

STAFF REPORT

DATE: May 29, 2018

TO: City Council

FROM: Mike Webb, City Manager
Katherine Hess, Community Development Administrator

SUBJECT: West Davis Active Adult Community – Planning Application #16-56: General Plan Amendment #05-16, Rezoning/PPD #03-16.

I. Recommendation

Staff recommends the City Council hold a public hearing on the project applications, with

- a. Staff presentation on applications and public review process;
- b. Public testimony (opened and closed public hearing); and
- c. Provide direction to staff on any desired modifications to approval documents, with continued City Council discussion and action on June 12, 2019. Recommended actions at that time would be that the City Council certify the Environmental Impact Report and approve the following project applications:
 - i. General Plan Amendment, including provisions for Baseline Project Features as required by Chapter 41 of the Davis Municipal Code;
 - ii. Rezoning and Preliminary Planned Development; and
 - iii. Development Agreement.

This report is organized into the following sections:

- I. Recommendation
- II. Executive Summary
- III. Project Description (page 1)
- IV. Planning Commission Recommendation (page 5)
- V. Analysis, including Advisory Commission Recommendations (page 5)
- VI. Environmental Review (page 18)
- VII. Conclusion (page 19)

II. Executive Summary

The project is entitlement for development of a 75-acre, 560-unit community north of Covell Boulevard, directly west of Sutter-Davis Hospital. The development would be predominantly, but not completely, age-restricted. The majority of the units would be restricted to householders aged 55 and over.

Staff has presented the project to advisory commissions (twice each) and conducted environmental and policy analysis of the proposal. A few policy issues that warrant highlight to the City Council are summarized below.

- Age Restrictions. This would be the first active adult subdivision entitled in the City of Davis. The majority of the project reflects an 80:20 concept, with 80% of the for-sale units restricted to occupancy with a householder aged 55 and older. The remaining 20% (approximately 77 single-family units) would be unrestricted. The application also includes 150 affordable apartments for seniors (anticipated to be limited to occupancy by persons aged 62 or older). Staff supports the 80:20 concept as a mechanism for supporting an intergenerational neighborhood while providing housing of a type requested by empty nesters. The City has needs for many types of affordable housing, including affordable housing for seniors, although seniors as a demographic group have a statistically lower proportion in poverty than other groups. Staff supports the affordable housing proposal, including the proposed age restriction, because of the deep targeting to extremely-low and very-low income households, and the provision of significantly more affordable units than would otherwise be required.
- Density and Housing Types. The overall density of the development is 7.5 units per gross acre. Densities in individual subareas range from 8.1 units per net acre (small builder lots) to 40.4 units per net acre (affordable apartments). This is lower than a density that would be desirable in a more central location. However, staff has concluded that the density is appropriate for the target demographic and this location on the edge of the community, given that the project also provides internal greenways and an agricultural buffer, a mixed-use component, and gathering areas.

The project includes single-family attached and detached units, stacked-flat condominiums, sites for affordable apartments, and specialized senior care. Following the Planning Commission hearing, staff and the applicant have had additional discussion about including market-priced apartments into the neighborhood. The baseline project features and planned development maps have been adjusted to allow (but not require) apartments as part of the single-family area in the center of the site, north of the activity and wellness center.

- Connectivity. The site is challenged for access because it has Covell Boulevard, a major arterial, on the southern frontage and agricultural lands to the north and west. The project provides extensive aesthetic and safety improvements to Covell Boulevard, including reconstruction of the Covell/Shasta/Risling to conform with city standards, remove the free right movements, and shorten the distance for pedestrians and cyclists crossing Covell and Risling. These improvements will serve residents of WDAAC and current West Davis residents accessing the hospital or Covell Boulevard bus stops. Space for a landing to accommodate a pedestrian/bicyclist crossing of SR-113 is also provided, should that be proposed in the future. Staff finds the improvements to be an overall community benefit, and adequate to serve the needs of WDAAC residents.
- Project Evolution and Overall Recommendation. Over the course of commission and public review, the proposal has evolved. Substantive improvements have been made to the proposal in the areas of
 - Connectivity (Improvements to the Covell/Shasta/Risling intersection);
 - On-site recreational amenities (Mini-parks and activity nodes);
 - Internal circulation (Looped street system);

- Sustainability (Photovoltaics, retrofit program, and habitat);
- Affordable housing (Income targeting and phasing); and
- Provisions for community enhancement.

In summary, staff recommends the City Council review the project, provide any desired direction for adjustments to entitlement documents, for approval on June 12, 2018. If approved by the Council and the voters, the project would help meet City goals for housing, community character, and fiscal responsibility.

III. Project Description

The requested applications would grant land use entitlements to allow the 74-acre unincorporated property to be annexed to the City of Davis and developed as a residential mixed-use subdivision, primarily for active adults and seniors.



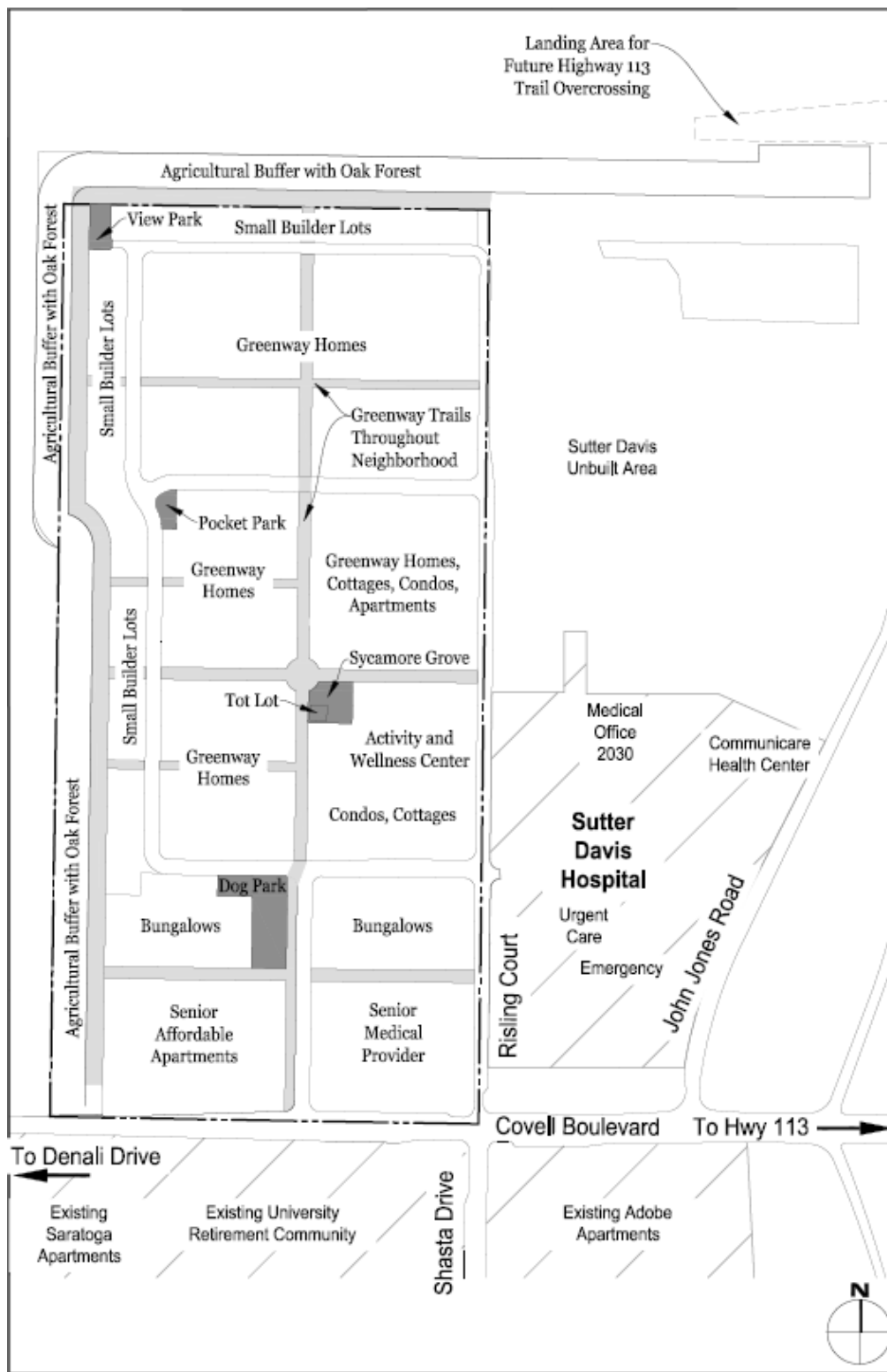


Figure 1 Baseline Project Features

The West Davis Active Adult Community project includes

- 150 affordable, age-restricted apartments;
- 32 attached, age-restricted cottages;
- 94 attached, age-restricted units;
- 129 detached, age-restricted units;
- 77 detached, non-age-restricted units;
- An approximately three-acre continuing care retirement community site, which would likely contain 30 assisted living, age-restricted detached units;
- An approximately 4.3-acre mixed use area, which would likely consist of a health club, restaurant, clubhouse, and up to 48 attached, age-restricted units;
- Dog exercise area and tot lot; associated greenways,
- Drainage, agricultural buffers; and off-site stormwater detention facilities.

Upon completion of the project, the approximately 74-acre site would provide up to 560 primary dwelling units and 4.5 miles of off street biking and walking paths within the project area and an additional 0.22 miles of off street biking and walking paths offsite.

Primary vehicular access is proposed through the intersection of Covell Boulevard, Risling Court, and Shasta Drive. Secondary (right-in, right-out) access would be provided through a new intersection with Covell Boulevard west of Risling. The project includes extensive modifications to the Covell/Risling/Shasta intersection and aesthetic and safety improvements on Covell Boulevard from the SR-113 off-ramp to the west edge of the project.

The project requires a General Plan Amendment and Rezoning/Rezoning. Because the property would be re-designated from Agriculture to urban uses, voter approval would be required under Measure R (Municipal Code Chapter 41). The proposed General Plan Amendment establishes Baseline Project Features. Additional City and developer commitments, including provisions for affordable housing, are included in the Development Agreement.

If the project is approved by the City Council and ratified by the voters, setbacks and other development standards would be established in the Final Planned Development, consistent with the Zoning Ordinance and City practice. The Final Planned Development and Tentative Map would return to the Planning Commission with the Site Plan and Architectural Review application for the project, and be verified for consistency with the Planned Development and Baseline Project Features.

IV. Planning Commission Recommendation

The Planning Commission held a public hearing on the project applications on April 11, 2018. This was the fourth time the Commission had discussed the project: there were two earlier workshops, and a meeting to hear comments on the Draft EIR.

The hearing had extensive public comment, mostly supportive of the project. The Commission made the following recommendations to City Council:

- Certify the EIR as adequate (7-0)
- Approve the General Plan Amendment and Baseline Project Features (5-2)

- Approve the Rezoning and Preliminary Planned Development (7-0)
- Do not approve the Development Agreement as presented (5-2).

Commissioners expressed general support for the proposal and the need for the type of housing provided. Commission discussion centered on the whether all of the affordable housing should be age-restricted, connectivity challenges, and access to amenities. The vote to not recommend approval of the Development Agreement because the draft presented to the Commission was very preliminary and did not represent the document anticipated for consideration by the City Council.

V. Analysis, Including Advisory Commission Recommendations

The main analysis in this staff report includes recommendations from advisory commissions, public comment, and staff review of the residential development concept. The application was presented for advisory commission review prior to being scheduled for this hearing, with the goal of garnering recommendations to be considered by Planning Commission and City Council as part of their deliberations. Commission minutes, if available, are included in Attachment 7. Highlights of commission comments are included below, by topic area.

This section is organized by the following topics

1. General Plan consistency, suitability of site for development, and need for housing, particularly for housing to serve active adults
2. Connectivity
3. Agricultural preservation, agricultural buffer, and habitat
4. On-site open space and recreational land
5. Subdivision design and “feel”
6. Affordable housing
7. Sustainability
8. Development Agreement provisions
9. Fiscal impacts

1. General Plan consistency, suitability of site for development, and need for housing, particularly for housing to serve active adults

Commission comments:

- Overall density: Should be higher; compare to Rancho Yolo (PC)
- Do we want to provide senior-only housing, given all needs? (PC)
- Encourage looking at intensifying density by increasing number of units on the property, such as additional stacked flats and more building stories. (NRC)
- Support for project and find general consistency with Guidelines for Housing that Serves Senior Citizens and Persons with Disabilities. (SCC)
- Find that the project could help meet internal housing needs, in particular, housing needs of seniors. (SCC)

General Plan policy guidance:

- Recognize that the edge of the urbanized area of the City depicted on the land use map under this General Plan represents the maximum extent of urbanization through 2010, unless modified through the Measure J process. (LU 1.1)
- Create and maintain a social and service environment supportive of seniors. (Goal HS 4)
- Encourage a variety of housing types that meet the housing needs of an economically and socially diverse Davis. (HOUSING 1.1)
- Encourage a variety of housing types that accommodate persons with disabilities and promote aging in place, including a requirement of 100 percent Universal Access features in all new single-family residential units not otherwise subject to multi-family building code requirements. (HOUSING 1.5)
- Encourage a variety of housing types and care choices, as well as housing innovation, for seniors. (HOUSING 1.9)
- Encourage senior housing in all parts of Davis and near neighborhood centers, shopping centers, public transportation, and/or parks and greenbelts where compatible with existing uses. (HOUSING 4.4)

Staff also notes the following two relevant General Plan visions:

- Maintain Davis as a cohesive, compact, university-oriented city surrounded by and containing farmland, greenbelts, natural habitats and natural resources.
- Preserve and create an array of distinct neighborhoods so that all residents can identify a neighborhood that is “home” for them.

Housing Element Steering Committee Recommendations

The 2008 City Council Resolution on the Housing Element Steering Committee Recommendations considered development of this property as part of the then-called “Parlin” site, with on-site ag mitigation. The Council resolution identified the property as a “Red-Light” site, not recommended for residential development prior to 2013. (see Attachment 6). The Steering Committee’s recommendation was for 389 to 604 medium-density residential dwelling units (assuming 36 residential acres).

The Council resolution noted impacts to agriculture land, habitat, and scenic resources. These are addressed in the WDAAC EIR (see Environmental Review section of this report). Distance to community facilities and downtown was also noted. The report balanced those comments with consideration of the site’s proximity to the hospital, schools, parks, and shopping and the easy vehicular access to Covell Boulevard and H-113.

The resolution also included three recommended land use and design considerations:

- A. The costs and responsibilities of the required major sewer trunk line must be determined.
- B. Adequate fire response must be considered.
- C. Details for the ag mitigation are needed including the conditions of the mitigation and the established legal structure for maintaining open space uses, including ag mitigation.

These considerations have been evaluated in the environmental review for the project. Agricultural mitigation is discussed in the “Agricultural preservation, agricultural buffer, and habitat” section of this report.

City 1% Growth Cap.

Resolution #08-019 of 2008 updated the 1% growth cap guideline established by City Council, which was amended in Resolution #11-077 of 2011. The Resolution establishes a residential growth cap of 1% per year, or approximately 260 “base” units. Affordable housing, units in vertical mixed-use buildings, and accessory dwelling units are exempt from the cap. Additionally, the City Council may approve an infill project that provides for a particular community needs with extraordinary community benefits, even if it would cause an exceedance of the annual growth guideline of 1%.

On April 3, 2018, a Residential Development Status Report staff report was given to City Council. The report forecasted potential residential development to ensure that the 1% growth cap is not exceeded and to determine if different directions should be taken in terms of amount and types of housing. The report estimated that building permits might be issued for approximately 984 total potential residential units in the next five calendar years between 2018 and 2022. This total includes approved and proposed projects being considered, but did not include development of the WDAAC or Nishi proposals. After excluding units that are specifically exempted by the growth cap resolution (i.e., affordable units, units in vertical mixed-use buildings, and accessory dwelling units), the estimate is reduced to 771 units over the five calendar years. This equals to an annual average of 154 units or an annual average of approximately 0.6% growth.

Staff has concluded that development on the Nishi property, if approved by the voters, should be considered to be an infill project providing extraordinary community benefits and therefore not included in the growth cap assessment. Assuming a five-year buildout of the 410 non-exempt units proposed for the WDAAC, the project would generate an estimated 82 non-exempt units per year. The resultant growth with the WDAAC development would total approximately 236 total non-exempt units/year, below the 1% growth cap established by Resolution 11-077 in 2011.

Density and consistency with regional plans

The proposed project is approximately 37% single-family detached, 36% single-family attached and condominium, and 27% multifamily. The gross density of the project, with 560 units on approximately 74 acres, is 7.57 units per acre. Net density, excluding the activity and wellness center, streets, and greenways, is 560 units on 43 acres, or 13 units per acre.

Commissioners and members of the public have suggested that density of West Davis Active Adult Community should be higher, for a more effective utilization of the land. The Sacramento Area Council of Governments (SACOG) reports that the WDAAC site is identified in the regional Blueprint for future residential mixed-use development. The Blueprint, and subsequent Metropolitan Transportation Plans, identify the need for more attached and small-lot single family housing in the region. To an extent, the applicant’s desire to provide single-story homes is at tension with the regional desire to provide higher-density housing.

Following the Planning Commission hearing, staff and the applicant have had additional discussion about including market-priced apartments in the project. The baseline project features and planned development maps have been adjusted to allow (but not require) apartments as part of the single-family area in the center of the site, north of the activity and wellness center.

The General Plan notes that through a Planned Development, the City may approve developments with densities on any given parcel that differ from the otherwise-allowable densities in the General Plan designation, provided the overall density is consistent with the allowable density. This concept is reflected in the recommended Preliminary Planned Development ordinance.

Regional Housing Needs Allocation

The Sacramento Area Council of Governments assigns a Regional Housing Needs Allocation (RHNA) to each jurisdiction as part of its long-range planning processes. A community must demonstrate, through its Housing Element, that it has sufficient land zoned, at appropriate densities, to accommodate the RHNA requirements. The City can continue to demonstrate RHNA compliance for the 2013-2021 Housing Element cycle. During 2019, SACOG will generate RHNA requirements for the 2021-2029 RHNA cycle.

If the WDAAC is approved by the City Council, placed on the ballot in November 2018, and approved by the voters, construction of the housing would likely begin some time in 2020 at the earliest. We are currently anticipating that any certificates of occupancy issued after June 30, 2021 would be eligible for credit during the next RHNA cycle. Approval of this project, especially the affordable housing component, would likely be beneficial for the 2021-2029 Housing Element requirements.

Proposed age restrictions and need for senior housing

The West Davis Active Adult Community would be the first age-restricted single-family subdivision in Davis. The applicant is proposing what is described as an 80:20 concept: Approximately eighty-percent of the single-family units would be age restricted. The age-restricted single-family homes and condominiums would fall into the “senior citizen housing development” provisions of the California civil code. At least one person age 55 or older must occupy each of these units. Any additional occupants must be either married to the 55+ occupant, or at least 45 years old. The 150-unit affordable housing project, due to restrictions of anticipated funding, is likely to be limited to occupancy by persons aged 62 and older. The remaining twenty percent (approximately 77 single-family detached units) would not have age restrictions.

Staff is comfortable that the 80:20 concept could be consistent with state and federal law through identification of age-restricted and unrestricted parcels as part of the subdivision process. For example, the “small builder lots” at the north and west edges could be unrestricted, while the interior of the development would be age-restricted. The applicant is exploring the possibility of interspersing the non-restricted units through the single-family areas of the subdivision. Staff supports the concept of a multi-generational neighborhood, but additional legal research is necessary. The Development Agreement provides that CC&Rs are subject to City review for compliance with legal requirements related to housing for seniors.

Commissioners and the public have questioned whether an age-restricted development is appropriate for development in Davis. After consideration, staff has concluded that this concept represents a distinct neighborhood that adds to the types of living environment in the community. Factors for consideration include:

- The development is not solely age-restricted. The unrestricted homes provide opportunities for intergenerational living, or other household types in addition to the age-restricted homes.
- The development includes amenities that will be open to the public (tot lot, agricultural buffer, and potential restaurant and health club) that will encourage visits by non-residents and non-seniors.
- The Senior Citizen Commission concluded that the development could help meet internal housing needs, in particular, housing needs of seniors.
- The age-restrictions can complement the development goals of providing smaller housing units than are otherwise provided in this market.
- Senior housing can be attractive in securing development subsidies for the affordable housing parcel.

2. Connectivity

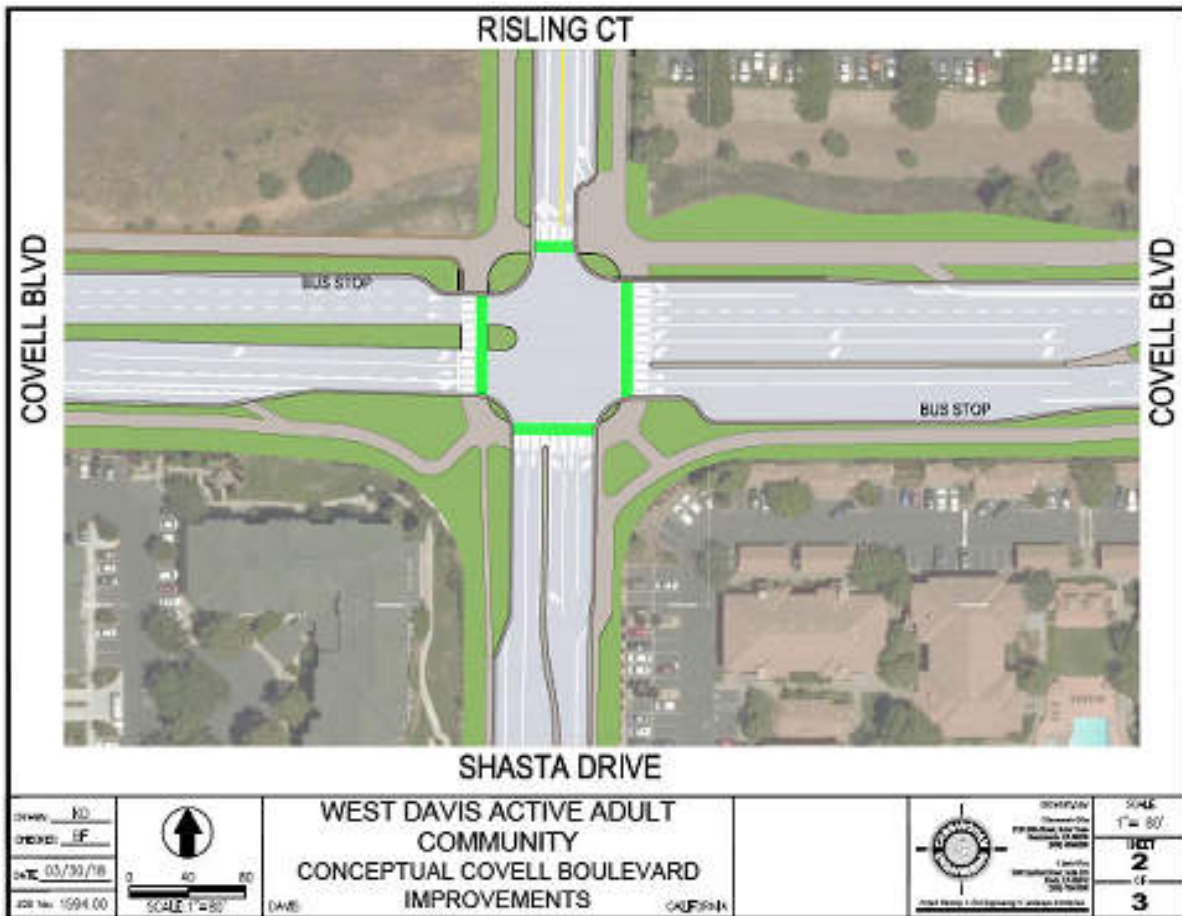
Commission comments:

- Support services and amenities not contained within project (parks, groceries). Needs outside connectivity, including transit alternatives. (PC)
- Should have transit center (PC).
- Need to be mindful of opportunities for future transit (BTSSC)
- Eliminate all free rights at Covell / Shasta Risling (BTSSC)
- Project needs connectivity to John Jones to accommodate potential bicycle/ped crossing of 113 (BTSSC)
- Needs better N/S connection of Covell Boulevard, preferably grade-separated (BTSSC)
- Require a “transportation hub” in a central location that is oriented toward transit, and featuring seating, weather protection, and lighting. (NRC)
- Encourage investigation of public and alternative transportation connecting the development to locations in and around Davis. (NRC)
- Would like to see provisions made for internal transportation to the external bus stops. (SCC)
- The project does not foster regional connection. Access at the south end of the subdivision, and connections across and along Covell Boulevard, continue to be of concern for neighborhood residents seeking to walk or cycle to Arroyo Park, Patwin and Emerson schools, and the Marketplace shopping center. (RPC)

General Plan policy guidance:

- Strive for carbon-neutrality or better from the transportation component of new residential development. (TRANS 1.5)
- Implement state-of-the-art street design solutions to improve bicycle/pedestrian access... (TRANS 2.2)
- Require new development to be designed to maximize transit potential. (TRANS 3.3)
- Develop a continuous trails and bikeway network for both recreation and transportation that serves the Core, neighborhoods, neighborhood shopping centers, employment centers, schools and other institutions; minimize conflicts between pedestrians, bicyclists, equestrians, and automobiles; and minimize impacts on wildlife. Greenbelts and separated bike paths on arterials should serve as the backbone of much of this network. (TRANS 4.2)

The WDAAC site has connectivity challenges. The site has agricultural lands to the north and west, and Covell Boulevard along the southern frontage. The need for better connectivity was identified by several commissions during the early review. Through the course of the commission and staff review processes, the connectivity components of the proposal have been modified, for the better. The most significant change is a redesign of the Covell / Shasta / Risling to improve safety and comfort for all users.



The proposed reconstruction would eliminate all free right turns and shorten the pedestrian crossing distances to the greatest extent feasible. Bicycle lanes would be eliminated in the intersection to reduce roadway width: confident riders may choose to merge with traffic through the intersection, while less-confident riders would always have the option of the off-street path. The reconfiguration is similar to that approved by the City Council for the intersection of Covell Boulevard and L Street, which is scheduled for construction this summer. The concept is consistent with the recommendation from the Bicycling, Transportation, and Street Safety Commission that the free rights be eliminated and the connectivity across Covell Boulevard be improved.

The WDAAC proposal also includes dedication of a site north of the hospital, on John Jones Road, to accommodate a possible landing for a bicycle/pedestrian overcrossing of SR-113 should that become feasible. The path from the landing would connect to the trail in the agricultural buffer, and then to Covell Boulevard. This commitment is reflected in Development Agreement Exhibit F.

Staff has concluded that the improves proposed for the Covell/Shasta/Risling intersection, plus the other aesthetic and safety improvements proposed for the Covell Boulevard corridor, provide significant connectivity improvements to serve WDAAC and the Sutter-Davis Hospital property. Construction of the improvements is required with the first phase of development, per the Baseline Project Features and the Development Agreement. Final design details will be verified with tentative and final subdivision maps, to ensure consist with City design standards such as turning radii.

3. Agricultural preservation, agricultural buffer, and habitat

Commission comments:

- **Detention basin as habitat.** Develop and manage the detention basin as a habitat area and community amenity similar to North and West Davis ponds (Baseline Project Feature). (OSHC)
- **Agricultural buffer as habitat.** Develop and manage the agricultural buffer as a habitat area and community amenity, for example, as described in the Acorns-to-Oaks proposal (Baseline Project Feature). (OSHC)
- **Open space/habitat connectivity.** Improve the drainage ditch next to Covell Boulevard to enhance habitat and wildlife connectivity, including the provision of culverts that allow for wildlife movement (Baseline Project Feature). (OSHC)
- **Public access.** Encourage public access and recreational opportunities in the 50-foot-wide agricultural transition area (See Municipal Code Section 40A.01.050). (OSHC)

General Plan policy guidance:

- Designate new lands for this [Urban Agricultural Transition Area] category in an incremental fashion as resources and opportunities become available... (LU N.1)
- Where public access is desired, the width of the buffer must be sufficient to also include a 100-foot wide area where public access is restricted to allow for ground spraying on adjacent agricultural land. (LU N.4)
- Establish a distinct permanent urban edge which shall be defined by open space, hedgerows, tree rows, similar landscape features, buffer containing transitional agricultural uses, or similar elements. (LU 1.4)
- Coordinate and integrate development of storm ponds and channels City-wide, to maximize recreational, habitat and aesthetic benefits. (WATER 3.1)
- Develop a system of trails around the edge of the city and within the city for recreational use and to allow pedestrians and bicyclists to reach open space and natural areas. (TRANS 4.7)

The proposal includes a 150' agricultural buffer on the west and north boundaries of the site, consistent with the requirements of the farmland preservation ordinance. The innermost fifty feet (adjacent to the residential areas) would be publicly-owned and accessible to the public. The

outermost one hundred feet would be privately owned, with a preservation easement. Public access would not be allowed, to protect agricultural operations. The entire buffer would be maintained by the developer or homeowner association. The buffer would also serve as a stormwater conveyance facility, leading to the off-site detention basin north of the hospital.

The applicant is proposing an oak “forest” within the agricultural buffer, in collaboration with an organization such as Tree Davis. The Open Space and Habitat Commission supported this concept, and the dual-purpose of stormwater accommodations and habitat in the buffer and the detention basin. This commitment is reflected in the Development Agreement. The Preliminary Planned Development requires conceptual designs and planting palettes to be reviewed by the Open Space and Habitat Commission prior to Planning Commission consideration of the first tentative subdivision map.

The project is also subject to agricultural mitigation requirements. Compliance will be verified at the time the mitigation land is identified for preservation, which would be required prior to any construction or conversion of the WDAAC property.

4. On-site open space and recreational land

Commission comments:

- Intersperse activity nodes throughout neighborhood, including benches and shade. (PC)
- The proposed public spaces in the subdivision (dog exercise area, tot lot, and walking loop) could be appropriate for meeting resident needs for passive recreation and for activities for small children. (RPC)
- The proposed pathways (eight feet concrete and four of decomposed granite), although not qualifying as official greenbelts, could provide internal circulation for seniors and other residents. However, the path width does not meet City standard for multi-use paths and may not safely accommodate all users at all times, particularly if faster cyclists use the greenways. (RPC)
- Whether a subdivision should meet recreational needs through private ownership and maintenance should be thoughtfully considered. (RPC)
- The Recreation and Parks Commission, relative to the concept and review of parks and green spaces, are generally supportive of the overall development project taking into consideration the two prior motions. (RPC)
- Perimeter and spine paths need to be wide enough to accommodate tricycles (BTSSC)
- Native plants. Maximize the use of native plants and plants that benefit native animals, including pollinators and invertebrates, throughout the project including on internal greenbelts. (OSHC)

General Plan policy guidance:

- Require neighborhood greenbelts in all new residential development areas. Require that a minimum of 10 percent of newly-developed residential land be designated for use as open space primarily for neighborhood greenbelts. (LU A.5)
- Provide informal areas for people of all ages to interact with natural landscapes and preserve open space between urban and agricultural uses to provide a physical and visual edge to the City. (POS 1.2)

- Attempt to provide city residents with convenient access to parks and recreation programs and facilities. (POS 1.5)

Arroyo Park is approximately 3/8 of a mile from the southern edge of the subdivision, within the General Plan standard of 1.5 miles of dwelling units. The project proposes recreational amenities differing from the parks and greenbelts anticipated by General Plan standards and provided in recent large subdivisions. “Greenways” approximately 25 feet wide connect the homes and provide access to the perimeter multi-use trail. A wider (35’ wide) greenway serves as a central north-south spine, connecting through landscaped walkways to Covell Boulevard.

In response to review comments, the initial project submittal has been revised to include activity nodes within the subdivision. This includes a dog exercise area, a location for a tot lot, and a “view park” node at the northwest corner of the subdivision. These nodes and greenways are shown on the Baseline Project Features map. Recreational opportunities are also provided in the public access portion of the perimeter agricultural buffer. All green space is proposed to be maintained by the homeowners association. The proposed health club and pool would provide additional recreation opportunities for residents of the subdivision, and the agricultural buffer is proposed to include a walking path connecting to the internal greenways.

5. Subdivision design and “feel”

Commission comments:

- Explore form-based planning, sight lines, and landscape architecture. (PC)

General Plan policy guidance:

- Require a mix of housing types, densities, prices and rents, and designs in each new development area. (LU A.3)
- A minimum of 50% of future residential lots (exclusive of any required affordable or multifamily lots) within a new residential development shall be designated as “diverse architecture lots”... (LU A.2)
- Promote urban/community design which is human-scaled, comfortable, safe and conducive to pedestrian use. (UD 1.1)

The proposed subdivision is a modified grid system, with a perimeter roadway serving as a circulation loop for vehicles. Many of the single-family homes would have pedestrian access through a network of “greenways.”

