy of the Draft EIR, and has been forwarded to the applicant for consideration during project design at the final planned development stage.

Response to Comment 42-8

A bridge across Russell Boulevard would improve bicycle and pedestrian circulation at intersections proximate to the project site. Such an improvement would require coordination and approval from the City of Davis as well as UC Davis. Furthermore, a bridge option raises feasibility issues for a practical design, the timeframe and funding ability, and space constraints to accommodate it on both sides of Russell Boulevard when pedestrian and bicycle crossings are already available. While a bridge could be considered as a mitigation option, Mitigation Measure 4.6-2(d) identifies other, less costly and more feasible improvement alternatives.

Response to Comment 42-9

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.



City of Davis
Planning Commission Comments
Wednesday, December 11, 2019

Letter 43

Commission Members in Attendance: Stephen Streeter, Emily Shandy, Greg Rowe, Herman Boschken, Cheryl Essex, Darryl Rutherford

City Staff in Attendance: Eric Lee

Comments/Questions Regarding the DEIR

Stephen Streeter:

- 43-1 • Commenter's primary concerns are the height of the proposed buildings, residential density, the focus on student occupancy, and parking.
- 43-2 • Commenter suggests further analysis be done to compare a 5-story project as opposed to the proposed 7-story structure.
- 43-2 • The commenter asserts that the University Mall is a neighborhood/community shopping center, but the proposed density would only make sense in a downtown setting.
 - The commenter cites the Downtown Davis Specific Plan's recommendation for 5 story maximum as grounds to reduce the project size to a maximum of five stories.
- 43-3 • Commenter suggests that eliminating 90 units would still meet the SACOG density requirements and MTP/SCS 2036 plan.
- 43-4 • The student focus needs to be balanced in relation to other student apartment projects in the vicinity.
- 43-5 • 427 existing spaces are proposed for retention as part of the project. The commenter estimates that 10 percent are often unusable because they are too narrow.
 - More analysis of the parking demand resulting from the project and how this will influence the parking lot dynamic is needed.
 - Trader Joe's shoppers take up approximately 30 percent of parking spaces at peak times. How will this ratio be influenced by the proposed project?
 - How would limited parking influence existing businesses?

Greg Rowe:

- 43-6 • The proposed project qualifies for CEQA streamlining because it qualifies as a SACOG Transit Priority Project.
- 43-6 • The commenter prefers the environmentally superior alternative (Retail Project Only Alternative) or the Existing Zoning Mixed Use Build Out Alternative, which would include only 53 residential units.
 - However, if the 53-unit alternative were carried out, would the project still qualify for CEQA streamlining due to the reduced residential density?
- 43-7 • How many square feet would the 53-unit alternative occupy? What assumptions were made based on the unit size and bedroom layout?
- 43-8 • Table 3-1 of the EIR lists a layout/density that differs from the project description. Commenter requests clarification, particularly on the number of beds per bedroom.
- 43-9 • How will the developer ensure that residents don't allow additional occupants to reside in each bedroom, resulting in an increased population at the site beyond what is analyzed?
- 43-10 • What are the implications of this project for the City's Regional Housing Needs Allocation?
 - What defines a unit?



**Letter 43
Cont'd**

- 43-10 Cont'd
- Every 8 years, a jurisdiction is required to make a certain number of residences available, and some percentage must be for low income residents.
 - How would the proposed project influence the achievement of this goal?
- 43-11
- The proposed project is a large, student-oriented housing project. There are thousands of new units coming through the development pipeline. Commenter notes that a rigorous cumulative study should be conducted to assess the impacts of all upcoming large projects within the City of Davis. Such an analysis should focus on the regular CEQA topics of air quality, traffic, water supply, and sewer treatment capacity.
- 43-12
- Commenter believes it is unrealistic to assign one parking space per residential unit.
 - Commenter suggests a more rigorous traffic/parking analysis.
 - Commenter wants to see how the Davis Live parking project works out.
- 43-13
- How will the developer reprimand illicit parking? Current residents have found loopholes in parking regulations. Parking rules must be enforced, especially with an influx of new residents and associated cars.
- 43-14
- Commenter emphasizes that this project is advertised as a commercial project, but it is actually a housing project.
 - Commenter argues that, “it’s time to hit the pause button,” on large student housing developments within the City given the recent approval of other large projects in the City.
 - Encourages the Council to wait to approve this project until some of the other local student housing projects have been built.

Emily Shandy:

- 43-15
- Commenter is not concerned about the lack of parking availability.
 - Argues that limited parking helps discourage the use of single-passenger motor vehicles.
 - Commenter expresses interest in the Low Parking alternative.
- 43-16
- What is the status of the Russell Corridor Plan? Several mitigation measures are contingent upon this plan.
 - Commenter voices concerns about relying on a speculative future plan that does not currently have funding or a timeline for adoption. The Corridor Plan improvements may not be completed until long after the proposed project is built out and occupied.
- 43-17
- How will the traffic-related mitigation measures be evaluated? Impacts seem to stem from congestion and queuing; how will the mitigation measures’ effectiveness be evaluated against these problems?
- 43-18
- Commenter suggests that the project include charging areas for electric bikes and electric vehicles.
- 43-19
- Commenter suggests the inclusion of bicycle and pedestrian circulation throughout the parking areas and project site.
- 43-20
- Page 3-12 of the Draft EIR shows an enclosed bicycle storage area (80 spaces) that would cater to long-term storage. The commenter recommends instead encouraging short-term bike parking by placing racks near the entrance of shops and in easily accessible and convenient locations.
 - Commenter is concerned about the location of the cluster of short-term bicycle spaces at the southeast corner of the site, near Russell Boulevard. Commenter suggests relocation.



**Letter 43
Cont'd**

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| 43-21 | <ul style="list-style-type: none">• Commenter suggests that the use of the term “Alternative Transportation” as a header on page 3-12 is outdated, and the section could be separated into two different sections to discuss bicycle/pedestrian and transit infrastructure separately. |
| 43-22 | <ul style="list-style-type: none">• The commenter requests that Class 4 Bikeways on Russell Boulevard be distinguished from bike lanes, and represented correctly in the Planning Commission packet. |
| 43-23 | <ul style="list-style-type: none">• Two-way bike facilities should be built on the north side of Russel Boulevard due to the volume of cyclists. |
| 43-24 | <ul style="list-style-type: none">• In Mitigation Measure 4.6-2d, the intersection of Russell Boulevard and Anderson Road does not specifically note that the mitigation would reduce conflicts between pedestrian and vehicles. Was this an intentional omission? Would pork chops islands (concrete barriers around the pedestrian/bike islands) or the uncontrolled right turn be removed? |

Cheryl Essex:

- | | |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 43-25 | <ul style="list-style-type: none">• Do all of the listed trees really need to be removed? Commenter requests a copy of the arborist report. |
| 43-26 | <ul style="list-style-type: none">• Significant problems exist with maintenance of many trees throughout the City. |
| 43-27 | <ul style="list-style-type: none">• The Existing Zoning Mixed Use Build Out Alternative would cause significantly less impacts than the proposed project. |
| 43-28 | <ul style="list-style-type: none">• Mitigation Measure 4.2-3b regards the GHG emissions reduction program. What is the timeline for the measure; how can it practically be implemented, and how would it be enforced?• The commenter expresses concern that the mitigation plan will not be properly carried out and/or enforced.• Commenter suggests a bond or payment to the City if the developer fails to comply. |

Darryl Rutherford:

- | | |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 43-29 | <ul style="list-style-type: none">• Commenter expresses agreement with the concerns expressed by other members of the commission.• Project scale is too large for the community.• Commenter wants to meet the high-density requirement for new residents, but would prefer resolution of the height issue and more commercial development within the site.• Commenter does not want another student-oriented project, and argues that Davis needs more 2- and 3-bedroom family housing to accommodate working people.• Commenter would prefer that the project is tailored to meet the needs of all people in the community (not exclusively students), and the design should be altered to increase the number of low-income units. |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Herman Boschken:

- | | |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 43-30 | <ul style="list-style-type: none">• Agrees that the current project design is tailored to UCD students.• The current layout/design of the residences is not suitable for low-income housing. |
| 43-31 | <ul style="list-style-type: none">• The EIR does not address alternative living conditions of this development.<ul style="list-style-type: none">◦ Alternative living conditions refers to students sharing bedrooms• The environmental impacts will differ based on who/what community is living there. |
| 43-32 | <ul style="list-style-type: none">• Davis needs more low-cost housing for the work force, not necessarily catering to students. |



**Letter 43
Cont'd**

- 43-33
 - The Low Parking alternative allows 50 spaces for residences.
 - Commenter argues that this alternative was not considered as a legitimate option.
 - If parking were reduced as such, then the number of stories would be reduced.
 - Building height is a large concern, so the Low Parking alternative would be an attractive option.
 - However, where would the residents park in the Low Parking alternative? Is the City or UCD campus going to provide parking lots offsite?
 - A free shuttle could be provided
 - Students from out of town will often bring a car to school regardless of whether they need it for everyday use.
 - Commenter encourages developer to look into alternatives for peripheral parking on the vacant land outside of the downtown area.
- 43-34
 - Most UCD students walk or use bikes.
 - Commenter argues that parking is one of the most fundamental issues of the project.

Allen Hirsch (Resident):

- 43-35
 - Commenter argues that the Existing Zoning Mixed Use Alternative is a misnomer if it doesn't include housing.
 - Commenter insists that the Tree Commission review this project prior to approval.
 - There is not enough space for trees in the parking lot.
 - The proposed parking spaces are too narrow, and don't leave enough room for the special soil conditions that are required for healthy trees.
 - The City's Tree Ordinance is violated throughout town, and should be more seriously enforced in general.
- 43-36
 - Commenter suggests adding a mitigation measure to remove parking spaces or charge a fee for people entering the parking lot. Both options would deter vehicle use.
- 43-37
 - Commenter argues that the Transportation chapter does not fully address all types of transport used throughout the City.

Malcolm Mackenzie (Resident):

- 43-38
 - The EIR does not take into account the new buildings under construction right now.
- 43-39
 - Commenter expresses concern that the traffic models do not account for the correct population upon full buildout.
 - The Traffic Impact Report concludes that the Sycamore/Russell intersection would not be impacted. Commenter disagrees with this conclusion.
- 43-40
 - The EIR does not address traffic within parking area spilling out into surrounding streets.
- 43-41
 - Height of the proposed project is a concern.
 - Previously, a 3-story building proposal was denied due to its height. Now, a 7-story building is being proposed.
 - Commenter argues that the building height is too tall for the neighborhood.

Eileen Samitz (Resident):

- 43-42
 - Commenter argues that the project is inappropriate in size and out of scale.
 - The project's large size would result in devastating impacts on the community.



**Letter 43
Cont'd**

- 43-43
 - Commenter recommends that project should be for retail/commercial use only in order to better serve the community.
 - The City needs more local retailers, and the associated sales tax would benefit the entire economic system.
- 43-44
 - Commenter believes that the project is deceptively advertised as a commercial project, and is actually a college student “megadorm.”
 - A 66-unit complex of 4-bedroom apartments is intended for student housing.
- 43-45
 - How will the project contribute to more affordable housing?
- 43-46
 - The EIR needs to address cumulative impacts of all the new developments in the area.
- 43-47
 - The proposed project would contribute to traffic congestion in an area that is already extremely impacted by traffic.
- 43-48
 - Retail stores need parking spaces in order to function.
 - Combining residential and commercial parking is a bad idea because residents and their guests would likely occupy the free parking spots intended for use by shoppers.
- 43-49
 - Commenter expresses concerns about noise from pool parties on the roof.
- 43-50
 - Commenter prefers the Retail Project Only Alternative, or the 53-unit alternative (Existing Zoning Mixed Use Build Out Alternative) with no 4-bedroom apartments.

Greg Rowe:

- 43-51
 - How can the City ensure that the MMP is correctly carried out and enforced?
 - In some cities, auditing companies ensure MMP compliance.
 - This option is expensive and not always practical.
 - Commenter refers to the UCD Chancellor’s Report on options to make student housing more affordable.
 - The primary solution is to get rid of unnecessary amenities, such as gyms and pools.
- 43-52
 - Will the extra housing supply resulting from this project reduce the cost of rent and help achieve the City’s affordable housing goals?
 - Commenter suggests that the project be reoriented/redesigned to benefit campus faculty and staff that will also inevitably need housing.
 - Commenter previously supported student housing projects, but now believes they don’t work.
 - There are approximately 39,000 students enrolled at UCD, and large-scale housing projects like the proposed development will never meet the need.



**LETTER 43: VERBAL COMMENTS: DRAFT EIR PUBLIC MEETING
(DECEMBER 11, 2019)**

Response to Comment 43-1

See Master Response #1.

Response to Comment 43-2

See Response to Comment 34-2 above.

Response to Comment 43-3

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 43-4

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 43-5

See Master Response #1.

Response to Comment 43-6

See Response to Comment 31-4.

Response to Comment 43-7

The Existing Zoning Mixed Use Build Out Alternative assumes that the same amount of retail proposed for the proposed project (136,800 sf) is included on-site (not including the existing 13,200-sf Trader Joe's), with the remaining allowable space comprising residential uses (83,590 sf), resulting in 220,390 sf of retail and residential space. The square footages were based on a 15 percent floor/area ratio that is allowed under the project site's current zoning designation.

Response to Comment 43-8

Table 3-1 of the Draft EIR identifies the approximate project square footage by use and the number of residential units. Those same numbers are referenced throughout the EIR. The 264 multi-family residential units would include a mix of unit types with a total of 622 bedrooms and 894 beds. The final mix of unit types will be determined with the final project plans. The unit type is not needed for an adequate CEQA analysis, as long as the maximum occupancy evaluated in this EIR is not exceeded. The City would not be able to approve a project with greater occupancy without further consideration of additional environmental impacts.

Response to Comment 43-9

See Master Response #1 and Responses to Comments 31-9 and 31-10.

Response to Comment 43-10

See Response to Comment 26-5.



Response to Comment 43-11

See Responses to Comments 30-10 and 30-20 regarding the cumulative analysis presented within the Draft EIR.

Response to Comment 43-12

See Master Response #1.

Response to Comment 43-13

See Master Response #1.

Response to Comment 43-14

The comment does not address the adequacy of the Draft EIR, and has been forwarded to the decision-makers for their consideration.

Response to Comment 43-15

The commenter's statements regarding benefits of reduced parking are noted, as well as the commenter's interest in the Low Parking Alternative. The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 43-16

See Response to Comment 31-13.

Response to Comment 43-17

The mitigation measures provided in this EIR have been designed based on the existing City standards, but may exceed such standards as needed. The efficacy of the measures has been evaluated in the Transportation Impact Study prepared for the proposed project by Fehr & Peers. The ultimate configuration of the improvements included in the mitigation measures would be designed based on the City standards that exist at that time. The ultimate design would not necessarily be based on the "level of comfort" metric, as this is a qualitative measure.

Response to Comment 43-18

On-site electric vehicle spaces would be provided in compliance with City requirements; and an electric vehicle charging parking plan would be developed to accommodate future growth for additional electric vehicles. Electric bicycle charging is not currently proposed or required. The comment does not address the adequacy of the Draft EIR, but has been forwarded to decision makers for their consideration.

Response to Comment 43-19

The proposed project would include the provision of pedestrian walkways throughout the property, as well as access to existing off-street bikeways adjacent to the site. As noted in Section 1.5 of the Introduction and List of Commenters chapter of this Final EIR, the project applicant has made minor changes to the proposed site plan since the release of the Draft EIR in response to modifications required by Mitigation Measure 4.6-8(b) of the Draft EIR. Relative to the version included in the Draft EIR, the revised site plan includes new pedestrian crosswalks and walkways throughout the on-site parking areas, thereby increasing pedestrian connectivity and safety.



Response to Comment 43-20

The commenter's suggestions regarding bike storage and parking have been forwarded to the applicant and decision-makers for their consideration. Final design of bike amenities would be determined by the City during review and approval of the final planned development for the project. The comment does not address the adequacy of the Draft EIR.

Response to Comment 43-21

In response to the commenter's suggestion, pages 3-12 and 3-13 of the Draft EIR are hereby revised as follows:

Alternative Transportation Transit Facilities and Services

The proposed project is located within a Transit Priority Area, as defined by the Sacramento Area Council of Governments (SACOG). Transit Priority Areas are typically defined as areas within 0.5-mile of a major transit stop, including existing or planned light rail, street car, train station, or the intersection of two or more bus routes, or an existing or planned high-quality transit corridor.

The project site is located directly adjacent to the Russell Boulevard high quality transit corridor, which is served by Unitrans bus line routes B, C, G, J, K, P, and Q. In addition, Russell Boulevard is served by Yolobus Route 220, which provides commuter transit to and from Winters and Vacaville. Nearby Yolobus stops located on F Street and the UC Davis Memorial Union provide commuter transit to Sacramento. Yolobus Route 42, which provides service to the Sacramento International Airport, includes a bus stop located north of the project site at the intersection of Anderson Lane and Hanover Drive.

The primary bus stops serving the project site are located on Anderson Road north of Russell Boulevard, Sycamore Lane north of Russell Boulevard, and Russell Boulevard west of Sycamore Lane. All stops are equipped with bus stop signs. Shelters are provided at the northbound stop on Anderson Road and the southbound stop on Sycamore Lane. The southbound Anderson Road bus stop, located immediately on the eastern project site limits, is heavily utilized during the AM peak hour, particularly by UC Davis students commuting into campus.

Bicycle and Pedestrian Facilities

The proposed project would include the provision of pedestrian walkways throughout the property, as well as access to existing off-street bikeways adjacent to the site. Surrounding roadways, including Sycamore Lane and Anderson Road, include marked bike lanes and Russell Boulevard provides access to the City's off-street bicycle loop path.

The foregoing revisions are for clarification purposes only, and do not affect the adequacy of the Draft EIR.

Response to Comment 43-22

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 43-23

The suggested improvement to the north side of Russell Boulevard is included in Mitigation Measure 4.6-2(c) in the Draft EIR.



Response to Comment 43-24

The commenter requests clarification on Mitigation Measure 4.6-2(d). Reference to reducing pedestrian-vehicle conflicts is not included because the mitigation measure is introduced to reduce a significant impact to bicycle facilities at the Russell Boulevard/Anderson Road/La Rue Road intersection. However, because the mitigation measure is referenced later in the Draft EIR to reduce a significant impact to pedestrian facilities, the second paragraph of Mitigation Measure 4.6-2(d) is hereby revised as follows:

Modifications to improve crossings at the Russell Boulevard/Anderson Road/La Rue Road intersection shall be implemented to reduce the potential for bicycle-bicycle, bicycle-pedestrian, pedestrian-vehicle, and bicycle-vehicle conflicts. Because intersection modifications would affect right-of-way on the UC Davis campus, the City shall coordinate with UC Davis to identify the ultimate modifications. Improvements shall, to the extent feasible, physically separate bicyclists, pedestrians, and vehicles and reduce bicycle crossing distances and exposure time. Potential improvement alternatives include (but are not limited to):

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions presented in the Draft EIR. The commenter also asks if as part of the mitigation measure, pork chop islands or the uncontrolled right turns would be removed. Such potential modifications are described in option 2 of the mitigation measure, which would entail the reconfiguration of the intersection into a protected intersection.

Response to Comment 43-25

The Arborist Report prepared for the proposed project by Tree Associates was included as an appendix to the Initial Study (Appendix C to the Draft EIR). As noted in the Arborist Report, some of the existing trees are recommended for removal due to poor health, and some trees would be removed due to layout conflicts with the proposed project. See Response to Comment 24-2.

Response to Comment 43-26

The comment does not address the adequacy of the Draft EIR.

Response to Comment 43-27

As summarized in Table 6-7 of the Draft EIR, the Existing Zoning Mixed Use Build Out Alternative would result in fewer impacts compared to the proposed project related to Air Quality, Greenhouse Gas Emissions and Energy, and Transportation and Circulation, while impacts related to Noise would be similar. The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 43-28

Mitigation Measure 4.2-3(a) requires quantification of GHG emissions and use that data to develop a reduction plan. Proof of compliance with the maximum annual net emissions targets established by the mitigation measure would be verified through the submittal of a Technical Memorandum of Compliance (TMC) to the City of Davis Department of Community Development and Sustainability. Compliance with Mitigation Measure 4.2-3(a) is a legal requirement, and penalties for failing to comply with the measure would be enforced by the City. See Response to Comment 31-15.



Response to Comment 43-29

See Master Response #1.

Response to Comment 43-30

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 43-31

Throughout the Draft EIR, maximum occupancy of the proposed 894 beds, with a resulting population of 894 residents, was assumed for the purpose of determining environmental impacts. This accounts for double occupancy for approximately 272 of the 622 proposed bedrooms. See Response to Comment 31-7.

Response to Comment 43-32

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 43-33

Under the Low Parking Alternative, only a portion of project residents would be permitted to park vehicles on the project site. The City assumes that under the Low Parking Alternative, a substantial portion of the residents would not own vehicles.

Response to Comment 43-34

See Master Response #1.

Response to Comment 43-35

The Existing Zoning Mixed Use Build Out Alternative would include a total of 53 residential units. See Response to Comment 24-2 regarding tree removal.

Response to Comment 43-36

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers for their consideration.

Response to Comment 43-37

Chapter 4.6, Transportation and Circulation, of the Draft EIR, addresses potential issues related to vehicle, bicycle, pedestrian, and transit use. It is not clear which additional types of "transport" the commenter is requesting to be included in the EIR.

Response to Comment 43-38

The cumulative analysis presented within the Draft EIR accounts for all on-going development occurring within the City. See Responses to Comments 30-10 and 30-20.

Response to Comment 43-39

See Responses to Comments 30-10 and 30-20. It should be noted that while the commenter voices disagreement with the conclusions presented in Chapter 4.6, Transportation and Circulation, of the Draft EIR, regarding impacts to the Russell Boulevard/Sycamore Lane intersection, the commenter did not identify any specific deficiencies within the Draft EIR analysis.



Response to Comment 43-40

Issues related to excess vehicle queuing at the project entries are evaluated on pages 4.6-60 through 4.6-63 of the Draft EIR. The Draft EIR concluded that because the proposed project could result in detrimental effects related to vehicle queuing at the Russell Boulevard/Sycamore Lane intersection, as well as spillback of vehicle queues at the site access points, the project would result in hazards due to a geometric design feature or incompatible uses, and a significant impact could occur. However, implementation of Mitigation Measures 4.6-8(a) and 4.6-8(b) was determined to reduce the identified impact to a less-than-significant level.

Response to Comment 43-41

See Master Response #1.

Response to Comment 43-42

See Master Response #1.

Response to Comment 43-43

The comment does not address the adequacy of the Draft EIR. See Response to Comment 14-9 regarding analysis of a Retail Project Only Alternative. The commenter's support for such an alternative has been forwarded to the decision-makers for their consideration.

Response to Comment 43-44

The comment does not address the adequacy of the Draft EIR. As noted on page 3-8 of the Draft EIR, the proposed 264 multi-family residential units would include a mix of unit types with a total of 622 bedrooms and 894 beds; however, the unit mix has not been finalized at this time. The final mix of unit types would be determined with the final project plans.

Response to Comment 43-45

See Response to Comment 31-23 above.

Response to Comment 43-46

See Responses to Comments 30-10 and 30-20 above.

Response to Comment 43-47

Issues related to transportation and circulation are addressed in Chapter 4.6 of the Draft EIR.

Response to Comment 43-48

See Master Response #1 regarding management of on-site parking.

Response to Comment 43-49

See Response to Comment 22-4 above.

Response to Comment 43-50

The commenter's preference for the Existing Zoning Mixed Use Build Out Alternative and Retail Project Only Alternative is noted, and the comment has been forwarded to decision-makers for their consideration.



Response to Comment 43-51

As noted under Responses to Comments 31-15 and 43-28, compliance with mitigation measures is a legal requirement, and penalties for failing to comply with the mitigation measures included in this EIR would be enforced by the City.

Response to Comment 43-52

The comment does not address the adequacy of the Draft EIR, and has been forwarded to the decision-makers for their consideration.



3. Revisions to the Draft EIR Text

3. REVISIONS TO THE DRAFT EIR TEXT

3.1 INTRODUCTION

The Revisions to the Draft EIR Text chapter provides all corrections, additions, and revisions made to the Draft EIR. The changes represent minor clarifications and amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR. Please refer to the discussion of this topic provided in Section 1.8 of Chapter 1, Introduction and List of Commenters, of this Final EIR.

It should be noted that in addition to the text revisions presented in Chapter 2 of this Final EIR in response to public comments, this chapter provides other text revisions to the Draft EIR initiated by the City of Davis based upon further review of the document since its release to the public.

3.2 DESCRIPTION OF CHANGES

New text is double underlined and deleted text is ~~struck through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

1 Introduction

Page 1-2 of the Draft EIR is hereby revised as follows:

Project Components

The proposed project would include demolition of approximately 90,563 sf of the existing University Mall building to construct a mixed-use development. Generally, buildout of the proposed project would result in the addition of 264 new multi-family residential units and approximately 136,800 sf of retail space. As noted above, the existing 13,200-sf Trader Joe's building is not part of the redevelopment area and will remain at the current location. A three-level, 246,000-sf parking structure containing a total of ~~548~~ 533 parking spaces would be situated beneath the western portion of the residential development and provide parking for the proposed residential and retail uses. The proposed structures would range in height. The redeveloped University Commons building would be seven stories and approximately 80 feet in height, ~~with the northeast portion along Anderson Road stepping down to three stories and 44 feet in height.~~ The new pad buildings would be two stories and approximately 32 feet in height.

The layout of the residential portion of the proposed project would consist of four levels of residential uses over the three-level parking garage and four levels of residential uses over retail uses. The residential portion of the project would be arranged around three separate courtyards, one of which would contain an outdoor lounge area, which could potentially include a pool, as well as additional amenities such as a fitness room, bicycle storage, a bike repair station, and a rooftop terrace.

The proposed project would require the following entitlements from the City of Davis:

- Certification of the EIR and adoption of the Mitigation Monitoring Plan;



- General Plan Amendment to create a new land use designation of Mixed-Use ~~Urban-Retail~~ that allows for large-scale, multi-story mixed-use development, and a land use map amendment to apply the designation to the site;
- Rezone/Preliminary Planned Development to establish a new Preliminary Planned Development (PD #03-18) for the project site, consisting of development standards for the proposed project, intensity, and allowable mix of uses; and
- Approval of a Development Agreement between the City of Davis and Brixmor Property Group, Inc. for the proposed mixed-use development.

The foregoing revisions are for clarification purposes and do not affect the conclusions or adequacy of the analysis presented in the Draft EIR.

2 Executive Summary

Page 2-1 and 2-2 of the Draft EIR are hereby revised as follows:

The proposed project would include demolition of approximately 90,563 sf of the existing University Mall building to construct a mixed-use development. Generally, buildout of the proposed project would result in the addition of 264 new multi-family residential units and approximately 136,800 sf of retail space. While the project site includes the existing 13,200-sf Trader Joe's building, the building would not be altered or redeveloped as part of the project and will remain at the current location. A three-level, 246,000-sf parking structure containing a total of ~~548~~ 533 parking spaces would be situated beneath the western portion of the residential development and provide parking for the proposed residential and retail uses. The proposed structures would range in height. The redeveloped University Commons building would be seven stories and approximately 80 feet in height, ~~with the northeast portion along Anderson Road stepping down to three stories and 44 feet in height.~~ The new pad buildings would be two stories and approximately 32 feet in height.

The layout of the residential portion of the proposed project would consist of four levels of residential uses over the three-level parking garage and four levels of residential uses over retail uses. The residential portion of the project would be arranged around three separate courtyards, one of which would contain an outdoor lounge area, which could potentially include a pool, as well as additional amenities such as a fitness room, bicycle storage, a bike repair station, and a rooftop terrace.

The proposed project would require the following entitlements from the City of Davis:

- Certification of the EIR and adoption of the Mitigation Monitoring Plan;
- General Plan Amendment to create a new land use designation of Mixed-Use ~~Urban-Retail~~ that allows for large-scale, multi-story mixed-use development, and a land use map amendment to apply the designation to the site;
- Rezone/Preliminary Planned Development to establish a new Preliminary Planned Development (PD #03-18) for the project site, consisting of development standards for the proposed project, intensity, and allowable mix of uses; and
- Approval of a Development Agreement between the City of Davis and Brixmor Property Group, Inc. for the proposed mixed-use development.

The foregoing revisions are for clarification purposes and do not affect the conclusions or adequacy of the analysis presented in the Draft EIR.

For clarification purposes, Table 2-1 beginning on page 2-7 in Chapter 2, Executive Summary, of the Draft EIR is hereby revised to reflect minor revisions made to mitigation measures as part of this Final EIR, as presented throughout this chapter. Rather than include the entirety of Table 2-



1 with revisions shown where appropriate, only the impacts for which mitigation has been revised is presented in this chapter. The revisions to Table 2-1 are for clarification purposes only and do not change the conclusions of the Draft EIR. Please refer to the end of this chapter for Table 2-1.

3 Project Description

The second paragraph on page 3-4 is hereby revised as follows:

The drive aisle associated with the Sycamore Lane Apartments is separated from the project site by a masonry and steel fence along the northern site boundary. The north side of the fence is lined with trees and shrubs. An opening in the fence provides access from the project site to a pedestrian/bicycle pathway that runs north-south through the Sycamore Lane Apartments.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

As noted in Section 1.5 of the Introduction and List of Commenters chapter of this Final EIR, the project applicant has made minor changes to the proposed site plan since the release of the Draft EIR in response to modifications required by Mitigation Measure 4.6-8(b) of the Draft EIR. Accordingly, Figures 3-3, 3-4, 3-5, and 3-6 on pages 3-6, 3-7, 3-9, and 3-10, respectively, of the Draft EIR are hereby replaced with revised site plan figures, as shown on the following pages. The revised site plan includes the following changes relative to the version included in the Draft EIR:

- The proposed parking stalls along the drive aisle to the north of the Trader Joe's building have been eliminated;
- Exclusive outbound left-turn and right-turn lanes are now proposed at the southern Sycamore Lane driveway;
- The parking stalls in front of the proposed retail development within the eastern portion of the site have been angled in order to limit parking to vehicles travelling east to west only;
- Both Russel Boulevard driveways have been aligned with the proposed parking garage entry, and the drive aisle has been adjusted to allow for more vehicle stacking at the driveway entrances to reduce vehicle backup issues;
- The total amount of parking provided remains the same, with 693 parking stalls consisting of 493 retail spaces and 264 residential spaces. The 264 residential spaces would still be located in the third garage level. The 493 retail spaces would be adjusted with 269 garage spaces and 160 surface spaces; and
- The residential levels extend farther east across the two retail levels towards Anderson Road and would maintain a building parapet height of 80 feet.

The foregoing site plan revisions would not change the amount of residential or non-residential uses included in the proposed project, and would not affect the analysis or conclusions presented in the Draft EIR.