The proposal includes several “Form-Based Code” concepts, as identified in Daniel Parolek’s guide:

- Narrower streets in an interconnected, gridded network
- Mixed-use, walkable, compact development oriented principles
- Identification of an urban hierarchy, such as rural-urban edges
- Regulation to create “places,” rather than buildings

Examples of how these concepts are addressed in the Planned Development include

- Requirement for Design Guidelines to be submitted with Final Planned Development
- Obligation to provide Diverse Architectural Lots

- Single-story limitations and fence standards to ensure quality of the greenway experience
- Flexibility in uses of second-story residential space (bonus room, caretaker housing) and the mixed-use center
- Attention to fences, driveways, and lotting patterns to foster an attractive, walkable community.

6. Affordable housing

Commission comments:

- Find the proposal to be consistent with the City’s affordable housing ordinance. (SSC)
- Require the developer to implement a sliding scale fee for senior renters who wish to utilize homeowner association amenities. (SSC)
- Require the developer to more fully integrate the senior renters with the market rate homeowners. (SSC)

General Plan policy guidance:

- Strive to meet the identified current and projected local need for housing and for housing affordable to extremely low-, very low-, low-, and moderate-income households including provision of Davis' eight-year fair share of regional housing needs. (HOUSING 2.1)
- Strive to ensure that required affordable housing is occupied by those with the greatest need. (HOUSING 3.2)

The City’s Affordable Housing Ordinance requires provision for affordable housing in all new developments. For for-sale projects, the number of affordable units is calculated based upon lot size and type of market-priced housing. Staff calculates the number of affordable units required at WDAAC to about 60 units. This is an estimate because exact parcel configuration and lot sizes have not been determined, but it should be close to what would finally be required.

| WDAAC Affordable Housing Obligation | | | |
|--|------------------------|------------------------------|----------------------------------|
| Unit Type | Number of Units | Affordable Obligation | Affordable Units Required |
| Custom Lots <5,000 sf | 51 | 15% | 7.65 |
| Greenway homes <5,000 sf | 150 | 15% | 22.50 |
| Bungalow Courts | 38 | 15% | 5.70 |
| Cottages (Single-family attached) | 33 | 10% | 3.30 |
| Condominiums | 48 | Exempt | - |
| Single-family (undefined) | 61 | 10% (assumed) | 6.10 |
| Affordable apartments | 150 | N/A | - |
| URC or medical provider | 30 | 35% (assumed rental) | 10.5 |
| TOTAL | 560 | | 55.75 |

The application proposes an affordable housing parcel of over four acres to accommodate as many as 150 affordable housing apartments. Because of the anticipated subsidy financing, occupancy is expected to be limited to residents aged 62 or over. Rents would be targeted to low-income, very-low-income, and extremely-low-income seniors. In Davis, the 2016 American Communities Survey identified 333 people aged 65+ with incomes below the poverty level. This was over 5% of all persons aged 65+ and approximately 2% of total persons in poverty in Davis. Additional households in poverty who could potentially occupy the project when built are aged 60-64 at this time, assuming construction within four to five years. Should construction of the property not be commenced within 3-5 years of the final subdivision map creating the parcel, the land would be transferred to the City.

The City has needs for many types of affordable housing, including affordable housing for seniors. Staff has explored with the applicant whether the affordable housing component should include units addressing other housing needs, and not just seniors. The applicant has stated that mixing seniors and non-seniors (such as a half-and-half development) would require duplication of common facilities and services, could be cost-prohibitive, and may cause security concerns for senior residents. As proposed, the affordable housing parcel would make a significant contribution to meeting the City's obligations under the next Housing Element cycle. The units would also further policy goals of mixing housing types and resident incomes in new development areas, and complement the other major rental affordable housing property in West Davis (family-oriented Shasta Point). The Development Agreement establishes deep targeting for the affordable units, including a requirement that one-third of the units be set at extremely low income levels.

7. Sustainability

Commission comments:

- Project's buildings and common (public) areas should be carbon-neutral (zero net greenhouse gas) during operations. (NRC. The Commission request for electric-only utilities (no natural gas) re-iterated in supplemental letter to City Council.)
- Require purple (non-potable water) pipes for public landscaping, and investigate use of non-potable sources for that use. The purple pipe irrigation system is required whether or not non-potable water is available at time of construction.(NRC)
- Support energy retrofit program concept for every purchase, including if buyer is outside Davis. Funds to be used for energy retrofits of existing homes in Davis. (NRC)

General Plan policy guidance:

- Develop programs to increase energy conservation on the household and business level. (ENERGY 1.1)
- Encourage the development of energy-efficient subdivisions and buildings. (ENERGY 1.3)
- Ensure that existing housing stock is maintained in sound condition and up to code requirements. (HOUSING 5.1)
- Require water conserving landscaping and irrigation practices. (WATER 1.2)

Because of developer commitments and expected changes in building code requirements, new homes built in 2020 will be very energy-efficient. The applicant is proposing an energy retrofit program that would grant \$2,500-\$3,500 for improvements to existing structures when Davis homeowners purchase in the West Davis Active Adult Community. The Natural Resources Commission supported this concept, and recommended that the retrofit contribution be made whether or not the WDAAC buyer sells an existing Davis home. Staff supports the proposal as presented by the applicant. It can serve as a pilot for a program to improve properties in Davis.

Other highlights of the sustainability proposal include:

- Photovoltaics consistent with City standard, and zero net electric for every for-sale residential unit.
- Habitat creation along Covell Boulevard and in the agricultural buffer.

These commitments are reflected in the Development Agreement.

8. Development Agreement Provisions

The Development Agreement is a voluntary contract between the City and a Developer. It provides a vested right for development of the property, and establishes obligations of both parties. The City Council appointed a subcommittee of Mayor Davis to provide guidance to staff in negotiating a Development Agreement for the project. Attachment 5 includes the working draft Development Agreement, which will be refined in response to City Council direction.

For additional discussion of the Development Agreement, see Affordable Housing, Sustainability, and Environmental Review sections of this report. In summary, the draft Development Agreement reflects the following commitments of the City and the Developer:

- ◆ The Developer has a vested right to develop the property in accordance with the entitlements and the Baseline Project Features.
- ◆ Specific commitments to sustainability features, including energy conservation and generation.
- ◆ Affordable housing obligations as approved by the City Council.
- ◆ All Mitigation Measures identified in the EIR will be incorporated into the project.
- ◆ Agricultural mitigation will be provided in accordance with the Agricultural Protection Ordinance. Compliance will be verified at the time the mitigation land is identified for preservation, which would be required prior to any construction
- ◆ Community Enhancements and provisions for fees and credits.

Staff and the applicant are proposing the following provisions for fees, credits, and community enhancements:

- Impact fees to be adjusted reflecting the lower persons per household and vehicle trip generation rates anticipated for age-restricted units;
- Credits against Roadway Impact Fees for Covell Boulevard and intersection improvements
- Credits against Quimby Parkland Fees for on-site mini-parks, and partial credit for the Activity and Wellness Center and Covell Boulevard landscape improvements. Approximately \$250,000 in Quimby fees would continue to be owed by the project.

- Community enhancement fees totaling \$1,000,000 for land or construction of a new competitive swim facility. If the funds are not used within five years of the first final map, the monies could be utilized at the discretion of the City Council.

The Development Agreement also references the General Plan Amendment and Baseline Project Features required by Chapter 41 of the Davis Municipal Code. If the project is approved, these Baseline Project Features cannot be removed or significantly modified without subsequent voter approval. Baseline Project Features are included within Attachment 4, the General Plan Amendment.

9. Fiscal impacts

Commission comments:

- Maintenance funding. Ensure there is a funding mechanism for the initial planting and long-term maintenance of habitat areas throughout the project. (OSHC)

General Plan policy guidance:

- Require that the costs of mitigation and service provision for development projects be borne by those projects. (IMP 3.3)

The Finance and Budget Commission has reviewed the fiscal impacts of the proposal, based upon staff analysis and preliminary concept plans. The Commission concurred with staff's conclusion that annual ongoing revenues and costs for the city from the project would be significantly positive over its first 15 years of development, generating as much as a \$300,000 net fiscal benefit in many years.

VI. Environmental Review

The City has prepared a Draft and Final Environmental Impact Report (FEIR) in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, the City's procedures for the implementation of CEQA, and other applicable laws. Public participation was included in the environmental review process for the project.

The Draft EIR identified the following environmental issue areas as having significant and unavoidable environmental impacts from implementation of the project: Aesthetics, Agricultural Resources, Air Quality, Transportation and Circulation, and Cumulative Impacts. All other environmental issues were determined to have no impact, less than significant impacts, or less than significant impacts with mitigation measures incorporated into the project.

The DEIR was released December 22, 2017 for review and comment. The comment period was extended beyond the statutory 45-day period to 60.5 days, closing at noon on Tuesday, February 20, 2018. The document is available online at the City's website located at www.cityofdavis.org, at the Department of Community Development and Sustainability, and at the Davis Branch Library. Paper loan copies and thumb drives are also available at the Department of Community Development and Sustainability.

One noticed public meeting was held by the Davis Planning Commission on January 10, 2018 at 7:00 p.m. to receive comments on the Draft EIR. At the public meeting, interested parties had the opportunity to speak and comments were captured by staff and the EIR consultant team. Comments received at the public hearing were responded to in the Final EIR.

The Final EIR includes revisions, updates, and clarifications in response to public and agency comments on the Draft EIR. The Final EIR includes all public comments received on the Draft EIR and written responses to all of these comments. The Final EIR document will be made available on or before April 6, 2018 and will be available at <http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/west-davis-active-adult-community> or reviewed at the Department of Community Development and Sustainability. The new information provided in the Final EIR does not constitute “significant new information” within the meaning of CEQA so as to require recirculation of the Draft EIR or Final EIR.

The FEIR includes a specific discussion about the proposed modifications to the Covell / Shasta / Risling intersection (“Figure 3”), which differ from the configuration analyzed in the Draft EIR (“Figure 1”). Fehr and Peers reviewed the revision and made the following conclusions:

The configuration shown in Figure 3 would accomplish the following objectives:

- It would not worsen operations at a study intersection to an unacceptable level.
- Relative to the configuration in Figure 1, it would reduce queuing on the northbound approach by providing a dedicated right-turn lane.

With respect to bicyclists, the configuration in Figure 3 offers several benefits over the configuration contemplated in the Draft EIR including;

1. Eastbound bicyclists on West Covell Boulevard would no longer have to merge with highspeed, free-flowing northbound right-turns. Instead, a continuous Class II bike lane (with skip striping in conflict areas) would be provided.
2. The removal of the triangular raised median in the westbound right-turn lane would slow right-turning vehicles and improve the bicycling environment on Risling Court.

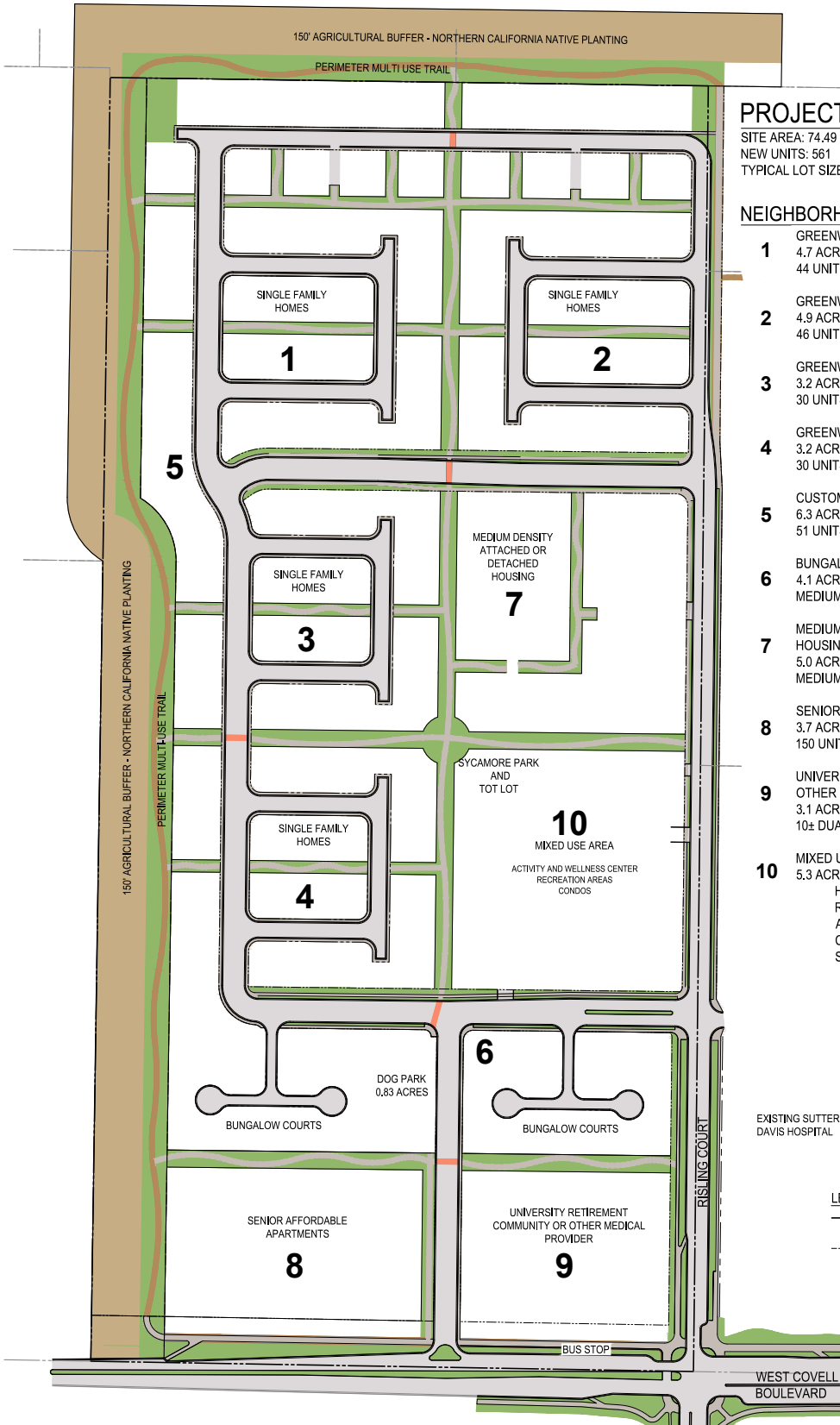
VII. Conclusion

In summary, staff recommends approval of the applications. Staff believes that the project appropriately integrates the City goals for housing, community character, and fiscal responsibility. Specific reasons for staff’s recommendations include:

- When balanced with a multitude of other policy objectives, the proposal appropriately contributes to city sustainability goals and includes a pilot program for retrofit of existing houses in Davis.
- Internal open space and bicycle/pedestrian connectivity form the backbone of the subdivision layout.
- The project includes significant improvements to the appearance and safety of Covell Boulevard and its Shasta/Risling intersection
- Additional housing may provide opportunities for households wishing to purchase in Davis, and may encourage turnover of existing homes occupied by empty-nesters wishing to downsize; and
- Affordable housing is provided exceeding the requirements of the City’s ordinance.

Attachments

1. Neighborhood Plan and Conceptual Master (lot) Plan
2. [Draft](#) and [Final](#) Environmental Impact Report
3. CEQA Resolution
4. General Plan Amendment Resolution, including Baseline Project Features
5. Development Agreement Ordinance, including Affordable Housing Plan
6. Preliminary Planned Development Ordinance
7. Commission minutes and comments
 - a. Summary of Commission Comments and Disposition
 - b. Bicycling, Transportation, and Street Safety Commission
 - c. Natural Resources Commission, including supplemental correspondence
 - d. Open Space and Habitat Commission
 - e. Recreation and Park Commission
 - f. Senior Citizen Commission
 - g. Social Services Commission
 - h. Fiscal Analysis Summary from Finance and Budget Commission
8. Excerpt from The 2008 City Council resolution on the recommendations of the Housing Element Steering Committee (entire resolution at <http://cityofdavis.org/home/showdocument?id=7312>)



PROJECT DATA

SITE AREA: 74.49 ACRES
 NEW UNITS: 561
 TYPICAL LOT SIZES: 45' x 94' (4230 SF)
 50' x 94' (4700 SF)

NEIGHBORHOODS

- 1** GREENWAY HOMES (SFD)
4.7 ACRES
44 UNITS
- 2** GREENWAY HOMES (SFD)
4.9 ACRES
46 UNITS
- 3** GREENWAY HOMES (SFD)
3.2 ACRES
30 UNITS
- 4** GREENWAY HOMES (SFD)
3.2 ACRES
30 UNITS
- 5** CUSTOM SMALL BUILDER LOTS (SFD)
6.3 ACRES
51 UNITS
- 6** BUNGALOW COURTS (SFD)
4.1 ACRES
MEDIUM DENSITY RESIDENTIAL
- 7** MEDIUM DENSITY ATTACHED OR DETACHED HOUSING
5.0 ACRES
MEDIUM DENSITY RESIDENTIAL
- 8** SENIOR AFFORDABLE APARTMENTS (MFA)
3.7 ACRES
150 UNITS
- 9** UNIVERSITY RETIREMENT COMMUNITY OR OTHER MEDICAL PROVIDER (MFA)
3.1 ACRES
10± DUA
- 10** MIXED USE AREA
5.3 ACRES
HEALTH CLUB
RESTAURANT
ACTIVITY CENTER
CONDOS
SYCAMORE PARK & TOT LOT

- LEGEND**
- PROPERTY LINE
 - RIGHT-OF-WAY
 - RAISED CROSSWALK

NOTES:
 1. DENSITY CALCULATIONS ARE BASED ON NET AREA (EXCLUDE PUBLIC RIGHT-OF-WAY AND GREEN SPACE)

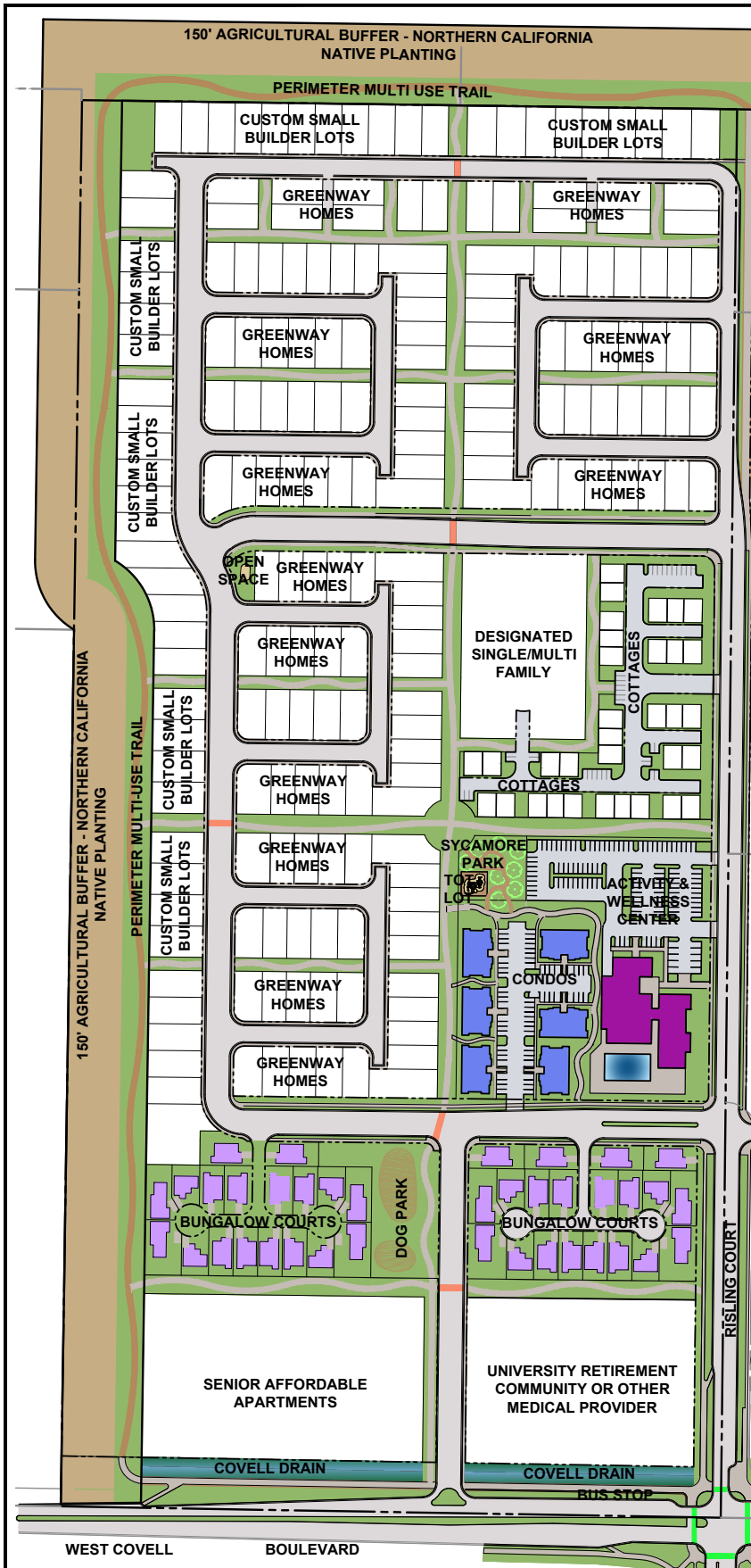
DATE: 05/02/2018
 PROJECT NO: 1594.00
 SCALE

**WEST DAVIS ACTIVE ADULT COMMUNITY
 NEIGHBORHOOD PLAN**

DAVIS, CALIFORNIA



CECWEST.COM
 Project Planning & Civil Engineering & Landscape Architecture
 Sacramento Office: 2120 20th Street, Suite Three, Sacramento, CA 95818 (916) 455-2028
 Davis Office: 2940 Spafford Street, Suite 200, Davis, CA 95618 (530) 758-0028



PROJECT DATA

| |
|---|
| SITE AREA: 74.49 ACRES |
| CUSTOM SMALL BUILDER LOTS: 6.32 ACRES 51 UNITS 8.1± DUA |
| GREENWAY HOMES 15.97 ACRES 150 UNITS 9.4± DUA |
| BUNGALOW COURTS 4.12 ACRES 38 UNITS 9.2± DUA |
| COTTAGES 3.13 ACRES 33 UNITS 10.5± DUA |
| CONDOS 2.27 ACRES 48 UNITS 21.1± DUA |
| DESIGNATED SINGLE/MULTI FAMILY 1.86 ACRES 61 UNITS 32.8± DUA |
| SENIOR AFFORDABLE APARTMENTS 3.72 ACRES 150 UNITS 40.3± DUA |
| UNIVERSITY RETIREMENT COMMUNITY OR OTHER MEDICAL PROVIDER 3.06 ACRES 30 UNITS 9.8± DUA |
| ACTIVITY & WELLNESS CENTER 2.73 ACRES |
| GREENWAY 5.39 ACRES 8086 LINEAR FEET OF TRAIL |
| PERIMETER MULTI-USE TRAIL 2.95 ACRES 2569 LINEAR FEET OF TRAIL |
| AGRICULTURAL BUFFER 4.24 ACRES |
| DOG PARK 0.83 ACRES 259 LINEAR FEET OF TRAIL |
| TOT LOT/SYCAMORE PARK/OPEN SPACE 0.67 ACRES 320 LINEAR FEET OF TRAIL |
| LOCAL RIGHT OF WAY 17.23 ACRES |

561 TOTAL UNITS
11,200 LF TRAIL

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY
- RAISED CROSSWALK

NOTES:

1. DENSITY CALCULATIONS ARE BASED ON NET AREA (EXCLUDE PUBLIC RIGHT-OF-WAY AND GREEN SPACE)

DESIGNED KD
DRAWN KD/JR
CHECKED BF
DATE: 05/02/18
JOB No: 1594.00

WEST DAVIS ACTIVE ADULT COMMUNITY CONCEPTUAL MASTER PLAN

DAVIS

CALIFORNIA



CECWEST.COM
Project Planning ■ Civil Engineering ■ Landscape Architecture
Sacramento Office 2120 20th Street, Suite Three Sacramento, CA 95818 (916) 455-2025
Davis Office 2940 Spafford Street, Suite 200 Davis, CA 95618 (530) 758-2025

SCALE
1"=200'
SHEET
1 OF 1

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A MITIGATION MONITORING PLAN; AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WEST DAVIS ACTIVE ADULT COMMUNITY PROJECT

WHEREAS, the subject project is known as West Davis Active Adult Community (“WDAAC”) and is annexation from Yolo County and development of approximately 75 acres with a mixed-use residential community oriented toward providing housing for active adults and seniors. The project site is generally located north of Covell Boulevard and west of the existing Sutter-Davis Hospital; and

WHEREAS, the WDAAC project proposes the development of a mix of land uses consisting of rental and for-sale, high-density residential uses; R&D space; accessory commercial/retail space; on-site stormwater detention; open spaces, including a public park, greenbelts, and private open space for the proposed residential uses; and surface/structure parking with solar panels. The project would include up to 650 residential units (potentially 440 rental and 210 for-sale units), up to 325,000 square feet (sf) of R&D uses, and up to 20,000 sf of accessory retail uses (coffee shop, small café/restaurant, etc.) with a variety of lot sizes and building floor plates; and

WHEREAS, the Final Environmental Impact Report (SCH #2017042043) consisting of the Draft EIR and responses to comments and errata has been prepared pursuant to the California Environmental Quality Act (CEQA; *Public Resources Code* § 21000 *et seq.*) to analyze the environmental effects of the project; and

WHEREAS, a Notice of Preparation was circulated for a 30-day public review and comment period commencing on April 14, 2017; and

WHEREAS, a public scoping meeting was held April 26, 2017 to receive comments on the appropriate scope of the EIR; and

WHEREAS, the Draft EIR was circulated for a 60-day public review and comment period commencing December 22, 2017 and concluding February 20, 2018; and

WHEREAS, on January 10, 2018, the Planning Commission held a public meeting to receive comments regarding the adequacy of the Draft EIR; and

WHEREAS, the Final EIR (Response to Comments) documents were released April 6, 2018; and

WHEREAS, Section 21000 *et. seq.* of the *Public Resources Code* and Section 15000 *et. seq.* of Title 14 of the California Code of Regulations (*CEQA Guidelines*) which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, between the public scoping meeting and date of final action fourteen official noticed public meetings and hearings of various City commissions and the City Council were held to deliberate the merits of the proposed project and make recommendations regarding components of or a final action on the project; and

WHEREAS, on January 10, 2018 the Planning Commission voted 7-0 to recommend that the City Council certify the EIR as adequate, and voted 5-2 to recommend that the City Council approve the General Plan Amendment for the project; and

WHEREAS, the City Council has reviewed the Final EIR prepared for the project, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

WHEREAS, the Final EIR identified certain significant and potentially significant adverse effects on the environment caused by the project; and

WHEREAS, the City Council specifically finds that where more than one reason for approving the project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Council would have made its decision on the basis of any one of those reasons; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the Council believes justify the occurrence of those impacts; and

WHEREAS, the City Council is required pursuant to CEQA (*Guidelines* Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, CEQA (*Guidelines* Section 15043) affirms the City Council's authority to approve this project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (*Guidelines* Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (*Guidelines* Section 15093).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davis as follows:

1. Exhibit A (Findings of Fact and Statement of Overriding Considerations) and Exhibit B (Mitigation Monitoring and Reporting Plan) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The City Council hereby adopts these various findings of fact attached hereto as Exhibits A and B.
2. Exhibit A of this Resolution provides the findings required under Section 15093 of the *CEQA Guidelines* relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable." The City Council hereby adopts the Statement of Overriding Considerations contained within Exhibit A.
3. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the *CEQA Guidelines* that approval of the project will result in significant effects on the environment, however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.
4. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the Project is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.
5. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.
6. The Mitigation Monitoring and Reporting Plan attached hereto as Exhibit B (Mitigation Monitoring and Reporting Plan) is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.
7. The City Council finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.

8. The City Council hereby certifies the Final EIR in accordance with the requirements of CEQA.
9. A Notice of Determination shall be filed immediately after final approval of the project.
10. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:
 - a) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the County of Yolo Planning Department;
 - b) A copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files;
 - c) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA “responsible” agencies.

PASSED AND ADOPTED by the Davis City Council on the __th day of _____, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Robb Davis, Mayor of the City of Davis

Attest:

Zoe S. Mirabile, CMC, City Clerk of the City of Davis

Exhibits Attached:

- A. CEQA Findings of Fact and Statement of Overriding Considerations
- B. Final Mitigation Monitoring and Reporting Plan

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

FOR THE

WEST DAVIS ACTIVE ADULT COMMUNITY PROJECT

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the City of Davis (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the EIR prepared for the West Davis Active Adult Community Project (project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the project that override any significant environmental impacts that would result from the project.

As required under CEQA, the Final EIR describes the project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment regarding the potential adverse environmental impacts of the project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR) for the project, examined several alternatives to the project that were not chosen as part of the approved project (the No Project (No Build) Alternative, the Conventional (Non-Age Restricted) Alternative, the Higher Density, Less Land Alternative, and the Off-Site (Inside Mace Curve) Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under CEQA (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the project. The Findings provide the written analysis and conclusions of this Council regarding the project's environmental impacts, mitigation measures, alternatives to the project, and the overriding considerations, which in this Council's view, justify approval of the project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Procedural Background

The City of Davis circulated a Notice of Preparation (NOP) of an EIR for the proposed project and an Initial Study on April 14, 2017 to trustee agencies, the State Clearinghouse (SCH # 2017042043), and the public. A scoping meeting was held on April 26, 2017 in the City of Davis. Those present at the scoping meeting included representatives from the following: the City of Davis, De Novo Planning Group, and the project applicant team. The NOP and comments received during the NOP comment period are presented in Appendix A of the Draft EIR.

The City of Davis published a public Notice of Availability (NOA) for the Draft EIR on December 22, 2017 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2017042043) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from December 22, 2017 through February 20, 2018.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

The City received 17 comment letters regarding the Draft EIR from public agencies, organizations, and members of the public during the public comment period. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

Project Revisions

After completion of the Draft EIR, the proposed circulation improvements to the West Covell Boulevard/Risling Court/Shasta Drive intersection were revised in order to improve bicycle and pedestrian comfort. Fehr & Peers completed additional focused analysis of traffic operations at the West Covell Boulevard/Risling Court/Shasta Drive intersection as a result of the project revisions. The results of the focused analysis are summarized in a technical memorandum dated March 22, 2018. The memorandum is included as Appendix A of the Final EIR.

The Draft EIR assumed that the westbound and northbound right-turns at the West Covell Boulevard/Risling Court/Shasta Drive intersection would continue to have channelized 'free-flow' right-turn lanes. Both corners currently include triangular raised medians with flared approach lanes. The northbound right-turn movement has a full-width acceleration lane departing the

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

intersection, while the westbound right-turn movement has a minimal acceleration area. These designs allow motorists to perform these right-turn movements at a relatively high rate of speed, though they must yield to through traffic, when present.

The following changes at the West Covell Boulevard/Risling Court/Shasta Drive intersection were made after completion of the Draft EIR:

- Remove triangular raised median and convert westbound right-turn lane to a signal-controlled movement with a 150-foot turn pocket.
- Remove triangular raised median and restripe northbound through lane to be a shared through/right lane.

The revised project remains consistent with the scope of the project evaluated in the EIR and does not result in a significant new environmental impact or a substantial increase in the severity of an environmental impact. The revision improves safety and comfort for pedestrians and cyclists, and increases consistency with City design standards. It does not alter the analysis or conclusions of the EIR and does not require recirculation pursuant to CEQA Guidelines Section 15088.5.

Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, NOA, and all other public notices issued by the City in relation to the West Davis Active Adult Community Project Draft EIR.
- The West Davis Active Adult Community Project Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Davis and consultants in relation to the EIR.
- Minutes of the discussions regarding the project and/or project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Davis Office of the City Clerk at: 23 Russell Boulevard, Suite 1, Davis, CA 95616.

Consideration of the Environmental Impact Report

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the West Davis Active Adult Community Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the West Davis Active Adult Community Project, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. AESTHETICS AND VISUAL RESOURCES

1. POTENTIAL TO RESULT IN SUBSTANTIAL ADVERSE EFFECTS ON SCENIC VISTAS AND RESOURCES OR SUBSTANTIAL DEGRADATION OF VISUAL CHARACTER (EIR IMPACT 3.1-1)
 - (a) Potential Impact. The potential for the project to result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character is discussed on pages 3.1-6 through 3.1-8 of the Draft EIR.
 - (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. The loss of the visual appearance of the existing vacant land on the site will change the visual character of the project site in perpetuity. Compliance with the City's site plan and architectural approval process would reduce visual impacts to the greatest extent feasible; however, the proposed project would permanently convert the undeveloped site to urbanized uses. The project cannot be designed to avoid or reduce impacts related to degradation of the visual character of the site to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to aesthetics and visual resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

2. THE PROJECT MAY CONTRIBUTE TO THE CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION (EIR IMPACT 4.1)
- (a) Potential Impact. The potential for the project to contribute to the cumulative degradation of the existing visual character of the region is discussed on pages 4.0-4 and 4.0-5 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. Implementation of the proposed project would change the visual character of the project site by introducing new residential and mixed uses to an undeveloped site. The project site has been previously used for agricultural uses, and is currently designated for agricultural uses by the Davis General Plan. As described above, project implementation would result in significant adverse impacts to the visual character or quality of the site. Development of the proposed project, in addition to other future projects in the area, would change the existing visual and scenic qualities of the City. There are no mitigation measures that could reduce this impact except a ceasing of all future development, which is not a feasible option. This would represent a significant and unavoidable impact of the project.
- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to aesthetics and visual resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

B. AGRICULTURAL RESOURCES

1. PROJECT IMPLEMENTATION MAY RESULT IN THE CONVERSION OF PRIME FARMLAND, UNIQUE FARMLAND, AND FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USES (EIR IMPACT 3.2-1)
- (a) Potential Impact. The potential for the project to result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses is discussed on pages 3.2-11 through 3.2-13 of the Draft EIR.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.2-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.2-1 would require the project applicant to set aside in perpetuity, at a minimum ratio of 2:1 of active agricultural acreage, an amount equal to the current phase. While implementation of Mitigation Measure 3.2-1 would reduce the above-identified impact through preservation of agricultural land at a 2:1 ratio, the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Consistent with the Davis General Plan EIR, feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level. This would represent a significant and unavoidable impact of the project.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. PROJECT IMPLEMENTATION MAY LEAD TO THE INDIRECT CONVERSION OF ADJACENT AGRICULTURAL LANDS TO NON-AGRICULTURAL USES (EIR IMPACT 3.2-4)

- (a) Potential Impact. The potential for the project to lead to the indirect conversion of adjacent agricultural lands to non-agricultural uses is discussed on pages 3.2-14 through 3.2-16 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.2-2.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.2-2 would require the project applicant to consult with adjacent agricultural property owners and attempt to purchase a “no aerial spray” easement. Mitigation Measure 3.2-2 would reduce the above identified impact. However, it is not guaranteed that an agreement will be reached, or that it would fully eliminate the potential burden placed on the adjacent agricultural lands from an operational perspective. The project cannot be designed to avoid or reduce

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

impacts related to indirect conversion of adjacent agricultural lands to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. THE PROJECT MAY CONTRIBUTE TO CUMULATIVE IMPACTS ON AGRICULTURAL LAND AND USES (EIR IMPACT 4.2)

(a) Potential Impact. The potential for the project to contribute to cumulative impacts on agricultural land and uses is discussed on page 4.0-5 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. Implementation of the proposed project may result in indirect pressure to convert agricultural lands to a non-agricultural use or conflict with agricultural operations other than the aerial application of pesticides. The project has the potential to impact adjacent pesticide application due to the County Agricultural Commissioner's Conditions Covering the Use of Restricted Materials guidance. According to the guidance, aerial application of "danger" labeled pesticides requires a 500-foot buffer from environmentally sensitive areas. The proposed project includes a 150-foot AG buffer. However, 350 feet of the required 500-foot setback would need to encroach onto the adjacent agricultural land. Therefore, if aerial application of pesticides is deemed necessary on the adjacent farmlands, the proposed project would indirectly disrupt farming operations on the adjacent property. The project cannot be designed to avoid or reduce impacts related to agricultural land and uses to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

C. AIR QUALITY

1. PROJECT OPERATIONS HAVE THE POTENTIAL TO CAUSE A VIOLATION OF ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION (EIR IMPACT 3.3-1)
 - (a) Potential Impact. The potential for project operations to cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.3-18 through 3.3-20 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.3-1.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.3-1 would require the project applicant to incorporate various measures into the project design in order to reduce operational emissions. Implementation of Mitigation Measure 3.3-1 would reduce proposed project operation-related criteria pollutant emissions. In addition, implementation of Mitigation Measure 3.7-1, as provided in Chapter 3.7, "Greenhouse Gas Emissions", would reduce these emissions further. However, even after mitigation measures are applied, proposed project respirable particulate matter (PM₁₀) emissions would be above the Yolo-Solano Air Quality Management District (YSAQMD) threshold. The project cannot be designed to avoid or reduce operational air quality impacts to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. THE PROJECT MAY CONTRIBUTE TO CUMULATIVE IMPACTS ON THE REGION'S AIR QUALITY (EIR IMPACT 4.3)
 - (a) Potential Impact. The potential for the project to contribute to cumulative impacts on the region's air quality is discussed on pages 4.0-5 through 4.0-7 of the Draft EIR.
 - (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. As discussed above, even with implementation of mitigation, PM₁₀ emissions would be above the YSAQMD threshold. The project cannot be designed to avoid or reduce operational air quality impacts to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

D. TRANSPORTATION AND CIRCULATION

1. UNDER CUMULATIVE PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD CAUSE SIGNIFICANT IMPACTS AT STUDY INTERSECTIONS (EIR IMPACT 3.14-5)

- (a) Potential Impact. The potential for the project to cause significant impacts at study intersections under cumulative plus project conditions is discussed on pages 3.14-44 through 3.14-46 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.14-1 would require the payment of the project's fair share funding towards improvements at the West Covell Boulevard / State Route (SR) 113 Northbound (NB) ramps and the West Covell Boulevard / Sycamore Lane intersection. However, the West Covell Boulevard / SR 113 NB ramps improvement is under the California Department of Transportation (Caltrans) jurisdiction. It is unknown whether additional right-of-way would be needed for this improvement, or if a design exception would be required. There are no assurances that Caltrans would approve and/or fund such a widening. Since the remaining fair share funding sources needed for construction have not been identified, fair share payment would not ensure construction.

Additionally, the West Covell Boulevard / Sycamore Lane intersection improvement would not, on its own, restore operations to an acceptable level of

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

service (LOS). The project cannot be designed to avoid or reduce impacts at these two study intersections to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. UNDER CUMULATIVE PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD CAUSE SIGNIFICANT IMPACTS AT STUDY FREEWAY FACILITIES (EIR IMPACT 3.14-6)

- (a) Potential Impact. The potential for the project to cause significant impacts at study freeway facilities under cumulative plus project conditions is discussed on page 3.14-47 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-1(a).
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.14-1(a) would require the payment of the project's fair share funding towards widening the NB SR 113 off-ramp at West Covell Boulevard. However, the widening of the SR 113 northbound off-ramp would occur within Caltrans right-of-way, and would therefore require Caltrans approvals. Because there are no assurances that Caltrans would approve and/or fund such a widening, construction of this improvement cannot be guaranteed. The project cannot be designed to avoid or reduce impacts at this study freeway facility to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. THE PROPOSED SITE PLAN WOULD NOT PROVIDE ADEQUATE EMERGENCY VEHICLE ACCESS (EIR IMPACT 3.14-9)

- (a) Potential Impact. The potential for the project to result in inadequate emergency vehicle access is discussed on page 3.14-49 of the Draft EIR.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-2.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.14-2 would require the project to dedicate an emergency vehicle access easement from the project site to John Jones Road. If implemented, this mitigation measure would alleviate this potential impact. However, there are no assurances that this easement would be provided and agreed upon by the applicant and Sutter Davis Hospital. Therefore, this mitigation measure is infeasible because dedication and construction of this improvement cannot be guaranteed. The project cannot be designed to avoid or reduce impacts related to emergency vehicle access to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

4. THE PROPOSED SITE PLAN WOULD NOT PROVIDE ADEQUATE PROJECT ACCESS (EIR IMPACT 3.14-10)

(a) Potential Impact. The potential for the project to result in inadequate project access is discussed on pages 3.14-49 through 3.14-51 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-3.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.14-3 would require the payment of the project's fair share funding towards improvements at the West Covell Boulevard / Risling Court / Shasta Drive intersection. If implemented, this mitigation measure would alleviate this potential impact. However, because there are no assurances that this improvement would be funded and constructed, this mitigation measure is infeasible. The project cannot be designed to avoid or reduce impacts at this

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

project access intersection to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

5. UNDER CUMULATIVE PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD CAUSE SIGNIFICANT IMPACTS AT STUDY INTERSECTIONS (EIR IMPACT 4.15)

- (a) Potential Impact. The potential for the project to cause significant impacts at study intersections under cumulative plus project conditions is discussed on pages 4.0-13 and 4.0-14 of the Draft EIR.

- (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.

- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. Improvements at the West Covell Boulevard / SR 113 NB ramps and the West Covell Boulevard / Sycamore Lane intersection could improve operations at these study intersections. However, as discussed above, the West Covell Boulevard / SR 113 NB ramps improvement is under Caltrans jurisdiction, and the West Covell Boulevard / Sycamore Lane intersection improvement would not, on its own, restore operations to an acceptable LOS. The project cannot be designed to avoid or reduce impacts at these two study intersections to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

6. UNDER CUMULATIVE PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD CAUSE SIGNIFICANT IMPACTS AT STUDY FREEWAY FACILITIES (EIR IMPACT 4.16)

- (a) Potential Impact. The potential for the project to cause significant impacts at study freeway facilities under cumulative plus project conditions is discussed on pages 4.0--14 and 4.0-15 of the Draft EIR.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. Improvements at the NB SR 113 off-ramp at West Covell Boulevard could improve operations at this study freeway facility. However, as discussed above, the West Covell Boulevard / SR 113 NB ramps improvement is under Caltrans jurisdiction. The project cannot be designed to avoid or reduce impacts at this study freeway facility to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. AESTHETICS AND VISUAL RESOURCES

- 1. PROJECT IMPLEMENTATION MAY RESULT IN LIGHT AND GLARE IMPACTS (EIR IMPACT 3.1-2)
 - (a) Potential Impact. The potential for the project implementation to result in light and glare impacts is discussed on pages 3.1-9 and 3.1-10 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.1-1.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.1-1 would require the project to show that the use of reflective building materials that have the potential to result in glare that would be visible from sensitive receptors located in the vicinity of the project site would not be used. Mitigation Measure 3.1-1 would reduce light and glare impacts from project operation to a less than significant level. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval,

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

B. AIR QUALITY

1. PROJECT CONSTRUCTION HAS THE POTENTIAL TO CAUSE A VIOLATION OF AN AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION (EIR IMPACT 3.3-2)
 - (a) Potential Impact. The potential for the project construction to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.3-20 through 3.3-23 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.3-2 would require the project applicant to implement several dust control measures during all construction activities. Mitigation Measure 3.3-2 would reduce air quality impacts from project construction to a less than significant level. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

C. BIOLOGICAL RESOURCES

1. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS INVERTEBRATE SPECIES (EIR IMPACT 3.4-1)
 - (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status invertebrate species is discussed on pages 3.4-15 and 3.4-16 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-1.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status invertebrate species will be mitigated to a less than significant level as Mitigation Measure 3.4-1 would first require the on-site elderberry shrub(s) to be avoided and preserved on-site through site design, as feasible. All elderberry shrub(s) that are located adjacent to construction areas, but can be avoided, would be fenced and designated as environmentally sensitive areas. These areas would be avoided by all construction personnel. Fencing would also be placed at least 20 feet from the dripline of each shrub, unless otherwise approved by the U.S. Fish and Wildlife Service (USFWS). The use of insecticides, herbicides, or other chemicals that might harm the beetle or its host plant would be prohibited within 100 feet of the shrubs. If the elderberry shrub(s) cannot be avoided, as determined by the City of Davis Public Works Department in conjunction with the project applicant, then the project applicant would be required to mitigate for potential impacts to the shrub(s) by either (1) purchasing VELB conservation credits from a USFWS-approved conservation bank, or (2) transplanting the individual shrub(s) that is not avoided to a suitable mitigation site in a manner consistent with the USFWS' 1999 Conservation Guidelines for the Valley Elderberry Longhorn Beetle. Any remaining impacts related to special-status invertebrate species after implementation of Mitigation Measure 3.4-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS REPTILE AND AMPHIBIAN SPECIES (EIR IMPACT 3.4-2)

(a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status reptile and amphibian species is discussed on pages 3.4-16 through 3.4-19 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-2 and 3.4-3.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status reptile and amphibian species will be mitigated to a less than significant level as Mitigation Measure 3.4-2 would first require the project to avoid areas of potential pond turtle nesting habitat during the nesting season (April to August). Then, this measure would require the project to

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

retain a qualified biologist to perform a preconstruction survey to ensure that there are no western pond turtles within aquatic habitats and adjacent suitable uplands to be disturbed by project activities. If it is determined from the preconstruction survey that there are western pond turtles present, then the project proponent shall seek consultation and approval by the California Department of Fish and Wildlife (CDFW) in order to move the turtles. Further, pursuant to Mitigation Measure 3.4-2, all construction personnel would be required to observe a 15 miles-per-hour speed limit on unpaved roads, and would be required to receive worker environmental awareness training from a qualified biologist to instruct workers to recognize western pond turtle, their habitats, and measures being implemented for its protection.

Additionally, Mitigation Measure 3.4-3 would require the project proponent to consult with USFWS regarding the potential for the project to affect giant garter snake habitat. If USFWS determines that giant garter snake may be potentially affected by project construction, the project proponent would be required to obtain an incidental take permit from USFWS, and implement the minimization guidelines for giant garter snake.

Any remaining impacts related to special-status reptile and amphibian species after implementation of Mitigation Measures 3.4-2 and 3.4-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

3. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES (EIR IMPACT 3.4-4)
 - (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status bird species is discussed on pages 3.4-19 through 3.4-24 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-4, 3.4-5, and 3.4-6.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status bird species will be mitigated to a less than significant level as Mitigation Measure 3.4-4 would first require the project proponent to complete an initial take avoidance survey for western burrowing owl. Implementation of avoidance and minimization measures (as presented in the March

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

7, 2012, CDFW Staff Report on Burrowing Owl Mitigation) would be triggered if the initial take avoidance survey results in positive owl presence on the project site where project activities shall occur.

Mitigation Measure 3.4-5 would first require the proposed proponent to hire a qualified biologist to perform a preconstruction survey for nesting Swainson's hawk and other raptors. This measure also requires buffers to be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. Further, the project proponent would be required to mitigate for the permanent loss Swainson's hawk foraging habitat on a per-acre basis.

Mitigation Measure 3.4-6 would first require the proposed proponent to hire a qualified biologist to perform a preconstruction survey for other protected bird species that maybe be located on-site. This measure also requires buffers to be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities.

Any remaining impacts related to special-status bird species after implementation of Mitigation Measures 3.4-4, 3.4-5, and 3.4-6 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

4. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES (EIR IMPACT 3.4-5)
 - (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status mammal species is discussed on pages 3.4-24 and 3.4-25 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-7.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status mammal species will be mitigated to a less than significant level as Mitigation Measure 3.4-7 would first require the project to retain a qualified biologist to perform a preconstruction survey to ensure that there are no active maternity roosts if removal of any on-site trees with suitable roost

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

cavities (as determined by a qualified biologist) and/or dense foliage must occur during the bat pupping season (April 1 through July 31). If it is determined from the preconstruction survey that there are special-status bat maternity roosts, then appropriate buffers around the roost sites shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from tree removal or other project activities.

Any remaining impacts related to special-status mammal species after implementation of Mitigation Measure 3.4-7 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

5. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON CANDIDATE, SENSITIVE, OR SPECIAL-STATUS PLANT SPECIES (EIR IMPACT 3.4-6)

- (a) Potential Impact. The potential for the project to have a direct or indirect impact on candidate, sensitive, or special-status plant species is discussed on pages 3.4-26 and 3.4-27 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-8 and 3.4-9.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to candidate, sensitive, or special-status plant species will be mitigated to a less than significant level as Mitigation Measure 3.4-8 would first require the project to retain a qualified biologist to perform a focused survey for the following California Native Plant Society (CNPS) listed plants: heartscale (April to October), brittlescale (April to October), San Joaquin spearscale (April to October), recurved larkspur (March to June), and saline clover (April to June). The survey would be performed during the floristic season (shown in parenthesis). If any of these plants are found during the focused survey, the project proponent would be required to contact the CNPS to obtain the appropriate avoidance and minimization measures.

Additionally, Mitigation Measure 3.4-9 would first require the project to retain a qualified biologist to perform a focused survey for *the* federally and state listed palmate-bracted salty bird's-beak (*Chloropyron palmatum*). The survey would be performed during the floristic season (generally May through October). If this plant is

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

found during the focused survey, the project proponent would be required to contact the USFWS and CDFW to obtain the appropriate avoidance and minimization measures.

Any remaining impacts related to candidate, sensitive, or special-status plant species after implementation of Mitigation Measures 3.4-8 and 3.4-9 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

6. THE PROPOSED PROJECT HAS THE POTENTIAL TO AFFECT PROTECTED WETLANDS AND JURISDICTIONAL WATERS (EIR IMPACT 3.4-7)

- (a) Potential Impact. The potential for the project to affect protected wetlands and jurisdictional waters is discussed on pages 3.4-27 and 3.4-28 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-10.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to protected wetlands and jurisdictional waters will be mitigated to a less than significant level as Mitigation Measure 3.4-10 would first require the project proponent to retain a qualified wetland delineator to perform a wetland delineation and jurisdictional determination. Any impacts on jurisdictional features would be required to obtain the appropriate Clean Water Act (CWA) Section 404 and or 401 permits. All permit conditions including required avoidance, minimization, and mitigation measures included as conditions of the permit would also be followed.

Any remaining impacts related to protected wetlands and jurisdictional waters after implementation of Mitigation Measure 3.4-10 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

7. PROJECT IMPLEMENTATION MAY RESULT IN CONFLICTS WITH LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE (EIR IMPACT 3.4-10)
- (a) Potential Impact. The potential for the project to result in conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, is discussed on pages 3.4-29 through 3.4-31 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-11.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the project to result in conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, will be mitigated to a less than significant level as Mitigation Measure 3.4-11 would first require the project to retain a qualified arborist to perform a survey of any trees within the footprint of the proposed off-site detention basin (located north of Sutter Hospital, and east of the City water tank). The tree survey and arborist report would detail the number, species, size, and relative health and structure of all trees in the aforementioned area. The report would also describe which trees on-site are subject to regulation under the City of Davis Tree Ordinance.

Further, a tree protection plan would be prepared that includes measures to avoid or minimize impacts on trees that are to be preserved on-site and well as proposed mitigation for regulated trees subject to impact or removal. A tree modification permit would be submitted to the City for any proposed removal of a tree. Fees would also be assessed by the City, and paid by the project proponent, in accordance with Davis Municipal Code Chapter 37, "Tree Planting, Preservation, and Protection."

Any remaining impacts related to local policies or ordinances protecting biological resources after implementation of Mitigation Measure 3.4-11 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

8. PROJECT IMPLEMENTATION MAY RESULT IN CONFLICTS WITH AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN (EIR IMPACT 3.4-11)
- (a) Potential Impact. The potential for the project to result in conflicts with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, is discussed on pages 3.4-31 and 3.4-32 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-12.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the project to result in conflicts with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, will be mitigated to a less than significant level as Mitigation Measure 3.4-12 would first require the project to comply with the requirements of the Yolo County Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) as applicable, if the NCCP/HCP is adopted prior to initiation of ground disturbing activities. This would likely include the payment of fees, and the integration of applicable avoidance and mitigation measures for covered species. For species not covered by the Yolo NCCP/HCP, applicable mitigation measures in the Draft EIR would continue to apply after adoption of the Yolo NCCP/HCP and must be satisfied by the project applicant. The project applicant, the City of Davis Department of Community Development and Sustainability, and a representative of the Yolo Habitat Conservancy would coordinate to ensure compliance with the Yolo NCCP/HCP for covered species and satisfaction of applicable EIR mitigation measures for non-covered species.

Any remaining impacts related to local policies or ordinances protecting biological resources after implementation of Mitigation Measure 3.4-12 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

D. CULTURAL AND TRIBAL RESOURCES

1. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5, OR A SIGNIFICANT TRIBAL CULTURAL RESOURCE, AS DEFINED IN PUBLIC RESOURCES CODE §21074 (EIR IMPACT 3.5-1)

(a) Potential Impact. The potential for the project to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074, is discussed on page 3.5-16 through 3.5-18 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to a significant historical resource or significant tribal cultural resource will be mitigated to a less than significant level as Mitigation Measure 3.5-1 would require all construction workers to receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. Further, if any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, 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 would cease, the City of Davis Department of Community Development and Sustainability would be notified, and the applicant would retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If the find is a tribal resource, the Yocha Dehe Wintun Nation would be notified. This mitigation also outlines the site investigation procedures for a find, and requires a data recovery plan to be prepared and adopted prior to any excavation.

Any remaining impacts related to a significant historical resource or significant tribal cultural resource after implementation of Mitigation Measure 3.5-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5 (EIR IMPACT 3.5-2)

- (a) Potential Impact. The potential for the project to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5, is discussed on page 3.5-19 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to a significant archaeological resource will be mitigated to a less than significant level as Mitigation Measure 3.5-1 would require all construction workers to receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. Further, if any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, 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 would cease, the City of Davis Department of Community Development and Sustainability would be notified, and the applicant would retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If the find is a tribal resource, the Yocha Dehe Wintun Nation would be notified. This mitigation also outlines the site investigation procedures for a find, and requires a data recovery plan to be prepared and adopted prior to any excavation.

Any remaining impacts related to a significant archaeological resource after implementation of Mitigation Measure 3.5-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

3. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE (EIR IMPACT 3.5-3)

(a) Potential Impact. The potential for the project to directly or indirectly destroy a unique paleontological resource is discussed on page 3.5-19 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to a unique paleontological resource will be mitigated to a less than significant level as Mitigation Measure 3.5-1 would require all construction workers to receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. Further, if any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, 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 would cease, the City of Davis Department of Community Development and Sustainability would be notified, and the applicant would retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If the find is a tribal resource, the Yocha Dehe Wintun Nation would be notified. This mitigation also outlines the site investigation procedures for a find, and requires a data recovery plan to be prepared and adopted prior to any excavation.

Any remaining impacts related to a unique paleontological resource after implementation of Mitigation Measure 3.5-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

4. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES (EIR IMPACT 3.5-4)
- (a) Potential Impact. The potential for the project disturb human remains, including those interred outside of formal cemeteries, is discussed on pages 3.5-20 and 3.5-21 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to human remains will be mitigated to a less than significant level as Mitigation Measure 3.5-2 would require that if any human remains are found during grading and construction activities, work would be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Yolo County Coroner has been informed and has determined that no investigation of the cause of death is required. The measure also outlines steps to be taken if the remains are of Native American origin.

Any remaining impacts related to human remains after implementation of Mitigation Measure 3.5-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

E. GEOLOGY AND SOILS

1. IMPLEMENTATION AND CONSTRUCTION OF THE PROPOSED PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL (EIR IMPACT 3.6-2)
- (a) Potential Impact. The potential for the project to result in substantial soil erosion or the loss of topsoil is discussed on page 3.6-15 and 3.6-16 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.6-1 and 3.6-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts resulting in substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level as Mitigation Measures 3.6-1 and 3.6-2 will

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

ensure that project plans adequately address grading, erosion, sediment, and pollution control requirements of the Regional Water Quality Control Board (RWQCB), and through employing BMPs and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Additionally, as required by Mitigation Measure 3.6-2, the stormwater runoff from the site shall be treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit.

Any remaining impacts related to erosion or loss of topsoil after implementation of Mitigation Measures 3.6-1 and 3.6-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. THE PROPOSED PROJECT WOULD BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF PROJECT IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE (EIR IMPACT 3.6-3)
 - (a) Potential Impact. The potential for the project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse is discussed on page 3.6-16 through 3.6-18 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-3.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to unstable soils will be mitigated to a less than significant level as Mitigation Measure 3.6-3 will ensure that a design-level geotechnical engineering report is produced by a California Registered Civil Engineer or Geotechnical Engineer. The design-level geotechnical engineering report would

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

include a summary of the site, soil, and groundwater conditions, seismicity, laboratory test data, exploration data and a site plan showing exploratory locations and improvement limits. Any remaining impacts related to unstable soils after implementation of Mitigation Measure 3.6-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

F. GREENHOUSE GASSES, CLIMATE CHANGE, AND ENERGY

1. THE PROPOSED PROJECT MAY GENERATE OPERATION-RELATED GHGS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT (EIR IMPACT 3.7-2)
 - (a) Potential Impact. The potential for the project to generate operation-related GHGs, either directly or indirectly, that may have a significant effect on the environment is discussed on page 3.7-22 through 3.7-24 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.7-1.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.7-1 will ensure that all residential units are designed such that they to achieve a minimum of 15% greater energy efficiency than the baseline 2016 Title-24 Energy Efficiency requirements (compliant with Tier 1 of the 2016 CalGreen Code). Any remaining impacts related to direct or indirect generation of operational greenhouse gas emissions after implementation of Mitigation Measure 3.7-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

G. HAZARDS AND HAZARDOUS MATERIALS

1. THE PROJECT MAY HAVE THE POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT (EIR IMPACT 3.8-1)

(a) Potential Impact. The potential for the project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-15 through 3.8-17 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, 3.8-5, and 3.8-6.

(c) Findings. Based upon the EIR and the potential for the project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, will be mitigated to a less than significant level as Mitigation Measure 3.8-1 and 3.8-2 require submittal and approval of a Soil Management Plan and a soil sampling program. The Soil Management Plan would establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe handling of these materials if encountered. The soil sampling program would include an assessment of the potential agrichemical (including pesticides, herbicides, diesel, petrochemicals, etc.) impacts to surface soil within the project site. Mitigation Measure 3.8-1 also outlines the requirements for the soil sampling program, and steps to take if the results indicate the presence of agrichemicals that exceed screening levels.

Mitigation Measure 3.8-3 requires submittal of a Hazardous Materials Business Plan (HMBP) to Yolo County Environmental Health Division (CUPA). Mitigation Measures 3.8-4 and 3.8-5 require removal and/or abandonment of any underground septic tanks, fuel tanks, or wells that are uncovered from past site uses during construction. Mitigation Measure 3.8-6 requires the applicant to confirm to the City of Davis that soil sampling of the on-site soil stockpiles was performed to identify potential soil contaminants. If elevated levels of total petroleum hydrocarbons (TPH) (gas, diesel and motor oil) or volatile organic compounds (VOCs) are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan would be prepared and implemented prior to the commencement of grading activities.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Any remaining impacts related to hazardous materials routine transport, use, disposal, or through accident conditions involving the release of hazardous materials into the environment after implementation of Mitigation Measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, 3.8-5, and 3.8-6 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

H. HYDROLOGY AND WATER QUALITY

1. THE PROJECT MAY VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS DURING CONSTRUCTION (EIR IMPACT 3.9-1)

- (a) Potential Impact. The potential for the project to violate water quality standards or waste discharge requirements during construction is discussed on pages 3.9-14 and 3.9-16 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.6-1 and 3.9-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with the potential to violate water quality standards or waste discharge requirements during construction will be mitigated to a less than significant level as Mitigation Measures 3.6-1 and 3.9-1 require the preparation of a detailed SWPPP, implementation of BMPs, and submittal and approval of a Spill Prevention Countermeasure and Control Plan which will specify measures and procedures to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities.

Any remaining impacts related to water quality standards or waste discharge requirements during construction after implementation of Mitigation Measures 3.6-1 and 3.9-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

2. THE PROJECT MAY VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS POST-CONSTRUCTION (EIR IMPACT 3.9-2)
 - (a) Potential Impact. The potential for the project to impact water quality standards or waste discharge requirements post-construction is discussed on pages 3.9-16 through 3.9-19 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.9-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with violations of water quality standards or waste discharge requirements post-construction will be mitigated to a less than significant level as Mitigation Measure 3.9-2 requires submittal of a final plan identifying permanent stormwater control measures to be implemented by the project to the City. The plan shall include measures consistent with the Preliminary Drainage Study prepared for the project and shall be subject to review and approval by the Public Works Department. Any remaining impacts related to water quality, and waste discharge after implementation of Mitigation Measure 3.9-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

3. THE PROJECT MAY PLACE HOUSING OR STRUCTURES THAT WOULD IMPEDE/REDIRECT FLOWS WITHIN A 100-YEAR FLOOD HAZARD AREA AS MAPPED ON A FEDERAL FLOOD HAZARD BOUNDARY OR FLOOD INSURANCE RATE MAP OR OTHER FLOOD HAZARD DELINEATION MAP (EIR IMPACT 3.9-6)
 - (a) Potential Impact. The potential for the project to place housing or structures that would impede/redirect flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map is discussed on pages 3.9-23 through 3.9-25 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.9-3, 3.9-4, and 3.9-5.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with the 100-year flood hazard area will be mitigated to a less than significant level as Mitigation Measure 3.9-3 requires the project applicant to either demonstrate that the developed portions of the project site are outside of the anticipated 100-year flood hazard area, or incorporate measures into the proposed project to achieve a 100-year level of flood protection for any site installations. Mitigation Measure 3.9-4 requires the project applicant to prepare and submit an application for Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) for approval. Mitigation Measure 3.9-5 requires the building pads for all onsite structures to be set a minimum of 1.0 foot above the maximum 100-year water surface elevations on the project site, as shown on the CLOMR approved by FEMA.

Any remaining impacts related to the 100-year flood hazard area after implementation of Measures 3.9-3, 3.9-4, and 3.9-5 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR and Final EIR.

Aesthetics and Visual Resources: The following specific impact was found to be less than significant: 3.1-3.

Agricultural Resources: The following specific impacts were found to be less than significant: 3.2-2 and 3.2-3.

Air Quality: The following specific impacts were found to be less than significant: 3.3-3, 3.3-4, and 3.3-5.

Biological Resources: The following specific impacts were found to have no impact: 3.4-3, 3.4-8, 3.4-9.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Geology and Soils: The following specific impacts were found to be less than significant: 3.6-1 and 3.6-4.

Greenhouse Gases and Climate Change: The following specific impacts were found to be less than significant: 3.7-1, 3.7-3, and 3.7-4.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant: 3.8-2, 3.8-3, 3.8-4, 3.8-5, and 3.8-6.

Hydrology and Water Quality: The following specific impacts were found to be less than significant: 3.9-3, 3.9-4, 3.9-5, and 3.9-7.

Land Use: The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, and 3.10-3.

Noise: The following specific impacts were found to be less than significant: 3.11-1, 3.11-2, 3.11-3, 3.11-4, and 3.11-5.

Population and Housing: The following specific impacts were found to be less than significant: 3.12-1 and 3.12-2.

Public Services and Recreation: The following specific impacts were found to be less than significant: 3.13-1, 3.13-2, 3.13-3, 3.13-4, 3.13-5, and 3.13-6.

Traffic and Circulation: The following specific impacts were found to be less than significant: 3.14-1, 3.14-2, 3.14-3, 3.14-4, 3.14-7, 3.14-8, and 3.14-11.

Utilities: The following specific impacts were found to be less than significant: 3.15-1, 3.15-2, and 3.15-3.

The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

Biological Resources: The following specific impact was found to be less than cumulatively considerable: 4.4.

Cultural and Tribal Resources: The following specific impact was found to be less than cumulatively considerable: 4.5.

Geology and Soils: The following specific impact was found to be less than cumulatively considerable: 4.6.

Greenhouse Gases and Climate Change: The following specific impact was found to be less than cumulatively considerable: 4.7.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.8.

Hydrology and Water Quality: The following specific impacts were found to be less than cumulatively considerable: 4.9 and 4.10.

Land Use: The following specific impact was found to be less than cumulatively considerable: 4.11.

Noise: The following specific impacts were found to be less than cumulatively considerable: 4.12.

Population and Housing: The following specific impact was found to be less than cumulatively considerable: 4.13.

Public Services and Recreation: The following specific impact was found to be less than cumulatively considerable: 4.14.

Utilities: The following specific impact was found to be less than cumulatively considerable: 4.17.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the project.
- The EIR determined that the project would have a less than cumulatively considerable contribution to the cumulative impact.
- The EIR determined that the impact is beneficial (would be reduced) for the project.
- The EIR determined that the cumulative impact was fully addressed in the General Plan EIR and that the project would not result in new or expanded cumulative impacts.

VI. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

The State CEQA Guidelines Section 15126.6 mandates that every EIR evaluate a no-project alternative, plus a feasible and reasonable range of alternatives to the project or its location. Seven alternatives to the proposed project were developed based on City of Davis staff and City Council input, input from the public during the NOP review period, and the technical analysis performed to identify the environmental effects of the proposed project. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project.

Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts but whether project alternatives can address potentially significant impacts. But where all significant impacts can be

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

substantially lessened, in this case to a less-than-significant level, solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that project alternatives might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed project, as mitigated (Public Resources Code Section 21002; Laurel Hills Homeowners Association v. City Council (1978 83 Cal.App.3d 515, 521. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 730-733; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403).

Because not all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures or by standard conditions of approval, the following section considers the feasibility of the project alternatives as compared to the proposed project.