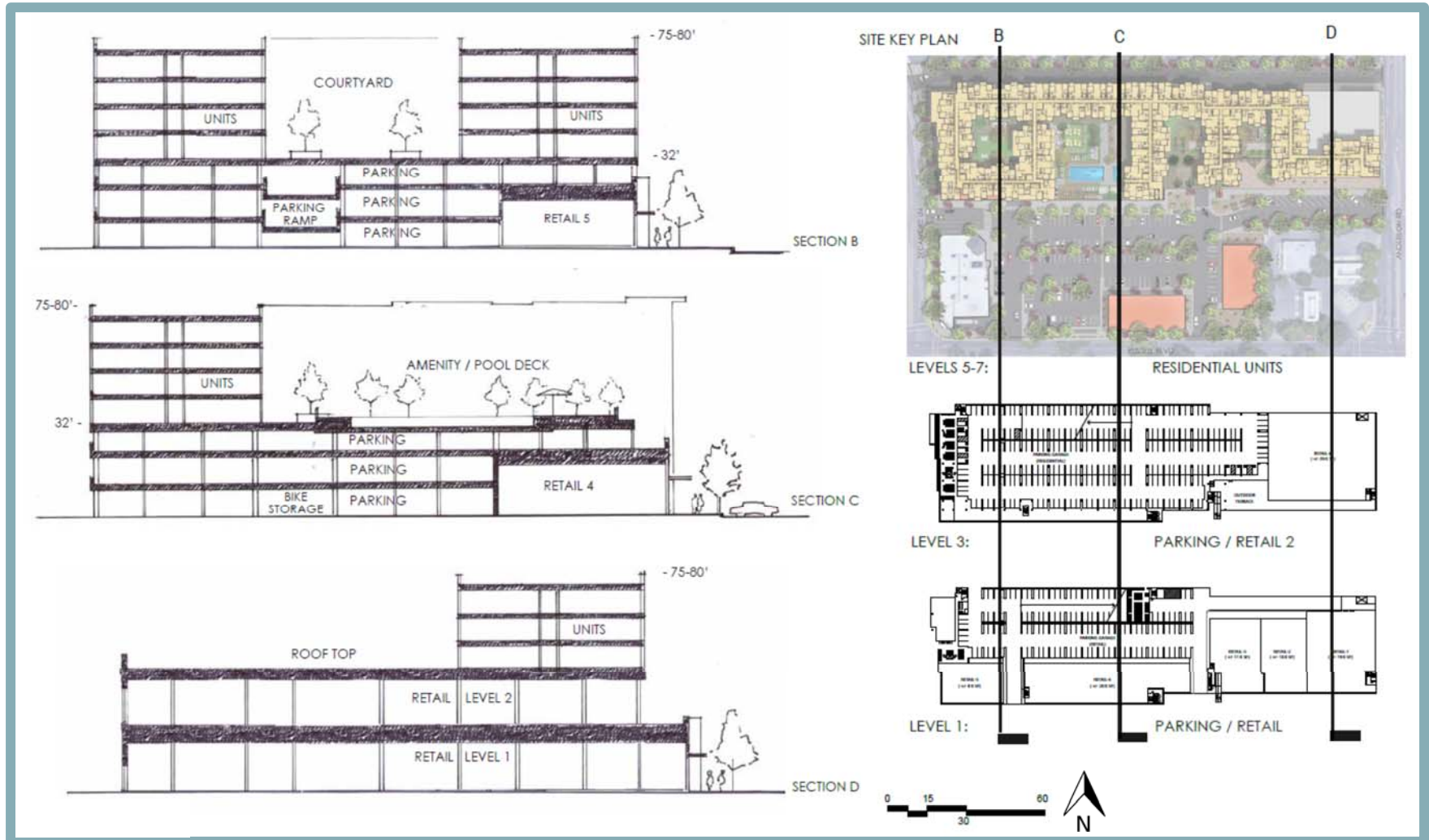
Figure 3-1
University Commons Illustrative Site Plan: Residential Building Levels



Figure 3-2
University Commons Illustrative Site Plan: Ground-Level Retail Plan



**Figure 3-5
 Site Amenities Cross-Section**



**Figure 3-6
Proposed Building Levels**



Page 3-8 of the Draft EIR is hereby revised as follows:

Building Heights

The proposed project structures would range in height, as show in Figure 3-6. At buildout, the redeveloped University Commons building would be seven stories and approximately 80 feet in height (see green outline in Figure 3-6), ~~with the northeast portion along Anderson Road stepping down to three stories and 44 feet in height (see blue outline in Figure 3-6).~~ It is important to note that the front façade of the seven-story building, as viewed from Russell Boulevard, would have articulation to help soften the appearance of the building. For example, the central portion of the building façade would consist of the amenity deck at a height of approximately 32 feet. The freestanding Retail 7 and 8 buildings would be approximately 32 feet in height.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

The first sentence under “Parking Structure” on page 3-11 of the Draft EIR is hereby revised as follows:

Parking Structure

Retail and residential parking spaces would be provided by a new, three-story parking garage with ~~548~~ 533 total spaces.

The foregoing revision is for clarification purposes and does not affect the conclusions or adequacy of the analysis presented in the Draft EIR.

Page 3-12 of the Draft EIR, under “Surface Parking”, is hereby revised as follows:

Surface Parking

An additional ~~475~~ 160 retail parking spaces would be provided within the surface-level parking lot. Surface level parking would be free to retail customers only and would not be permitted for residential parking, residential guest parking, or student parking during business hours.

The foregoing revision is for clarification purposes and does not affect the conclusions or adequacy of the analysis presented in the Draft EIR.

The “Access” discussion on page 3-12 of the Draft EIR is hereby revised as follows:

Access

The existing University Mall site consists of two vehicular accesses on Sycamore Lane (both full access), three vehicular accesses on Anderson Road (two full access, one right-in/right-out only), and two vehicular accesses on Russell Boulevard (no full access, both right-in/right-out only). The proposed project would eliminate one of the full access driveways on Anderson Road, but would not materially alter the remaining vehicular access points. The proposed noise barrier along the northern property line is anticipated to remove the current access point from the project site to the pedestrian/bicycle pathway running north-south on the Sycamore Lane Apartments site, but would not materially alter pedestrian and bicycle access.



The foregoing revision is for clarification purposes and does not affect the conclusions or adequacy of the analysis presented in the Draft EIR.

Pages 3-12 and 3-13 of the Draft EIR are hereby revised as follows:

Alternative Transportation Transit Facilities and Services

The proposed project is located within a Transit Priority Area, as defined by the Sacramento Area Council of Governments (SACOG). Transit Priority Areas are typically defined as areas within 0.5-mile of a major transit stop, including existing or planned light rail, street car, train station, or the intersection of two or more bus routes, or an existing or planned high-quality transit corridor.

The project site is located directly adjacent to the Russell Boulevard high quality transit corridor, which is served by Unitrans bus line routes B, C, G, J, K, P, and Q. In addition, Russell Boulevard is served by Yolobus Route 220, which provides commuter transit to and from Winters and Vacaville. Nearby Yolobus stops located on F Street and the UC Davis Memorial Union provide commuter transit to Sacramento. Yolobus Route 42, which provides service to the Sacramento International Airport, includes a bus stop located north of the project site at the intersection of Anderson Lane and Hanover Drive.

The primary bus stops serving the project site are located on Anderson Road north of Russell Boulevard, Sycamore Lane north of Russell Boulevard, and Russell Boulevard west of Sycamore Lane. All stops are equipped with bus stop signs. Shelters are provided at the northbound stop on Anderson Road and the southbound stop on Sycamore Lane. The southbound Anderson Road bus stop, located immediately on the eastern project site limits, is heavily utilized during the AM peak hour, particularly by UC Davis students commuting into campus.

Bicycle and Pedestrian Facilities

The proposed project would include the provision of pedestrian walkways throughout the property, as well as access to existing off-street bikeways adjacent to the site. Surrounding roadways, including Sycamore Lane and Anderson Road, include marked bike lanes and Russell Boulevard provides access to the City's off-street bicycle loop path.

The foregoing revisions are for clarification purposes only, and do not affect the adequacy of the Draft EIR.

Pages 3-16 and 3-17 of the Draft EIR are hereby revised as follows:

General Plan Land Use Amendment

The site has a current General Plan designation of Community Retail. Under the Community Retail designation, residential uses are allowed with approval of a Conditional Use Permit. The maximum floor area ratio (FAR) for retail is 0.50 with an additional 0.15 allowed for the residential component in a mixed-use project. The proposed project would require an amendment to the City's General Plan text to create a new land use designation of Mixed Use ~~Urban Retail~~, as described below, to allow for the mix of retail, office, research, and residential uses ~~at the proposed density of 32 units per acre.~~ Specific types of uses, maximum amounts of uses, maximum intensity, and specific allowable uses would be established in the site's Planned Development zoning regulations. The General Plan Amendment entitlements for the proposed project would consist of a text amendment to create the new Mixed Use ~~Urban Retail~~ land use designation and a map amendment to apply the new designation only to the project site. In order for the new Mixed Use ~~Urban Retail~~ land use designation to be applied to other properties in the City, a General Plan



map amendment would be required, subject to separate environmental review and discretionary approval.

The following description and associated policy is the currently proposed language for the new Mixed Use ~~Urban Retail~~ General Plan land use designation.

~~Mixed Use Urban Retail~~

~~**Intent:** To provide opportunities for large-scale, multi-story mixed-use development that allows moderate-size community and/or neighborhood-serving retail stores with high density, residential uses mixed with office uses and creative high-tech and research uses. The Mixed Use Urban Retail is intended to create healthy and active retail centers, with housing options, a mix of unit types and sizes, innovative design, neighborhood connections, compatible knowledge-based employment spaces and convenient transportation alternatives.~~

~~**Allowable Uses:** Allowable uses in this designation includes retail shopping centers and freestanding retail buildings, high density residential uses, and compatible offices, business services, lab and high tech research space. Commercial uses, predominantly retail stores and restaurants, shall be located on the ground floor. Residential units shall be located above the ground floor. Commercial and office uses may also be located above the ground floor.~~

~~**Maximum Floor Area Ratio:** 125 percent for a mixed use project, with a potential total of 175 percent through the following:~~

- ~~• Additional 50 percent FAR with provision of structured parking or below-grade parking provided that a minimum of 50 percent of the parking is located in structured or below-grade parking. Parking structures and below-grade parking are excluded from the FAR calculation.~~
- ~~• In no case shall the residential portion of the mixed use project exceed three-quarters of the project's total FAR square footage.~~

~~Special Considerations for Mixed Use Urban Retail Developments.~~

- ~~• Include a mix of high density residential uses with convenient retail and services for daily needs and opportunities for community retail uses that are not currently adequately available in the City.~~
- ~~• Support opportunities and spaces for a flexible mix of high tech employment uses which are compatible with the retail and residential environment.~~
- ~~• Have unified and high quality design that provides an appropriate urban scale and enhances the City's character.~~
- ~~• Provide site amenities and outdoor gathering spaces for customers, residents, and employees.~~
- ~~• Incorporate parking and transportation demand management to reduce the reliance on vehicle ownership and use.~~
- ~~• Provide site improvements, access, and on-site facilities and design that encourage and facilitate pedestrians, bicycles, transit, other alternative transportation options, and emerging mobility technologies.~~

Mixed Use

Intent: To provide sustainable and transit oriented opportunities for medium and large-scale multi-story, mixed use development that integrates retail uses and/or office and research and development related uses with higher density multifamily residential uses. The Mixed Use designation is intended to create housing opportunities; retain and encourage healthy, active retail centers for the community; promote innovative design by



integrating residential and non-residential uses; facilitate neighborhood connections and convenient transportation alternatives in the vicinity of the project.

Allowable Uses

1. Retail uses.
2. Offices.
3. Personal services (i.e. dry cleaners, salons, yoga studios.)
4. Restaurants
5. Research and development space, including laboratories.
6. Residential uses, including home occupations and live/work uses.
7. Light manufacturing and assembly with limits on the sizes of factories.
8. Open Space, including green belts, squares and plazas.

The specific types, maximum amounts and densities of allowable uses shall be established in the site's zoning regulations. The zoning is anticipated to be a Planned Development district or an equivalent zone. The Mixed Use land use must be found to be compatible with the existing surrounding land uses and the surrounding planned land uses.

Prohibited Uses

1. Major manufacturing.
2. Warehouse and distribution.
3. Outdoor storage.
4. Agricultural Uses, including but not limited to crop production and animal husbandry.

Special Considerations for Mixed Use Developments

The following special considerations shall be applied:

1. Include a mix of high density residential uses with convenient retail and services for the daily needs of residents or with space for job-generating office uses and/or research and development (laboratory) uses.
2. Provide site amenities and outdoor gathering spaces for employees, customers and residents.
3. Incorporate measures to reduce the reliance on vehicle ownership and use.
4. Provide on site improvements, access and facilities, designed to encourage and facilitate pedestrian, bicycle, transit, and other alternative transportation options as well as emerging mobility technologies.
5. The determination for whether residential or non-residential shall be permitted on the first floor and what is permitted on the floors above the first floor shall be included within the commensurate Planned Development or its equivalent applicable zone.
6. Support high-density developments that provide high quality design in an appropriate urban scale and enhances the City's character.
7. Provide site improvements, access, and on-site facilities and design that encourage and facilitate pedestrians, bicycles, transit, other alternative transportation options, and emerging mobility technologies.

Policies

Policy LU U.1 Promote compact development patterns, mixed-uses, and higher-development intensities that use land efficiently; reduce greenhouse gas emissions and auto dependence and the expenditure of energy and other resources; and that promote walking bicycling, and transit use, consistent with SACOG's strategies to facilitate and streamline the development of residential mixed-use projects and Transit Priority Projects.



The foregoing revisions concern changes to the land use designation proposed as part of the General Plan Amendment for the project. The revisions are for clarification purposes and do not affect the analysis or conclusions presented in the Draft EIR.

Pages 3-17 and 3-18 of the Draft EIR are hereby revised as follows:

Rezone

The site has a current zoning designation of PD #2-97B, which was approved by the City in 2006. The PD #2-97B zoning designation establishes a building height limitation of 50 feet and allows residential uses above the ground floor. The proposed project would require the amendment of the City's zoning map (Section 40.01.090 of the City's Municipal Code) to establish a new Planned Development zoning designation (PD #03-18) for the project site. The proposed PD #03-18 would specify permitted, accessory, and conditional uses for the property, maximum amount of uses, maximum intensity, and project-specific development standards. In addition to the range of retail commercial and office uses currently allowed, the proposed PD would allow a greater intensity of residential uses, as well as additional office uses and limited research, development, and lab uses.

The foregoing revision is for clarification purposes and does not affect the analysis or conclusions presented in the Draft EIR.

Page 3-19 of the Draft EIR is hereby revised as follows:

General Plan Amendment. The proposed project would require a General Plan Amendment to create a new land use designation of Mixed-Use ~~Urban Retail~~ that allows for large-scale, multi-story mixed-use development and a land use map amendment to apply the designation to the site.

Rezone/Preliminary Planned Development. The proposed project would require a rezoning to establish a new Preliminary Planned Development (PD #03-18) for the project site, consisting of development standards for the proposed project, intensity, and allowable mix of uses.

The foregoing revisions are for clarification purposes and do not affect the analysis or conclusions presented in the Draft EIR.

4.1 Air Quality

The middle of the second paragraph on page 4.1-37 of the Draft EIR has been revised as follows:

[...] The site has a current General Plan designation of Community Retail. Under the Community Retail designation, residential uses are allowed with approval of a Conditional Use Permit. However, the proposed project would require an amendment to the City's General Plan text to create a new land use designation of Mixed Use ~~Urban Retail~~ to allow for the mix of retail and residential uses at the proposed ~~density~~intensity. Although the proposed project includes a request for redesignation of the project site, the proposed development would fall within one of SACOG's Transit Priority Areas. Per the letter provided by SACOG (see Appendix A), the proposed project qualifies as a Transit Priority Area because the project would involve greater than 50 percent residential uses, has a minimum density of 20 units per acre, and is located within 0.5-mile of a high-quality transit corridor. [...]



The foregoing revision is for clarification purposes and does not affect the analysis or conclusions presented in the Draft EIR.

4.2 Greenhouse Gas Emissions and Energy

Page 4.2-13 of the Draft EIR has been revised as follows:

AB 1493

California AB 1493 (Stats. 2002, ch. 200) (Health & Safety Code, §42823, 43018.5), known as Pavley I, was enacted on July 22, 2002. AB 1493 requires that the CARB develop and adopt regulations that achieve “the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty truck and other vehicles determined by the CARB to be vehicles whose primary use is noncommercial personal transportation in the state.” On June 30, 2009, the USEPA granted a waiver of CAA preemption to California for the State’s GHG emission standards for motor vehicles, beginning with the 2009 model year. Pursuant to the CAA, the waiver allows for the State to have special authority to enact stricter air pollution standards for motor vehicles than the federal government’s. On September 24, 2009, the CARB adopted amendments to the Pavley regulations (Pavley I) that reduce GHG emissions in new passenger vehicles from 2009 through 2016. The second phase of the Pavley regulations (Pavley II) is expected to affect model year vehicles from 2016 through 2020. The CARB estimates that the regulation would reduce GHG emissions from the light-duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030.