As explained below, these findings describe and reject, for reasons documented in the FEIR and summarized below, each one of the project alternatives, and the City finds that approval and implementation of the proposed West Davis Active Adult Community Project is appropriate. The evidence supporting these findings is presented in Section 5.0 of the Draft EIR.

A. IDENTIFICATION OF PROJECT OBJECTIVES

As described above, an EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” Chapter 2.0 and Chapter 5.0 of the Draft EIR identify the project’s goals and objectives. The project objectives include:

1. Create a community that connects the City’s senior population to existing services and facilities in West Davis.
2. Design a neighborhood with homes to support an active lifestyle for older adults.
3. Create a diverse community that provides housing for multiple generations and lifestyles by including a provision in the single-family neighborhood for 20% non-age restricted housing.
4. Provide Davis residents with housing options that meets their long-term needs so they remain local rather than leave the City.
5. Provide a community that is not isolated from the rest of the City by providing public gathering spaces for all City residents.

B. ALTERNATIVES ANALYSIS IN EIR

With the exception of the No Project alternative, all alternatives considered were mixed-use residential development varied in the ways described below:

- Variation in resident targeting, with no age restrictions for occupancy of the units;
- Variation in physical development type, with the same number of units on less land; and

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- Variation in location, with an off-site alternative.

Pursuant to Section 15126.6 of the CEQA Guidelines, the EIR considered four alternatives to the proposed project. The potential alternatives were screened against a set of criteria. The criteria addressed two primary topics: the ability of the alternative to meet the project objectives and purpose, and the feasibility and reasonableness of the alternative. The four alternatives were analyzed in Chapter 5 of the DEIR. The alternatives that were analyzed are as follows:

1. No Project (No Build) Alternative
2. Conventional (Non-Age Restricted Alternative
3. Higher Density, Less Land Alternative
4. Off-Site (Inside Mace Curve) Alternative

Based on impacts identified in the EIR, and other reasons documented below, the City Council finds that the West Davis Active Adult Community Project, as approved, is the most desirable, feasible, and appropriate action and rejects the other alternatives as infeasible based on consideration of the relevant factors identified herein. A summary of each alternative, its relative characteristics, and documentation of the City Council's findings in support of rejecting the alternative as infeasible are provided below.

C. GENERAL FINDINGS FOR PROJECT ALTERNATIVES

The City Council finds that the range of alternatives studied in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of the West Davis Active Adult Community Project. The City Council finds that the alternatives analysis is sufficient to inform the Council, other agencies, and the public regarding the tradeoffs between the degree to which alternatives could reduce environmental impacts and the corresponding degree to which the alternatives would hinder achievement of the project objectives and/or be infeasible.

The City Council is free to reject an alternative that it considers undesirable from a policy standpoint, provided that such a decision reflects a reasonable balancing of various "economic, social, and other factors." Based on impacts identified in the EIR, and other reasons documented below, the City Council finds that approval of the West Davis Active Adult Community is the most desirable, feasible, and appropriate alternative, and rejects other alternatives and other combinations and/or variations of alternatives as infeasible.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

D. FINDINGS FOR REJECTION OF ALTERNATIVES

1. NO PROJECT (NO BUILD) ALTERNATIVE:

The No Project (No Build) Alternative is discussed on pages 5.0-3, and 5.0-5 through 5.0-9 of the Draft EIR. The No Project (No Build) Alternative assumes that the project site would remain in its existing state and no additional development would occur. The current condition of the site consists of agricultural uses, a gravel parking lot, and the existing Covell Boulevard improvements and drainage channel.

Findings: The No Project (No Build) Alternative is rejected as an alternative because it would not achieve any of the five identified objectives. The No Project (No Build) Alternative is the environmentally superior alternative.

Explanation: This alternative would not realize the benefits of the project nor achieve any of the project objectives. The City of Davis has identified the need for diverse housing options to serve local residents to help meet existing housing needs, including age-restricted, non-age-restricted, and affordable units, consistent with City Housing Policies. Under the No Project (No Build) Alternative, no new age-restricted, non-age-restricted, or senior affordable housing opportunities would be allowed and no site development would occur. The No Project (No Build) Alternative would result in fewer significant environmental impacts than the proposed project, but would fail to fully meet any project objectives identified by the City.

For these reasons, the project is deemed superior to the No Project (No Build) Alternative.

2. CONVENTIONAL (NON-AGE RESTRICTED) ALTERNATIVE:

The Conventional (Non-Age Restricted) Alternative is discussed on pages 5.0-3, 5.0-4, and 5.0-10 through 5.0-15 of the Draft EIR. Under this alternative, the project site would be developed similar to the proposed project with up to 560 units, but the units would not be age-restricted. The required affordable housing component would be provided on-site under this alternative, similar to the proposed project. The proposed amenities, mixed use area, bicycle and pedestrian improvements, and landscaping would be the same as the proposed project.

Findings: The Conventional (Non-Age Restricted) Alternative is rejected as an alternative because it would result in greater impacts to eight resources areas. Additionally, this alternative would not fully meet the five project objectives. The total population resulting from this alternative would likely be greater due to the non-age restricted units and potential for families to inhabit the site.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Explanation: This alternative results in greater impacts in the following eight resources areas: air quality, geology and soils, greenhouse gases, noise and vibration, population and housing, public services and recreation, transportation and circulation, and utilities. The increased impacts are largely due to the potential increase in total population resulting from this alternative when compared to the proposed project. The alternative would also be less able to meet the objectives to provide housing for older adults and seniors, who would have to compete for housing units with non-senior households, including student households. The Conventional Alternative would provide housing at a location near Sutter-Davis Hospital and University Retirement Community at Davis to residents that would not be expected to benefit from living near these senior-supportive facilities. The Conventional Alternative would also have the potential to increase conflicts between senior and non-senior residents of the development by removing the explicit goal of providing housing oriented to active adults and seniors.

For these reasons, the project is deemed superior to the Conventional (Non-Age Restricted) Alternative.

3. HIGHER DENSITY, LESS LAND ALTERNATIVE:

The Higher Density, Less Land Alternative is discussed on pages 5.0-4, and 5.0-15 through 5.0-20 of the Draft EIR. Under this alternative, the project site would be developed with the same number of dwelling units as the proposed project (up to 560), but on a smaller footprint than the proposed project. This alternative would include development of approximately fifty percent of the footprint of the proposed project site, or approximately 37 acres. This alternative would result in a density of approximately 15.1 units per acre. The assumed type of units would be adjusted to reflect the increased density. The increased density under this alternative would allow a portion of the required agricultural land mitigation area and stormwater detention facilities to be located on the project site. The proposed amenities, mixed use area, bicycle and pedestrian improvements, and landscaping would be the same as the proposed project.

Findings: The Higher Density, Less Land Alternative is rejected because it would not avoid any of the significant and unavoidable impacts of the project. Additionally, this alternative would not provide the same level of benefits as the project.

Explanation: This alternative would fully meet all five of the objectives of the project. The Higher Density, Less Land Alternative would reduce impacts in seven resource areas as compared to the proposed project, including impacts from conversion of agricultural land to urban uses, but would also result in similar impacts in eight resource areas. This alternative would not avoid any of the significant and unavoidable impacts of the project. Additionally, this alternative would not be as effective as the proposed project at meeting the project objectives identified in the EIR because the higher-density development type would not accommodate the envisioned single-story single-family residential components of the proposed project. Further, due to the clustering of the

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

residences at a higher density than the project, development of the site in accordance with this alternative could introduce visual elements that are substantially greater in scale than the surrounding development, adversely impacting the visual character and compatibility of the area. Potential land use conflicts may occur between the urban uses and maintained agricultural uses under this alternative. This alternative is also potentially economically unfeasible due to the lack of housing variety as this alternative would result in a density of approximately 15.1 units per acre, and the assumed type of units would be adjusted to reflect the increased density. This would potentially reduce the value of the units that would be built, and impair the feasibility of providing the greenways, mini-parks, and other on-site amenities that are included in the proposed project. On balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the project.

For these reasons, the project is deemed superior to the Higher Density, Less Land Alternative.

4. OFF-SITE (INSIDE MACE CURVE) ALTERNATIVE:

The Off-Site (Inside Mace Curve) Alternative is discussed on pages 5.0-4, and 5.0-20 through 5.0-25 of the Draft EIR. Under this alternative, the proposed project would be developed with a decrease in units at an off-site location. Parcels of similar size that are designated and/or zoned for residential uses are not currently available for development within the City. For the purposes of evaluating an off-site alternative location within the City, City staff has identified the 47-acre property located inside the Mace Curve, adjacent to Harper Junior High School. The off-site location is designated Agriculture by the Yolo County General Plan land use map has a County zoning of Agriculture-Extensive (A-N). Similar to the proposed project site, development of this off-site location would require a Measure R vote. This site was identified as a “yellow light” site in the 2008 Resolution by City Council implementing the Housing Element Steering Committee recommendations. The 2008 Resolution noted that this off-site location could support 350 to 473 dwelling units.

The overall proposed project density of approximately 7.6 dwelling units per acre (du/ac) ($560 \text{ du} \div 74 \text{ ac} = 7.57 \text{ du/ac}$). Utilizing this density of 7.6 du/ac, the approximately 47-acre off-site location would provide up to 360 units ($360 \text{ du} \div 47 \text{ ac} = 7.55 \text{ du/ac}$). The proposed amenities, mixed use area, bicycle and pedestrian improvements, and landscaping would be the same as the proposed project.

Findings: The Off-Site (Inside Mace Curve) Alternative is rejected because it would result in 200 fewer housing units than the proposed project. As a result, this alternative would only partially meet four of the five project objectives. The Off-Site (Inside Mace Curve) Alternative is the next environmentally superior alternative to the No Project (No Build) Alternative.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Explanation: This alternative would fully meet one of the objectives of the project as it would provide amenities and public gathering spaces for all City residents, similar to the proposed project. However, this alternative would not connect seniors to existing services and facilities in West Davis and, although this alternative would provide housing for multiple generations and lifestyles, this alternative would result in 200 fewer units than the proposed project. As such, this alternative would satisfy four of the objectives to a lesser degree than the proposed project. The Off-Site Alternative is located nearly four miles from Sutter-Davis Hospital and University Retirement Community at Davis, and would not facilitate development of senior-oriented housing near other senior-oriented facilities. The Off-Site (Inside Mace Curve) Alternative would reduce impacts in 11 resource areas as compared to the proposed project, but would also result in similar impacts in four resource areas. This alternative would not avoid any of the significant and unavoidable impacts of the project.

For these reasons, the project is deemed superior to the Off-Site (Inside Mace Curve) Alternative.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE WEST DAVIS ACTIVE ADULT COMMUNITY PROJECT FINDINGS

As described in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the project:

- Potential to result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character (EIR Impact 3.1-1);
- Project implementation may result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses (EIR Impact 3.2-1);
- Project implementation may lead to the indirect conversion of adjacent agricultural lands to non-agricultural uses (EIR Impact 3.2-4);
- Project operations have the potential to cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation (EIR Impact 3.3-1);
- Under cumulative plus project conditions, project implementation would cause significant impacts at study intersections (EIR Impact 3.14-5);
- Under cumulative plus project conditions, project implementation would cause significant impacts at study freeway facilities (EIR Impact 3.14-6);
- The proposed site plan would not provide adequate emergency vehicle access (EIR Impact 3.14-9);
- The proposed site plan would not provide adequate project access (EIR Impact 3.14-10);
- The project may contribute to the cumulative degradation of the existing visual character of the region (EIR Impact 4.1);

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- The project may contribute to cumulative impacts on agricultural land and uses (EIR Impact 4.2);
- The project may contribute to cumulative impacts on the region's air quality (EIR Impact 4.3);
- Under cumulative plus project conditions, project implementation would cause significant impacts at study intersections (EIR Impact 4.15);
- Under cumulative plus project conditions, project implementation would cause significant impacts at study freeway facilities (EIR Impact 4.16).

The adverse effects identified above are substantive issues of concern to the City of Davis. The development of senior housing is called for and contemplated in the Davis General Plan. Policy HOUSING 1.8 of the Davis General Plan aims to encourage a variety of housing types and care choices, as well as housing innovation, for seniors. The proposed project is consistent with this Policy as the project would provide a variety of housing types and sizes, and would provide an approximately three-acre continuing care retirement community.

Policy HOUSING 4.4 aims to encourage senior housing in all parts of Davis and near neighborhood centers, shopping centers, public transportation, and/or parks and greenbelts where compatible with existing uses. The facility is served by a nearby Yolobus and Unitrans bus stop, and has various bicycle/pedestrian facilities in close proximity. Existing bus stops are located on the north side of Covell Boulevard, near the intersection with Risling Court (at southeast corner of project site), near the John Jones Road and Covell Boulevard intersection. On the south side of Covell Boulevard, a stop is located approximately 250 feet east of Risling Court. Additionally, the project site is located near various retail and commercial areas, with an existing shopping center located east of the site opposite SR 113. Further, the project includes various parks, greenbelts, and pedestrian paths within the site. Approval and development of the proposed project will provide local residents and seniors with housing located in close proximity to neighborhood centers and shopping centers, with access to transit routes and bicycle paths.

Additionally, General Plan Policy UD 2.4 aims to create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers, and transit stops. The proposed project would incorporate solar photovoltaics onto residential rooftops, which would reduce the need for fossil fuel-based energy (for proposed project buildings), including for electricity. The project includes on-site open space amenities, including but not limited to, a dog park and tot lot, 4.5 miles of off street biking and walking paths within the project area, and an additional 0.22 miles of off street biking and walking paths offsite. The project also includes a mixed use are; current plans for the facility include a health club, restaurant, meeting rooms, and an outdoor swimming pool, all of which would be available for use by residents and the public. Further, the project site is located in close proximity to neighborhood centers and services, such as the Marketplace Shopping Center, retail uses along John Jones Road, and Sutter Davis Hospital.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

General Plan Policy TRANSPORTION 1.3 aims to locate higher intensity residential development near existing centers and along corridors well served by non-motorized transportation infrastructure and public transportation. The project meets this policy as already described.

The City Council has balanced the benefits of the project against its unavoidable environmental risks in determining whether to approve the project, and has determined that the benefits of the Project outweigh the unavoidable adverse environmental effects. The reasons set forth below are based on the EIR and other information in the record. As set forth in the preceding sections, approving the project will result in significant adverse environmental effects that cannot be reduced to a less-than-significant level, even with the adoption of all feasible mitigation measures. As determined above, however, there are no additional feasible mitigation measures, nor are there feasible alternatives, that would mitigate or substantially lessen the impacts to a less-than-significant level. Therefore, despite these significant environmental effects, the City Council, in accordance with Public Resources Code Sections 21001, 21002.1(c), 21081(b) and CEQA Guidelines Section 15093, chooses to approve the Project because, in its judgment, the following economic, social, and other benefits that the Project will produce will render the significant effects acceptable.

Substantial evidence supporting the benefits cited in this Statement of Overriding Considerations can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the record of proceedings, as defined in section II, above. Any one of the following reasons is sufficient to demonstrate that the benefits of the project outweigh its unavoidable adverse environmental effects, thereby justifying approval of the project.

1. Development of Senior Housing. The project would provide age-restricted and non-age-restricted housing options and contribute toward an adequate supply of rental housing and ownership housing in the City of Davis to help meet existing senior housing needs, consistent with City housing policies. Davis General Plan Policy HOUSING1.9 aims to encourage a variety of housing types and care choices, as well as housing innovation, for seniors, which the project would provide. Davis General Plan Policy HS 4.2 aims to provide services which enable seniors to remain as independent as possible, which the project would provide. The project would be consistent with this policy and action.
2. Development of Affordable Housing. The project would increase the supply of senior affordable housing for varying income levels and needs in a post-redevelopment environment. Under the terms of the Development Agreement, all of the high-density units would meet the required minimum income and rent targets, including a minimum of one-third of the units for households with incomes not exceeding 30 percent of area median income (extremely low income). The 150 affordable apartment units would be developed in order to meet the City's Affordable Housing requirements. The project would also advance City Council Goals for 2016-1018 that includes Objective 6 to increase the supply of affordable housing.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

3. Quality Design and the Integration of On-Site Amenities. The proposed project would comply with all existing energy standards, including those established by the City of Davis. The proposed project would introduce solar photovoltaics onto residential rooftops. In addition to quality design, the proposed project includes several on-site amenities. Site amenities would include a tot lot, dog park, health club, restaurant, meeting rooms, and an outdoor swimming pool. The project site would be interconnected via a grid of north-south and east-west neighborhood walking and biking paths. The internal greenways would provide connection between the site access points, the residential housing units and the activity and wellness center.
4. Improvements to the Nearby Circulation System. The Project includes extensive improvements to the intersections of Covell Boulevard with Shasta Drive / Risling Place and with John Jones Road, to eliminate free right turn lanes, reduce the distance for pedestrians crossing Covell Boulevard, and increase safety for all uses. The project also includes dedication of land for a potential landing of bicycle/pedestrian crossing of SR 113, should such a project be proposed in the future. Landscaping improvements along Covell Boulevard will improve aesthetics of the corridor and increase comfort for all users.
5. Consistency with the Davis General Plan. The Davis General Plan designates the project site as Agriculture (A). The proposed project would require a City of Davis General Plan Amendment to the Land Use Element to change land uses on the project site. Changes to the Land Use Element would include changing the entire project site from Agriculture (Yolo County) to Residential – Medium Density, Residential – High Density, Neighborhood Mixed Use, and Urban Agriculture Transition Area (City of Davis). The proposed general plan amendment will ensure the project’s consistency with the City’s General Plan requirements.

The Proposed Project is consistent with all of the following General Plan policies, goals, and actions:

- | | |
|----------------|--|
| Policy LU A.3: | Require a mix of housing types, densities, prices and rents, and designs in each new development area. |
| Policy UD 2.4: | Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers. |
| Goal HS 4: | Create and maintain a social and service environment supportive of seniors. |
| Policy HS 4.2: | Provide services which enable seniors to remain as independent as possible. |

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- Goal HOUSING 1: Promote an adequate supply of housing for people of all ages, income, lifestyles and types of households consistent with General Plan policies and goals.
- Policy HOUSING 1.2: Strive to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students.
- Policy HOUSING 1.8: Encourage a variety of housing types and care choices, as well as housing innovation, for seniors.
- Policy HOUSING 4.4: Encourage senior housing in all parts of Davis and near neighborhood centers, shopping centers, public transportation, and/or parks and greenbelts where compatible with existing uses.
- Policy TRANS 1.3: Encourage higher intensity residential, commercial, and mixed-use development near existing activity centers and along corridors well served by non-motorized transportation infrastructure and public transportation.
6. Consistency with the Davis Climate Action and Adaptation Plan (D-CAAP). The proposed project is consistent with the D-CAAP, which lays the framework for the City of Davis to achieve its target reduction goals of GHG emissions, and is consistent with the City's GHG standards for new residential projects. Because the proposed project is consistent with the D-CAAP, development of the project would assist the City in achieving their adopted GHG reduction targets.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

VIII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The Davis City Council has considered information contained in the EIR prepared for the proposed West Davis Active Adult Community Project as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable aesthetic, agricultural resource, air quality, and transportation and circulation impacts may result from implementation of the proposed project, the Council finds that the benefits of the project and overriding considerations outweigh the adverse effects of the project. Having included all feasible mitigation measures in the Mitigation Monitoring and Reporting Program, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed West Davis Active Adult Community Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed project and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed West Davis Active Adult Community Project.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment due to implementation of the proposed West Davis Active Adult Community Project have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed West Davis Active Adult Community Project which would mitigate or substantially lessen the impacts; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the West Davis Active Adult Community Project (project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Davis will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|--|---|--|--|------------------------------|
| AESTHETICS AND VISUAL RESOURCES | | | | |
| Impact 3.1-2: Project implementation may result in light and glare impacts | Mitigation Measure 3.1-1: In order to reduce the potential for glare from buildings and structures within the project site, the Preliminary and Final Planned Developments for the project shall show that the use of reflective building materials that have the potential to result in glare that would be visible from sensitive receptors located in the vicinity of the project site shall be prohibited. The City of Davis Department of Community Development and Sustainability shall ensure that the approved project uses appropriate building materials with low reflectivity to minimize potential glare nuisance to off-site receptors. | City of Davis Department of Community Development and Sustainability | Prior to issuance of each building permit | |
| AGRICULTURAL RESOURCES | | | | |
| Impact 3.2-1: Project implementation may result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses | Mitigation Measure 3.2-1: Prior to initiation of grading activities for each phase of development of the project, the project applicant shall set aside in perpetuity, at a minimum ratio of 2:1 of active agricultural acreage, an amount equal to the current phase. The applicant may choose to set aside in perpetuity an amount equal to the remainder of the project site instead of at each phase. The agricultural land shall be elsewhere in the Davis Planning Area, through the purchase of development rights and execution of an irreversible conservation or agricultural easement, consistent with Section 40A.03.025 of the Davis Municipal Code. The location and amount of active agricultural acreage for the proposed project is subject to the review and approval by the City Council. The amount of agricultural acreage set aside shall account for farmland lost due to the conversion of the project site, as well as some of the off-site improvements, including but not necessarily limited to the off-site stormwater detention pond and the off-site Rising Court improvements. The amount of agricultural acreage set aside shall not include conversion of the agricultural buffer. The amount of agricultural acreage that needs to be set aside for off-site improvements shall be verified for each phase of the project during improvement plan review. Pursuant to Davis Code Section 40A.03.040, the agricultural mitigation land shall be comparable in soil quality with the agricultural land being changed to nonagricultural use. The easement land must conform with the policies and | City of Davis Department of Community Development and Sustainability City of Davis City Council | Prior to initiation of grading activities for each phase of development of the project | |

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|--|---|--|--|------------------------------|
| Impact 3.2-4: Project implementation may lead to the indirect conversion of adjacent agricultural lands to non-agricultural uses | <p>requirements of LAFCO including a LESA score no more than 10 percent below that of the project site.</p> <p>Mitigation Measure 3.2-2: Prior to the issuance of occupancy permits, the applicant shall consult with adjacent agricultural property owners and attempt to purchase a "no aerial spray" easement. The applicant shall submit the written proof of the easement, or a statement indicated an agreement has not been reached to the Department of Community Development and Sustainability.</p> | City of Davis Department of Community Development and Sustainability | Prior to the issuance of occupancy permits | |
| AIR QUALITY | | | | |
| Impact 3.3-1: Project operations have the potential to cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation | <p>Mitigation Measure 3.3-1: Prior to the issuance of each building permit, the project applicant shall ensure that the project incorporates the following mitigation:</p> <ul style="list-style-type: none"> • Require the use Low VOC Cleaning Supplies during project operation • Require the use of low VOC Paint (VOC emission factor of below 100 g/L for residential interiors exteriors, and below 150 g/L for non-residential interior, non-residential exterior, parking). • Install metal halide post top lights, metal halide cobrahead/cutoff lights, LED lights, or high pressure sodium cutoff lights. • Require only the install low-flow appliances (for the bathroom faucet, kitchen faucet, toilet, and shower). • Require the use water-efficient irrigation systems. | City of Davis Department of Community Development and Sustainability | Prior to issuance of each building permit | |
| Impact 3.3-2: Project construction has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation | <p>Mitigation Measure 3.3-2: The project applicant shall implement the following dust control measures during all construction activities. These measures shall be incorporated as part of the building and grading plans.</p> <ul style="list-style-type: none"> • Water all active construction sites at least three times daily. Frequency should be based on the type of operation, soil, and wind exposure. • Apply water or dust palliatives on exposed earth surfaces as necessary to control dust emissions. Construction contracts shall include dust control treatment in late morning and at the end of the | City of Davis Department of Community Development and Sustainability (for review and approval of each building permit) and | Prior to issuance of grading permits and during all site construction activities | |

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|--|--|---|--|------------------------------|
| | <p>day, of all earth surfaces during clearing, grading, earth moving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible. Excessive watering will be avoided to minimize tracking of mud from the project onto streets as determined by Public Works.</p> <ul style="list-style-type: none"> • Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour). • Outdoor storage of fine particulate matter on construction sites shall be prohibited. • Contractors shall cover any stockpiles of soil, sand and similar materials. There shall be no storage of uncovered construction debris for more than one week. • Re-vegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project. • Cover all trucks hauling dirt, sand, or loose materials, or maintain at least two feet of freeboard within haul trucks. • Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area (as applicable). • Sweep streets if visible soil material is carried out from the construction site. • Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel. • Reduce speed on unpaved roads to less than 5 miles per hour. | City of Davis Department of Public Works (for monitoring during all site construction activities) | | |
| BIOLOGICAL RESOURCES | | | | |
| Impact 3.4-1: Project implementation may result in direct or indirect effects on special-status invertebrate species | <p>Mitigation Measure 3.4-1: The project proponent shall implement the following measures to avoid or minimize impacts on valley elder-berry longhorn beetle:</p> <ul style="list-style-type: none"> • All on-site elderberry shrubs shall be avoided and preserved on-site through site design, as feasible. • All elderberry shrubs that are located adjacent to construction areas, but can be avoided, shall be fenced and designated as | City of Davis Department of Community Development and Sustainability and Public Works | Prior to issuance of grading permits and during all site construction activities | |

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|--|--|---|---|------------------------------|
| <p>Impact 3.4-2: Project implementation may result in direct or indirect effects on special-status reptile and amphibian species</p> | <p><i>environmentally sensitive areas. These areas shall be avoided by all construction personnel. Fencing shall be placed at least 20 feet from the dripline of each shrub, unless otherwise approved by USFWS.</i></p> <ul style="list-style-type: none"> • <i>No insecticides, herbicides, or other chemicals that might harm the beetle or its host plant shall be used within 100 feet of the elder-berry shrubs.</i> • <i>If the shrub(s) cannot be avoided through redesign, as determined by the City of Davis Public Works Department in conjunction with the project applicant, the project applicant shall mitigate for potential impacts to the shrub(s) by either (1) purchasing VELB conservation credits from a USFWS-approved conservation bank, or (2) transplanting the individual shrub(s) that is not avoided to a suitable mitigation site in a manner consistent with the USFWS' 1999 Conservation Guidelines for the VELB. The mitigation shall be overseen by a qualified biologist, approved by the City of Davis Department of Community Development and Sustainability and USFWS.</i> <p>Mitigation Measure 3.4-2: <i>The project proponent shall implement the following measures to avoid or minimize impacts on western pond turtle:</i></p> <ul style="list-style-type: none"> • <i>Ground-disturbing activities in areas of potential pond turtle nesting habitat shall be avoided during the nesting season (April–August), to the extent feasible.</i> • <i>A preconstruction survey for western pond turtles within aquatic habitats and adjacent suitable uplands to be disturbed by project activities shall be conducted by a qualified biologist. In aquatic habitats which may be dewatered during project construction, surveys shall be conducted immediately after dewatering and before any subsequent disturbance. Elsewhere, surveys shall be conducted within 24 hours before project disturbance.</i> • <i>If pond turtles are found during preconstruction surveys, a qualified biologist, with approval from CDFW, shall move the turtles to the nearest suitable habitat outside the area subject to project disturbance. The construction area shall be reinspected whenever a lapse in construction activity of 2 weeks or more has occurred.</i> | <p>Department (for review and approval of the site design) and U.S. Fish and Wildlife Service (for approval of mitigation, if the shrubs cannot be avoided through redesign)</p> | <p>Prior to issuance of grading permits and during all site construction activities</p> | |
| | | <p>City of Davis Department of Community Development and Sustainability (for review and approval of the site design and pre-construction surveys) and California Department of Fish and Wildlife (for approval of turtle moving).</p> | | |

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|----------------------|---|---|---|------------------------------|
| | <ul style="list-style-type: none"> • Construction personnel performing activities within aquatic habitats and adjacent suitable uplands to be disturbed by project activities shall receive worker environmental awareness training from a qualified biologist to instruct workers to recognize western pond turtle, their habitats, and measures being implemented for its protection. • Construction personnel shall observe a 15-miles-per-hour speed limit on unpaved roads. <p>Mitigation Measure 3.4-3: The project proponent shall implement the following measures to avoid or minimize impacts on giant garter snake:</p> <p>The project proponent shall consult with USFWS regarding the potential for the project to affect giant garter snake habitat. If USFWS determines that giant garter snake may be potentially affected by project construction, the project proponent shall obtain an incidental take permit from USFWS and implement the minimization guidelines for giant garter snake, as follows:</p> <ul style="list-style-type: none"> • Unless authorized by USFWS, construction and other ground-disturbing activities within 200 feet of suitable aquatic habitat for the giant garter snake shall not commence before May 1, with initial ground disturbance expected to correspond with the snake's active season. Initial ground disturbance shall be completed by October 1. • To the extent possible, construction activities shall be avoided within upland habitat within 200 feet from the banks of giant garter snake aquatic habitat. Movement of heavy equipment in these areas shall be confined to existing roadways, where feasible, to minimize habitat disturbance. • Construction personnel shall receive USFWS-approved worker environmental awareness training to instruct workers to recognize giant garter snake and their habitats. • Within 24 hours before construction activities, the project area shall be surveyed for giant garter snake. The survey shall be repeated if a lapse in construction activity of 2 weeks or greater has occurred. If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective | <p>if the turtle is found during the surveys)</p> <p>City of Davis Department of Community Development and Sustainability (for review and approval of construction surveys) and U.S. Fish and Wildlife Service (for consultation and determination)</p> | <p>Prior to issuance of grading permits and during all site construction activities</p> | |

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|---|--|---|---|------------------------------|
| <p>Impact 3.4-4: Project implementation may result in direct or indirect effects on special-status bird species</p> | <p>measures have been completed or it is determined by the qualified biologist and City staff, in coordination with USFWS and CDFW, that the giant garter snake shall not be harmed. Any sightings or incidental take shall be reported to USFWS and CDFW immediately.</p> <ul style="list-style-type: none"> • Any aquatic habitat for the snake that is dewatered shall remain dry for at least 15 consecutive days after April 15 and before excavating or filling of the dewatered habitat. If complete dewatering is not possible, potential snake prey (e.g., fish and tadpoles) will be removed so that snakes and other wildlife are not attracted to the construction area. • Giant garter snake habitat to be avoided within or adjacent to construction areas will be fenced and designated as environmentally sensitive areas. These areas shall be avoided by all construction personnel. | | | |
| <p>Impact 3.4-5: Project implementation may result in direct or indirect effects on special-status bird species</p> | <p>Mitigation Measure 3.4-4: The project proponent shall implement the following measure to avoid or minimize impacts on western burrowing owl:</p> <ul style="list-style-type: none"> • No less than 14 days before initiating ground disturbance activities, the project proponent shall complete an initial take avoidance survey using the recommended methods described in the Detection Surveys section of the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). Implementation of avoidance and minimization measures (as presented in the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation) would be triggered if the initial take avoidance survey results in positive owl presence on the project site where project activities shall occur. If needed, the development of avoidance and minimization approaches shall be developed in coordination with CDFW. <p>Mitigation Measure 3.4-5: The project proponent shall implement the following measures to avoid or minimize impacts on Swainson's hawk:</p> <ul style="list-style-type: none"> • No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson's hawk and other raptors during the nesting season (February 1 through August 31). • Appropriate buffers shall be established and maintained around | <p>City of Davis Department of Community Development and Sustainability (for review and approval of survey) and U.S. Fish and Wildlife Service (for coordination)</p> <p>City of Davis Department of Community Development and Sustainability (for review and approval of</p> | <p>No less than 14 days before initiating ground disturbance activities</p> <p>No less than 30 days before start of construction, during all site construction activities, and prior to</p> | |

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|----------------------|--|--|--|------------------------------|
| | <p>active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.</p> <ul style="list-style-type: none"> • Prior to initiation of any ground disturbing activities, mobilization for construction, or the issuance of a grading permit or building permit, the applicant shall mitigate for the permanent loss of Swainson's hawk foraging habitat on a per-acre basis. The acreage of Swainson's hawk foraging habitat which would be permanently lost as a result of the project shall be determined by the project applicant's qualified biologist. The results of this survey shall be submitted to the Yolo Habitat Conservancy for review and approval. Mitigation shall occur within Yolo County consistent with the Yolo Habitat Conservation Plan/Natural Community Conservation Plan ("Yolo HCP/NCCP"). Mitigation shall ensure permanent 1:1 conservation of high-quality foraging habitat for the Swainson's hawk through a habitat conservation easement. Depending on project size, the following options are available: <ol style="list-style-type: none"> For projects impacting less than 40 acres of Swainson's hawk foraging habitat, mitigation shall be satisfied by participation in the Yolo Habitat Conservancy's Swainson's Hawk Interim Mitigation Fee Program. Eligible projects shall pay the Program in-lieu fee (currently \$8,660 per disturbed acre) to the Yolo Habitat Conservancy ("Conservancy"). Alternatively, projects impacting greater than 40 acres may mitigate pursuant to (b), below. For projects impacting 40 or more acres of foraging habitat, the applicant shall either (i) place a Conservancy-approved conservation easement on high-quality foraging habitat, (ii) | <p>surveys), California Department of Fish and Wildlife (for coordination), and Yolo Habitat Conservancy (for review of the foraging habitat survey)</p> | <p>initiation of any ground disturbing activities, mobilization for construction, or the issuance of a grading permit or building permit</p> | |

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|---|---|--|--|------------------------------|
| <p>Impact 3.4-6: Project implementation may result in direct or indirect effects on candidate, sensitive, or special-status plant species</p> | <p><i>purchase foraging habitat credits from a mitigation bank acceptable to the Conservancy and the California Department of Fish and Wildlife, or (iii) purchase foraging habitat credits from a mitigation bank acceptable to the Conservancy and the California Department of Fish and Wildlife, or (iii) purchase foraging habitat credits from a Conservancy-approved mitigation receiving site.</i></p> <p>Mitigation Measure 3.4-6: <i>The project proponent shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the site:</i></p> <ul style="list-style-type: none"> • <i>Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.</i> • <i>If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.</i> <p>Mitigation Measure 3.4-8: <i>Prior to construction, the project proponent shall retain a biologist to perform a focused survey for the following CNPS listed plants: heartscale (April to October), brittle-scale (April to October), San Joaquin spearscale (April to October), recurved larkspur (March to June), and saline clover (April to June). The survey shall be performed during the floristic season (shown in parenthesis). While there is a low potential for</i></p> | <p>City of Davis Department of Community Development and Sustainability (for review and approval of surveys)</p> | <p>Within 14 days before start of construction activities that occur during nesting season (Feb. 15 to Aug. 31), and during all site construction activities</p> | |
| | <p>Mitigation Measure 3.4-8: <i>Prior to construction, the project proponent shall retain a biologist to perform a focused survey for the following CNPS listed plants: heartscale (April to October), brittle-scale (April to October), San Joaquin spearscale (April to October), recurved larkspur (March to June), and saline clover (April to June). The survey shall be performed during the floristic season (shown in parenthesis). While there is a low potential for</i></p> | <p>City of Davis Department of Community Development and Sustainability</p> | <p>Prior to construction and during the floristic seasons</p> | |

Final Environmental Impact Report – West Davis Active Adult Community

4.0-9

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY (for review and approval of surveys) | TIMING | VERIFICATION (DATE/INITIALS) |
|--|---|--|---|---------------------------------|
| <p>Impact 3.4-7: The proposed project has the potential to effect protected wetlands and jurisdictional waters</p> | <p><i>these species to be found on the project site, there is some limited habitat present within and along the fringe of the irrigation ditches. If any of these plants are found during the focused survey, the project proponent shall contact the CNPS to obtain the appropriate avoidance and minimization measures.</i></p> <p>Mitigation Measure 3.4-9: <i>Prior to construction, the project proponent shall retain a biologist to perform a focused survey for the federally and state listed palmate-bracted salty bird's-beak (Chloropyron palmatum). The survey shall be performed during the floristic season (generally May through October). This species is generally restricted to seasonally-flooded, saline-alkali soils in lowland plains/basins, which is generally present within and along the fringe of the irrigation ditches. If this plant is found during the focused survey, the project proponent shall contact the USFS and CDFW to obtain the appropriate avoidance and minimization measures.</i></p> | <p>City of Davis Department of Community Development and Sustainability (for review and approval of survey) and U.S. Forest Service and California Department of Fish and Wildlife (if the species is found during the survey)</p> | <p>Prior to construction</p> | |
| <p>Impact 3.4-7: The proposed project has the potential to effect protected wetlands and jurisdictional waters</p> | <p>Mitigation Measure 3.4-10: <i>The project proponent shall implement the following measure to avoid or minimize impacts on potentially jurisdictional waters:</i></p> <ul style="list-style-type: none"> • <i>Before any activities that would result in discharge, fill, removal, or hydrologic interruption of any of the water features within the project site, a wetland delineation and jurisdictional determination shall be conducted by a qualified delineator and the delineation that determines the extent of jurisdictional waters should be approved by USACE.</i> • <i>Any impacts on jurisdictional features shall obtain the appropriate CWA Section 404 and or 401 permits. All permit conditions including required avoidance, minimization, and mitigation</i> | <p>U.S. Army Corps of Engineers (for review and approval of delineation)</p> | <p>Before any activities that would result in discharge, fill, removal, or hydrologic interruption of any of the water features within the project site</p> | |

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|--|---|---|---|------------------------------|
| <p>Impact 3.4-10: Project implementation may result in conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance</p> | <p><i>measures included as conditions of the permit shall be followed.</i></p> <p>Mitigation Measure 3.4-11: <i>The project proponent shall implement the following measure to avoid or minimize impacts on trees protected by the City of Davis:</i></p> <ul style="list-style-type: none"> • <i>Before the commencement of construction, the project proponent shall retain a qualified arborist to perform a survey of all trees within the footprint of the proposed off-site detention basin (located north of Sutter Hospital, and east of the City water tank). The tree survey and arborist report shall detail the number, species, size, and relative health and structure of all trees in the aforementioned area. The report will also describe which trees on-site are subject to regulation under the City of Davis Tree Ordinance.</i> • <i>A tree protection plan shall be prepared that includes measures to avoid or minimize impacts on trees that are to be preserved on-site and well as proposed mitigation for regulated trees subject to impact or removal. Compliance with the tree protection plan shall be required before and during any site disturbance and construction activity and before issuance of building permits. A tree modification permit shall be submitted to the City for any proposed removal of a tree. Fees shall be assessed by the City, and paid by the project proponent, in accordance with Davis Municipal Code Chapter 37, "Tree Planting, Preservation, and Protection."</i> | <p>City of Davis Department of Community Development and Sustainability</p> | <p>Before start of construction activities</p> | |
| <p>Impact 3.4-11: Project implementation may result in conflicts with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan</p> | <p>Mitigation Measure 3.4-12: <i>If the Yolo HCP/NCCP is adopted prior to initiation of any ground disturbing activities for any phase of development associated with the project, the project applicant shall comply with the requirements of the Yolo HCP/NCCP as applicable, which would likely replace other project mitigation measures for species covered in the Yolo HCP/NCCP. This would likely include the payment of fees, and the integration of applicable avoidance and mitigation measures for covered species. For species not covered by the Yolo HCP/NCCP, applicable mitigation measures in this EIR will continue to apply after adoption of the Yolo HCP/NCCP and must be satisfied by the project applicant. The project applicant, the City of Davis Department of Community Development and Sustainability, and a</i></p> | <p>City of Davis Department of Community Development and Sustainability, and a representative from the Yolo Habitat Conservancy</p> | <p>If the Yolo HCP/NCCP is adopted prior to initiation of any ground disturbing activities for any phase of development associated with the project</p> | |

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|---|---|---|--|------------------------------|
| | <p>representative of the Yolo Habitat Conservancy shall coordinate to ensure compliance with the Yolo HCP/NCCP for covered species and satisfaction of applicable EIR mitigation measures for non-covered species. To the extent there is duplication in mitigation for a given species, the requirements of the Yolo HCP/NCCP shall supersede.</p> | | | |
| CULTURAL AND TRIBAL RESOURCES | | | | |
| <p>Impact 3.5-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074</p> | <p>Mitigation Measure 3.5-1: All construction workers shall receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. The sensitivity training shall cover laws pertaining to cultural resources, examples of cultural resources that may be discovered in the project site, and what to do if a cultural resource, or anything that may be a cultural resource, is discovered.</p> <p>If any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, 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 find(s). If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If paleontological resources are found during grading and construction activities, a qualified paleontologist shall be retained to determine the significance of the discovery.</p> <p>The archaeologist and/or paleontologist 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 California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and</p> | <p>City of Davis Department of Community Development and Sustainability</p> | <p>Throughout all ground disturbing activities</p> | |

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|----------------------|---|---------------------------|--------|------------------------------|
| | <p>recording, 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 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), further mitigation would be necessary, which 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.</p> <p>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 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. 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 Public Resources Code 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.</p> <p>The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved</p> | | | |

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|---|--|---|--|------------------------------|
| Impact 3.5-2: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5 | <p>by the City for the development of the project.</p> <p>Implement Mitigation Measure 3.5-1.</p> | See Mitigation Measure 3.5-1 | See Mitigation Measure 3.5-1 | |
| Impact 3.5-3: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource | Implement Mitigation Measure 3.5-1 . | See Mitigation Measure 3.5-1 | See Mitigation Measure 3.5-1 | |
| Impact 3.5-4: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries | <p>Mitigation Measure 3.5-2: If human remains are discovered during the course of construction during any phase of the project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Yolo County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:</p> <ul style="list-style-type: none"> • The coroner shall contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains. • The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs: <ul style="list-style-type: none"> ○ The Native American Heritage Commission is unable to | City of Davis Department of Community Development and Sustainability | If human remains are discovered during the course of construction activity during any phase of the project | |

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|---|---|---|---|------------------------------|
| | <ul style="list-style-type: none"> o identify a descendent. o The descendant identified fails to make a recommendation. o The City of Davis or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. | | | |
| GEOLOGY AND SOILS | | | | |
| Impact 3.6-2: Implementation and construction of the proposed project may result in substantial soil erosion or the loss of topsoil | <p>Mitigation Measure 3.6-1: Prior to any site disturbance, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the City of Davis and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.</p> <p>Mitigation Measure 3.6-2: Prior to any site disturbance, the project proponent shall document to the satisfaction of the City of Davis that stormwater runoff from the project site is treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit. Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to provide water quality treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. Roofs shall be designed with down spouting into landscaped areas, bubbleups, or trenches. Driveways</p> | <p>City of Davis Department of Community Development and Sustainability, City of Davis Department of Public Works, and the Regional Water Quality Control Board</p> <p>City of Davis Department of Community Development and Sustainability and Public Works Department</p> | <p>Prior to any site disturbance</p> <p>Prior to any site disturbance</p> | |

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|---|--|---|--|------------------------------|
| <p>Impact 3.6-3: The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse</p> | <p>should be curbed into landscaping so runoff drains first into the landscaping. The aforementioned requirements shall be noted on the Preliminary and Final Planned Developments for the project.</p> <p>Mitigation Measure 3.6-3: Prior to final design approval and issuance of building permits for each phase of the project, the project applicant shall submit to the City of Davis Building Inspection Division, for review and approval, a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall include the recommendations in the report entitled Preliminary Geotechnical Assessment, Davis Innovation Center, dated October 20, 2014 unless it is determined in the design-level report that one or more recommendations need to be revised. The design-level report shall address, at a minimum, the following:</p> <ul style="list-style-type: none"> • Compaction specifications and subgrade preparation for onsite soils; • Structural foundations; • Grading practices; and • Expansive/unstable soils, including fill. <p>The design-level geotechnical engineering report shall include a summary of the site, soil, and groundwater conditions, seismicity, laboratory test data, exploration data and a site plan showing exploratory locations and improvement limits. The report shall be signed by a licensed California Geotechnical Engineer. Design-level recommendations shall be included in the foundation and improvement plans and approved by the Davis Public Works Department prior to issuance of any building permits.</p> | <p>City of Davis Building Inspection Division</p> | <p>Prior to final design approval and issuance of building permits for each phase of the project</p> | |

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|--|--|---|---|------------------------------|
| GREENHOUSE GASES AND CLIMATE CHANGE | | | | |
| Impact 3.7-2: The proposed project may generate operation-related GHGs, either directly or indirectly, that may have a significant effect on the environment | Mitigation Measure 3.7-1: Prior to issuance of building permits, the applicant shall ensure that all residential units are designed such that they to achieve a minimum of 15% greater energy efficiency than the baseline 2016 Title-24 Energy Efficiency requirements (compliant with Tier 1 of the 2016 CalGreen Code). | City of Davis Director of Community Development and Sustainability | Prior to the issuance of building permits | |
| HAZARDS AND HAZARDOUS MATERIALS | | | | |
| Impact 3.8-1: The project may have the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment | Mitigation Measure 3.8-1: A soil sampling program shall be implemented to assess potential agrichemical (including pesticides, herbicides, diesel, petrochemicals, etc.) impacts to surface soil within the project site, as follows: The sampling and analysis plan shall meet the requirements of the Department of Toxic Substances Control Interim Guidance for Sampling Agricultural Properties (2008). If the sampling results indicate the presence of agrichemicals that exceed screening levels, a removal action workplan shall be prepared in coordination with Yolo County Environmental Health Division. The removal action workplan shall include a detailed engineering plan for conducting the removal action, a description of the onsite contamination, the goals to be achieved by the removal action, and any alternative removal options that were considered and rejected and the basis for that rejection. The removal action shall be deemed complete when the confirmation samples exhibit concentrations below the commercial screening levels, which will be established by the agencies. | City of Davis Director of Community Development and Sustainability (for review of program), and Yolo County Environmental Health Division (if the sampling results indicate the presence of agrichemicals that exceed screening levels) | Prior to the issuance of grading permits | |
| | Mitigation Measure 3.8-2: Prior to commencement of grading, the applicant shall submit a Soil Management Plan (SMP) for review and approval by the City. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe | City of Davis Director of Community Development | Prior to start of grading | |

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY and Sustainability | TIMING | VERIFICATION (DATE/INITIALS) |
|----------------------|--|--|---|------------------------------|
| | <p>handling of these materials if encountered. The city will approve the SMP prior to any earth moving.</p> <p>Mitigation Measure 3.8-3: Prior to bringing hazardous materials (including 55 or more gallons for liquids, 500 or more pounds for solids, and/or 200 or more cubic feet for compressed gases) onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to Yolo County Environmental Health Division (CUPA) for review and approval. If during the construction process the applicant or his subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).</p> <p>Mitigation Measure 3.8-4: If any underground septic tanks, or fuel tanks are uncovered from past site uses during construction, the project proponent shall retain an environmental professional to assist with the removal consistent with the Yolo County Environmental Health Department's Underground Storage Tank Program, and Septic Abandonment Permit requirements.</p> <p>Mitigation Measure 3.8-5: Project site wells that are no longer operated shall be properly abandoned through permit by the Yolo County Environmental Health Division (YCEH) permit program. The well abandonment work shall be completed by a C-57 State licensed well contractor.</p> <p>Mitigation Measure 3.8-6: If the source of soil onsite soil stockpiles is</p> | <p>and Sustainability</p> <p>Yolo County Environmental Health Division</p> <p>Yolo County Environmental Health Division</p> <p>Yolo County Environmental Health Division</p> | <p>Prior to bringing hazardous materials (including 55 or more gallons for liquids, 500 or more pounds for solids, and/or 200 or more cubic feet for compressed gases) onsite</p> <p>If any underground septic tanks, or fuel tanks are uncovered from past site uses during construction</p> <p>If any site wells will no longer be operated</p> | |

4.0-18 Final Environmental Impact Report – West Davis Active Adult Community

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|--|---|---|---|------------------------------|
| | <p>undocumented, the applicant shall confirm to the City of Davis that soil sampling of the stockpiles was performed to identify potential soil contaminants associated with onsite soil stockpiles. The samples shall be submitted for laboratory analysis of total petroleum hydrocarbons (TPH) (gas, diesel and motor oil) by EPA Method 8015M and volatile organic compounds (VOCs) by EPA Method 8260. The results of the soil sampling shall be provided to the City of Davis. If elevated levels of TPH or VOCs are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities.</p> | <p>City of Davis Department of Community Development and Sustainability</p> | <p>If the source of soil onsite soil stockpiles is undocumented</p> | |
| HYDROLOGY AND WATER QUALITY | | | | |
| <p>Impact 3.9-1: The project may violate water quality standards or waste discharge requirements during construction</p> | <p>Implement Mitigation Measure 3.6-1.</p> <p>Mitigation Measure 3.9-1: Prior to the commencement of construction activities, the project proponent shall submit, and obtain approval of, a Spill Prevention Countermeasure and Control Plan (SPCC) to the Yolo County Health Department. The SPCC shall specify measures and procedures to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities, and shall meet the requirements specified in the Code of Federal Regulations, title 40, part 112.</p> | <p>See Mitigation Measure 3.6-1</p> <p>Yolo County Health Department</p> | <p>See Mitigation Measure 3.6-1</p> <p>Prior to the commencement of construction activities</p> | |
| <p>Impact 3.9-2: The project may violate water quality standards or waste discharge requirements post-construction</p> | <p>Mitigation Measure 3.9-2: Prior to issuance of building or grading permits, the applicant shall submit a final stormwater and drainage plan identifying permanent stormwater control measures to be implemented by the project to the City. The plan shall include measures consistent with the adopted guidelines and requirements set forth in the "Phase II Small MS4 General Permit, 2013-0001-DWQ," dated February 5, 2013 and shall be subject to review and approval by the Public Works Department.</p> | <p>City of Davis Department of Public Works</p> | <p>Prior to issuance of building or grading permits</p> | |
| <p>Impact 3.9-6: The project may place housing or structures that would impede/redirect flows within a 100-year flood hazard</p> | <p>Mitigation Measure 3.9-3: Prior to the issuance of grading permits and subsequently prior to the issuance of building permits, the project applicant shall either demonstrate that the developed portions of the project site are outside of the anticipated 100-year flood hazard area, or incorporate</p> | <p>City of Davis Department of Public Works</p> | <p>Prior to issuance of grading permits and</p> | |

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|--|--|---|---|------------------------------|
| <p>area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map</p> | <p>measures into the proposed project to achieve a 100-year level of flood protection for any site installations. This may include elevating the proposed building pads above the base flood elevation, installing adequate storm water retention areas, or other measures commonly accepted by the City of Davis.</p> <p>Mitigation Measure 3.9-4: Prior to commencement of grading operations, the project proponent shall prepare and submit an application for Conditional Letter of Map Revision (CLOMR) to FEMA for approval. The CLOMR shall include revised local base flood elevations based on current modeling of the project site. No building permit shall be issued in the area impacted by the CLOMR until a CLOMR has been approved by FEMA.</p> <p>Mitigation Measure 3.9-5: The building pads for all onsite structures shall be set a minimum of 1.0 foot above the maximum 100-year water surface elevations on the project site, as shown on the Conditional Letter of Map Revision (CLOMR) approved by FEMA. No building permit shall be issued until a CLOMR has been approved by FEMA, and it has been demonstrated that no building pads would be placed below 1.0 feet above the calculated local base flood elevations.</p> | <p>Federal Emergency Management Agency</p> <p>Federal Emergency Management Agency</p> | <p>subsequently prior to the issuance of building permits</p> <p>Prior to commencement of grading operations</p> <p>Prior to issuance of building permits</p> | |
| TRANSPORTATION AND CIRCULATION | | | | |
| <p>Impact 3.14-5: Under cumulative plus project conditions, project</p> | <p>Mitigation Measure 3.14-1: No later than recordation of the final map creating the 200th market-priced lot, the project applicant(s) shall contribute fair share funding to cover their proportionate cost of the following intersection improvements:</p> <ul style="list-style-type: none"> a) West Covell Boulevard/SR 113 NB Ramps – widen northbound off-ramp to consist of three lanes (i.e., one left, one shared left/through/right, and one right-turn lane) approaching West Covell Boulevard. The fair share funding shall be submitted to Caltrans. b) West Covell Boulevard/Sycamore Lane – lengthen eastbound left-turn lane from 150 to 275 feet. The fair share funding shall be submitted to the City of Davis. | <p>City of Davis Department of Public Works</p> | <p>No later than recordation of the final map creating the 200th market-priced lot</p> | |

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

| ENVIRONMENTAL IMPACT | MITIGATION MEASURE | MONITORING RESPONSIBILITY | TIMING | VERIFICATION (DATE/INITIALS) |
|---|--|--|---|------------------------------|
| Impact 3.14-6: Under cumulative plus project conditions, project implementation would cause significant impacts at study freeway facilities | <i>Implement Mitigation Measure 3.14-1(a): Pay fair share to widen northbound SR 113 off-ramp at West Covell Boulevard to consist of three lanes approaching West Covell Boulevard.</i> | City of Davis Department of Public Works | No later than recordation of the final map creating the 200 th market-priced lot | |
| Impact 3.14-9: The proposed site plan would not provide adequate emergency vehicle access | Mitigation Measure 3.14-2: <i>By the time the final map is submitted, the final map shall indicate that the project shall dedicate an emergency vehicle access easement from the project site to John Jones Road. Best efforts shall be made by the project applicant to work with Sutter Davis Hospital to obtain the easement.</i> | City of Davis Department of Public Works | By the time the final map is submitted | |
| Impact 3.14-10: The proposed site plan would not provide adequate project access | Mitigation Measure 3.14-3: <i>No later than recordation of the final map creating the 200th market-priced lot, the project applicant(s) shall contribute fair share funding to cover their proportionate cost of the following intersection improvements:</i> a) <i>West Covell Boulevard/Rising Court/Shasta Drive – lengthen the southbound right-turn lane from 85 to 200 feet. The fair share funding shall be submitted to the City of Davis.</i> b) <i>West Covell Boulevard/Rising Court/Shasta Drive – lengthen the eastbound left-turn lane from 175 to 250 feet. The fair share funding shall be submitted to the City of Davis.</i> | City of Davis Department of Public Works | No later than recordation of the final map creating the 200 th market-priced lot | |

This page left intentionally blank.

RESOLUTION NO. 18-___, SERIES 2018

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS AMENDING THE GENERAL PLAN TO RE-DESIGNATE THE “WDAAC” PROPERTY FROM AGRICULTURE AND URBAN AGRICULTURE TRANSITION AREA TO RESIDENTIAL - MEDIUM DENSITY, NEIGHBORHOOD MIXED USE, RESIDENTIAL – HIGH DENSITY, AND URBAN AGRICULTURAL TRANSITION AREA, AND ESTABLISH THE BASELINE PROJECT FEATURES SUBJECT TO APPROVAL OF THE VOTERS

WHEREAS, the City of Davis desires to foster a safe, sustainable, healthy, and diverse and community; maintain Davis as a cohesive, compact city surrounded by and containing farmland, greenbelts, natural habitats and natural resources; and preserve and create an array of distinct neighborhoods so that all residents can identify a neighborhood that is “home” for them; and

WHEREAS, Measure R the “Citizens Right to Vote on Future Use of Open Space and Agricultural Lands” affords residents an opportunity to participate in decisions affecting compact growth, agricultural preservation and provision of an adequate supply of housing to meet the ongoing needs of the community; and

WHEREAS, the General Plan establishes parameters for consideration of a General Plan Amendment to change the land use designation from agricultural to an urban land use category; and

WHEREAS, the Planning Commission held a public hearing on April 11, 2018 to receive comments and consider the proposed amendment; and

WHEREAS, the City Council held a public hearing on May 29, 2018 to receive comments and consider the proposed amendment;

WHEREAS, Environmental Impact Report SCH #2017042043 adequately assesses the impacts of this General Plan Amendment; and

WHEREAS, the City Council finds that the proposed West Davis Active Adult Community could help meet internal housing needs, in particular, housing needs of seniors.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVIS:

SECTION 1 – Land Use Map. The City of Davis General Plan Land Use Map (Figures 11a and 11b) is hereby amended with the change of the West Davis Active Adult Community (“WDAAC”) property from a designation of “Agriculture” to “Residential-Medium Density,” “Neighborhood Mixed Use,” “Residential-High Density,” and “Urban Agricultural Transition Area,” as shown in the map, Exhibit A, to this resolution.

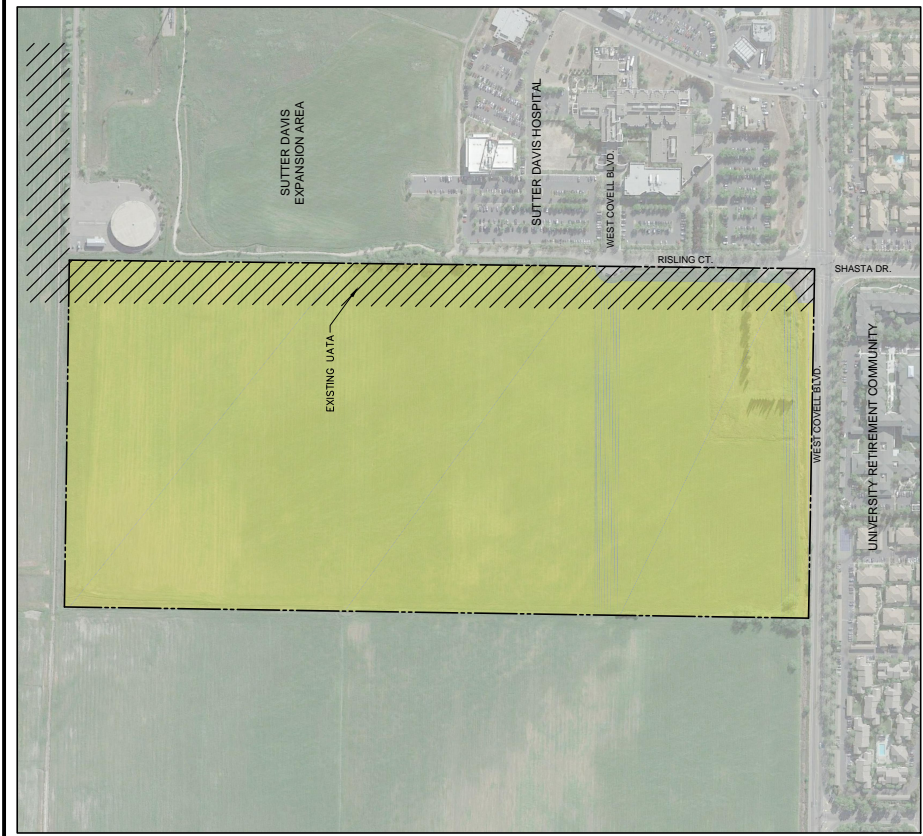
SECTION 2 – Baseline Project Features. The Baseline Project Features for the applications, as established by Chapter 41 of the City of Davis Municipal Code, are included as Exhibit B.

SECTION 3 – Effective Date. This Amendment shall not be effective unless and until the action is ratified by the voters in a “Measure R” election, as specified in City of Davis Ordinances 2008 and 2350, the Citizen’s Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance.

PASSED AND ADOPTED by the City Council of the City of Davis this __ day of _____, 2018, by the following vote:


AYES:

NOES:



EXISTING GENERAL PLAN DESIGNATION

SCALE: 1"=200'

-  AGRICULTURAL
-  EXISTING URBAN AGRICULTURAL TRANSITION AREA (UATA)



PROPOSED GENERAL PLAN DESIGNATION

SCALE: 1"=200'

-  RESIDENTIAL - MEDIUM DENSITY
-  NEIGHBORHOOD MIXED USE
-  RESIDENTIAL - HIGH DENSITY
-  PROPOSED URBAN AGRICULTURE TRANSITION AREA (UATA)

EXISTING AND PROPOSED GENERAL PLAN DESIGNATION

FOR WEST DAVIS ACTIVE ADULT

DAVIS, CALIFORNIA

PREPARED BY:



CEWEST.COM
 Project Planning, Civil Engineering & Landscape Architecture
 1150 University Office
 2100 26th Street, Suite 200
 Sacramento, CA 95833
 (916) 452-2028

West Davis Active Adult Community

PROJECT OVERVIEW

The West Davis Active Adult Community is a senior and active adult neighborhood designed to allow its residents to age in place within the City of Davis. The project will provide an array of housing options including traditional single-story homes, cottages, bungalows, stacked flats, and apartments for active adults and seniors, and will also include senior affordable housing that complies with the requirements of the City’s Affordable Housing Ordinance. In an effort to provide a variety of housing options that are intended to meet a wide range of needs, the target home sizes are as follows:

- Greenway Homes - 1,200, 1,400 & 1,800 sf
- Senior Affordable apartments – 600 sf
- Cottages – 900 sf
- Bungalows – 1,100 sf
- Stacked flats/Condos/rental housing – mixture of home sizes from 600- 1,600 sf

The project will utilize universal design features in accordance with requirements set forth in the Development Agreement for this project to help make the for-sale housing accessible to people with disabilities and help residents to age in place. The project will provide walking paths, a communal gathering space with an activity and wellness center, and eliminate back yard fences, in an effort to foster personal interaction and reduce isolation of residents. Finally, to promote age diversity in the neighborhood, the project will offer a portion of the homes without an age restriction.

BASELINE FEATURES

Primary Project Components:

- A maximum of 560 primary housing units.
- Provide land to accommodate 150 subsidized affordable senior apartments.
- Offer a mix of housing types which may include single family homes, cottages, bungalows, multi-story stacked flats, senior apartments, continuing care and affordable housing.
- Provide an approximately three-acre parcel for the expansion of URC for the benefit of its residents or for use by another specialized senior care facility.
- Include a mixed-use Activity and Wellness Center that is available to the general public.
- Provide recreational opportunities within an oak-filled agricultural buffer area, five internal mini-parks, and more than two miles of walking and bike paths.
- Land donation for a landing area to accommodate bike overcrossing of Highway 113.

Home Sizes and Types:

| | | |
|-------------------------------|--------------|-----------------------|
| Greenway Homes: Single Story* | 2-3 Bedrooms | 1,800 sq. ft. maximum |
|-------------------------------|--------------|-----------------------|

| | | |
|-----------------------------------|---------------|---|
| Small Builder/ Lots Single Story* | 2/3+ Bedrooms | Builder's Decision, per Planning Commission approvals |
| Cottages: Single Story | 2-3 Bedrooms | 1,200 sq. ft. maximum |
| Bungalows: Single Story | 2-3 Bedrooms | 1,350 sq. ft. maximum ^o |
| Stacked Flats/Condominiums | 2-3 Bedrooms | 1,600 sq. ft. maximum |
| Senior Apartments | 1-2 Bedrooms | 1,000 sq. ft. maximum |
| Senior Affordable Apartments | 1-2 Bedrooms | 1,000 sq. ft. maximum |

- * A caregiver suite, visitor space or personal office is permitted as additional square footage within greenway and small builder/custom homes but shall be limited to the general area over the garage as a limited exception to the single story requirement.
- o A stand-alone caregiver/accessory dwelling unit is permitted as additional square footage.

Activity and Wellness Center:

Construct an Activity and Wellness Center to include components utilized by the HOA and which will include components available for public use and enjoyment. The Activity and Wellness Center shall include the following:

- Swimming pool with membership open to the public;
- Commercial space, to accommodate uses such as a coffee house or restaurant with outdoor dining space;
- Offices, including space that may accommodate telemedicine facility;
- Public meeting space available for HOA and public use; and
- Transit hub for residents and the public to minimize single-occupant vehicle trips as defined in the Development Agreement for this project.

Agricultural Buffer / Oak Forest Area:

Construct an agricultural buffer area consistent with City code and the approved General Plan map, a portion of which will include space to be used by the public. In the 150-foot-wide agricultural buffer the developer will:

- Plant a minimum of 350 native oak trees in and around the agricultural buffer surrounding the neighborhood;
- Establishing a foundation and seed funds for the initial planting and ongoing maintenance of the oak forested area in association with the HOA and appropriate local organizations;
- Create habitat nodes utilizing native plants and shrubs to encourage indigenous wildlife and pollinators; and

- Provide for public art and sitting areas.

Parks and Open Space:

Develop a community with easy access to outdoor trails, recreation and gathering areas. To this end, the developer shall:

- Build more than two miles of walking paths, bike paths and greenways throughout the neighborhood;
- Provide three “pocket parks;”
- Provide a dog exercise area; and
- Provide a tot lot and mini-park proximate to the Activity and Wellness Center.

Improvements to Covell Boulevard:

The project shall improve pedestrian safety and the overall experience along Covell Boulevard as follows:

- Re-landscaping of the north side of Covell Boulevard beginning at Highway 113 off-ramp west to Risling Court;
- New landscaping from Risling Court along Covell Boulevard to the western border of West Davis Active Adult Community;
- Install new pedestrian and bicyclists’ safety striping at John Jones Road. Realign bike path entrance on south side to align with striping;
- Reconfigure the Covell Boulevard and Shasta Drive intersection to remove all free-rights and improve bicycle and pedestrian safety; and
- Widen Covell Boulevard west from Risling Court to western border of West Davis Active Adult Community.

Sustainability Features:

Assist the City in achieving its climate action plan policies by providing the following:

- All for sale homes, cottages, bungalows and condominiums to be zero net electric usage as defined by the 2020 California Green Standards with individual or shared photovoltaic systems;
- Photovoltaic panels at the Activity and Wellness Center to produce the majority of electricity for the Activity and Wellness Center buildings; and
- Each purchaser of a home in the West Davis Active Adult Community who sells an existing Davis house is to receive funds to retrofit their existing Davis home to install energy reduction upgrades.