However, on September 19, 2019, the federal government revoked the 2013 waiver. In addition, the federal government is anticipated to roll back the previously sanctioned fuel economy standards, which would have the effect of freezing fuel economy standards at 2020 levels. In response to the September 19th actions, 22 states, the District of Columbia, and two cities filed suit in the US District Court for the District of Columbia requesting the court grant permanent injunctive relief by declaring the preemption portion of the final rule unlawful. At the time of preparation of this environmental analysis, the fate of that injunctive relief and the judicial proceedings had not yet been determined.

The foregoing revisions concern changes to the regulatory context that occurred following the release of the NOP for the Draft EIR. The revisions do not affect the analysis or conclusions presented in the Draft EIR.

Step #3 of Mitigation Measure 4.2-3(a), as presented on page 4.2-37 of the Draft EIR, is hereby revised as follows:

3. *Should net operational emissions be shown to exceed the maximum emissions levels presented in the table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:*
 - Design all or portions of the project without the infrastructure necessary to support natural gas appliances;
 - Use of Installation of only all-electric, energy-star large appliances (i.e. ranges, ovens, water heating, and/or space heating equipment) in all or part of the project;
 - Require future refrigeration systems to only use low GWP potential gases;
 - Include electric outlets in outdoor areas sufficient to allow for the use of electric-powered landscaping equipment;
 - Construct all proposed loading docks with electric outlets sufficient to provide adequate electrical power for docking trucks;



- Installation of on-site photovoltaic systems in excess of the City's standards in place at the time of this environmental analysis;
- Use of LED lights in proposed parking areas and other outdoor areas;
- Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);
- Implement a Transportation Demand Management Program in accordance with Section 22.15 of the City of Davis Municipal Code;
- Provide electric vehicle charging infrastructure in excess of existing CBSC requirements; and/or
- Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis.

The foregoing revisions provide greater clarity on potential mitigation measures that can be implemented to reduce project-related GHG emissions. The revisions do not affect the conclusions or adequacy of the analysis presented in the Draft EIR.

Step #6 of Mitigation Measure 4.2-3(a), as presented on page 4.2-38 of the Draft EIR, is hereby revised as follows:

6. *Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development and Sustainability. Purchase of any carbon credits shall be completed prior to certificate of occupancy. The City upon review and acceptance of implementation, shall issue the certificate of occupancy.*

The foregoing revision is for clarification purposes and does not affect the analysis or conclusions presented in the Draft EIR.

4.3 Land Use and Planning

Pages 4.3-6 and 4.3-7 of the Draft EIR are hereby revised as follows:

General Plan Amendment

The proposed project would require an amendment to the City's General Plan text to create a new land use designation, Mixed Use ~~Urban Retail~~, as described below, to allow for the mix of retail, office, research, and residential uses ~~at the proposed density. Specific types of uses, maximum amounts, densities, and specific allowable uses would be established in the site's zoning regulations.~~ The General Plan Amendment would consist of a text amendment to create the new Mixed Use ~~Urban Retail~~ land use designation and associated policy and a map amendment to apply the new designation only to the project site.

Mixed Use Urban Retail

~~**Intent:** To provide opportunities for large-scale, multi-story mixed-use development that allows moderate-size community and/or neighborhood-serving retail stores with high density, residential uses mixed with office uses and creative high-tech and research uses. The Mixed Use Urban Retail is intended to create healthy and active retail centers, with housing options, a mix of unit types and sizes, innovative design, neighborhood connections, compatible knowledge-based employment spaces and convenient transportation alternatives.~~



Allowable Uses: Allowable uses in this designation includes retail shopping centers and freestanding retail buildings, high density residential uses, and compatible offices, business services, lab and high tech research space. Commercial uses, predominantly retail stores and restaurants, shall be located on the ground floor. Residential units shall be located above the ground floor. Commercial and office uses may also be located above the ground floor.

Maximum Floor Area Ratio: 125 percent for a mixed use project, with a potential total of 175 percent through the following:

- Additional 50 percent FAR with provision of structured parking or below grade parking provided that a minimum of 50 percent of the parking is located in structured or below grade parking. Parking structures and below grade parking are excluded from the FAR calculation.
- In no case shall the residential portion of the mixed use project exceed three-quarters of the project's total FAR square footage.

Special Considerations for Mixed Use Urban Retail Developments.

- Include a mix of high density residential uses with convenient retail and services for daily needs and opportunities for community retail uses that are not currently adequately available in the City.
- Support opportunities and spaces for a flexible mix of high tech employment uses which are compatible with the retail and residential environment.
- Have unified and high quality design that provides an appropriate urban scale and enhances the City's character.
- Provide site amenities and outdoor gathering spaces for customers, residents, and employees.
- Incorporate parking and transportation demand management to reduce the reliance on vehicle ownership and use.
- Provide site improvements, access, and on-site facilities and design that encourage and facilitate pedestrians, bicycles, transit, other alternative transportation options, and emerging mobility technologies.

Mixed Use

Intent: To provide sustainable and transit oriented opportunities for medium and large-scale multi-story, mixed use development that integrates retail uses and/or office and research and development related uses with higher density multifamily residential uses. The Mixed Use designation is intended to create housing opportunities; retain and encourage healthy, active retail centers for the community; promote innovative design by integrating residential and non-residential uses; facilitate neighborhood connections and convenient transportation alternatives in the vicinity of the project.

Allowable Uses

1. Retail uses.
2. Offices.
3. Personal services (i.e. dry cleaners, salons, yoga studios.)
4. Restaurants
5. Research and development space, including laboratories.
6. Residential uses, including home occupations and live/work uses.
7. Light manufacturing and assembly with limits on the sizes of factories.
8. Open Space, including green belts, squares and plazas.



The specific types, maximum amounts and densities of allowable uses shall be established in the site's zoning regulations. The zoning is anticipated to be a Planned Development district or an equivalent zone. The Mixed Use land use must be found to be compatible with the existing surrounding land uses and the surrounding planned land uses.

Prohibited Uses

1. Major manufacturing.
2. Warehouse and distribution.
3. Outdoor storage.
4. Agricultural Uses, including but not limited to crop production and animal husbandry.

Special Considerations for Mixed Use Developments

The following special considerations shall be applied:

1. Include a mix of high density residential uses with convenient retail and services for the daily needs of residents or with space for job-generating office uses and/or research and development (laboratory) uses.
2. Provide site amenities and outdoor gathering spaces for employees, customers and residents.
3. Incorporate measures to reduce the reliance on vehicle ownership and use.
4. Provide on site improvements, access and facilities, designed to encourage and facilitate pedestrian, bicycle, transit, and other alternative transportation options as well as emerging mobility technologies.
5. The determination for whether residential or non-residential shall be permitted on the first floor and what is permitted on the floors above the first floor shall be included within the commensurate Planned Development or its equivalent applicable zone.
6. Support high-density developments that provide high quality design in an appropriate urban scale and enhances the City's character.
7. Provide site improvements, access, and on-site facilities and design that encourage and facilitate pedestrians, bicycles, transit, other alternative transportation options, and emerging mobility technologies.

Policies

Policy LU U.1 Promote compact development patterns, mixed-uses, and higher-development intensities that use land efficiently; reduce greenhouse gas emissions and auto dependence and the expenditure of energy and other resources; and that promote walking bicycling, and transit use, consistent with SACOG's strategies to facilitate and streamline the development of residential mixed-use projects and Transit Priority Projects.

With approval of the requested General Plan Amendment, the proposed project would be consistent with the City's General Plan. Furthermore, in order for the new Mixed Use ~~Urban Retail~~ land use designation to be applied to other properties in the City, a General Plan map amendment would be required, subject to separate environmental review and discretionary approval. Thus, the requested General Plan Amendment would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Rezone

The site's zoning designation of PD 2-97B, approved by the City in 2006, establishes a building height limitation of 50 feet and allows residential uses above the ground floor. The project would require an amendment to the City's zoning map (Section 40.01.090 of the City's Municipal Code) to establish a new Planned Development zoning designation (PD



#03-18) for the project site. The proposed PD #03-18 would specify permitted, accessory, and conditional uses for the property, maximum amount of uses, maximum intensity, and project-specific development standards. In addition to the range of retail commercial and office uses currently allowed, the proposed PD would allow a greater intensity of residential uses as well as additional office uses and limited research, development, and lab uses. With approval of the requested Rezone, the proposed project would be consistent with the City's Zoning Ordinance. Thus, the requested Rezone would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The foregoing revisions concern changes to the land use designation proposed as part of the General Plan Amendment for the project. The revisions are for clarification purposes and do not affect the analysis or conclusions presented in the Draft EIR.

The first paragraph of the discussion regarding Policy HAZ 4.1 within Table 4.3-2, as shown on page 4.3-12 of the Draft EIR, is hereby revised as follows:

The proposed Mixed Use ~~Urban Retail~~ designation would allow for office and research uses at the project site, including lab and high tech research space. Examples of research and development and associated laboratory uses that could occur on the site include biotechnology (applied molecular biology), computer-component manufacturers, distributed computing and telecommunications (information technology), and transportation research. Based on the allowable uses, the routine transport, use, or disposal of hazardous materials could occur at the project site. However, all proposed uses would be required to comply with all applicable State and local regulations, including those related to the handling of hazardous materials.

The foregoing revision is for clarification purposes and does not affect the analysis or conclusions presented in the Draft EIR.

4.4 Noise

Mitigation Measure 4.4-1 on page 4.4-19 of the Draft EIR is hereby revised as follows:

4.4-1 *Prior to issuance of any grading permit, the applicant shall submit a construction noise management plan, identifying proposed noise-reduction practices ~~(to ensure individual piece of equipment shall not produce a noise level exceeding 83 dBA at a distance of 25 feet and the noise level at any point outside the property plane of the project shall not exceed 86 dBA)~~, for review and approval by the Department of Community Development and Sustainability. The following measures shall be utilized to reduce the impact of construction noise ~~(below the above stated single source and property boundary standards)~~:*

- *Comply with the hours of operations between 7:00 AM and 7:00 PM on Mondays through Fridays, and between the hours of 8:00 AM and 8:00 PM on Saturdays and Sundays;*
- ~~*Impact tools and equipment shall have intake and exhaust mufflers recommended by manufacturers;*~~
- *All equipment shall not exceed 86 dBA outside of the property line. Based upon Table 4.4-7, compactors, dozers and excavators shall maintain a distance of 50-feet from the north property line. Concrete saws and jackhammers shall maintain a distance of 100-feet from the nearest property line. If equipment such as compactors, dozers and excavators need to be within 50 feet of the north property line, temporary barriers such*



- as "Noise Soaker" curtains may be applied at the construction site fence. The barriers shall be eight feet in height along the north property line.
- In accordance with City Code Section 24.02.040(b)(3), certain exceptions to these standards may be granted for ~~if any~~ impact tools and equipment listed ~~cannot provide~~ing either a housing or muffler, or other type of noise suppression equipment recommended by the manufacturer and approved to reduce noise levels to 86 dBA or less outside of the property line, then approval by the Director of Public Works shall be required as best accomplishing maximum noise attenuation;
 - If equipment such as compactors, dozers and excavators need to be within 50 feet of the north property line, temporary barriers such as "Noise Soaker" curtains shall be applied at the construction site fence. The barriers shall be eight feet in height along the north property line.

The foregoing revisions reflect the language in the City's Municipal Code and are for clarification purposes; therefore, they do not affect the conclusions or adequacy of the analysis presented in the Draft EIR.

The discussion under "Mitigation Measure(s)" on page 4.4-24 of the Draft EIR is hereby revised as follows:

Mitigation Measure(s)

As part of the Environmental Noise Assessment, j.c. brennan & associates, Inc. conducted a barrier analysis. According to the analysis, a barrier of eight feet in height would be required to reduce overall noise levels associated with loading docks, truck circulation, and other outdoor noise sources to the daytime (7:00 AM to 9:00 PM) standard of 55 dBA Leq, and a 10-foot barrier would be required to reduce noise levels to the nighttime (9:00 PM to 7:00 AM) standard of 50 dB Leq. Although not currently proposed, any openings in the barrier to provide access to the pedestrian/bicycle pathway on the adjacent property would need to be designed to comply with allowable noise levels. Therefore, implementation of the following mitigation measures would reduce the above impact to a *less-than significant* level.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

Mitigation Measure 4.4-2(a) on page 4.4-24 of the Draft EIR is hereby revised as follows:

4.4-2(a) Prior to building permit issuance, the construction drawings shall include a noise barrier located along the north property line of the project site where trucks circulate for the loading docks. The partial loading dock walls may be eliminated, if desired. Based upon the Environmental Noise Assessment (October 2, 2019) prepared for this EIR, the noise barrier height requirements would be different depending upon the delivery hours, as follows:

- *Daytime deliveries only (7:00 AM to 9:00 PM): An eight-foot wall shall be required along the north property line of the project site to meet the City's 55 dB Leq daytime noise standard.*
- *Daytime (7:00 AM to 9:00 PM) AND Nighttime (9:00 PM to 7:00 AM): A 10-foot wall shall be required along the north property line of the project site to meet the City's daytime (55 dB Leq) and nighttime 50 dB Leq noise standards.*



The delivery truck hours and sound wall height shall be finalized prior to City approval of the Final Planned Development for the project. In the event that an opening in the barrier is included to provide access to the pedestrian/bicycle pathway on the adjacent property, the opening shall be designed by an acoustical consultant to ensure that the City's above-specified daytime and nighttime standards can still be met at the nearest sensitive receptors. Final design and height of the barrier shall be incorporated in the construction drawings for approval by the City of Davis Department of Community Development and Sustainability.

The foregoing revisions are for clarification purposes and do not affect the conclusions or adequacy of the analysis presented in the Draft EIR.

4.6 Transportation and Circulation

Table 4.6-4 (Six-Year Collision History Near Project Site) on page 4.6-9 of the Draft EIR is hereby revised as follows:

Table 4.6-4 Six-Year Collision History Near Project Site				
Location	Parties ²¹	Type	Primary Collision Factor	Year
Sycamore Ln at Wake Forest Dr	Bicycle, Vehicle	Head-On	Unknown	2013
Sycamore Ln north of Russell Blvd	Bicycle, Vehicle	Other	Automobile Right-of-Way	2016
Sycamore Ln north of Russell Blvd	Bicycle, Vehicle	Other	Improper Turning	2017
Russell Blvd at Sycamore Ln	Bicycle, Vehicle	Other	Automobile Right-of-Way	2017
Russell Blvd at Sycamore Ln	Bicycle, Vehicle	Broadside	Other Hazardous Violation	2015
Russell Blvd at Sycamore Ln	Bicycle, Bicycle	Other	Unknown	2014
Anderson Rd north of Russell Blvd	Bicycle , Vehicle	Head-On	Automobile Right-of-Way	2016
Anderson Rd north of Russell Blvd	Bicycle , Bicycle	Other	Improper Turning	2017
Anderson Rd at Russell Blvd	Bicycle, Vehicle	Other	Automobile Right-of-Way	2015
Anderson Rd at Russell Blvd	Bicycle, Vehicle	Other	Other Hazardous Violation	2018
Anderson Rd at Russell Blvd	Bicycle	Hit Object	N/A	2014
Anderson Rd at Russell Blvd	Vehicle , Vehicle	Head-On	Automobile Right-of-Way	2014
Anderson Rd at Russell Blvd	Bicycle , Vehicle	Other	Traffic Signals and Signs	2014
Anderson Rd at Russell Blvd	Bicycle , Vehicle	Broadside	Traffic Signals and Signs	2014
La Rue Rd at Russell Blvd	Vehicle , Motorcycle	Sideswipe	Improper Turning	2017
La Rue Rd at Russell Blvd	Bicycle, Vehicle	Other	Other Hazardous Violation	2017
La Rue Rd at Russell Blvd	Vehicle , Vehicle	Rear End	Unsafe Speed	2013
La Rue Rd at Russell Blvd	Bicycle, Vehicle	Broadside	Unsafe Speed	2013
La Rue Rd at Russell Blvd	Bicycle , Vehicle	Broadside	Automobile Right-of-Way	2013
La Rue Rd at Russell Blvd	Bicycle, Vehicle	Broadside	Automobile Right-of-Way	2018
La Rue Rd at Russell Blvd	Bicycle , Vehicle	Broadside	Automobile Right-of-Way	2014
La Rue Rd at Russell Blvd	Bicycle , Vehicle	Broadside	Automobile Right-of-Way	2018

¹ **Bold** text indicates the party at fault.

Source: Fehr & Peers, 2019.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.



Figure 4.6-3 on page 4.6-10 of the Draft EIR is hereby revised, as shown on the following page, to include an existing Class I shared-use path between the project site and Mulberry Lane that was errantly omitted from the version of the figure included in the Draft EIR. The revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

The first paragraph under the Bicycle Facility Operations – Existing Conditions section on page 4.6-11 of the Draft EIR is hereby revised as follows:

Figure 4.6-4 displays the peak hour bicycle volumes at the Sycamore Lane and Anderson Road intersections with Russell Boulevard. The intersections serve as primary bicycle gateways for the UC Davis campus, resulting in very high bicycle crossing volumes during peak hours (measuring over 500 peak hour bicyclists at each intersection) as students travel between the UC Davis campus and their residences along the Sycamore Lane and Anderson Road corridors. Moreover, peak hour factors for bicycle demand at these intersections are low, resulting in surges in bicycle demand within concentrated periods of time. For example, at the Russell Boulevard/Anderson Road/La Rue Road intersection, the AM peak hour has a bicycle demand peak hour factor of 0.59. This intersection also experiences 75 percent of its AM peak hour bicycle demand during 50 percent (i.e., 30 minutes) of the peak hour.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

The discussion under Impact 4.6-2 on page 4.6-43 of the Draft EIR is hereby revised to add the following as the second paragraph of the discussion:

The required sound barrier along the northern property line is anticipated to remove existing access to the pedestrian/bicycle pathway on the adjacent Sycamore Lane Apartments. The access point is along the project site's northerly driveway which is the service area on the backside of the buildings. It requires pedestrians and bicyclists to circumnavigate the shopping center building along the backside driveway for access. Similar access from the pathway through Sycamore Lane Apartments is available both east to Anderson Road and west to Sycamore Lane at points immediately north of the project site. Furthermore, it is a minor access point that primarily serves the internal properties and adequate pedestrian and bicycle access to the project site is still available. It does not materially alter pedestrian and bicycle access.

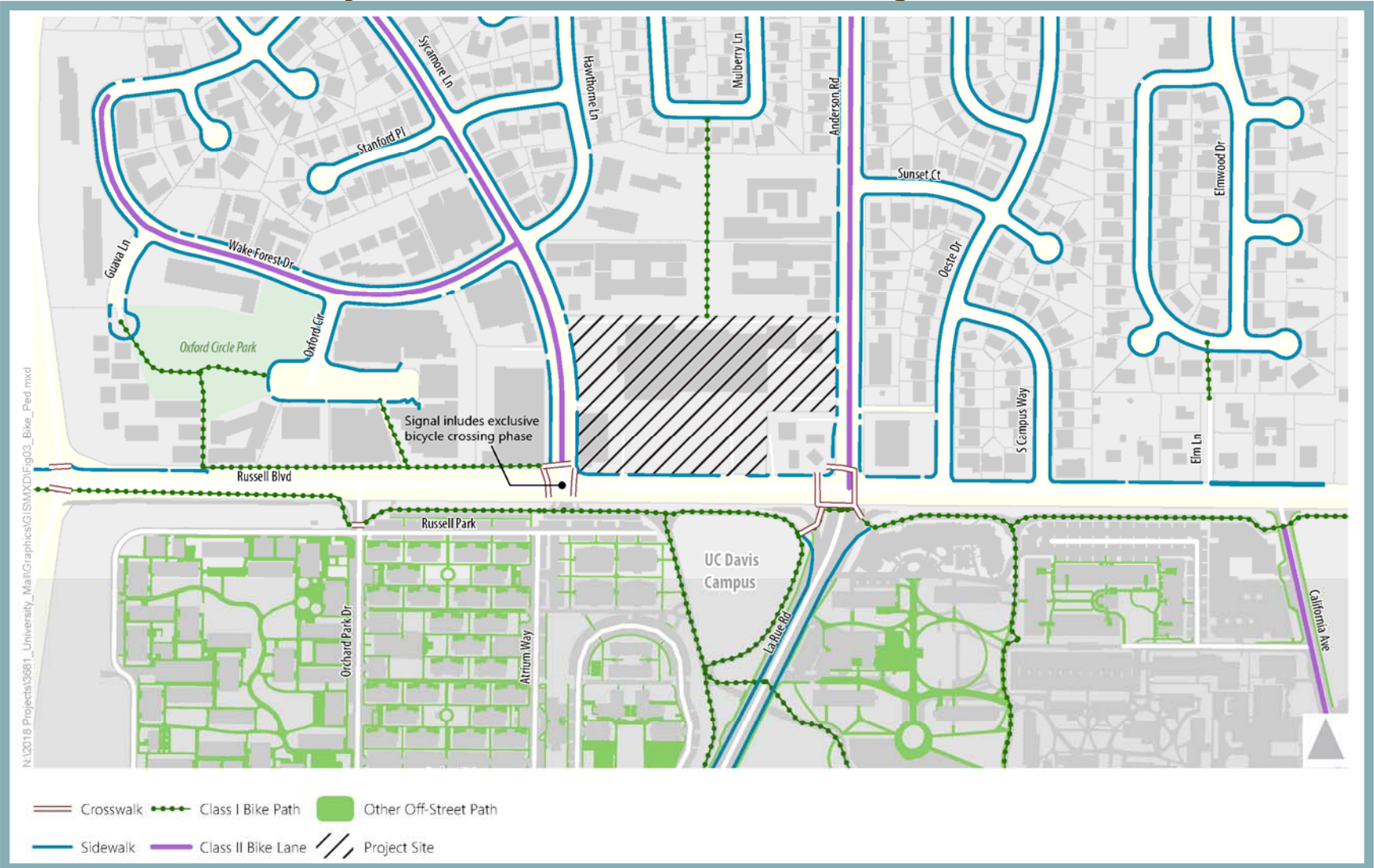
The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

The first two paragraphs of Mitigation Measure 4.6-2(d), as presented beginning on page 4.6-51 of the Draft EIR, are hereby revised as follows:

4.6-2(d) Consistent with cumulative Mitigation Measure 4.6-9, prior to the occupancy of the project, the project applicant shall contribute funding to cover their proportionate cost of bicycle improvements to the Russell Boulevard/Anderson Road/La Rue Road intersection as determined in the Development Agreement by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. Given the multi-modal nature of the intersection and future improvements, fair share calculations should consider all modes of transportation utilizing the intersection.



**Figure 4.6-3
Bicycle and Pedestrian Facilities – Existing Conditions**



Source: Fehr & Peers, 2019.



Modifications to improve crossings at the Russell Boulevard/Anderson Road/La Rue Road intersection shall be implemented to reduce the potential for bicycle-bicycle, bicycle-pedestrian, pedestrian-vehicle, and bicycle-vehicle conflicts. Because intersection modifications would affect right-of-way on the UC Davis campus, the City shall coordinate with UC Davis to identify the ultimate modifications. Improvements shall, to the extent feasible, physically separate bicyclists, pedestrians, and vehicles and reduce bicycle crossing distances and exposure time. Potential improvement alternatives include (but are not limited to):

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions presented in the Draft EIR.

Mitigation Measure 4.6-2(e) on page 4.6-53 of the Draft EIR is hereby revised as follows:

4.6-2(e) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Sycamore Lane and the UC Davis softball field; the project's proportionate cost shall be determined ~~in the Development Agreement~~ by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements shall reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

Mitigation Measure 4.6-2(f) on page 4.6-53 of the Draft EIR is hereby revised as follows:

4.6-2(f) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Anderson Road and the bicycle roundabout near Primero Grove; the project's proportionate cost shall be determined ~~in the Development Agreement~~ by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements should reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

Page 4.6-54 of the Draft EIR is hereby revised as follows:

The proposed project would include reconfigured on-site pedestrian facilities, including new sidewalks and crosswalks serving on-site structures and parking facilities. The required sound barrier along the northern property line is anticipated to remove existing access to the pedestrian/bicycle pathway on the adjacent Sycamore Lane Apartments. The



access point is along the project site's northerly driveway which is the service area on the backside of the buildings. It requires pedestrians and bicyclists to circumnavigate the shopping center building along the backside driveway for access. Similar access from the pathway through Sycamore Lane Apartments is available both east to Anderson Road and west to Sycamore Lane at points immediately north of the project site. Furthermore, it is a minor access point that primarily serves the internal properties and adequate pedestrian and bicycle access to the project site is still available. It does not materially alter pedestrian and bicycle access. The project would not include any new or modified off-site pedestrian facilities. Given that existing planning documents do not identify any planned pedestrian facilities within the project vicinity, the project would not interfere with the future implementation of any planned pedestrian facilities, including facilities identified in the City of Davis General Plan and regional pedestrian projects identified in the SACOG MTP/SCS.

The foregoing revision is for clarification purposes only, and does not affect the analysis or conclusions of the Draft EIR.

Mitigation Measure 4.6-8(b) on page 4.6-63 of the Draft EIR is hereby revised as follows:

On-Site Circulation Improvements

4.6-8(b) *Prior to issuance of grading plans, the project improvement plans shall reflect the modifications listed below, or equivalent measures, based on the final site design, to reduce vehicle queuing spillback at the project driveways, to the satisfaction of the City Engineer. The modifications may include, but are not limited to, the following:*

- *Southern Sycamore Lane Driveway
 - *Parking stalls along the Retail 6 frontage shall be eliminated; and*
 - *Exclusive outbound left-turn and right-turn lanes shall be provided.**
- *Southern Anderson Road Driveway
 - *Parking stalls along the Retail 1, 2, and 3 frontages shall be eliminated and angled.**
- *Western Russell Boulevard Driveway
 - *The drive aisle shall be aligned north into the parking garage, shifted further east into the project site to provide additional throat depth for the southern Sycamore Lane driveway, and access for the southernmost east-west drive aisle shall be closed off to/from the west (opposite the Trader Joe's loading dock).**

The foregoing revision is acceptable in that it will achieve the intent of the original mitigation language, which was to reduce the potential for conflicts between vehicles backing out and through-movements of cars entering/exiting the southern Anderson Road driveway.



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation						
4.2 GHG Emissions and Energy									
<p>4.2-3 Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.</p>	CC	<p>4.2-3(a) <i>The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to the issuance of a building permit for the proposed project the project proponent shall implement the following steps:</i></p> <ol style="list-style-type: none"> 1. <i>Model net non-mobile operational GHG emissions using CalEEMod, or another method accepted for the purpose of modeling GHG emissions for the proposed project, taking into account applicable building standards and other regulatory requirements, as well as building design, use of renewable energy, etc. The updated modeling shall take into account any updated project design measures incorporated in compliance with this mitigation measure or as proposed in future project design details.</i> 2. <i>Based on the construction and operational schedules proposed at the time of building permitting, the modeled emissions shall be compared to the maximum permitted emissions for the first year of occupancy, based on the Table below:</i> <table border="1" data-bbox="1104 1260 1677 1422" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th data-bbox="1104 1260 1213 1386"></th> <th data-bbox="1213 1260 1476 1386" style="text-align: center;">Maximum Permitted Net Project Emissions (MTCO_{2e})</th> <th data-bbox="1476 1260 1677 1386" style="text-align: center;">Emissions Reductions Achieved (MTCO_{2e})</th> </tr> </thead> <tbody> <tr> <td data-bbox="1104 1386 1213 1422" style="text-align: center;">Year</td> <td data-bbox="1213 1386 1476 1422"></td> <td data-bbox="1476 1386 1677 1422"></td> </tr> </tbody> </table>		Maximum Permitted Net Project Emissions (MTCO _{2e})	Emissions Reductions Achieved (MTCO _{2e})	Year			LCC
	Maximum Permitted Net Project Emissions (MTCO _{2e})	Emissions Reductions Achieved (MTCO _{2e})							
Year									



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures			Level of Significance after Mitigation
		2024	326.69	0.00	
		2025	306.27	20.42	
		2026	285.85	40.84	
		2027	265.44	61.25	
		2028	245.02	81.67	
		2029	224.60	102.09	
		2030	204.18	122.51	
		2031	183.76	142.93	
		2032	163.35	163.35	
		2033	142.93	183.76	
		2034	122.51	204.18	
		2035	102.09	224.60	
		2036	81.67	245.02	
		2037	61.25	265.44	
		2038	40.84	285.85	
		2039	20.42	306.27	
		2040	0	326.69	
		<i>Total Emissions Reductions</i>		<i>2,776.87</i>	
		3. Should net operational emissions be shown to exceed the maximum emissions levels presented in the table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to: <ul style="list-style-type: none"> • <u>Design all or portions of the project without the infrastructure necessary to support natural gas appliances;</u> • <u>Use of Installation of only all-electric, energy-star large appliances (i.e., ranges, ovens, water heating, and/or</u> 			



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>space heating equipment</u>) in all or part of the project;</p> <ul style="list-style-type: none"> • <u>Require future refrigeration systems to use only low-GWP gases;</u> • <u>Include electric outlets in outdoor areas sufficient to allow for the use of electric-powered landscaping equipment;</u> • <u>Construct all proposed loading docks with electric outlets sufficient to provide adequate electrical power for docking trucks;</u> • <u>Installation of on-site photovoltaic systems in excess of the City's standards in place at the time of this environmental analysis;</u> • <u>Use of LED lights in proposed parking areas and other outdoor areas;</u> • <u>Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);</u> • <u>Implement a Transportation Demand Management Program in accordance with Section 22.15 of the City of Davis Municipal Code;</u> • <u>Provide electric vehicle charging infrastructure in excess of existing CBSC requirements; and/or</u> • <u>Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action</u> 	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p style="text-align: center;"><i>Reserve, or another source approved by CARB, YSAQMD, or the City of Davis.</i></p> <ol style="list-style-type: none"> 4. <i>The emissions reductions resulting from implementation of the above measures shall be calculated, using methods acceptable to the City.</i> 5. <i>Proof of compliance with the maximum annual net emissions targets and the steps above shall be verified through the submittal of a Technical Memorandum of Compliance (TMC) to the City of Davis Department of Community Development and Sustainability. The TMC shall document the following minimum items: modeling (step 1); comparison of modeled emissions to maximum emissions levels identified in step 2; chosen feasible actions to achieve required reductions (step 3); and measurable GHG reduction value of each action (step 4). TMCs prepared in compliance with the foregoing steps may cover individual operational years or multiple operational years. Should a TMC be prepared for multiple operational years, the TMC shall demonstrate compliance with the maximum emissions levels for each year included in the TMC.</i> 6. <i>Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development and Sustainability. <u>Purchase of any carbon credits shall be completed prior to certificate of occupancy.</u> The City upon review and acceptance of implementation, shall issue the certificate of occupancy.</i> 	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.4 Noise			
<p>4.4-1 Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	S	<p>4.4-1 <i>Prior to issuance of any grading permit, the applicant shall submit a <u>construction noise management plan, identifying proposed noise-reduction practices</u> (to ensure individual piece of equipment shall not produce a noise level exceeding 83 dBA at a distance of 25 feet and the noise level at any point outside the property plane of the project shall not exceed 86 dBA), for review and approval by the Department of Community Development and Sustainability. The following measures shall be utilized to reduce the impact of construction noise (below the above stated single-source and property boundary standards):</i></p> <ul style="list-style-type: none"> • <i>Comply with the hours of operations between 7:00 AM and 7:00 PM on Mondays through Fridays, and between the hours of 8:00 AM and 8:00 PM on Saturdays and Sundays;</i> • <i>Impact tools and equipment shall have intake and exhaust mufflers recommended by manufacturers;</i> • <i>All equipment shall not exceed 86 dBA outside of the property line. Based upon Table 4.4-7, compactors, dozers and excavators shall maintain a distance of 50-feet from the north property line. Concrete saws and jackhammers shall maintain a distance of 100-feet from the nearest property line. <u>If equipment such as compactors, dozers and excavators need to be within 50 feet of the north property line, temporary barriers such as "Noise Soaker"</u></i> 	LS