Phasing and Implementation:

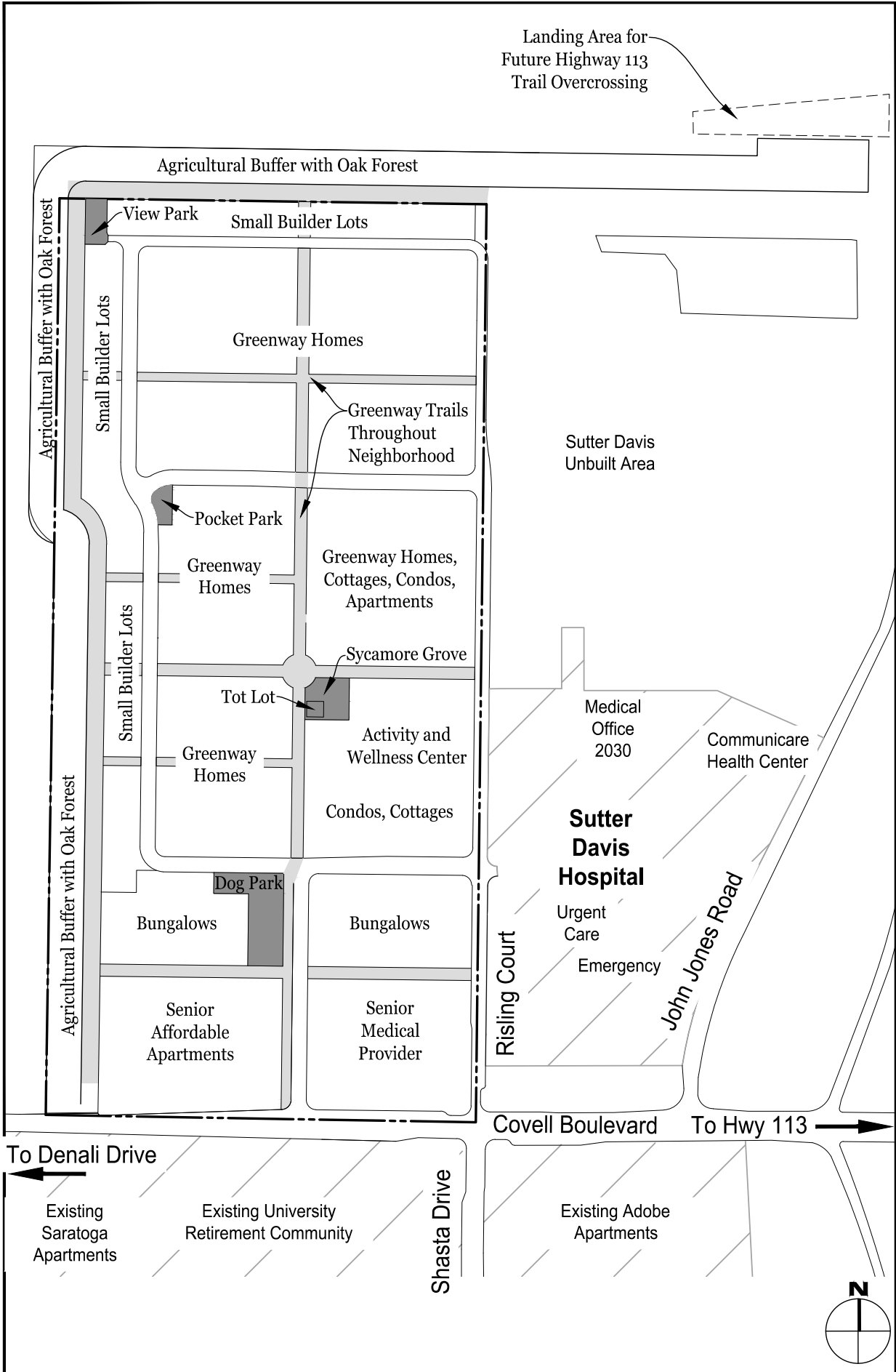
The first phase of development shall include infrastructure for senior affordable apartments; dedication of the agricultural buffer area; installation of drainage improvements; initiation and completion

of the oak forest, dog park, tot lot and sycamore grove; improvements to Covell Boulevard; infrastructure for specialized senior care; as well as infrastructure for approximately 50% of the residential development.

The second phase shall include construction of the Activity and Wellness Center, development of the transit center, infrastructure for balance of housing units and the remaining greenways and pocket parks.

Compliance with Baseline:

West Davis Active Adult Community is required to develop in accordance with the Baseline Features stated above, subject to mandatory compliance with state and federal laws. Project implementation may include further entitlements from the City of Davis, including but not limited to, Large Lot Subdivision Map, Final Planned Development, Tentative Subdivision Map, and Design Guidelines. Any changes to the attached baseline exhibit which are necessitated by compliance with legal, engineering, environmental and/or conditions on subsequent project approvals shall be deemed consistent Baseline Features, and City of Davis Ordinances governing Measure J/R.



ORDINANCE NO. _____

**ORDINANCE APPROVING AN AGREEMENT BY AND BETWEEN THE
CITY OF DAVIS BINNING RANCH HOLDING COMPANY, AND J. DAVID TAORMINO
RELATING TO THE DEVELOPMENT OF THE WEST DAVIS ACTIVE ADULT
COMMUNITY PROJECT**

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 et seq. (the "Development Agreement Statute") which authorizes cities to enter into agreements for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property; and

WHEREAS, in accordance with the Development Agreement Statute, the City of Davis (the "City") has enacted regulations (the "Development Agreement Regulations") to implement procedures for the processing and approval of development agreements in accordance with the Development Agreement Statute; and

WHEREAS, the West Davis Active Adult Community Property (the "WDAAC Property") is identified as a location for potential future development in the Blueprint adopted by the Sacramento Area Council of Governments; and

WHEREAS, the WDAAC Property is owned by Binning Ranch Holding Company, a California Limited Liability Corporation ("Landowner") and proposed to be developed by J. David Taormino, an individual ("Developer"); and

WHEREAS, on _____, 2018, the City certified the Final Environmental Impact Report for the WDAAC Project (the "Final EIR"); and

WHEREAS, the City Council, on _____, 2018, adopted Resolution No. ____, finding that, where feasible, mitigation measures have been imposed and modifications incorporated into the Project which avoid or substantially lessen all significant adverse environmental impacts and that social, economic and other benefits outweigh the remaining adverse environmental impacts that cannot be mitigated to a level of insignificance; and

WHEREAS, the City Council of the City of Davis adopted Resolution No. 18- ____, which approved a general plan amendment for the WDAAC Property; and

WHEREAS, the City Council of Davis adopted the Preliminary Development project entitlement for the WDAAC Property, vested within the Development Agreement; and

WHEREAS, Developer desires to carry out the development of the WDAAC Property consistent with the General Plan, as amended, and the Development Agreement and the vested entitlements referenced therein; and

WHEREAS, the Development Agreement will assure the City and its residents and the Developer that the Development will proceed as proposed and that the public improvements and other amenities and funding obligations, will be accomplished as proposed; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 11, 2018 on the Environmental Impact Report, the General Plan Amendment, and project entitlements, during which public hearing the Planning Commission received comments from the Developer, City staff, and members of the general public; and

WHEREAS, following the public hearing, the Planning Commission made a recommendation to the City Council on the Environmental Impact Report, the General Plan Amendment and the Development Agreement; and

WHEREAS, pursuant to Section 65867 of the Government Code, the City Council, on _____, 2018, held a duly noticed public hearing on the Environmental Impact Report, the General Plan Amendment, project entitlements, and the Development Agreement, during which public hearing, the City Council received comments from the Developer, City staff, public agencies and members of the general public; and

WHEREAS, pursuant to “Measure R” as codified in Davis Municipal Code Chapter 41, the General Plan amendment for the Nishi Property will not become effective unless and until it is approved by an affirmative majority vote of the voters of the City, voting on the proposal; and

WHEREAS, the WDAAC Property General Plan amendment, together its Baseline Project Features, will be submitted to the voters of the City at the _____, 2018 election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance incorporates, and by this reference makes a part hereof, the Development Agreement attached hereto as Exhibit A, subject to the provisions of Section 5 hereof.

SECTION 2. This Ordinance is adopted under the authority of Government Code Section 65864 et seq., and pursuant to “Development Agreement Regulations”.

SECTION 3. In accordance with the Development Agreement Regulations, the City Council hereby finds and determines, as follows:

- (a) The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, as amended, in that it establishes certain

development rights, obligations and conditions for the implementation of the Nishi Property;

- (b) The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the general plan designations which will apply to the Nishi Property;
- (c) The Development Agreement is in conformity with public convenience, general welfare and good land use practice;
- (d) The Development Agreement will not be detrimental to the public health, safety and general welfare;
- (e) The Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and

SECTION 4. The foregoing findings and determinations are based upon the following:

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;
- (b) Resolution No. 16-013, adopted by the City Council on _____, 2018, making findings as to the Final EIR for the WDAAC, including the Statement of Findings and Facts and Statement of Overriding Considerations (Exhibit A thereto), and the Mitigation Monitoring and Reporting Program (Exhibit B thereto) approved by and incorporated in said Resolutions, which Resolutions and exhibits are incorporated herein by reference as if set forth in full;
- (c) The City's General Plan, as amended by the General Plan Amendment adopted by the City Council by Resolution No. _____ prior to adoption of this Ordinance;
- (d) All City staff reports (and all other public reports and documents) prepared for the Planning Commission, City Council, or others relating to the Addendum, the Final EIR, the General Plan Amendment, the Development Agreement, and other actions relating to the Property;
- (e) All documentary and oral evidence received at public hearings or submitted to the Planning Commission, or City during the comment period relating to the Final EIR, the General Plan Amendment, the Development Agreement, and other actions relating to the Property; and
- (f) All other matters of common knowledge to the City Council, including, but not limited to the City's fiscal and financial status; City general ordinances, policies and regulations.

SECTION 5. The City Council hereby approves the Development Agreement, attached hereto as Exhibit A, subject to the provisions of Section 6 hereof, and subject further to such minor,

conforming and clarifying changes consistent with the terms thereof as may be approved by the City Manager, in consultation with the City Attorney prior to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, as approved by the City Council.

SECTION 6. The approval contained in Section 5 hereof is subject to and conditioned upon Resolution No. 18-___, adopted by the City Council approving the General Plan amendment, becoming effective, including approval of the General Plan Amendment by the voters, as required by Chapter 41 of the Municipal Code, the “Citizens’ Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance.”

SECTION 7. Upon the effective date of this Ordinance as provided in Section 9 hereof, the Mayor and City Clerk are hereby authorized and directed to execute the Development Agreement on behalf of the City of Davis.

SECTION 8. The City Manager is hereby authorized and directed to perform all acts authorized to be performed by the City Manager in the administration of the Development Agreement pursuant to the terms of the Development Agreement.

SECTION 9. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption; provided, however, that if the actions referred to in Section 6 hereof are not effective on such date, then the effective date of this Ordinance shall be the date on which all of said actions become effective, as certified by the City Clerk.

INTRODUCED on the ___th day of _____, 2018, and PASSED AND ADOPTED by the City Council of the City of Davis on this ___rd day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Robb Davis
Mayor

ATTEST:

Zoe S. Mirabile, CMC,
City Clerk

**AGREEMENT
BY AND BETWEEN
THE CITY OF DAVIS, BINNING RANCH HOLDING COMPANY, AND
J. DAVID TAORMINO**

Relating to the Development
of the Property Commonly Known as the West Davis Active Adult Community Project

THIS DEVELOPMENT AGREEMENT (“Agreement”) is entered into this ____ day of _____, 2018, by and between the CITY OF DAVIS, a municipal corporation (herein the "City"), Binning Ranch Holding Company LLC, a California Corporation (“Landowner”) and J. David Taormino, an individual (“Developer”). This Agreement is made pursuant to the authority of Section 65864 *et seq.* of the Government Code of the State of California. “Developer” shall include Landowner until Landowner is released from obligations as provided for herein. This agreement refers to the City and the Developer collectively as the “Parties” and singularly as the “Party.”

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, *et seq.* of the *Government Code* which authorizes any city, county or city and county to enter into a development agreement with an applicant for a development project, establishing certain development rights in the property which is the subject of the development project application.

B. The Landowner owns in fee certain real property(ies) described in Exhibit A attached hereto and incorporated herein by this reference and located in unincorporated Yolo County but within the City of Davis’ Sphere of Influence (herein the "Property") which the Developer seeks to annex and develop as the Project (the “Project”). The Project, as proposed, includes development of: 150 affordable, age-restricted apartments; 32 attached, age-restricted cottages; 94 attached, age-restricted units; 129 single-family detached, age-restricted units; 77 single-family detached, non-age-restricted

units; an approximately three-acre continuing care retirement community, which would likely consist of 30 assisted living, age-restricted detached units; an approximately 4.3-acre mixed use area, which would likely consist of a health club, restaurant, clubhouse, and up to 48 attached, age-restricted units; dog exercise area and tot lot; associated greenways, drainage, agricultural buffers; and off-site stormwater detention facilities. Upon completion of the Project, the approximately 74-acre site would provide up to 560 dwelling units and 4.5 miles of off street biking and walking paths within the Project area. Developer has an equitable interest in the Property sufficient to be bound by this Development Agreement.

C. This Agreement is voluntarily entered into by Landowner and Developer in order to implement the General Plan and in consideration of the rights conferred and the procedures specified herein for the development of the Property. This Agreement is voluntarily entered into by the City in the exercise of its legislative discretion in order to implement the General Plan and in consideration of the agreements and undertakings of the Developer hereunder.

D. City has granted the Developer the following land use entitlement approvals for the Project (hereinafter "Project Approvals") which are incorporated and made a part of this Agreement:

- (1) General Plan Amendment #05-16
- (2) Rezoning and Preliminary Planned Development #03-16
- (3) Development Agreement #3-16 by and between the City of Davis and Developer.
- (4) Environmental Impact Report (SCH#2017042043), as certified and approved by Resolution No. _____ and the Mitigation Monitoring and Reporting Program adopted therewith.

E. This Agreement will eliminate uncertainty in planning for and securing orderly development of the Project, provide the certainty necessary for the Developer to make significant investments in public infrastructure and other improvements, assure the timely and progressive installation of necessary improvements and public services, establish the orderly and measured build-out of the Project consistent with the desires of the City to maintain the City's small city atmosphere and to have development occur at a pace that will assure integration of the new development into the existing community, and provide significant public benefits to the City that the City would not be entitled to receive without this Agreement.

F. In exchange for the benefits to the City, the Developer desires to receive the assurance that it may proceed with the Project in accordance with the existing land use ordinances, subject to the terms and conditions contained in this Agreement and to secure the benefits afforded the Developer by *Government Code* §65864.

AGREEMENT

IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES OF THE PARTIES, THE CITY AND THE DEVELOPER HEREBY AGREE AS FOLLOWS:

ARTICLE 1. General Provisions.

A. [Sec. 100] Property Description and Binding Covenants. The Property is that property described in Exhibit A, which consists of a map showing its location and boundaries and a legal description. Developer represents that it has a legal or equitable interest in the Property and that all other persons holding legal or equitable interests in the Property (excepting owners or claimants in easements) agree to be bound by this Agreement. The Parties intend and determine that the provisions of this Agreement shall constitute covenants which shall run with said Property, and the burdens and benefits hereof shall bind and inure to all successors in interest to the Parties hereto. Developer's right to develop the Property in accordance with the Project Approvals and the terms of this Development Agreement including the obligations set forth herein shall not become effective unless and until Developer acquires the Property. Upon conveyance of

Landowner's entire fee interest in the Property to Developer, Landowner shall have no further ownership interest in the property, and shall be fully released from any further liability or obligation under this Development Agreement with respect to the Property.

B. [Sec. 101] Effective Date and Term. The effective date of this Agreement shall be the date the Ordinance adopting this Agreement is effective. The term of this Agreement (the "Term") shall commence upon the effective date and shall extend for a period of twenty (20) years thereafter, unless Developer fails to secure approval for and record its first final subdivision map within the Property within four (4) years of the effective date of this Agreement, in which case this Agreement shall terminate four (4) years after the effective date, or unless said Term is otherwise terminated, modified or extended by circumstances set forth in this Agreement or by mutual consent of the Parties, subject to the provisions of Section 105 hereof. Following the expiration of said Term, this Agreement shall be deemed terminated and of no further force and effect, subject, however, to the provisions of Section 407 hereof.

If this Agreement is terminated by the City Council prior to the end of the Term, the City shall cause a written notice of termination to be recorded with the County Recorder within ten (10) days of final action by the City Council.

This Agreement shall be deemed terminated and of no further effect upon entry, after all appeals have been exhausted, of a final judgment or issuance of a final order directing the City to set aside, withdraw or abrogate the City Council's approval of this Agreement or any material part of the Project Approvals.

C. [Sec. 102] Equitable Servitudes and Covenants Running With the Land. Any successors in interest to the City and the Developer shall be subject to the provisions set forth in *Government Code* §§ 65865.4 and 65868.5. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do, or refrain from doing, some act with regard to the development of the Property: (a) is for the benefit of and is a burden upon the Property; (b) runs with the Property and each portion thereof; and (c) is binding upon each Party and each successor in interest during ownership of the Property or any portion thereof. Nothing herein shall

waive or limit the provisions of Section D, and no successor owner of the Property, any portion of it, or any interest in it shall have any rights except those assigned to the successor by the Developer in writing pursuant to Section D. In any event, no owner or tenant of an individual completed residential unit within Project shall have any rights under this Agreement.

D. [Sec. 103] Right to Assign; Non-Severable Obligations.

1 The Developer shall have the right to sell, encumber, convey, assign or otherwise transfer (collectively "assign"), in whole or in part, its rights, interests and obligations under this Agreement to a third party during the term of this Agreement.

2. No assignment shall be effective until the City, by action of the City Council, approves the assignment. Approval shall not be unreasonably withheld provided:

(a) The assignee (or the guarantor(s) of the assignee's performance) has the financial ability to meet the obligations proposed to be assigned and to undertake and complete the obligations of this Agreement affected by the assignment; and

(b) The proposed assignee has adequate experience with residential developments of comparable scope and complexity to the portion of the Project that is the subject of the assignment.

Any request for City approval of an assignment shall be in writing and accompanied by certified financial statements of the proposed assignee and any additional information concerning the identify, financial condition and experience of the assignee as the City may reasonably request; provided that, any such request for additional information shall be made, if at all, not more than fifteen (15) business days after the City's receipt of the request for approval of the proposed assignment. All detailed financial information submitted to the City shall constitute confidential trade secret information if the information is maintained as a trade secret by the assignee and if such information is not available through other sources. The assignee shall mark any material claimed as trade secret at the time it is submitted to the City. If City receives a public records request for any information designated a "trade secret" City shall notify the assignee of such request prior to releasing

the material in question to the requesting party. If the assignee directs the City not to release the material in question, the assignee shall indemnify the City for any costs incurred by City, including but not limited to staff time and attorney's fees, as a result of any action brought by the requesting party to obtain release of the information and/or to defend any lawsuit brought to obtain such information. If the City wishes to disapprove any proposed assignment, the City shall set forth in writing and in reasonable detail the grounds for such disapproval. If the City fails to disapprove any proposed assignment within forty-five (45) calendar days after receipt of written request for such approval, such assignment shall be deemed to be approved.

3. The Specific Development Obligations set forth in Article II, Section B [Sec. 201], are not severable, and any sale of the Property, in whole or in part, or assignment of this Agreement, in whole or in part, which attempts to sever such conditions shall constitute a default under this Agreement and shall entitle the City to terminate this Agreement in its entirety.

4. Notwithstanding subsection 2 above, mortgages, deeds of trust, sales and lease-backs or any other form of conveyance required for any reasonable method of financing are permitted, but only for the purpose of securing loans of funds to be used for financing the acquisition of the Property, the development and construction of improvements on the Property and other necessary and related expenses. The holder of any mortgage, deed of trust or other security arrangement with respect to the Property, or any portion thereof, shall not be obligated under this Agreement to construct or complete improvements or to guarantee such construction or completion, but shall otherwise be bound by all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed to construe, permit or authorize any such holder to devote the Property, or any portion thereof, to any uses, or to construct any improvements thereon, other than those uses and improvements provided for or authorized by this Agreement, subject to all of the terms and conditions of this Agreement.

5. Nothing in this Section shall be deemed to constitute or require City consent to the approval of any further subdivision or parcelization of the Property, in addition to the

Parcel Map identified in Recital D. The Parties recognize and acknowledge that any such actions must comply with applicable City laws and regulations and be consistent with the General Plan, the Project Approvals and this Agreement. Nothing in this Section shall be deemed to constitute or require City consent to an assignment that consists solely of a reorganization of the Developer's business structure, such as (i) any sale, pledge, assignment or other transfer of all or a portion of the Project Site to an entity directly controlled by Developer or its affiliates and (ii) any change in Developer entity form, such as a transfer from a corporation to a limited liability company or partnership, that does not affect or change beneficial ownership of the Project Site; provided, however, in such event, Developer shall provide to City written notice, together with such backup materials or information reasonably requested by City, within thirty (30) days following the date of such reorganization or City's request for backup information, as applicable.

E. [Sec. 104] Notices. Formal written notices, demands, correspondence and communications between the City and the Developer shall be sufficiently given if dispatched by certified mail, postage prepaid, to the principal offices of the City and the Developer, as set forth in Article 8 hereof. Such written notices, demands, correspondence and communications may be directed in the same manner to such other persons and addresses as either Party may from time to time designate. The Developer shall give written notice to the City, at least thirty (30) days prior to the close of escrow, of any sale or transfer of any portion of the Property and any assignment of this Agreement, specifying the name or names of the transferee, the transferee's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given, and any other information reasonably necessary for the City to consider approval of an assignment or any other action City is required to take under this Agreement.

F. [Sec. 105] Amendment of Agreement. This Agreement may be amended from time to time by mutual consent of the Parties, in accordance with the provisions of Government Code Sections 65867 and 65868.

G. [Sec. 106] [Intentionally Reserved]

H. [Sec. 107] Major Amendments and Minor Amendments.

1. Major Amendments. Any amendment to this Development Agreement which substantially affects or relates to (a) the term of this Development Agreement; (b) permitted uses of the Property; (c) provisions for the reservation or dedication of land; (d) conditions, terms, restrictions or requirements for subsequent discretionary actions; (e) the density or intensity of use of the Property or the maximum height or maximum gross square footage; or (f) monetary contributions by Developer, shall be deemed a “Major Amendment” and shall require giving of notice and a public hearing before the Planning Commission and City Council. Any amendment which is not a Major Amendment shall be deemed a Minor Amendment subject to Section 107(2) below. The City Manager or his or her delagee shall have the authority to determine if an amendment is a Major Amendment subject to this Section 107(1) or a Minor Amendment subject to Section 107(2) below. The City Manager’s determination may be appealed to the City Council.

2. Minor Amendments. The Parties acknowledge that refinement and further implementation of the Project may demonstrate that certain minor changes may be appropriate with respect to the details and performance of the Parties under this Agreement. The Parties desire to retain a certain degree of flexibility with respect to the details of the Project and with respect to those items covered in the general terms of this Agreement. If and when the Parties find that clarifications, minor changes, or minor adjustments are necessary or appropriate and do not constitute a Major Amendment under Section 107(1), they shall effectuate such clarifications, minor changes or minor adjustments through a written Minor Amendment approved in writing by the Developer and City Manager. Unless otherwise required by law, no such Minor Amendment shall require prior notice or hearing, nor shall it constitute an amendment to this Agreement.

ARTICLE 2. Development of the Property.

A. [Sec. 200] Permitted Uses and Development Standards. In accordance with and subject to the terms and conditions of this Agreement, the Developer shall have a vested right to develop the Property for the uses and in accordance with and subject to the terms and conditions of this Agreement and the Project Approvals attached hereto as

Exhibit C and incorporated herein by reference, and any amendments to the Project Approvals or Agreement as may, from time to time, be approved pursuant to this Agreement.

The Developer hereby agrees that development of the Project shall be in accordance with the Project Approvals, including the conditions of approval and the mitigation measures for the Project as adopted by the City, and any amendments to the Project Approvals or Agreement as may, from time to time, be approved pursuant to this Agreement. Nothing in this section shall be construed to restrict the ability to make minor changes and adjustments in accordance with Section 107, *supra*. Nothing in this Agreement shall require Developer or Landowner to construct the Project or to pay fees for any portion of the Project that Developer or Landowner does not construct.

B. [Sec. 201] Specific Development Obligations. In addition to the conditions of approval contained in the Project Approvals, the Developer and the City have agreed that the development of the Property by the Developer is subject to certain specific development obligations, described herein and/or described and attached hereto as Exhibits E through I and incorporated herein by reference. These specific development obligations, together with the other terms and conditions of this Agreement, provide the incentive and consideration for the City entering into this Agreement.

(1) Environmental Sustainability. The City and the Developer have agreed that environmental concerns and energy efficiency are critical issues for new developments. Developer shall comply with the Environmental Sustainability Commitments set forth in Exhibit E.

(2) Transportation and Circulation Improvements. The Developer shall comply with and implement the measures identified in Exhibit F including but not limited to roadway improvements located on, adjacent to, and off of the Project site.

(3) Health and Wellness Commitments. The Developer shall comply with and implement the measures identified in Exhibit G to provide for the health and wellbeing of the community.

(4) Affordable Housing. The Developer shall comply with the affordable housing requirements as set forth in Exhibit H.

(5) Architectural Diversity. The General Plan includes goals and policies that promote design standards for new single family residential development that create variability of lot sizes, floor area ratios, setbacks, building height floor plans, and architectural styles/treatments within each new development area. The Project would be consistent with these General Plan goals and policies. The Project shall include a diversity of housing types, densities, and diverse architectural treatments.

(6) Small Builder Lots. Small builder lots shall be required in the Project in the manner provided in this Agreement, to encourage the development of architecturally diverse neighborhoods, with a mix of housing types, densities, prices and designs. The Project shall provide a minimum of thirty (30) Small Builder Lots, to be identified by Developer prior to approval of the Project's first Tentative Map. No more than fifteen percent (15%) of small builder lots may be sold to a single small builder in a calendar year. The Small Builder Lots must be sold to qualifying small builders or owner/builders. Developers shall not be required to offer any Small Builder Lot at a discounted price or value to ensure a sale during any particular timeframe or phase of project development. Small Builder Lots are and shall remain subject to project development standards and design guidelines adopted as subsequent Project Approvals, including the Sustainability Plan, Development Fees and other obligations as set forth in this Agreement.

(7) Age Restriction Covenants, Senior Community. Developer has elected to restrict the Project as a senior housing development and, as such, to require all multi-family, all attached single-family units, and the majority of single-family detached dwelling units in the Project to be occupied or held available for occupancy by households that include one or more "elderly" or "senior" residents at least fifty-five years (55) of age, in accordance with all applicable laws and regulations. The age-restriction will be applied through a deed restriction or similar instrument consistent with all applicable laws and regulations to eighty percent (80%) of the Project's single family detached residential units. Developer hereby covenants and agrees, for itself and its successors and assigns, that the

Property shall be used solely for the development and operation of senior housing in compliance with the requirements set forth herein, and as further specified in the Project's conditions, covenants, and restrictions ("CC&Rs"). Developer represents and warrants that it has not entered into any agreement that would restrict or compromise its ability to comply with the occupancy and affordability restrictions set forth in this Agreement, and Developer covenants that it shall not enter into any agreement that is inconsistent with such restrictions without the express written consent of City. Prior to issuance of any building permit, Developer shall execute, acknowledge, and record against the entirety of the Property, other than the Activity and Wellness Center Parcel, CC&Rs in a form reasonably acceptable to City, which shall require, among other things, that (a) the Project comply with the senior age-based occupancy requirements set forth above, (b) Developer and its successors and assigns develop and implement appropriate age verification procedures to ensure compliance with such CC&Rs, and provide City with a copy of such verification procedures, and (c) Developer will indemnify, protect, and hold City harmless from any and all claims arising out of Developer's implementation of such age-based restrictions and any failure to comply with applicable legal requirements related to housing for seniors. The provisions of this Section 201(7) shall survive the expiration or earlier termination of this Agreement.

(8) Davis-Based Buyers Program. Developer has elected to restrict ninety percent (90%) of the residential units within the Project to initial purchasers with a preexisting connection to the City of Davis, and desires to sell or hold said percentage of market-rate residential units available for sale to households that include a local resident, defined as a person residing within the City or the Davis Joint Unified School District boundary, family of a local resident, a Davis employee, a Davis grade-school student, or an individual that attended Davis schools. Prior to issuance of any building permit, Developer and its successors and assigns shall (a) develop and implement appropriate local-connection requirements and verification procedures for such a program that are consistent with all applicable Federal and State fair housing requirements, including but not limited to the Federal Fair Housing Act (42 U.S.C. §3604), the California Fair Employment and Housing Act (Gov't Code §12900 *et seq.*) and the California Unruh Act (Civil Code §51 *et seq.*) (the "Fair Housing Requirements"), and provide City with a copy

of such verification procedures, and (b) indemnify, protect, and hold City harmless from any and all claims arising out of Developer's failure to comply with applicable legal requirements as set forth in or related to the Fair Housing Requirements in accordance with the indemnity provisions set forth in Section 500 of this Agreement. The provisions of this Section 201(8) shall survive the expiration or earlier termination of this Agreement.

C. [Sec. 202] Subsequent Discretionary Approvals. The Developers' vested right to develop pursuant to this Agreement may be subject to subsequent discretionary approvals for portions of the Project. In reviewing and acting upon these subsequent discretionary approvals, and except as set forth in this Agreement, the City shall not impose any conditions that preclude the development of the Project for the uses or the density and intensity of use set forth in this Agreement. Any subsequent discretionary approvals, except conditional use permits, shall become part of the Project Approvals once approved and after all appeal periods have expired or, if an appeal is filed, if the appeal is decided in favor of the approval. The known subsequent approvals are set forth on Exhibit D, attached hereto and incorporated herein.

D. [Sec. 203] Development Timing. The Developer shall be obligated to comply with the terms and conditions of the Project Approvals and this Development Agreement at those times specified in either the Project Approvals or this Development Agreement. The parties acknowledge that the Developer cannot at this time predict with certainty when or the rate at which the Property would be developed. Such decisions depend upon numerous factors which are not all within the control of the Developer, such as market orientation and demand, interest rates, competition and other factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development controlling the parties' agreement, it is the intent of City and the Developer to hereby acknowledge and provide for the right of the Developer to develop the Project in such order and at such rate and times as the Developer deems appropriate within the exercise of its sole and subjective business judgment, subject to the terms, requirements and conditions of the Project Approvals and this Development Agreement. City acknowledges that such a right is consistent with the intent, purpose and understanding of the parties to this

Development Agreement, and that without such a right, the Developer's development of the Project would be subject to the uncertainties sought to be avoided by the Development Agreement Statute, (California *Government Code* § 65864 *et seq.*), City Council Resolution 1986-77 and this Development Agreement. The Developer will use its best efforts, in accordance with their business judgment and taking into consideration market conditions and other economic factors influencing the Developer's business decision, to commence or to continue development, and to develop the Project in a regular, progressive and timely manner in accordance with the provisions and conditions of this Development Agreement and with the Project Approvals.

Subject to applicable law relating to the vesting provisions of development agreements, Developer and City intend that except as otherwise provided herein, this Agreement shall vest the Project Approvals against subsequent City resolutions, ordinances, growth control measures and initiatives or referenda, other than a referendum that specifically overturns City's approval of the Project Approvals, that would directly or indirectly limit the rate, timing or sequencing of development, or would prevent or conflict with the land use designations, permitted or conditionally permitted uses on the Property, design requirements, density and intensity of uses as set forth in the Project Approvals, and that any such resolution, ordinance, initiative or referendum shall not apply to the Project Approvals and the Project. Developer and City acknowledge, however, that the General Plan Amendment #05-16 will not take effect until such time as there is an affirmative vote of the electorate pursuant to Chapter 41 of the Davis Municipal Code, the Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance. Notwithstanding any other provision of this Agreement, Developer shall, to the extent allowed by the laws pertaining to development agreements, be subject to any growth limitation ordinance, resolution, rule, regulation or policy which is adopted and applied on a uniform, city-wide basis and directly concerns an imminent public health or safety issue. In such case, City shall apply such ordinance, resolution, rule, regulation or policy uniformly, equitably and proportionately to Developer and the Property and to all other public or private owners and properties directly affected thereby.

E. [Sec. 204] [Intentionally Reserved]

F. [Sec. 205]. [Intentionally Reserved]

G. [Sec. 206] Rules, Regulations and Official Policies.

1. For the term of this Agreement, the rules, regulations, ordinances and official policies governing the permitted uses of land, the density and intensity of use, design, improvement and construction standards and specifications applicable to the development of the Property, including the maximum height and size of proposed buildings, shall be those rules, regulations and official policies in force on the effective date of the ordinance enacted by the City Council approving this Agreement. Except as otherwise provided in this Agreement, to the extent any future changes in the General Plan, zoning codes or any future rules, ordinances, regulations or policies adopted by the City purport to be applicable to the Property but are inconsistent with the terms and conditions of this Agreement, the terms of this Agreement shall prevail, unless the Parties mutually agree to amend or modify this Agreement pursuant to Section 105 hereof. To the extent that any future changes in the General Plan, zoning codes or any future rules, ordinances, regulations or policies adopted by the City are applicable to the Property and are not inconsistent with the terms and conditions of this Agreement or are otherwise made applicable by other provisions of this Article 2, such future changes in the General Plan, zoning codes or such future rules, ordinances, regulations or policies shall be applicable to the Property.

(a) This section shall not preclude the application to development of the Property of changes in City laws, regulations, plans or policies, the terms of which are specifically mandated and required by changes in state or federal laws or regulations. In the event state or federal laws or regulations enacted after the date of this Agreement prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the City, this Agreement shall be modified, extended or suspended as may be necessary to comply with such state or federal laws or regulations or the regulations of such other governmental jurisdiction

To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including the City, required by federal or state agencies) have the effect of

preventing, delaying or modifying development of the Property, the City shall not in any manner be liable for any such prevention, delay or modification of said development. The Developer is required, at its cost and without cost to or obligation on the part of the City, to participate in such regional or local programs and to be subject to such development restrictions as may be necessary or appropriate by reason of such actions of federal or state agencies (or such actions of regional and local agencies, including the City, required by federal or state agencies).

(b) Nothing herein shall be construed to limit the authority of the City to adopt and apply codes, ordinances and regulations which have the legal effect of protecting persons or property from conditions which create a health, safety or physical risk.

2. All project construction, improvement plans and final maps for the Project shall comply with the rules, regulations and design guidelines in effect at the time the construction, improvements plan or final map is approved. Unless otherwise expressly provided in this Agreement, all city ordinances, resolutions, rules regulations and official policies governing the design and improvement and all construction standards and specifications applicable to the Project shall be those in force and effect at the time the applicable permit is granted. Ordinances, resolutions, rules, regulations and official policies governing the design, improvement and construction standards and specifications applicable to public improvements to be constructed by Developer shall be those in force and effect at the time the applicable permit approval for the construction of such improvements is granted. If no permit is required for the public improvements, the date of permit approval shall be the date the improvement plans are approved by the City or the date construction for the public improvements is commenced, whichever occurs first.

3. Uniform Codes Applicable. This Project shall be constructed in accordance with the prohibitions of the Uniform Building, Mechanical, Plumbing, Electrical, and Fire Codes, city standard construction specifications and details and Title 24 of the California *Code of Regulations*, relating to Building Standards, in effect at the time of submittal of the appropriate building, grading, encroachment or other construction permits for the

Project. If no permits are required for the infrastructure improvements, such improvements will be constructed in accordance with the provisions of the codes delineated herein in effect at the start of construction of such infrastructure.

4. The Parties intend that the provisions of this Agreement shall govern and control as to the procedures and the terms and conditions applicable to the development of the Property over any contrary or inconsistent provisions contained in Section 66498.1 *et seq.* of the *Government Code* or any other state law now or hereafter enacted purporting to grant or vest development rights based on land use entitlements (herein "Other Vesting Statute"). In furtherance of this intent, and as a material inducement to the City to enter into this Agreement, the Developer agrees that:

(a) Notwithstanding any provisions to the contrary in any Other Vesting Statute, this Agreement and the conditions and requirements of land use entitlements for the Property obtained while this Agreement is in effect shall govern and control the Developer's rights to develop the Property;

(b) The Developer waives, for itself and its successors and assigns, the benefits of any Other Vesting Statute insofar as they may be inconsistent or in conflict with the terms and conditions of this Agreement and land use entitlements for the Property obtained while this Agreement is in effect; and

(c) The Developer will not make application for a land use entitlement under any Other Vesting Statute insofar as said application or the granting of the land use entitlement pursuant to said application would be inconsistent or in conflict with the terms and conditions of this Agreement and prior land use entitlements obtained while this Agreement is in effect.

5. This section shall not be construed to limit the authority or obligation of the City to hold necessary public hearings, to limit discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements of use which require the exercise of discretion by the City or any of its officers or officials, provided that

subsequent discretionary actions shall not conflict with the terms and conditions of this Agreement.

H. [Sec. 207]. Fees, Exactions, Conditions and Dedications.

1. Except as provided herein, the Developer shall be obligated to pay only those fees, in the amounts and/or with adjustments as set forth in Exhibit I and below, and make those dedications and improvements prescribed in the Project Approvals and this Agreement and any Subsequent Approvals. Unless otherwise specified herein, City-imposed development impact fees and sewer and water connection fees shall be due and payable by the Developer prior to the issuance of a certificate of occupancy for the building in question. Certain impact fees and credits applicable to development of the Project shall be as set forth in Exhibits I, and paid in the manner specified.

2. Except as otherwise provided by Exhibit I to this Agreement, the Developer shall pay the fee amount in effect at the time the payment is made. The City retains discretion to revise such fees as the City deems appropriate, in accordance with applicable law. If the City revises such fees on a city-wide basis (as opposed to revising such fees on an *ad hoc* basis that applies solely to the Project), then the Developer shall thereafter pay the revised fee. The Developer may, at its sole discretion, participate in any hearings or proceedings regarding the adjustment of such fees. Nothing in this Agreement shall constitute a waiver by the Developer of its right to challenge such changes in fees in accordance with applicable law provided that the Developer hereby waives its right to challenge the increased fees solely on the basis of any vested rights that are granted under this Agreement.

3. The City may charge and the Developer shall pay processing fees for land use approvals, building permits, and other similar permits and entitlements which are in force and effect on a citywide basis at the time the application is submitted for those permits, as permitted pursuant to California *Government Code* § 54990 or its successor sections(s).

4. Except as specifically permitted by this Agreement or mandated by state or federal law, the City shall not impose any additional capital facilities or development impact fees or charges or require any additional dedications or improvements through the exercise of the police power, with the following exception:

(a) The City may impose reasonable additional fees, charges, dedication requirements or improvement requirements as conditions of the City's approval of an amendment to the Project Approvals or this Agreement, which amendment is either requested by the Developer or agreed to by the Developer; and

(b) The City may apply subsequently adopted development exactions to the Project if the exaction is applied uniformly to development either throughout the city or with a defined area of benefit that includes the Property if the subsequently adopted development exaction does not physically prevent development of the Property for the uses and to the density and intensity of development set forth in this Agreement. In the event that the subsequently adopted development exaction fulfills the same purpose as an exaction or development impact fee required by this Agreement or by the Project Approvals, the Developer shall receive a credit against the subsequently adopted development exaction for fees already paid that fulfill the same purpose.

5. Compliance with *Government Code* § 66006. As required by *Government Code* § 65865(e) for development agreements adopted after January 1, 2004, the City shall comply with the requirements of *Government Code* § 66006 pertaining to the payment of fees for the development of the Property.

6. Wastewater Treatment Capacity. The City and the Developer agree that there is capacity in the wastewater treatment facility to serve (1) existing residents and businesses that are already hooked up to the facility, (2) anticipated residents and businesses through build-out of the City's existing General Plan, and (3) the Project. The City and the Developer acknowledge and agree that reserving this capacity for the Project, such that sewer hookups shall be available at such time as they are needed as the Project builds out, is a material element of the consideration provided by the City to the Developer in exchange for the benefits provided to the City under this Agreement. The Parties

recognize the availability of sufficient sewer capacity may be affected by regulatory or operational constraints that are not within the City's discretion. To the extent the availability of sewer capacity is within the City's discretion (e.g., whether to extend sewer service to areas *not* currently within the City's service area), the City shall not approve providing such capacity to areas currently outside the City's service area if this approval would prevent or delay the ability of the City to provide sewer hookups to the Project as the Project requires hook-ups or connections. This provision shall not affect the City's ability to provide sewer service within its service boundaries or within the existing City boundaries as they exist on the effective date of this Agreement, and as to such connections, the Parties requesting sewer service shall be connected on a first come first served basis. The Developer shall pay the applicable connection charge pursuant to that specified in Exhibit I of this Agreement at the time of building permit issuance. The Developer acknowledges that connection charge may increase substantially over time and that the cost to comply with the City's new NPDES permit, as they may be approved from time to time during the term of this Agreement, may be substantial.

I. [Sec. 208] Completion of Improvements. City generally requires that all improvements necessary to service new development be completed prior to issuance of building permits (except model home permits as may be provided by the Municipal Code). However, the parties hereto acknowledge that some of the backbone or in-tract improvements associated with the development of the Property may not need to be completed to adequately service portions of the Property as such development occurs. Therefore, as and when portions of the Property are developed, all backbone or in-tract infrastructure improvements required to service such portion of the Property in accordance with the Project Approvals (e.g., pursuant to specific tentative map conditions or other land use approvals) shall be completed prior to issuance of any building permits within such portion of the Property. Provided, however, the Public Works Director may approve the issuance of building permits prior to completion of all such backbone or in-tract improvements if the improvements necessary to provide adequate service to the portion of the Property being developed are substantially complete to the satisfaction of the Public Works Director, or in certain cases at the discretion of the City, adequate security has been provided to assure the completion of the improvements in question.

ARTICLE 3. Obligations of the Developer.

A. [Sec. 300] Improvements. The Developer shall develop the Property in accordance with and subject to the terms and conditions of this Agreement, the Project Approvals and the subsequent discretionary approvals referred to in Section 202, if any, and any amendments to the Project Approvals or this Agreement as, from time to time, may be approved pursuant to this Agreement. The failure of the Developer to comply with any term or condition of or fulfill any obligation of the Developer under this Agreement, the Project Approvals or the subsequent discretionary approvals or any amendments to the Project Approvals or this Agreement as may have been approved pursuant to this Agreement, shall constitute a default by the Developer under this Agreement. Any such default shall be subject to cure by the Developer as set forth in Article 4 hereof.

B. [Sec. 301] Developer's Obligations. Except as otherwise provided herein, the Developer shall be responsible, at its sole cost and expense, to make the contributions, improvements, dedications and conveyances set forth in this Agreement and the Project Approvals.

C. [Sec. 302] City's Good Faith in Processing. Subject to the reserved discretionary approvals set forth in Section 201 and the provisions of Section 207(3) hereof, the City agrees that it will accept, in good faith, for processing, review and action, all complete applications for zoning, special permits, development permits, tentative maps, subdivision maps or other entitlements for use of the Property in accordance with the General Plan and this Agreement. The City agrees that it will accept and process large-lot subdivision map and construction drawings for infrastructure contemplated by the large-lot subdivision map concurrently, in accordance with prior entitlements and this Agreement, with the objective to facilitate the extension and construction of infrastructure in an efficient manner.

The City shall inform the Developer, upon request, of the necessary submission requirements for each application for a permit or other entitlement for use in advance, and shall review said application and schedule the application for review by the appropriate authority.

ARTICLE 4. Default, Remedies, Termination.

A. [Sec. 400] General Provisions. Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by either Party to perform any term or provision of this Agreement shall constitute a default. In the event of default or breach of any terms or conditions of this Agreement, the Party alleging such default or breach shall give the other Party not less than thirty (30) days' notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured. During any such thirty (30) day period, the Party charged shall not be considered in default for purposes of termination or institution of legal proceedings.

After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other Party to this Agreement may, at its option:

1. Terminate this Agreement, in which event neither Party shall have any further rights against or liability to the other with respect to this Agreement or the Property; or
2. Institute legal or equitable action to cure, correct or remedy any default, including but not limited to an action for specific performance of the terms of this Agreement;

In no event shall either Party be liable to the other for money damages for any default or breach of this Agreement.

B. [Sec. 401] Developer's Default; Enforcement. No building permit shall be issued or building permit application accepted for the building shell of any structure on the Property if the permit applicant owns or controls any property subject to this Agreement and if such applicant or any entity or person controlling such applicant is in default under the terms and conditions of this Agreement unless such default is cured or this Agreement is terminated.

C. [Sec. 402] Annual Review. The City Manager shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by the Developer with the terms and conditions of this Agreement. Such periodic review shall be limited in scope to compliance with the terms and conditions of this Agreement pursuant to California Government Code Section 65865.1.

The City Manager shall provide thirty (30) days prior written notice of such periodic review to the Developer. Such notice shall require the Developer to demonstrate good faith compliance with the terms and conditions of this Agreement and to provide such other information as may be reasonably requested by the City Manager and deemed by him or her to be required in order to ascertain compliance with this Agreement. Notice of such annual review shall include the statement that any review may result in amendment or termination of this Agreement. The costs of notice and related costs incurred by the City for the annual review conducted by the City pursuant to this Section shall be borne by the Developer.

If, following such review, the City Manager is not satisfied that the Developer has demonstrated good faith compliance with all the terms and conditions of this Agreement, or for any other reason, the City Manager may refer the matter along with his or her recommendations to the City Council.

Failure of the City to conduct an annual review shall not constitute a waiver by the City of its rights to otherwise enforce the provisions of this Agreement nor shall the Developer have or assert any defense to such enforcement by reason of any such failure to conduct an annual review.

D. [Sec. 403] Enforced Delay, Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by either Party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, governmental entities, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation, moratoria or similar bases for excused performance. If written notice of such delay is given to the City within thirty (30) days of the

commencement of such delay, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

In the event litigation is initiated by any party other than Developer that challenges any of the approvals for the Project or the environmental document for those approvals and an injunction or temporary restraining order is not issued, Developer may elect to have the term of this Agreement tolled, i.e., suspended, during the pendency of said litigation, upon written notice to City from Developer. The tolling shall commence upon receipt by the City of written notice from Developer invoking this right to tolling. The tolling shall terminate upon the earliest date on which either a final order is issued upholding the challenged approvals or said litigation is dismissed with prejudice by all plaintiffs. In the event a court enjoins either the City or the Developer from taking actions with regard to the Project as a result of such litigation that would preclude any of them from enjoying the benefits bestowed by this Agreement, then the term of this Agreement shall be automatically tolled during the period of time such injunction or restraining order is in effect

E. [Sec. 404] Limitation of Legal Actions. In no event shall the City, or its officers, agents or employees, be liable in damages for any breach or violation of this Agreement, it being expressly understood and agreed that the Developer's sole legal remedy for a breach or violation of this Agreement by the City shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

F. [Sec. 405] Applicable Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of California. The Developer acknowledges and agrees that the City has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity or meaning of this Agreement shall be that accorded legislative acts of the City. Should any legal action be brought by a Party for breach of this Agreement or to enforce any provision herein, the prevailing Party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court.

G. [Sec. 406] Invalidity of Agreement.

1. If this Agreement shall be determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment.

2. If any provision of this Agreement shall be determined by a court to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any law which becomes effective after the date of this Agreement and either Party in good faith determines that such provision is material to its entering into this Agreement, either Party may elect to terminate this Agreement as to all obligations then remaining unperformed in accordance with the procedures set forth in Section 400, subject, however, to the provisions of Section 407 hereof.

H. [Sec. 407] Effect of Termination on Developer Obligations. Termination of this Agreement shall not affect the Developer's obligations to comply with the General Plan and the terms and conditions of any and all Project Approvals and land use entitlements approved with respect to the Property, nor shall it affect any other covenants of the Developer specified in this Agreement to continue after the termination of this Agreement.

ARTICLE 5. Hold Harmless Agreement.

A. [Sec. 500] Hold Harmless Agreement. The Developer hereby agrees to and shall hold Landowner and the City, its elective and appointive boards, commissions, officers, agents and employees harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage, which may arise from the Developer's or the Developer's contractors, subcontractors, agents or employees operations under this Agreement, whether such operations be by the Developer, or by any of the Developer's contractors, subcontractors, or by any one or more persons directly or indirectly employed by or acting as agent for the Developer or any of the Developer's contractors or subcontractors.

In the event any claim, action, or proceeding is instituted against the City, and/or its officers, agents and employees, by any third party on account of the processing, approval, or implementation of the Project Approvals and/or this Agreement, Developer

shall defend, indemnify and hold harmless the City, and/or its officers, agents and employees. This obligation includes, but is not limited to, the payment of all costs of defense, any amounts awarded by the Court by way of damages or otherwise, including any attorney fees and court costs. City may elect to participate in such litigation at its sole discretion and at its sole expense. As an alternative to defending any such action, Developer may request that the City rescind any approved land use entitlement. The City will promptly notify Developer of any claim, action, or proceeding, and will cooperate fully in the defense thereof.

B. Prevailing Wages. Without limiting the foregoing, Developer acknowledges the requirements of California *Labor Code* §1720, *et seq.*, and 1770 *et seq.*, as well as California *Code of Regulations*, Title 8, Section 1600 *et seq.* (“Prevailing Wage Laws”), which require the payment of prevailing wage rates and the performance of other requirements on “public works” and “maintenance” projects, as defined. If work on off-site improvements pursuant to this Agreement is being performed by Developer as part of an applicable “public works” or “maintenance” project, as defined by the Prevailing Wage Laws, and if the total compensation under the contract in question is \$1,000 or more, Developer agrees to fully comply with such Prevailing Wage Laws. Developer understands and agrees that it is Developer’s obligation to determine if Prevailing Wages apply to work done on the Project or any portion of the Project. Upon Developer’s request, the City shall provide a copy of the then current prevailing rates of per diem wages. Developer shall make available to interested parties upon request, copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the work subject to Prevailing Wage Laws, and shall post copies at the Developer’s principal place of business and at the Project site. Developer shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless pursuant to the indemnification provisions of this Agreement from any claim or liability arising out of any failure or alleged failure by Developer to comply with the Prevailing Wage Laws associated with any “public works” or “maintenance” projects associated with Project development.

ARTICLE 6. Project as a Private Undertaking.

A. [Sec. 600] Project as a Private Undertaking. It is specifically understood and agreed by and between the Parties hereto that the development of the Property is a separately undertaken private development. No partnership, joint venture or other association of any kind between the Developer and the City is formed by this Agreement. The only relationship between the City and the Developer is that of a governmental entity regulating the development of private property and the owner of such private property.

ARTICLE 7. Consistency with General Plan.

A. [Sec. 700] Consistency With General Plan. The City hereby finds and determines that execution of this Agreement is in the best interest of the public health, safety and general welfare and is consistent with the General Plan, as amended by the General Plan Amendment approved as part of the Project Approvals.

ARTICLE 8. Notices.

A. [Sec. 800] Notices. All notices required by this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, to the addresses of the Parties as set forth below.

Notice required to be given to the City shall be addressed as follows:

City Manager
City of Davis
23 Russell Boulevard
Davis, CA 95616

Notice required to be given to the Developer shall be addressed as follows:

Taormino & Associates, Inc.
260 Russell Blvd., Ste. C
Davis, Ca 95616
Attn: J. David Taormino

With a copy to:

Taylor & Wiley
500 Capitol Mall, Suite 1150
Sacramento, California 95814

Attn: Matthew S. Keasling

Notice required to be given to the Landowner shall be addressed as follows:

Binning Ranch Holding Company, LLC
P.O. Box 293890
Sacramento, California 95829
Attn: Majid Rahimian

Any Party may change the address stated herein by giving notice in writing to the other Party, and thereafter notices shall be addressed and transmitted to the new address.

ARTICLE 9. Recordation.

A. [Sec. 900] When fully executed, this Agreement will be recorded in the official records of Yolo County, California. Any amendments to this Agreement shall also be recorded in the official records of Yolo County.

ARTICLE 10. Estoppel Certificates.

A. [Sec. 1000] Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such party to certify in writing that, to the knowledge of the certifying Party, (a) this Development Agreement is in full force and effect and a binding obligation of the Parties, (b) this Development Agreement has not been amended or modified or, if so amended or modified, identifying the amendments or modifications, and (c) the requesting Party is not in default in the performance of its obligations under this Development Agreement, or if in default, to describe therein the nature and extent of any such defaults. The requesting Party may designate a reasonable form of certificate (including a lender's form) and the Party receiving a request hereunder shall execute and return such certificate or give a written, detailed response explaining why it will not do so within thirty (30) days following the receipt thereof. The City Manager shall be authorized to execute any certificate requested by Developer hereunder. Developer and City acknowledge that a certificate hereunder may be relied upon by tenants, transferees, investors, partners, bond counsel, underwriters, and other mortgages. The request shall clearly indicate that failure of the receiving Party to respond within the thirty

(30) day period will lead to a second and final request and failure to respond to the second and final request within fifteen (15) days of receipt thereof shall be deemed approval of the estoppel certificate. Failure of Developer to execute an estoppel certificate shall not be deemed a default, provided that in the event Developer does not respond within the required thirty (30) day period, City may send a second and final request to Developer and failure of Developer to respond within fifteen (15) days from receipt thereof (but only if City's request contains a clear statement that failure of Developer to respond within this fifteen (15) day period shall constitute an approval) shall be deemed approval by Developer of the estoppel certificate and may be relied upon as such by City, tenants, transferees, investors, bond counsel, underwriters and bond holders. Failure of City to execute an estoppel certificate shall not be deemed a default, provided that in the event City fails to respond within the required thirty (30) day period, Developer may send a second and final request to City, with a copy to the City Manager and City Attorney, and failure of City to respond within fifteen (15) days from receipt thereof (but only if Developer's request contains a clear statement that failure of City to respond within this fifteen (15) day period shall constitute an approval) shall be deemed approval by City of the estoppel certificate and may be relied upon as such by Developer, tenants, transferees, investors, partners, bond counsel, underwriters, bond holders and mortgagees.

B. ARTICLE 11. Provisions Relating to Lenders

A. [Sec. 1201] Lender Rights and Obligations.

1. Prior to Lender Possession. No Lender shall have any obligation or duty under this Agreement prior to the time the Lender obtains possession of all or any portion of the Property to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges which are liabilities of Developer or Developer's successors-in-interest, but such Lender shall otherwise be bound by all of the terms and conditions of this Agreement which pertain to the Property or such portion thereof in which Lender holds an interest. Nothing in this Section shall be construed to grant to a Lender rights beyond those of the Developer hereunder or to limit any remedy City has hereunder in the event of a breach by Developer,

including termination or refusal to grant subsequent additional land use Approvals with respect to the Property.

2. Lender in Possession. A Lender who comes into possession of the Property, or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges which are obligations of Developer and which remain unpaid as of the date such Lender takes possession of the Property or any portion thereof. Provided, however, that a Lender shall not be eligible to apply for or receive Approvals with respect to the Property, or otherwise be entitled to develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated or authorized by this Agreement and subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in the future) and charges, and assumption of all obligations of Developer hereunder; provided, further, that no Lender, or successor thereof, shall be entitled to the rights and benefits of the Developer hereunder or entitled to enforce the provisions of this Agreement against City unless and until such Lender or successor in interest qualifies as a recognized assignee of this Agreement and makes payment of all delinquent and current City fees and charges pertaining to the Property.

3. Notice of Developer's Breach Hereunder. If City receives notice from a Lender requesting a copy of any notice of breach given to Developer hereunder and specifying the address for notice thereof, then City shall deliver to such Lender, concurrently with service thereon to Developer, any notice given to Developer with respect to any claim by City that Developer have committed a breach, and if City makes a determination of non-compliance, City shall likewise serve notice of such non-compliance on such Lender concurrently with service thereof on Developer.

4. Lender's Right to Cure. Each Lender shall have the right, but not the obligation, for the same period of time given to Developer to cure or remedy, on behalf of Developer, the breach claimed or the areas of non-compliance set forth in City's notice. Such action shall not entitle a Lender to develop the Property or otherwise partake of any

benefits of this Agreement unless such Lender shall assume and perform all obligations of Developer hereunder.

5. Other Notices by City. A copy of all other notices given by City to Developer pursuant to the terms of this Agreement shall also be sent to any Lender who has requested such notices at the address provided to City pursuant to Section 1201(4) above.

B. [Sec. 1202] Right to Encumber. City agrees and acknowledges that this Agreement shall not prevent or limit the owner of any interest in the Property, or any portion thereof, at any time or from time to time in any manner, at such owner's sole discretion, from encumbering the Property, the improvements thereon, or any portion thereof with any mortgage, deed of trust, sale and leaseback arrangement or other security device. City acknowledges that any Lender may require certain interpretations of the agreement and City agrees, upon request, to meet with the owner(s) of the property and representatives of any Lender to negotiate in good faith any such request for interpretation. City further agrees that it shall not unreasonably withhold its consent to any interpretation to the extent such interpretation is consistent with the intent and purpose of this Agreement

ARTICLE 13. Entire Agreement.

A. [Sec. 1300] Entire Agreement. This Agreement is executed in duplicate originals, each of which is deemed to be an original. This Agreement consists of __ pages and __ Exhibits which constitute the entire understanding and agreement of the Parties. Unless specifically stated to the contrary, the reference to an exhibit by designated letter or number shall mean that the exhibit is made a part of this Agreement. Said exhibits are identified as follows:

- Exhibit A: Description of the Property
- Exhibit B: General Plan Amendment Resolution
- Exhibit C: Project Approvals
- Exhibit D: Subsequent Project Approvals
- Exhibit E: Environmental Sustainability Commitments
- Exhibit F: Transportation and Circulation Commitments
- Exhibit G: Health and Wellness Commitments
- Exhibit H: Affordable Housing Plan

Exhibit I: Impact Fees and Credits

[Remainder of Page Intentionally Left Blank]

DRAFT

IN WITNESS WHEREOF, the City and Developer and Landowner have executed this Agreement as of the date set forth above.

“CITY”

CITY OF DAVIS

By: _____

Robb Davis
Mayor

Attest: _____

Zoe Mirabile
City Clerk

APPROVED AS TO FORM:

Harriet Steiner
City Attorney

“DEVELOPER”

J. DAVID TAORMINO, an individual

By: _____

Name: _____

Title: _____

“LANDOWNER”

BINNING RANCH HOLDING COMPANY
LLC, a California limited liability company

By: _____

Name: _____

Title: _____

DRAFT

**EXHIBIT A
LEGAL DESCRIPTION AND PROJECT SITE MAP**

A.P.N.: 036-060-005-000

Real property in the City of Davis, County of Yolo, State of California, described as follows:

**THE WEST 75 ACRES OF THE SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 8 NORTH, RANGE 2 EAST, M.D.B. & M.**

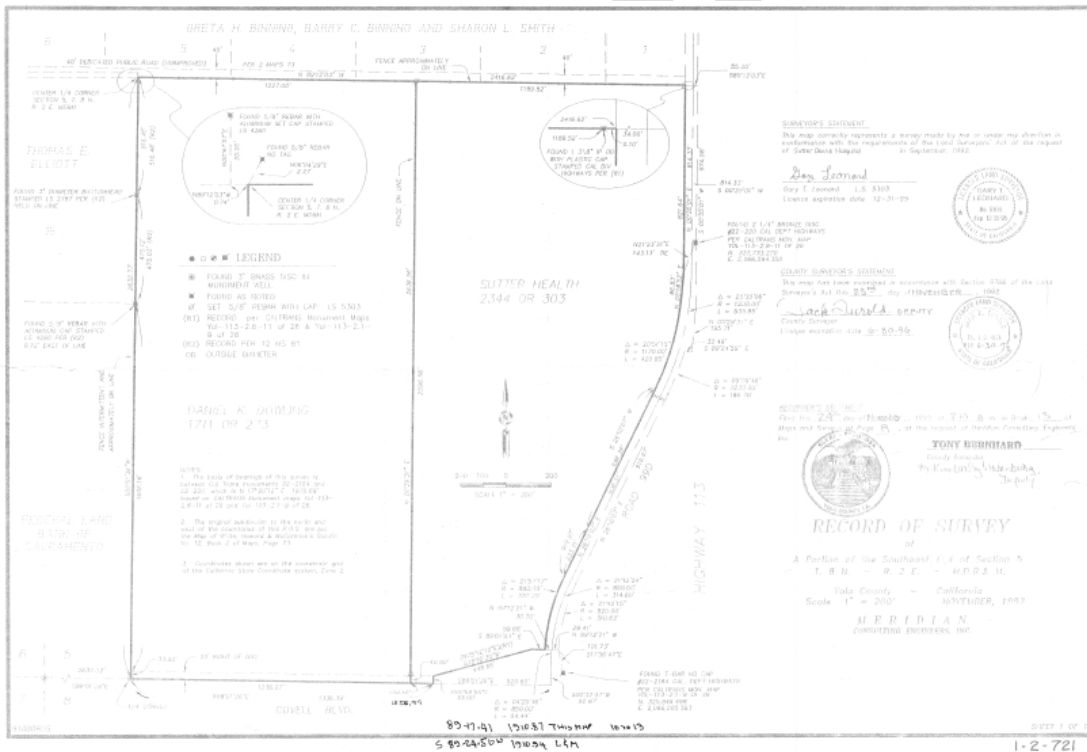


EXHIBIT B
GENERAL PLAN AMENDMENT RESOLUTION

Resolution to be inserted.

DRAFT

EXHIBIT C
PROJECT APPROVALS

- (1) General Plan Amendment # 05-16
- (2) Rezoning and Preliminary Planned Development # 03-16
- (3) Development Agreement #03-16 by and between the City of Davis and Developer.
- (4) Environmental Impact Report (SCH#2017042043), as certified and approved by Resolution No. _____ and the Mitigation Monitoring and Reporting Program adopted therewith.

DRAFT

EXHIBIT D
SUBSEQUENT PROJECT APPROVALS

(1) Large Lot Subdivision Map # _____

(2) Final Planned Development # _____

(3) Tentative Parcel Map # _____

(4) Design Review # _____

(5) Annexation # _____

DRAFT

EXHIBIT E
ENVIRONMENTAL SUSTAINABILITY COMMITMENTS

Agricultural Protection. Developer will protect agricultural lands through the purchase of agricultural easements to mitigate for the permanent loss of agriculture on the Project site and through the design and construction of a one hundred fifty-foot agricultural buffer area bordering the Project site so as to avoid land use conflicts between urban and agricultural uses.

Agricultural mitigation shall be provided in accordance with City of Davis Municipal Code requirements. The provision of mitigation lands shall occur in a manner consistent with Mitigation Measure 3.2-1 with mitigation lands to be identified prior to commencement of grading on the Project site. Location of mitigation lands is subject to review and approval by the City Council and will not include any City-owned land.

Additionally, Developer will provide for a one hundred fifty-foot agricultural buffer between the Project and adjacent agricultural lands consistent with City requirements. The agricultural buffer area shall be identified on the General Plan and zoning maps and be designed in accordance with City of Davis Municipal Code requirements. The buffer area shall be constructed, landscaped and maintained by Developer and its successors and assigns, including but not limited to a future home owners' association. Developer shall grant an access and maintenance easement to the City for the one hundred-foot portion abutting adjacent agricultural lands. Said easement is for the purposes of ensuring compliance with Project conditions and maintaining functionality of the drainage corridor; public access will be discouraged in this portion. Developer will grant City fee title to the internal fifty-foot portion of the agricultural buffer; however, maintenance of this portion will be provided by the Developer and its successors and assigns.

Sustainability Standards. The primary energy efficiency standards of the State of California, through Cal Green shall be the basis for compliance of the Project. The base CALGreen requirements meet all of the LEED prerequisites and also earn points towards certification. The city is currently requiring CALGreen Tier 1 compliance. Staff is studying LEED and CALGreen voluntary measures (Tiers) in order to determine LEED Gold equivalency using CALGreen as the metric for compliance. The Project will be required to meet CALGreen and Energy Code compliance that will be equivalent to LEED Gold. Project compliance with this commitment shall be satisfactorily demonstrated to the Director of Community Development and Sustainability. Formal certification of the Project by the U.S. Green Building Council is not required. The Project is also subject to sustainability commitments in the Baseline Project Features, which will assist in achieving sustainability obligations.

Energy Efficiency. Developer commits that all single-family residential structures in the Property shall meet or exceed 2020 Cal Green energy efficiency standards and will be zero net electric. Developer shall mandate the installation of solar on every for-sale residential unit in accordance with the provisions of Article 8.20 of the Davis Municipal Code. The

parking area at the activity and wellness center shall include a solar arrays sufficient to provide a majority of the electricity for the operation of all structures within the activity and wellness center.

Energy Retrofit Grant Program. In addition to onsite efficiencies, Developer is implementing an energy retrofit program for persons moving into the Project from existing housing stock within the City of Davis. To encourage energy upgrades to existing older Davis homes, which is a critical component to achieving greenhouse gas reduction targets, Developer shall establish a program to financially assist owners who sell an existing home in Davis that also purchase a home in the Project. In such cases, Developer shall provide \$2,500 in the sales escrow of a Davis resale home. Furthermore, in the event the Buyer and/or Seller (individually or together) of the resale home matches Developer's initial contribution, Developer shall contribute an additional \$1,000 for a total Developer contribution of \$3,500. Prior to the approval of the Project's tentative map, Developer shall establish a comprehensive program in collaboration with the City staff to support the energy retrofit grant program including a menu of the most energy effective uses of the grant dollars and local contractors to assist with such upgrades.

Biological Habitat and Species Protection. Developer will protect against direct and indirect impacts to certain identified plant and animal species through the implementation of those mitigation measures identified and memorialized in Chapter 3.4 of the Project's environmental impact report. If the Yolo HCP/NCCP is adopted prior to initiation of any ground disturbing activities for any phase of development associated with the Project, the Developer shall comply with the requirements of the Yolo HCP/NCCP as applicable, which will replace other project mitigation measures for species covered in the Yolo HCP/NCCP. This will include the payment of fees, and the integration of applicable avoidance and mitigation measures for covered species.