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>curtains may be applied at the construction site fence. The barriers shall be eight feet in height along the north property line.</i></p> <ul style="list-style-type: none"> <i>In accordance with City Code Section 24.02.040(b)(3), certain exceptions to these standards may be granted for if any impact tools and equipment listed cannot providing either a housing or muffler, or other type of noise suppression equipment recommended by the manufacturer and approved to reduce noise levels to 86 dBA or less outside of the property line, then approval by the Director of Public Works shall be required as best accomplishing maximum noise attenuation;</i> <i>If equipment such as compactors, dozers and excavators need to be within 50 feet of the north property line, temporary barriers such as "Noise Soaker" curtains shall be applied at the construction site fence. The barriers shall be eight feet in height along the north property line.</i> 	
<p>4.4-2 Generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>		<p>4.4-2(a) Prior to building permit issuance, the construction drawings shall include a noise barrier located along the north property line of the project site where trucks circulate for the loading docks. The partial loading dock walls may be eliminated, if desired. Based upon the Environmental Noise Assessment (October 2, 2019) prepared for this EIR, the noise barrier height requirements would be different depending upon the delivery hours, as follows:</p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<ul style="list-style-type: none"> • Daytime deliveries only (7:00 AM to 9:00 PM): An eight-foot wall shall be required along the north property line of the project site to meet the City's 55 dB L_{eq} daytime noise standard. • Daytime (7:00 AM to 9:00 PM) AND Nighttime (9:00 PM to 7:00 AM): A 10-foot wall shall be required along the north property line of the project site to meet the City's daytime (55 dB L_{eq}) and nighttime 50 dB L_{eq} noise standards. <p>The delivery truck hours and sound wall height shall be finalized prior to City approval of the Final Planned Development for the project. <u>In the event that an opening in the barrier is included to provide access to the pedestrian/bicycle pathway on the adjacent property, the opening shall be designed by an acoustical consultant to ensure that the City's above-specified daytime and nighttime standards can still be met at the nearest sensitive receptors. Final design and height of the barrier shall be incorporated in the construction drawings for approval by the City of Davis Department of Community Development and Sustainability.</u></p>	
4.6 Transportation and Circulation			
4.6-2 Impacts to bicycle facilities under Existing Plus Project conditions.	S	4.6-2(d) Consistent with cumulative Mitigation Measure 4.6-9, prior to the occupancy of the project, the project applicant shall contribute funding to cover their proportionate cost of bicycle improvements to the Russell Boulevard/Anderson Road/La Rue Road intersection as determined in the Development Agreement by the City Engineer in an amount that	SU



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. Given the multi-modal nature of the intersection and future improvements, fair share calculations should consider all modes of transportation utilizing the intersection.</i></p> <p><i>Modifications to improve crossings at the Russell Boulevard/Anderson Road/La Rue Road intersection shall be implemented to reduce the potential for bicycle-bicycle, bicycle-pedestrian, <u>pedestrian-vehicle</u>, and bicycle-vehicle conflicts. Because intersection modifications would affect right-of-way on the UC Davis campus, the City shall coordinate with UC Davis to identify the ultimate modifications. Improvements shall, to the extent feasible, physically separate bicyclists, pedestrians, and vehicles and reduce bicycle crossing distances and exposure time. Potential improvement alternatives include (but are not limited to):</i></p> <ol style="list-style-type: none"> <i>1. For all intersection crosswalks, widen crosswalks to increase the capacity for crossing bicyclists and pedestrians and reduce the frequency of meeting and passing events that diminish the performance of the crosswalks.</i> <i>2. Reconfigure the intersection into a protected intersection with corner refuge islands, setback crossings, and exclusive bicycle and pedestrian crossing phases (i.e., vehicles would not be permitted to turn on red during this phase). For all intersection crosswalks, physically separate bicyclists and pedestrians by installing special</i> 	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>pavement treatment or striping to clearly demarcate pedestrian and bicycle crossing zones, increase the capacity for crossing bicyclists and pedestrians, and reduce the frequency of meeting and passing events that diminish the performance of the crossings. This alternative would also include the removal of the eastbound and northbound channelized right-turn lanes.</p> <p>4.6-2(e) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Sycamore Lane and the UC Davis softball field; the project's proportionate cost shall be determined in the Development Agreement <u>by the City Engineer in an amount that considers the project's impact on the intersection</u>. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements shall reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):</p> <ol style="list-style-type: none"> 1. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special 	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>4.6-2(f)</p> <p><i>pavement treatment or striping to clearly demarcate pedestrian and bicycle zones.</i></p> <ol style="list-style-type: none"> 2. <i>Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.</i> 3. <i>Install pedestrian-scale lighting to improve visibility.</i> <p><i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Anderson Road and the bicycle roundabout near Primero Grove; the project's proportionate cost shall be determined in the Development Agreement by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements should reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):</i></p> <ol style="list-style-type: none"> 1. <i>Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle zones.</i> 	



**Table 2-1
Summary of Impacts and Mitigation Measures**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>2. Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.</p> <p>3. Install pedestrian-scale lighting to improve visibility.</p>	
<p>4.6-8 Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</p>	<p>S</p>	<p>4.6-8(b) Prior to issuance of grading plans, the project improvement plans shall reflect the modifications listed below, or equivalent measures based on the final site design, to reduce vehicle queuing spillback at the project driveways, to the satisfaction of the City Engineer. The modifications may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Southern Sycamore Lane Driveway <ul style="list-style-type: none"> ○ Parking stalls along the Retail 6 frontage shall be eliminated; and ○ Exclusive outbound left-turn and right-turn lanes shall be provided. • Southern Anderson Road Driveway <ul style="list-style-type: none"> ○ Parking stalls along the Retail 1, 2, and 3 frontages shall be eliminated angled. • Western Russell Boulevard Driveway <ul style="list-style-type: none"> ○ The drive aisle shall be aligned north into the parking garage, shifted further east into the project site to provide additional throat depth for the southern Sycamore Lane driveway, and access for the southernmost east-west drive aisle shall be closed off to/from the west (opposite the Trader Joe's loading dock). 	<p>LS</p>



4. Mitigation Monitoring and Reporting Program

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to an EIR.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the University Commons Project. The intent of the MMRP is to ensure implementation of the mitigation measures identified within the EIR for the University Commons Project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the project applicant.

4.2 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the University Commons Project prepared by the City of Davis. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR that was prepared for the proposed project.

The University Commons Project EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Davis. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.



4.3 MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.



MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Air Quality					
4.1-3	Expose sensitive receptors to substantial pollutant concentrations.	<p>4.1-3 <i>Prior to approval of any grading or demolition plans, the project applicant shall show on the plans via notation that the contractor shall ensure that all off-road diesel-powered equipment over 25 horsepower to be used in the construction of the project (including owned, leased, and subcontractor equipment) shall meet California Air Resources Board (CARB) Tier 4 emissions standards or cleaner. The plans shall be submitted for review and approval to the Department of Community Development and Sustainability. In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to 5 minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB.</i></p> <p><i>Portable equipment over 50 horsepower must have either a valid District Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.</i></p> <p><i>Idling shall be limited to five minutes or less for all on-road related and/or delivery trucks in accordance with CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation.</i></p>	City of Davis Department of Community Development and Sustainability	Prior to approval of any grading or demolition plans	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>Clear Signage regarding idling restrictions should be placed at the entrances to the construction site.</i>			
4.2 Greenhouse Gas Emissions and Energy					
4.2-3	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	<p>4.2-3(a) <i>The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to the issuance of a building permit for the proposed project the project proponent shall implement the following steps:</i></p> <ol style="list-style-type: none"> 1. <i>Model net non-mobile operational GHG emissions using CalEEMod, or another method accepted for the purpose of modeling GHG emissions for the proposed project, taking into account applicable building standards and other regulatory requirements, as well as building design, use of renewable energy, etc. The updated modeling shall take into account any updated project design measures incorporated in compliance with this mitigation measure or as proposed in future project design details.</i> 2. <i>Based on the construction and operational schedules proposed at the time of building permitting, the</i> 	City of Davis Department of Community Development and Sustainability	<p>Prior to the issuance of a building permit</p> <p>On-going as needed</p>	



MITIGATION MONITORING AND REPORTING PROGRAM
University Commons Project

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off																																																									
		<p><i>modeled emissions shall be compared to the maximum permitted emissions for the first year of occupancy, based on the Table below:</i></p> <table border="1"> <thead> <tr> <th>Year</th> <th>Maximum Permitted Net Project Emissions (MTCO₂e)</th> <th>Emissions Reductions Achieved (MTCO₂e)</th> </tr> </thead> <tbody> <tr><td>2024</td><td>326.69</td><td>0.00</td></tr> <tr><td>2025</td><td>306.27</td><td>20.42</td></tr> <tr><td>2026</td><td>285.85</td><td>40.84</td></tr> <tr><td>2027</td><td>265.44</td><td>61.25</td></tr> <tr><td>2028</td><td>245.02</td><td>81.67</td></tr> <tr><td>2029</td><td>224.60</td><td>102.09</td></tr> <tr><td>2030</td><td>204.18</td><td>122.51</td></tr> <tr><td>2031</td><td>183.76</td><td>142.93</td></tr> <tr><td>2032</td><td>163.35</td><td>163.35</td></tr> <tr><td>2033</td><td>142.93</td><td>183.76</td></tr> <tr><td>2034</td><td>122.51</td><td>204.18</td></tr> <tr><td>2035</td><td>102.09</td><td>224.60</td></tr> <tr><td>2036</td><td>81.67</td><td>245.02</td></tr> <tr><td>2037</td><td>61.25</td><td>265.44</td></tr> <tr><td>2038</td><td>40.84</td><td>285.85</td></tr> <tr><td>2039</td><td>20.42</td><td>306.27</td></tr> <tr><td>2040</td><td>0</td><td>326.69</td></tr> <tr> <td colspan="2"><i>Total Emissions Reductions</i></td> <td><i>2,776.87</i></td> </tr> </tbody> </table> <p>3. <i>Should net operational emissions be shown to exceed the maximum</i></p>	Year	Maximum Permitted Net Project Emissions (MTCO ₂ e)	Emissions Reductions Achieved (MTCO ₂ e)	2024	326.69	0.00	2025	306.27	20.42	2026	285.85	40.84	2027	265.44	61.25	2028	245.02	81.67	2029	224.60	102.09	2030	204.18	122.51	2031	183.76	142.93	2032	163.35	163.35	2033	142.93	183.76	2034	122.51	204.18	2035	102.09	224.60	2036	81.67	245.02	2037	61.25	265.44	2038	40.84	285.85	2039	20.42	306.27	2040	0	326.69	<i>Total Emissions Reductions</i>		<i>2,776.87</i>			
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MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>emissions levels presented in the table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:</i></p> <ul style="list-style-type: none"> • <i>Design of all or portions of the project without infrastructure to support natural gas appliances;</i> • <i>Installation of only all-electric, energy-star large appliances (i.e. ranges, ovens, water heating, and/or space heating equipment) in all or part of the project;</i> • <i>Require future refrigeration systems to only use low GWP potential gases;</i> • <i>Include electric outlets in outdoor areas sufficient to allow for the use of electric-powered landscaping equipment;</i> • <i>Construct all proposed loading docks with electric outlets sufficient to provide adequate electrical power for docking trucks;</i> • <i>Installation of on-site photovoltaic systems in</i> 			



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>excess of the City's standards in place at the time of this environmental analysis;</p> <ul style="list-style-type: none"> • Use of LED lights in proposed parking areas and other outdoor areas; • Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects); • Implement a Transportation Demand Management Program in accordance with Section 22.15 of the City of Davis Municipal Code; • Provide electric vehicle charging infrastructure in excess of existing CBSC requirements; and/or • Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis. <p>4. The emissions reductions resulting from implementation of the above measures shall be calculated, using</p>			



MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>methods acceptable to the City.</i></p> <p>5. <i>Proof of compliance with the maximum annual net emissions targets and the steps above shall be verified through the submittal of a Technical Memorandum of Compliance (TMC) to the City of Davis Department of Community Development and Sustainability. The TMC shall document the following minimum items: modeling (step 1); comparison of modeled emissions to maximum emissions levels identified in step 2; chosen feasible actions to achieve required reductions (step 3); and measurable GHG reduction value of each action (step 4). TMCs prepared in compliance with the foregoing steps may cover individual operational years or multiple operational years. Should a TMC be prepared for multiple operational years, the TMC shall demonstrate compliance with the maximum emissions levels for each year included in the TMC.</i></p> <p>6. <i>Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development and Sustainability. Purchase of any carbon credits shall be completed prior to certificate of occupancy. The</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p style="text-align: center;"><i>City upon review and acceptance of implementation, shall issue the certificate of occupancy.</i></p> <p>4.2-3(b) <i>The owner of the project shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the project to demonstrate the project’s compliance with the GHG emissions targets established by Mitigation Measure 4.2-3(a). The Report shall be submitted prior to the issuance of a certificate of occupancy for the first residential unit leased. The Report shall identify the following minimum items. Other documentation requirements may be added by the City if found to be necessary to satisfy this mitigation measure.</i></p> <ol style="list-style-type: none"> 1. <i>Projected annual net GHG emissions from the initial date of operations through the year 2040.</i> 2. <i>Running total of project emissions reductions and reduction credits.</i> 3. <i>Comprehensive database and summary of implemented reduction actions.</i> <p><i>Should the initial Report demonstrate that measures have been incorporated into the project sufficient to achieve the GHG emissions targets established by Mitigation Measure 4.2-3(a), further Reports are not required.</i></p>	City of Davis Department of Community Development and Sustainability	Prior to the issuance of a certificate of occupancy for the first residential unit leased and every five years until such time that demonstration is made that the project has achieved the required emissions reductions	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>If the initial Report does not demonstrate that measures have been incorporated into the project sufficient to achieve the aforementioned emissions targets at the time of initial occupancy, the owner shall be required to submit subsequent Reports every five years until such time that demonstration is made that the project has achieved the required emissions reductions. Subsequent Reports shall contain the same content as required of the initial Report, and demonstrate the implementation of additional measures sufficient to reduce project GHG emissions in compliance with Mitigation Measure 4.2-3(a). Upon demonstration that the project has achieved the required emissions reductions, further Reports are not required.</i></p>			
4.4 Noise					
4.4-1	<p>Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p>4.4-1 <i>Prior to issuance of any grading permit, the applicant shall submit a construction noise management plan, identifying proposed noise-reduction practices for review and approval by the Department of Community Development and Sustainability. The following measures shall be utilized to reduce the impact of construction noise:</i></p> <ul style="list-style-type: none"> <i>Comply with the hours of operations between 7:00 AM and 7:00 PM on Mondays through Fridays, and between the hours of 8:00 AM and</i> 	<p>City of Davis Department of Community Development and Sustainability</p>	<p>Prior to issuance of any grading permit</p>	



MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>8:00 PM on Saturdays and Sundays;</p> <ul style="list-style-type: none"> • All equipment shall not exceed 86 dBA outside of the property line. Based upon Table 4.4-7, compactors, dozers and excavators shall maintain a distance of 50-feet from the north property line. Concrete saws and jackhammers shall maintain a distance of 100-feet from the nearest property line. If equipment such as compactors, dozers and excavators need to be within 50 feet of the north property line, temporary barriers such as "Noise Soaker" curtains may be applied at the construction site fence. The barriers shall be eight feet in height along the north property line. • In accordance with City Code Section 24.02.040(b)(3), certain exceptions to these standards may be granted for impact tools and equipment providing either a housing or muffler, or other type of noise suppression equipment recommended by the manufacturer and approved by the Director of Public Works as best accomplishing maximum noise attenuation. 			
4.4-2	Generation of a substantial permanent increase in ambient noise levels in the vicinity of the	4.4-2(a) Prior to building permit issuance, the construction drawings shall include a noise barrier located along the north property line of the project site where trucks circulate for the	City of Davis Department of Community Development	Delivery hours and sound wall height prior to approval of the Final Planned	



MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	<p>loading docks. The partial loading dock walls may be eliminated, if desired. Based upon the Environmental Noise Assessment (October 2, 2019) prepared for this EIR, the noise barrier height requirements would be different depending upon the delivery hours, as follows:</p> <ul style="list-style-type: none"> Daytime deliveries only (7:00 AM to 9:00 PM): An eight-foot wall shall be required along the north property line of the project site to meet the City's 55 dB L_{eq} daytime noise standard. Daytime (7:00 AM to 9:00 PM) <u>AND</u> Nighttime (9:00 PM to 7:00 AM): A 10-foot wall shall be required along the north property line of the project site to meet the City's daytime (55 dB L_{eq}) and nighttime 50 dB L_{eq} noise standards. <p>The delivery truck hours and sound wall height shall be finalized prior to City approval of the Final Planned Development for the project. In the event that an opening in the barrier is included to provide access to the pedestrian/bicycle pathway on the adjacent property, the opening shall be designed by an acoustical consultant to ensure that the City's above-specified daytime and nighttime standards can still be met at the nearest sensitive receptors. Final design and height of the barrier shall be incorporated in the</p>	and Sustainability	<p>Development.</p> <p>Final design and height of the wall prior to issuance of any building permit</p>	



MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>construction drawings for approval by the City of Davis Department of Community Development and Sustainability.</i></p> <p>4.4-2(b) <i>Alternatively, the applicant may submit a subsequent acoustical report in conjunction with the submittal of the Final Planned Development to the City. The subsequent acoustical report, using additional design-level details developed during the Final Planned Development process, shall estimate the delivery truck/loading dock noise levels at the nearest sensitive receptors to verify the height of the wall needed to meet the City's stationary noise level standards (55 dB Leq daytime and 50 dB Leq nighttime). If the report determines that a reduced sound wall height, compared to the heights identified in MM 4.4-2(a), could achieve the City's noise standards at the nearest sensitive receptors, then the reduced height should be considered acceptable.</i></p> <p><i>The subsequent acoustical report could also consider the feasibility of relocating or eliminating the loading dock. Any proposed relocation would require analysis within the acoustical report to ensure that those sensitive receptors located closest to the relocated loading dock would not be subject to noise levels in excess of the City's noise level standards. Final loading dock design and barrier height shall be approved by the</i></p>	<p>City of Davis Department of Community Development and Sustainability</p>	<p>In conjunction with the submittal of the Final Planned Development</p>	



MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>City of Davis Department of Community Development and Sustainability.</i>			
4.6 Transportation and Circulation					
4.6-2	Impacts to bicycle facilities under Existing Plus Project conditions.	<p><i>4.6-2(a) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Sycamore Lane intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Improvements shall either physically separate bicyclists and vehicles, or more clearly demarcate the existing bicycle-vehicle mixing zone if the City is unable to physically separate bicyclists and vehicles. Potential improvement alternatives include (but shall not be limited to):</i></p> <ol style="list-style-type: none"> <i>1. Switch the placement of the southbound right-turn lane and the bike lane. Consistent with CAMUTCD standards (for a bicycle facility adjacent to a right-turn lane), such a configuration would place a Class IV separated bikeway immediately against the curb, enabling bicyclists to queue against the curb prior to crossing during the exclusive bicycle crossing signal phase (during which southbound right-turns for vehicles are prohibited). This configuration would eliminate the need for</i> 	City Engineer	Prior to issuance of certificates of occupancy	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>southbound bicyclists to weave across vehicular traffic at the intersection approach. The configuration shall include vertical separation between the bikeway and the right-turn lane, consistent with standard Class IV separated bikeway design.</p> <p>2. Highlight the existing bicycle-vehicle mixing zone with additional pavement markings (e.g., green skip pavement markings) and warning signage.</p> <p>4.6-2(b) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Improvements shall more clearly demarcate the existing bicycle-vehicle mixing zone. Potential improvement alternatives include highlighting the existing bicycle-vehicle mixing zone with additional pavement markings (e.g., green skip pavement markings) and warning signage. Implementation of such improvements, or an improvement of equal effectiveness, would enhance the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection and reduce the potential for conflicts between bicyclists and</p>	City Engineer	Prior to issuance of certificates of occupancy	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>vehicles.</p> <p>4.6-2(c) <i>The project applicant shall implement one of the following options prior to issuance of certificates of occupancy, with the bicycle facility and final design to be determined by the City Engineer and the City Traffic Engineer as follows:</i></p> <p><u>Option A: Off-Street Shared-use Path.</u> <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall construct an off-street shared-use path on the north side of Russell Boulevard between Sycamore Lane and Anderson Road along the project site frontage, generally along the alignment of the existing sidewalk. The path may need to be widened into the existing roadway (i.e., into the parking lane) due to right-of-way constraints such as existing trees and driveways (e.g., along the ARCO gas station frontage). The new path shall be sufficiently sized to prevent crowding and minimize the potential for conflicts between bicyclists and pedestrians. The City of Davis 2016 Street Design Standards specifies a shared-use path width of 12 feet for arterial roadways, with two-foot wide all-weather shoulders on either side of the path where sufficient space exists to accommodate the standard. The City may determine that a narrower shared path, split path, combination, or alternative path design</i></p>	<p>City Engineer City Traffic Engineer</p>	<p>Prior to issuance of certificates of occupancy</p>	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>is acceptable in instances where right-of-way or design constraints, preservation of existing trees, or other considerations would limit the ability to implement the standard path width and design.</i></p> <p><u>Option B: Protected Bike Lane/Cycle Track.</u> <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall construct a protected bike lane on the north side of Russell Boulevard, between Sycamore Lane and Anderson Road along the project site frontage.</i></p> <p>4.6-2(d) <i>Consistent with cumulative Mitigation Measure 4.6-9, prior to the occupancy of the project, the project applicant shall contribute funding to cover their proportionate cost of bicycle improvements to the Russell Boulevard/Anderson Road/La Rue Road intersection as determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. Given the multi-modal nature of the intersection and future improvements, fair share calculations should consider all modes of transportation utilizing the intersection.</i></p> <p><i>Modifications to improve crossings at the Russell Boulevard/Anderson Road/La Rue Road intersection shall be implemented to reduce the potential for bicycle-bicycle,</i></p>	<p>City of Davis Department of Community Development and Sustainability City Engineer</p>	<p>Prior to issuance of certificates of occupancy</p>	



MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>bicycle-pedestrian, pedestrian-vehicle, and bicycle-vehicle conflicts. Because intersection modifications would affect right-of-way on the UC Davis campus, the City shall coordinate with UC Davis to identify the ultimate modifications. Improvements shall, to the extent feasible, physically separate bicyclists, pedestrians, and vehicles and reduce bicycle crossing distances and exposure time. Potential improvement alternatives include (but are not limited to):</p> <ol style="list-style-type: none"> 1. For all intersection crosswalks, widen crosswalks to increase the capacity for crossing bicyclists and pedestrians and reduce the frequency of meeting and passing events that diminish the performance of the crosswalks. 2. Reconfigure the intersection into a protected intersection with corner refuge islands, setback crossings, and exclusive bicycle and pedestrian crossing phases (i.e., vehicles would not be permitted to turn on red during this phase). For all intersection crosswalks, physically separate bicyclists and pedestrians by installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle crossing zones, increase the capacity for crossing bicyclists and pedestrians, 			



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		<p><i>and reduce the frequency of meeting and passing events that diminish the performance of the crossings. This alternative would also include the removal of the eastbound and northbound channelized right-turn lanes.</i></p> <p>4.6-2(e) <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Sycamore Lane and the UC Davis softball field; the project's proportionate cost shall be determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements shall reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):</i></p> <ol style="list-style-type: none"> <i>Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement treatment or striping to clearly</i> 	<p>City of Davis Department of Community Development and Sustainability City Engineer</p>	<p>Prior to issuance of certificates of occupancy</p>	



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		<p><i>demarcate pedestrian and bicycle zones.</i></p> <ol style="list-style-type: none"> <i>2. Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.</i> <i>3. Install pedestrian-scale lighting to improve visibility.</i> <p><i>4.6-2(f) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Anderson Road and the bicycle roundabout near Primero Grove; the project's proportionate cost shall be determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements should reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):</i></p> <ol style="list-style-type: none"> <i>1. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement</i> 	<p>City of Davis Department of Community Development and Sustainability City Engineer</p>	<p>Prior to issuance of certificates of occupancy</p>	



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		<p><i>treatment or striping to clearly demarcate pedestrian and bicycle zones.</i></p> <p>2. <i>Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.</i></p> <p>3. <i>Install pedestrian-scale lighting to improve visibility.</i></p>			
4.6-3	Impacts to pedestrian facilities under Existing Plus Project conditions.	4.6-3 <i>Implement Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f).</i>	See Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f)	See Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f)	
4.6-4	Impacts to transit facilities and services under Existing Plus Project conditions.	4.6-4 <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall enhance the existing bus stop on southbound Anderson Road north of Russell Boulevard, to the satisfaction of the City Engineer. Bus stop enhancements shall include the addition of a shelter, seating, waste receptacle, as well as an expanded dedicated passenger waiting area that can sufficiently accommodate dwelling passenger without impeding the adjacent sidewalk. Bus stop enhancements shall be developed in consultation with Unitrans staff.</i>	City Engineer	Prior to issuance of certificates of occupancy	
4.6-7	Impacts related to construction vehicle traffic.	4.6-7 <i>Before commencement of any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Unitrans,</i>	City of Davis Department of Public Works	Prior to commencement of any construction activities	



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		<p><i>Yolobus, and local emergency service providers for their input before approving the Plan. The Plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. At a minimum, the Plan shall include:</i></p> <ul style="list-style-type: none"> <i>• The number of truck trips, time, and day of street closures;</i> <i>• Time of day of arrival and departure of trucks;</i> <i>• Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;</i> <i>• Provision of a truck circulation pattern;</i> <i>• Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);</i> <i>• Maintain safe and efficient access routes for emergency vehicles;</i> <i>• Manual traffic control when necessary;</i> <i>• Proper advance warning and posted signage concerning street closures; and</i> 			



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		<ul style="list-style-type: none"> • Provisions for bicycle, pedestrian, and transit access and safety. <p>A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.</p>			
4.6-8	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	<p>4.6-8(a) Prior to the issuance of demolition permits, the project applicant shall extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park Drive intersection. The extension will enable the eastbound left-turn pocket to accommodate the maximum queue of 325 feet under Existing Plus Project conditions. The timing of this modification is necessary to accommodate the considerable number of truck trips related to the project's demolition and construction.</p>	City Engineer	Prior to the issuance of demolition permits	
		<p>4.6-8(b) Prior to issuance of grading plans, the project improvement plans shall reflect the modifications listed below, or equivalent measures based on the final site design, to reduce vehicle queuing spillback at the project driveways, to the satisfaction of the City Engineer. The modifications may</p>	City Engineer	Prior to the issuance of grading plans	



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		<p style="text-align: center;"><i>include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • Southern Sycamore Lane Driveway <ul style="list-style-type: none"> ○ Parking stalls along the Retail 6 frontage shall be eliminated; and ○ Exclusive outbound left-turn and right-turn lanes shall be provided. • Southern Anderson Road Driveway <ul style="list-style-type: none"> ○ Parking stalls along the Retail 1, 2, and 3 frontages shall be angled. • Western Russell Boulevard Driveway <ul style="list-style-type: none"> ○ The drive aisle shall be aligned north into the parking garage, shifted further east into the project site to provide additional throat depth for the southern Sycamore Lane driveway, and access for the southernmost east-west drive aisle shall be closed off to/from the west (opposite the Trader Joe's loading dock). 			
4.6-9	Impacts to study intersections under Cumulative Plus Project conditions.	<p>4.6-9 Modifications to Russell Boulevard shall be implemented to reduce peak hour vehicle delay at the Russell Boulevard/Orchard Park Drive, Russell Boulevard/Anderson Road/La Rue Road, and Russell Boulevard/California Avenue intersections:</p> <ul style="list-style-type: none"> • Prior to issuance of certificates of 	City Engineer	Prior to issuance of	



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		<p>occupancy, the project applicant shall construct the pedestrian bulbouts at Russell Boulevard/Sycamore Lane, to the satisfaction of the City Engineer, as follows:</p> <ul style="list-style-type: none"> o At the Russell Boulevard/Sycamore Lane intersection, construct pedestrian bulbouts at the northwest and northeast corners of the intersection to reduce pedestrian crossing distances. The resulting excess green time shall be reallocated to the major east-west through movements to improve overall corridor operations. The pedestrian bulbouts shall be integrated with the design of the bike lane modification described in Mitigation Measure 4.6-2(a) (at the northwest corner) and the shared-use path described in Mitigation Measure 4.6-2(c) (at the northeast corner). <ul style="list-style-type: none"> • Implement Mitigation Measure 4.6-8. • Prior to issuance of certificates of occupancy, the project applicant shall contribute funding, to the satisfaction 	<p>See Mitigation Measure 4.6-8</p> <p>City Engineer</p>	<p>certificates of occupancy</p> <p>See Mitigation Measure 4.6-8</p> <p>Prior to issuance of certificates of occupancy</p>	



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		<p>of the City Engineer, to cover the proportionate cost of improvements described in Alternatives 1, 4, 5, 6, and 7 above, the requirements of which are listed below.¹ The funding shall be submitted to the City of Davis:</p> <ul style="list-style-type: none"> ○ At the Russell Boulevard/Orchard Park Drive intersection, either: <ul style="list-style-type: none"> a. Prohibit northbound left-turns, or b. Prohibit northbound left-turns and westbound left-turns (i.e., right-in/right-out only). ○ At the Russell Boulevard/Anderson Road/La Rue Road intersection, either <ul style="list-style-type: none"> a. Install five-section traffic signal for the northbound right-turn lane and an accompanying bicycle/pedestrian signal to control crossing movements across the northbound 			

¹ Consistent with *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, contribution of mitigation funds is not feasible for impacts where the City does not have full jurisdiction, nor a plan in place to ensure implementation of mitigation measures. Nevertheless, the applicant has agreed to contribute mitigation funds to the City for Alternatives 1, 4, 5, 6, and 7.