Habitat Creation. Developer commits to design and construct the Covell Boulevard drainage connections as "wildlife connectivity culverts" sufficient in design capacity to convey drainage and allow for the below-grade passage of species.

Developer will utilize plant species included on the UC Davis Arboretum "All-star" plant list or the City of Davis Master Street Tree list to comprise at least fifty percent of the plants, not including turf grass, within the Project's greenways and mini-parks, or other plant selections as approved by the Director of Community Development and Sustainability to increase opportunities for native plants and pollinator species.

Developer will include within the agricultural buffer area at least five nodes of assorted flowering plant species deemed beneficial to native pollinators. Developer will design and construct the off-site detention basin to include a habitat area.

The habitat features identified herein shall be included in, and acted upon, in the course of the Project's subsequent design review approval.

Water Conservation. Developer shall utilize a majority of drought tolerant and/or native species within the agricultural buffer area to minimize landscape water usage and greatly reduce runoff.

Urban Forest/Oak Grove. Developer commits to plant at least one native oak tree for each for-sale residential unit, which is anticipated to result in an oak grove of at least 350 trees within the Project, primarily within the agricultural buffer area. This Project amenity will reduce the heat island effect resulting in energy conservation, improve air quality and create new habitat for numerous local species.

Use of Recycled and Sustainable Materials. Developer commits to utilize rubberized asphalt concrete for all roadways within the Project pursuant to City adoption of standards consistent with the manufacturer's specifications and pursuant to authorization from the Director of Public Works.

To the extent feasible and consistent with City policies, Developer will use permeable materials in public spaces to minimize runoff and maximize groundwater recharge.

DRAFT

EXHIBIT F
TRANSPORTATION AND CIRCULATION COMMITMENTS

Major Transportation Commitments with Triggers. Developer agrees to construct, and complete the construction of the following improvements, prior to issuance of the first certificate of occupancy. Improvements shown are conceptual; final design details may include engineering revisions to meet City standards, subject to the satisfaction of Public Works

1. Construct and complete roadway improvements at the intersection of West Covell Boulevard and Risling Court/ Shasta Drive, including the widening and striping of turn lanes on southbound Risling Ct. and the removal of all free right turns, generally consistent with the preliminary design depicted on Attachment 1 to this Exhibit.
2. Complete bicycle and pedestrian safety improvements at the intersections of West Covell Boulevard and John Jones Way and at West Covell Boulevard and Risling Court, generally consistent with the preliminary design depicted on Attachment 2 to this Exhibit.
3. Re-pave West Covell Boulevard, including grind, overlay, and thermoplastic striping, from face of curb to face of curb from Highway 113 to 1,200 feet west of Shasta Drive.

Developer agrees to construct, complete, or otherwise facilitate the construction of the following improvements prior to the issuance of building permits for the one-hundred and first single-family home:

1. Relocate the existing transit stop and provide a new bus shelter, to the City's approval, on the north side of West Covell Boulevard.

Developer agrees to commence construction of the following improvements prior to the issuance of building permits for the three-hundred and first single-family home:

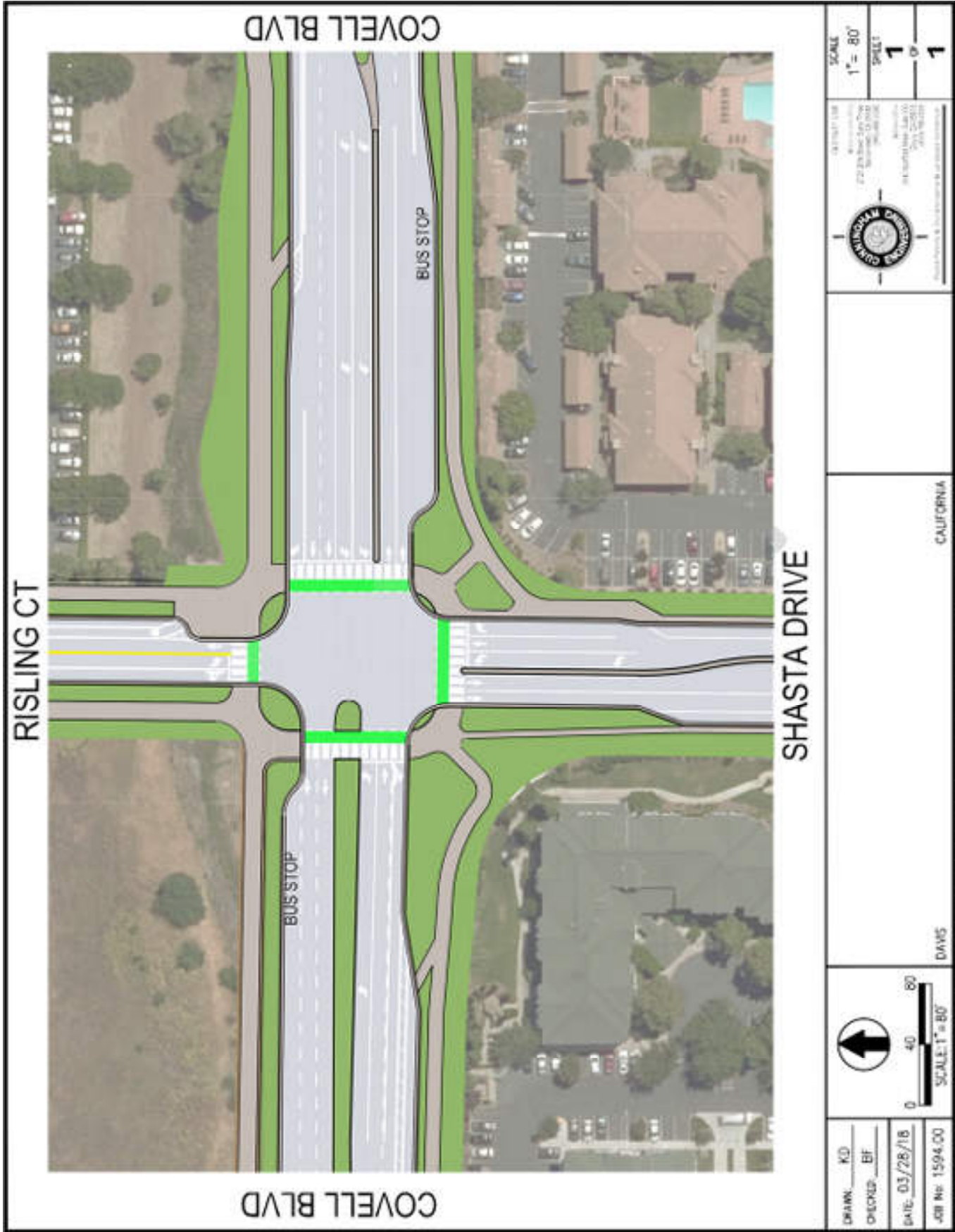
1. Design and commence construction of a transit hub located at or near, and to be completed coterminous with, the activity and wellness center which should include a designated pick-up and drop-off zone, an area for rideshare services, lit weather protected seating, access for shuttles and/or buses, EV charging stations, dedicated parking spaces for shared vehicle programs, and a dedicated area to accommodate future curbside pickup.

Developer commits to enhancing landscaping, medians and street frontage improvements on Covell Boulevard between Risling Court and State Highway 113, substantially consistent with Attachments 2 and 3 to this Exhibit, at such time as the improvements at West Covell Blvd. and John Jones Way are under construction. Design details are subject to review and approval by the Public Works Director.

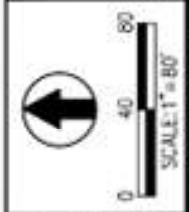
Peripheral Trail. Developer shall dedicate an area located north of the Property and adjacent to State Highway 113 to accommodate future bicycle and pedestrian off-grade crossing of the freeway to assist in the City's effort to complete a peripheral trail in a manner substantially consistent with that identified in the Attachment 4 to this Exhibit. Said dedication shall occur concurrent with the dedication or grant of easement for the agricultural buffer area. Developer commits to act in good faith to assist the City in its pursuit of funding for the crossing. City and Developer may collaborate to seek grants or other financing for grade-separated connection. City and Developer shall attempt to leverage local funds with SACOG for other potential funding.

Project Circulation. Internal roadway and pedestrian circulation improvements shall be constructed concurrently with the development of Project components on an as needed basis in accordance with Section 208, *supra*, and to be determined by the Public Works Director in collaboration with the Developer.

Construction of transportation improvements pursuant to Baseline Project Features and Exhibit H are required.



DRAWN: KD
 CHECKED: EF
 DATE: 03/28/18
 JOB No: 1594-00



DAVIS

CALIFORNIA



SCALE
 1" = 80'
 SHEETS
 1 of 1

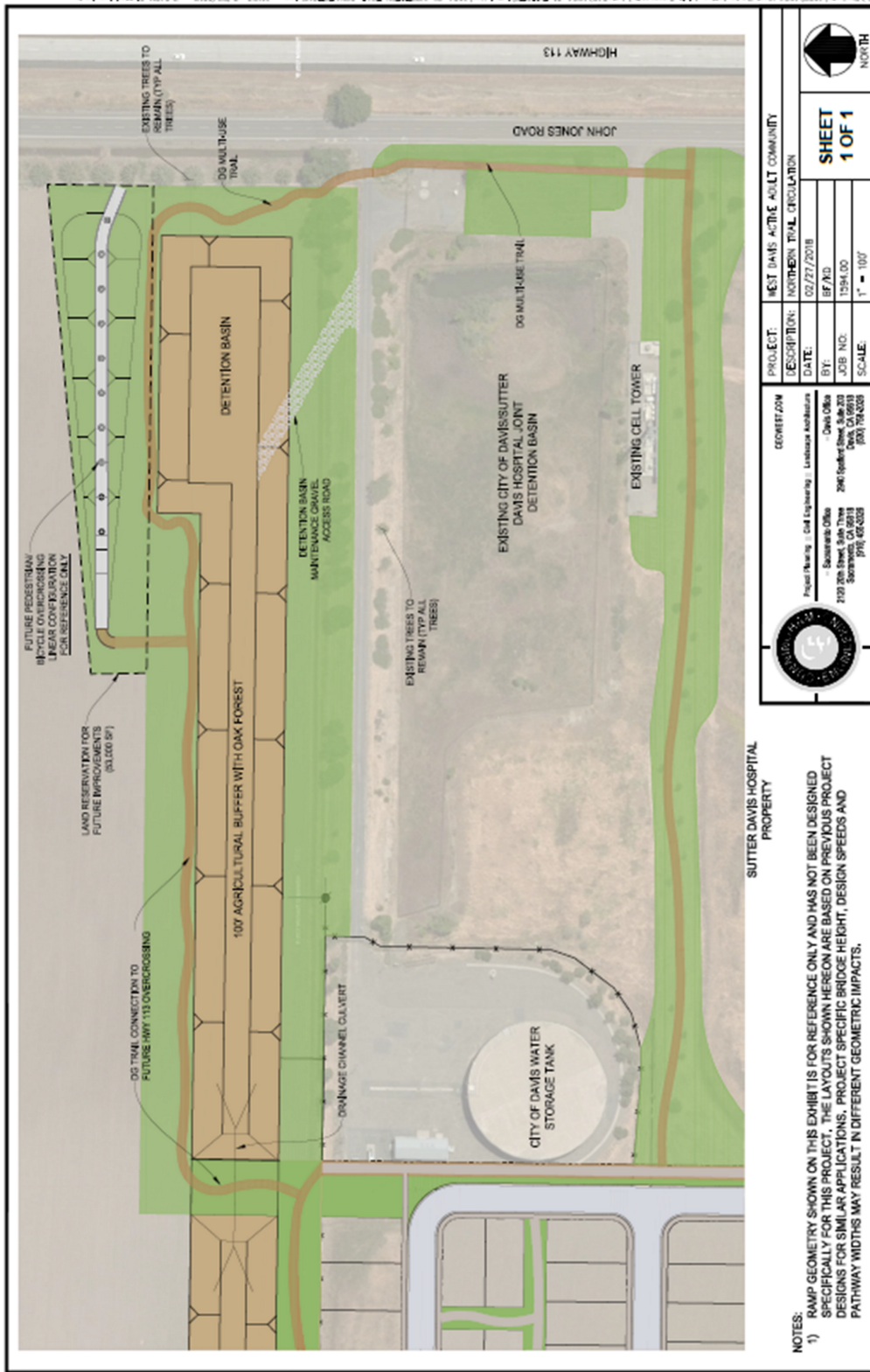
Attachment E- 1



Attachment E- 2



Attachment E- 3



| | |
|--------------|------------------------------------|
| PROJECT: | NORTH DAVIS ACTIVE ADULT COMMUNITY |
| DESCRIPTION: | NORTHERN TRAIL CIRCULATION |
| DATE: | 02/27/2018 |
| BY: | BF/KD |
| JOB NO.: | 1594.00 |
| SCALE: | 1" = 100' |

GEOMETRIZON
 Project Manager: Coll Engstrom | Location: Modesto
 Sacramento Office | Davis Office
 2109 26th Street, Suite 200 | 286 Spaulding Street, Suite 200
 Sacramento, CA 95811 | Davis, CA 95618
 (916) 662-0288 | (530) 756-0288



SUTTER DAVIS HOSPITAL PROPERTY
 NOTES:
 1) RAMP GEOMETRY SHOWN ON THIS EXHIBIT IS FOR REFERENCE ONLY AND HAS NOT BEEN DESIGNED SPECIFICALLY FOR THIS PROJECT. THE LAYOUTS SHOWN HEREON ARE BASED ON PREVIOUS PROJECT DESIGNS FOR SIMILAR APPLICATIONS. PROJECT SPECIFIC BRIDGE HEIGHT, DESIGN SPEEDS AND PATHWAY WIDTHS MAY RESULT IN DIFFERENT GEOMETRIC IMPACTS.

Attachment E- 4

EXHIBIT G
HEALTH AND WELLNESS COMMITMENTS

Developer is committed to providing an environment in which Davis residents can “age in place” while maintaining a healthy lifestyle. Vital to meeting this objective is designing a community with both indoor and outdoor activities that promote a lifestyle that is good for both the body and mind. In furtherance of this goal, the Developer commits to the following health and wellness Project features:

Activity and Wellness Center. Developer shall construct an activity and wellness center for the use and enjoyment of the residents of the Project, much of which will also be made available to the community at large. Construction of the activity and wellness center, as the anchor of a mixed-use center that will also include limited retail uses, shall commence prior to the City’s issuance of the three-hundred and first building permit for a Project residential unit. The activity and wellness center shall include: limited office and retail space, including a privately owned and operated health club with shared access to the community owned swimming pool. Additionally, the center will contain community meeting space for various activities including classes and seminars. The facility will further include a clubhouse for the use and enjoyment of the neighborhood association.

Parks, Greenways and Groves. The Project is designed to facilitate community interactions and physical activity along a series of greenways and paths that permeate the Project. To encourage and maximize outdoor activities, the Project shall include the following features:

1. Internal Greenways. The Project shall include a series of greenways which shall include a pedestrian path that serves as a place of interaction for the residents and which provides non-vehicular connection between the homes and the various components of the Project. The greenways will be owned, managed and maintained by Developer and its successors and assigns. Developer will grant to the City and record a public access easement for pedestrian use and enjoyment of the greenway trail system.
2. Agricultural Buffer. The Project shall include approximately 7.2 acres of agricultural buffer area that will be managed and maintained by Developer and its successors and assigns. This buffer shall be comprised of an external 100-foot-wide section with features that generally exclude public activity, and an internal 50-foot-wide section that is designed to be interactive. The 100-foot external section will include a drainage corridor and predominantly use a native and drought tolerant plant palette. The 50-foot segment located proximate to the residences will include a trail, habitat nodes and other pedestrian-oriented amenities. If and where feasible, the 50-foot segment may also include community gardens and orchards to foster mental health and a healthy diet. Developer will grant fee title to the City for the interior 50-foot segment for the benefit of the entire community. The entire agricultural buffer shall also include an oak grove to provide shade and comfort to those using the trail in an ecological setting native to northern California.

3. Programmed Park Space. Developer shall construct and maintain an approximately 0.7-acre dog park where residents may interact with their pets and each other in a leash-free environment. Developer shall construct and maintain an approximately 0.5-acre programmed park area primarily featuring a tot lot and a sycamore grove. Developer shall construct and maintain three pocket parks totaling 0.3 acres, as shown in the Baseline Project Features exhibit, which will include passive recreational uses geared toward seniors. The park space will be owned, managed and maintained by Developer and its successors and assigns. Developer will grant to the City and record a public recreation easement for pedestrian use and enjoyment of the parks located within the Project.

Accessible Design. To allow residents to age in place, universal design features will be utilized in all single-family residential units. Said features will, at a minimum, be consistent with adopted City standards for first-floor accessibility pursuant to Resolution No. 07-138. Use of said universal design features will apply to all single-family residences, excluding any condominiums or accessory dwelling units. Accessibility features will be strongly encouraged and incorporated to the extent feasible in all other residential units.

Public Arts Program. Developer shall designate a minimum of six locations within the Project for the installation of public art and will contribute the initial two works which will be installed coterminous with the initial one-hundred units. Developer shall establish a fund for the further acquisition and installation of art in the remainder of the designated publicly enjoyable sites, and will formalize a community-based process for the selection of pieces. Contributions to this fund will be allocated per parcel, on a basis such as parcel size, parcel use, and/or square footage basis, to be assessed at the time of approval of the first Final Map for the Project.

EXHIBIT H
AFFORDABLE HOUSING PLAN

In recognition of the income limitations and expensive health-related ailments facing many seniors, Developer shall dedicate a parcel of no less than 4-acres in size located in the southwest corner of Property for the development of senior affordable housing. Pursuant to the City's inclusionary housing ordinance, Developer is required to provide land sufficient for the construction of approximately sixty (60) affordable units or pay in-lieu fees. However, in recognition of the unique opportunity provided by the Property's proximity to healthcare services and the senior nature of the Project, Developer is committing an area of land sufficient to accommodate considerably more units than are required pursuant to City code.

In furtherance of this commitment, Developer shall obtain the necessary planning entitlements, excluding final planned development and design review, and complete the infrastructure improvements, including delivering a rough graded site, to allow for the construction of an anticipated one-hundred fifty (150) age-restricted affordable units. The affordable housing site shall be created with the first final map for the Project. Infrastructure improvements to serve the affordable site, including roadways and stubs for sewer, water and electrical, shall be installed with the first phase of infrastructure serving market-priced residential parcels.

Developer shall work in good faith to identify an appropriate affordable housing developer which will demonstrate, to the satisfaction of the Director of Community Development and Sustainability, its ability to develop and manage senior affordable housing of a quality expected by the City of Davis. City commits to consider in good faith requests from the affordable housing developer that will help to facilitate or secure outside project financing. If building permits for a minimum of 56 units on the affordable housing site have not been issued within three years of recordation of the final map creating the parcel, the affordable housing site will be transferred to the City. The City Manager may grant no more than two one-year extensions to the three-year deadline based on demonstrated progress in obtaining planning entitlements and financing for development of the affordable housing site. Developer commits to work with the City and affordable housing developer to seek state and federal grant funding and other available project financing.

All rental units developed on the senior affordable multifamily site shall remain affordable in perpetuity. This requirement shall be established in a Deed Restriction or covenant ("Deed") recorded on the parcel and subject to review and approval by the City Manager's Office prior to issuance of building permits on the affordable site. Additionally, the senior affordable project shall accommodate residents at varying income levels offering low, very low and extremely low income (ELI) units to fulfill a diversity of affordability needs. At a minimum, the affordable housing site shall provide one-third of its total units for individuals with incomes at or below thirty percent (30%) of area median income (extremely low income) households and an additional one-third of its units for individuals with incomes at or below fifty percent (50%) of area median income (very low income).

Units constructed on the affordable housing site are anticipated to be studio and one-bedroom apartments. Occupants of the affordable housing will be provided subsidized access to the facilities located at the Activity and Wellness Center.

DRAFT

EXHIBIT I
IMPACT FEES, CREDITS, AND COMMUNITY BENEFIT CONTRIBUTIONS

Notwithstanding the general provisions of Section 207 of this Agreement and the Municipal Code, the specific impact fees, connection fees and community benefit contributions set forth in this Exhibit I shall be paid by the Project as modified herein. All other fees, connection fees, and payments shall be subject to the general provisions of Section 207 and the Municipal Code.

A foundational element utilized by the City in determining development impact fee rates is an assumed level of occupancy. Based upon substantial evidence presented to the Director of Community Development and Sustainability and to the Director of Finance, as summarized in more detail in the Project’s environmental impact report and financial analysis, the City has determined that age-restricted residential units, on average, have fewer occupants residing within the unit and, therefore, lower usage of many utilities and services for which fees are assessed. Based upon this determination, the Project shall pay development impact fees in the following manner:

| Land Use | Roadway | Storm Sewer | Parks | Open Space | Public Safety | General Facilities |
|-------------------------------|----------------|--------------------|--------------|-------------------|----------------------|---------------------------|
| Single Family Detached | \$8,093 | \$305 | \$5,014 | \$863 | \$992 | \$2,389 |
| Senior Detached | \$2,902 | \$194 | \$3,189 | \$549 | \$631 | \$1,520 |
| Senior Attached | \$2,170 | \$187 | \$3,065 | \$528 | \$607 | \$1,461 |
| Senior Multi-Family | \$2,170 | \$119 | \$1,949 | \$336 | \$386 | \$929 |
| Senior Assisted Living | \$2,170 | \$113 | \$1,861 | \$320 | \$368 | \$887 |

The above fees shall remain in effect for a period of four years from first final map creating developable single-family parcels. Thereafter, development impact fees will correspond with the citywide fee schedule subject to an ongoing adjustment to reflect a senior level of occupancy based on unit type as follows: senior detached 1.8; senior attached 1.73; senior multi-family 1.1; and senior assisted living 1.05. Development impact fees for commercial uses such as the proposed restaurant and health club will be assessed at the applicable rate in effect at the time payment is made, as established in Section 207 of this agreement.

Additionally, Developer is entitled to certain fee credits for work completed as follows:

1. Traffic/Roadway Capital Improvement Program Fees.

Developer's Roadway Impact fee obligation shall be deemed satisfied through the construction of traffic/roadway improvements identified in Exhibit F, Transportation and Circulation Commitments.

2. Stormwater.

Developers' mitigation of project-related and upstream stormwater impacts through the construction of a new drainage channel (\$____) and detention facility (\$90,000) satisfies Developers' stormwater impact fee obligations (estimated at \$102,129) in its entirety. No additional stormwater impact fees shall be required for the Project.

3. Quimby Act.

Developers' Quimby Act obligation is partly satisfied through the combination of the Project's publicly accessible and privately maintained turn-key parks (dog park: 0.83 acres, three parklets: 0.54, and tot lot: 0.50 acres), land dedication for the City's peripheral trail (1.22 acres), and three-to-one credit for the land associated with the Activity and Wellness Center and the non-nexus bicycle and pedestrian improvements to Covell Boulevard (Quimby credit for 1.3 acres) which both provide recreational benefit to City residents. In total, Developer shall receive credit for 4.39 acres toward its Quimby Act obligation. Developer shall be responsible for its remaining Quimby Act obligation for 0.35 acres which shall be fulfilled through payment of fee **not to exceed \$250,712**.

4. Other Fees.

The Project shall be required to pay school impact fees on a per unit basis at issuance of building permit. School fees shall be assessed on those units that are non-age restriction at the standard rate; however, age restricted units shall be assessed, pursuant to California Govt. Code § 65995.1(a), at the commercial rate.

The Project shall pay all other fees required from this Project as required by City ordinance or resolution of the Project mitigation measures or approvals, as set forth in Section 207 of this Agreement.

5. Community Benefit Contributions

Developer shall provide the following Community Benefits, which are above and beyond the Project's requirements to mitigate for project-related impacts, conditions of approval and features included in the project description. Unless otherwise set forth herein, all payment obligations are to be applied to the 410 market rate residential units constructed in the Project.

(a) \$1,000,000 in private Community Benefit Funds which will be held in a separate escrow account for use by the City's aquatic clubs, including but not limited to Davis Aquatic Masters, for the acquisition of land and/or construction of a new competitive swim facility, payable in the amount of \$2,865 per detached residential unit and \$1,865 per attached residential unit to be paid prior to issuance of a Certificate of Occupancy. If said funds are not utilized by the aquatics clubs for a new aquatics facility within five years from first Final Map, the escrow account shall transfer to the City to be utilized at the sole discretion of the City Council to address community needs as are then deemed appropriate.

DRAFT

ORDINANCE NO. _____
REZONING/PRELIMINARY PLANNED DEVELOPMENT ZONING ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 40 OF THE DAVIS MUNICIPAL CODE,
REZONING THE PROJECT SITE, CONSISTING OF APPROXIMATELY 74 ACRES
LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF COVELL
BOULEVARD AND RISLING COURT, FROM AGRICULTURE (A) TO
PRELIMINARY PLANNED DEVELOPMENT (PD) #03-16 – WEST DAVIS ACTIVE
ADULT COMMUNITY.**

THE CITY COUNCIL OF THE CITY OF DAVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. ZONING MAP CHANGE

Section 40.15 (zoning map) of Chapter 40 of the Davis Municipal Code (hereinafter “City of Davis Zoning Ordinance”) as amended, is hereby amended by adding the zoning designation of the parcel (APN: 036-060-05) consisting of approximately 74 acres, shown on the map marked Exhibit A attached hereto, to Planned Development #03-16.

SECTION 2. PURPOSE

The purpose of this preliminary planned development is to create a community that connects the City’s active adult and senior population to existing services and facilities existing in West Davis; provide housing for multiple generations of Davis residents; offer housing options, design features and related amenities that meet the long-term needs of City residents so they may age-in-place; create a neighborhood with homes and amenities to support an active lifestyle for a mature population; provide a variety of housing options with multiple unit types of varying sizes as well as affordable housing; encourage a harmonious intermingling of structures and use types; enhance the pedestrian usage and livability with the inclusion of recreational amenities, greenways, bike paths and walking trails; and create a sustainable and energy-efficient community.

SECTION 3. USES

The planned development area is comprised of four distinct districts. Each of the four districts in the Planned Development substantially corresponds with a district in the Davis Zoning Ordinance (Davis Municipal Code, Chapter 40). The principal permitted, accessory, and conditional uses of each district shall be consistent with the identified comparable Zoning District, as amended from time to time, except as provided herein.

District A – Medium Density Residential

1. Permitted Uses.
 - a) Permitted uses in the R-1 District (Municipal Code Section 40.03.020), as amended from time to time.
 - b) Single-family uses may include attached or detached units, condominiums, bungalows, or duplexes.

- c) Similar uses as determined by the Director of Community Development and Sustainability.
2. Accessory Uses.
 - a) Accessory uses in the R-1 District (Municipal Code Section 40.03.030), as amended from time to time.
 - b) Caregiver units.
 - c) Similar uses as determined by the Director of Community Development and Sustainability.
 3. Conditional Uses.
 - a) Conditional uses in the R-1 District (Municipal Code Section 40.03.040), as amended from time to time.
 - b) Similar uses which the Planning Commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.

District B – High Density Residential

1. Permitted Uses.
 - a) Permitted uses in the R-HD District (Municipal Code Section 40.09.020), as amended from time to time.
 - b) Similar uses as determined by the Director of Community Development and Sustainability.
2. Accessory Uses.
 - a) Accessory uses in the R-HD District (Municipal Code Section 40.09.030), as amended from time to time.
 - b) Similar uses as determined by the Director of Community Development and Sustainability.
3. Conditional Uses.
 - a) Conditional uses in the R-1 District (Municipal Code Section 40.09.040), as amended from time to time.
 - b) Similar uses which the Planning Commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.

District C – Mixed Use

1. Permitted Uses.
 - a) Permitted uses in the Mixed Use (M-U) District (Municipal Code Section 40.15.030), as amended from time to time.
 - b) Public and semipublic buildings and uses of the recreational, educational, religious, cultural or public service type, and similar uses.
 - c) Fitness center, commercial.

- d) Similar uses as determined by the Director of Community Development and Sustainability.
- 2. Accessory Uses.
 - a) Accessory uses in the Mixed Use (M-U) District (Municipal Code Section 40.15.040), as amended from time to time.
 - b) Similar uses as determined by the Director of Community Development and Sustainability.
- 3. Conditional Uses.
 - a) Conditional uses in the Mixed Use (M-U) District (Municipal Code Section 40.15.050), as amended from time to time.
 - b) Similar uses which the Planning Commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.

District D – Agricultural Buffer

- 1. Permitted Uses.
 - a) Wildlife and habitat preservation, drainage ways, passive agriculture.
 - b) Within the 50-foot wide area adjacent to urbanized uses, additional permitted uses may include: Passive open space recreation such as trails and bikeways, community gardens, orchards.
 - c) .

SECTION 4. GENERAL REQUIREMENTS (Development Standards)

The development standards for height, lot area, setbacks, parking, open space, lot coverage, and floor area ratio shall be specified as part of the Final Planned Development and shall be in substantial conformance with the Preliminary Planned Development. Development standards will also conform to the unit size descriptions in the Baseline Project Features and will incorporate any applicable environmental mitigation measures. More specifically, the housing product identified as greenway, small builder/custom, bungalow and cottage single family detached units shall be single story structures with a limited exception for the area generally located above the garage.

For provisions not covered by this ordinance, or within the development standards included in the Final Planned Development, the relevant provisions of Chapters 40.03 (R-1), 40.09 (R-HD), and 40.15 (M-U) of the Davis Municipal Code as amended shall apply. Where there is a conflict between the provisions of said chapters and this ordinance, the provisions of this ordinance shall apply.

SECTION 5. SPECIAL CONDITIONS

The preliminary planned development is subject to the following conditions:

1. This Rezoning and Preliminary Planned Development is contingent upon voter approval of the General Plan Amendment for the West Davis Active Adult Community Property pursuant to Chapter 41 of the Davis Municipal Code, the Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance.
2. Compliance with the Baseline Project Features for the West Davis Active Adult Community established in Resolution _____ approved _____, 2018 and subsequently affirmed by a majority of the citizenry.
3. Compliance with Mitigation Monitoring and Reporting Program established in Resolution _____ approved _____, 2018.
4. Approval of a Final Planned Development shall be required prior to the development of the Project site. The Final Planned Development, site plan, building design including the number of bedrooms shall be in substantial conformance to the conceptual plans proposed for the Preliminary Planned Development and those aspects specified in the Baseline Project Features as enacted pursuant to Municipal Code Chapter 41.01 (Citizens Right to Vote) and incorporate the commitments made in the Development Agreement. If staff or the Planning Commission determines that the Final Planned Development standards, site plan, or building design differ substantially from those contained in this report, a modification the Preliminary Planned Development may be required.

As permitted by the General Plan, the City the approved density on any given parcel may differ from the otherwise-allowable densities in the General Plan designation, provided the overall density is consistent with the allowable density. Verification of compliance with General Plan density parameters shall be evaluated at the time of Final Planned Development.

5. Subsequent Project entitlements, including Final Planned Development and Tentative Map, shall be evaluated in light of General Plan Policy UD 1.1 to promote urban/community design which is human-scaled, comfortable, safe, and conducive to pedestrian use. Design Guidelines for private properties and public spaces shall be submitted for review and approval with the Final Planned Development and Tentative Map. Specific principles to be considered will include the following:
 - Minimization of flag lots, to ensure opportunities for street trees and minimize potential conflicts for driving, parking, and trash collection;
 - Provision of a landscaped buffer on non-primary sides of lots with more than one street frontage to support resident privacy and aesthetics for building sides and rears;
 - Discouragement of side-by-side two-car garages on lots less than fifty feet wide except for alley-loaded lots, so that they are subordinate in visual importance to the house itself, and the curb cuts and driveways do not become the dominant design feature;
 - Limit fence height within ten feet of interior greenways, to encourage interaction and a feeling of openness;
 - Utilization of City standards for roadway widths; and
 - Provision of internal paths at widths that accommodate various modes of pedestrian travel while keeping in mind the senior nature of the project.

6. Subsequent Project entitlements, including Final Planned Development and Tentative Map, shall be reviewed by the Open Space and Habitat Commission to obtain comment on the proposed design features related to habitat creation and plant palette prior to Planning Commission action.
7. Final Planned Development and Tentative Map shall include air quality measures proposed by the Yolo-Solano Air Quality Management District, as appropriate and as applicable:
 - 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.
 - All heavy-duty on-road construction-related haul and delivery trucks with Gross Vehicle Weight Rating (GVWR) greater than 14,000 pounds should meet the requirements of the California Air Resources Board's On-Road Truck and Bus Regulation. This includes limiting idling time to 5 minutes or less during any one-hour period.
 - Installation of appropriate electrical infrastructure in residential garages to allow for installation of Level 2 or greater electric vehicle charging stations.
 - Shared-use