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		<p><i>channelized right-turn lane, or</i></p> <p><i>b. Implement Alternative 2 described in Mitigation Measure 4.6-2(d) (conversion of the Russell Boulevard/Anderson Road/La Rue Road intersection to a protected intersection).</i></p> <ul style="list-style-type: none"> <i>o At the Russell Boulevard/Oak Avenue intersection, prohibit eastbound U-turn movements and convert the eastbound left-turn movement from a permitted to a protected left-turn signal phase.</i> <i>o At the Russell Boulevard/College Park/Howard Way intersection, convert the northbound and southbound approaches to split phase operations and eliminate the west leg crossing.</i> <i>o At all signalized intersections on Russell Boulevard, increase the PM peak hour cycle length from 90 to 100 seconds to match the existing AM peak hour cycle length. The signal timing adjustment</i> 			



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		<p style="text-align: center;"><i>shall be applied to all coordinated signals along the corridor between and inclusive of Sycamore Lane and G Street.</i></p> <p style="text-align: center;"><i>The ultimate modifications constructed along Russell Boulevard shall be consistent with the preferred improvements identified in the Russell Boulevard Corridor Plan currently being prepared by the City.</i></p>			
4.6-11	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	4.6-11 <i>Implement Mitigation Measure 4.6-8.</i>	See Mitigation Measure 4.6-8	See Mitigation Measure 4.6-8	
Initial Study					
IVa.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	<p><i>Swainson's Hawk</i></p> <p>IV-1 <i>The project proponent shall retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership shall be surveyed only if access is granted or if the parcels are visible from authorized areas.</i></p> <p><i>If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) within 1,320 feet, the</i></p>	<p>City of Davis Department of Community Development and Sustainability</p> <p>CDFW</p>	If construction cannot avoid potential nest trees within 1,320 feet, then between March 20 and July 30, within 15 days prior to the beginning of the construction activity	



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		<p><i>project proponent shall retain a qualified biologist to conduct a preconstruction survey for active nests consistent with the recommended methodology of the Swainson's Hawk Technical Advisory Committee (2000), between March 20 and July 30, within 15 days prior to the beginning of the construction activity. The results of the survey shall be submitted to the Conservancy and CDFW. If active nests are found during the preconstruction survey, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist shall monitor the nest and shall, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities, including tree pruning or removal, are taking place within the 1,320-foot buffer and shall have the authority to stop work if</i></p>			



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		<p>raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks.</p> <p>If this project involves pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent shall conduct a preconstruction survey that is consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during the preconstruction survey, no tree pruning or removal of the nest tree shall occur during the period between March 1 and August 30, unless a qualified biologist determines that the young have fledged and the nest is no longer active.</p> <p>Raptors and Nesting Migratory Birds</p> <p>IV-2 The project applicant shall implement the following measures to avoid or minimize impacts to raptors and federally-protected nesting migratory birds:</p> <ul style="list-style-type: none"> If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, a preconstruction survey for active 			
			City of Davis Department of Community Development and Sustainability	If any site disturbance or construction activity is scheduled to begin between February 1 and August 31, then within 14 days prior to site disturbance or construction	



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		<p>nests shall not be required.</p> <ul style="list-style-type: none"> • If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior to site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 100-foot radius for MBTA birds, and a 500-foot radius for birds of prey. If an active nest of a bird of prey, MBTA bird, or other protected bird is not found, then further mitigation measures are not necessary. The preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review. • If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction or an injured or killed bird is found, the project applicant shall immediately: <ul style="list-style-type: none"> ○ Stop all work within a 100-foot 		activity	



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		radius of the discovery. <ul style="list-style-type: none"> ○ Notify the City of Davis Department of Community Development and Sustainability. ○ Do not resume work within the 100-foot radius until authorized by the biologist. ○ The biologist shall establish a minimum 500-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active. 			
IVe.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	IV-3 The project applicant shall implement the following tree preservation measures prior to and during construction for the 16 on-site and eight off-site trees to be preserved. <ul style="list-style-type: none"> • Tree Protection Zones (TPZs): The surveyed trunk locations and TPZs / tree protection fencing shall be 	City of Davis Department of Community Development and Sustainability	Prior to and during construction and demolition activities	



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		<p><i>indicated on all construction plans for trees to be preserved;</i></p> <ul style="list-style-type: none"> • <i>Modified TPZs: Modified TPZs are areas where proposed infrastructure is located within protection zones. These Modified TPZs and fencing shall be indicated as close to infrastructure as possible (minimize overbuild);</i> • <i>The Consulting Arborist shall revise development impact assessment (as needed) for trees to be preserved once construction plans are drafted;</i> • <i>Grading, compaction, trenching, rototilling, vehicle traffic, material storage, spoil, waste, or washout, or any other disturbance within TPZs shall be avoided to the maximum extent feasible;</i> • <i>Any work that is to occur within the TPZs shall be monitored by the Consulting Arborist;</i> • <i>A meeting shall be conducted to discuss tree preservation guidelines with the Consulting Arborist and all contractors, subcontractors, and project managers prior to the initiation of demolition and construction activities;</i> • <i>Prior to any demolition activity on-site, tree protection fencing shall be installed in a circle centered at the</i> 			



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		<p><i>tree trunk with a radius equal to the defined TPZ as indicated in the Arborist Report;</i></p> <ul style="list-style-type: none"> <i>Tree protection fences should be made of chain-link with posts sunk into the ground, and shall not be removed or moved until construction is complete;</i> <i>Any pruning shall be performed per recommendations in the Arborist Report by an ISA Certified Arborist or Tree Worker. Pruning for necessary clearance should be the minimum required to build the project and performed prior to demolition by an ISA Certified Arborist;</i> <i>If roots larger than 2 inches or limbs larger than 3 inches in diameter are cut or damaged during construction, the Consulting Arborist shall be contacted immediately to inspect and recommend appropriate remedial treatments; and</i> <i>All trees to be preserved shall be irrigated once every two weeks, spring through fall, to uniformly wet the soil to a depth of at least 18 inches under and beyond the canopies of the trees.</i> <p><i>The tree preservation measures shall be included in the notes on construction drawings.</i></p>			



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Vb-d.	<p>Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.</p> <p>Directly or indirectly destroy a unique paleontological resource on site or unique geologic features.</p> <p>Disturb any human remains, including those interred outside of formal cemeteries.</p>	<p>V-1</p> <p><i>If any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the significance of the find(s). The archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgement. If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and landowner.</i></p> <p><i>The archaeologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the National Register of Historic Places or California Register of Historical Resources. The formal</i></p>	<p>City of Davis Department of Community Development and Sustainability</p> <p>Yocha Dehe Wintun Nation</p>	<p>If any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities</p>	



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		<p><i>evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the National or California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), the City shall consult on a finding of eligibility and implement appropriate treatment measures. Further measures might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.</i></p> <p><i>Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical</i></p>			



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		<p><i>nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory.</i></p> <p><i>Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in PRC Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.</i></p>			



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		<p><i>Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the find(s) either: 1) is not eligible for the National or California Register; or 2) that treatment measures have been completed to the City's satisfaction.</i></p> <p><i>The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the development of the proposed project site.</i></p> <p>V-2 <i>If any vertebrate bones or teeth are found by the construction crew, the City of Davis Department of Community Development and Sustainability shall be notified and the contractor shall cease all work within 100 feet of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, inspects the discovery. If deemed significant with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., the University of California Museum of Paleontology), where it shall be properly curated and preserved for the benefit of current and future generations. The language</i></p>	<p>City of Davis Department of Community Development and Sustainability</p>	<p>If any vertebrate bones or teeth are found during construction</p>	



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		<p><i>of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved for the proposed project site, where excavation work would be required.</i></p> <p>V-3 <i>If human remains are discovered during project construction, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Yolo County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 7050.5) Further, pursuant to California PRC Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Yolo County Coroner determines the remains to be Native American and not the result of a crime scene, the Coroner shall notify the Native American Heritage Commission (NAHC) and the Yocha Dehe Wintun Nation within 24 hours. The NAHC and Yocha Dehe Wintun Nation must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD. The MLD shall make recommendations concerning the treatment of the remains within 48 hours, as provided in PRC 5097.98. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (PRC 5097.94). If no agreement is reached, the landowner must rebury the remains where</i></p>	<p>City of Davis Department of Community Development and Sustainability</p> <p>Yolo County Coroner</p> <p>NAHC</p> <p>Yocha Dehe Wintun Nation</p>	<p>If human remains are discovered during project construction</p>	



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		<i>they will not be further disturbed (PRC 5097.98). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the County in which the property is located (AB 2641). Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.</i>			
VIIIb.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	<p><i>VIII-1 Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains asbestos. If the structure does not contain asbestos, further mitigation is not required. If asbestos-containing materials are detected, the applicant shall prepare and implement an asbestos abatement plan consistent with federal, State, and local standards, subject to approval by the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.</i></p> <p><i>Implementation of the asbestos abatement plan shall include the removal and disposal of the asbestos-containing materials by a licensed and certified asbestos removal contractor, in accordance with local, State, and federal regulations. In addition, the</i></p>	City Engineer City Building Official YSAQMD	Prior to issuance of a demolition permit	



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		<p><i>demolition contractor shall be informed that all building materials shall be considered as containing asbestos. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing asbestos in accordance with local, State, and federal regulations subject to approval by the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.</i></p> <p>VIII-2 <i>Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains lead-based paint. If the structure does not contain lead-based paint, further mitigation is not required. If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Engineer.</i></p>	City Engineer	Prior to issuance of a demolition permit	



**MITIGATION MONITORING AND REPORTING PROGRAM
 University Commons Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
IXa,e,f.	<p>Violate any water quality standards or waste discharge requirements.</p> <p>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p> <p>Otherwise substantially degrade water quality.</p>	<p><i>IX-1 Prior to issuance of grading permits, the applicant shall submit to the City a plan, identifying permanent stormwater TCMs, SDMs, and Hydromodification Measures, for each DMA to be implemented on the project, as well as a copy of a stormwater maintenance agreement and corresponding maintenance plan signed and recorded by the County of Yolo Clerk's Office. The plan shall include LID measures consistent with the Preliminary Utility Study prepared for the project and shall be subject to review and approval by the Public Works Department.</i></p>	<p>City of Davis Public Works Department</p> <p>Yolo County Clerk</p>	<p>Prior to issuance of grading permits</p>	
XVIIa-b.	<p>Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:</p>	<p><i>XVII-1. Implement Mitigation Measures V-1, V-2, and V-3.</i></p>	<p>See Mitigation Measures V-1, V-2, and V-3</p>	<p>See Mitigation Measures V-1, V-2, and V-3</p>	



MITIGATION MONITORING AND REPORTING PROGRAM					
University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	<p>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).</p> <p>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>				



Appendix A



January 13, 2020

1415 L Street,
Suite 300
Sacramento, CA
95814

916.321.9000
sacog.org

Eric Lee
Department of Community Development & Sustainability
City of Davis
23 Russell Blvd.
Davis, CA 95616

RE: University Mall Redevelopment project consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy for 2036

Dear Mr. Lee:

The City of Davis first requested SACOG's confirmation that the University Mall Redevelopment project was consistent with the 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy for (MTP/SCS) in summer of 2018, which SACOG provided on June 19, 2018. Since then, the project has been renamed the University Commons Project and has been amended to include more apartment units and more square feet of retail. City staff has subsequently requested SACOG's confirmation that the revised University Commons Project is consistent with the 2016 MTP/SCS.

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 University Commons Project is consistent with the MTP/SCS. SACOG reviewed the project description and SCS consistency analysis compared to the MTP/SCS assumptions for the project area in order to make our determination.

The University Commons Project includes 264 units and 150,000 square feet of commercial on a 8.25-acre parcel on Russell St in Davis. The residential density of the project is 32 dwelling units per acre. The project meets the transit requirements for a Transit Priority Project under SB 375. As shown in the attached map, the project is directly adjacent to the Russell Boulevard high quality transit corridor, which is served by the B, C, G, J, K, P, and Q Unitrans bus lines.

The University Commons Project is an infill project within the Established Community designation of the MTP/SCS for the City of Davis. Within the Established 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. 147, 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 build out 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
Lincoln
Live Oak
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 Established 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 project is consistent with MTP/SCS growth forecast assumptions.

Thank you for inviting SACOG's input as to the consistency of the University Commons Project with the 2016 MTP/SCS. 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. If you have further questions or need further assistance, please don't hesitate to contact me at (916) 340-6246.

If you have additional questions, please feel free to contact me.

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

Appendix B



Memorandum

Date: January 28, 2020

To: Nick Pappani

Organization: Raney Planning & Management

From: Jim Brennan

Re: Response to Noise Comments on University Commons DEIR

Mr. Pappani:

There were two comments received on the DEIR for University Commons, with regards to the noise section. They both dealt with the potential noise impacts from the outdoor roof-top pool and recreation area.

The pool is located on the roof at approximately 32-feet above the ground. There are 4-stories of apartments which surround the pool on the north, east and west sides. It is assumed that the 4 floors of apartments would provide a continuous wall or barrier of 36-feet above the pool. There is a 4-foot tall glass railing along the south side of the pool. The nearest residences would be located approximately 175-feet to the north or west of the center of the pool. The nearest residences to the south are approximately 600-feet from the center of the pool deck.

j.c. brennan & associates, Inc. utilized noise level data collected by j.c. brennan staff at the City of Folsom Aquatic Center. The data was collected in 2002 with approximately 100 individuals at the Aquatic Center. The noise levels were measured at a distance of 100-feet from the pool center. The major noise sources associated with the Aquatic Center included children and adults conversing and in some cases yelling. It is also noted that amplified sound was used at the Aquatic Center, and was the major contributor to the hourly Leq values.

The measured Leq values ranged between 70 dB and 73 dB, at a distance of 100-feet from the center of the pool. j.c. brennan & associates, Inc. conducted a barrier analysis to determine the shielding effects of the surrounding on-site building facades and the 4-foot glass railing to the south. The highest values measured at the Aquatic Center were used for the analysis, and were corrected, based upon distances, by -5 dB for residences to the north and west, and -16 dB for residences to the south. The results indicate that the predicted noise levels would be 49 dB Leq at residences to the north and west, and 40 dB at residences to the south. These levels are consistent with existing measured background noise levels and comply with the City of

Davis Noise Ordinance standards of 55 dB during the daytime and 50 dB during the nighttime periods.

It has been suggested that there would be a significant amount of reverberation associated with the use of the area. People are a source of absorption of sound. Therefore, the more people congregating would theoretically result in more absorption. However, assuming that there is some reverberation (or as one of the comments suggested an "echo chamber"), and the levels increased two-fold, the overall levels are only expected to increase by 3 dB. This analysis does assume that amplified sound was a major contributor to the overall measured noise levels at the Aquatic Center and are used in this analysis.

The results of our analysis indicate that the noise from the pool area would not contribute significantly to the surrounding noise environment at existing residences, and would comply with the City of Davis standards.

Glass or plexiglass with a density of 3 pounds per square foot should be used for the clear railing on the south side. It should be flush with the roof deck and at each side.

Appendix D
Barrier Insertion Loss Calculation

Project Information: Job Number: 2018-157
 Project Name: University Commons
 Location(s): Pool Area Leq

Noise Level Data: Source Description: People Congregating
 Source Noise Level, dBA: 68
 Source Frequency (Hz): 1000
 Source Height (ft): 32

Site Geometry: Receiver Description: Nearest Residential to the North
 Source to Barrier Distance (C₁): 50
 Barrier to Receiver Distance (C₂): 125
 Pad/Ground Elevation at Receiver: 0
 Receiver Elevation¹: 5
 Base of Barrier Elevation: 32
 Starting Barrier Height 68

Barrier Effectiveness:

Top of Barrier Elevation (ft)	Barrier Height (ft)	Insertion Loss, dB	Noise Level, dB	Barrier Breaks Line of Site to Source?
100	68	-19	49	Yes
101	69	-19	49	Yes
102	70	-19	49	Yes
103	71	-19	49	Yes
104	72	-19	49	Yes
105	73	-19	49	Yes
106	74	-19	49	Yes
107	75	-19	49	Yes
108	76	-19	49	Yes
109	77	-19	49	Yes
110	78	-19	49	Yes

Notes: 1. Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s)



Appendix D
Barrier Insertion Loss Calculation

Project Information: Job Number: 2018-157
 Project Name: University Commons
 Location(s): Pool Area Leq

Noise Level Data: Source Description: People Congregating
 Source Noise Level, dBA: 57
 Source Frequency (Hz): 1000
 Source Height (ft): 37

Site Geometry: Receiver Description: Nearest Residential to the south
 Source to Barrier Distance (C₁): 75
 Barrier to Receiver Distance (C₂): 525
 Pad/Ground Elevation at Receiver: 10
 Receiver Elevation¹: 15
 Base of Barrier Elevation: 32
 Starting Barrier Height 36

Barrier Effectiveness:

Top of Barrier Elevation (ft)	Barrier Height (ft)	Insertion Loss, dB	Noise Level, dB	Barrier Breaks Line of Site to Source?
68	36	-17	40	Yes
69	37	-17	40	Yes
70	38	-17	40	Yes
71	39	-17	40	Yes
72	40	-17	40	Yes
73	41	-17	40	Yes
74	42	-18	39	Yes
75	43	-18	39	Yes
76	44	-18	39	Yes
77	45	-18	39	Yes
78	46	-18	39	Yes

Notes: 1. Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s)

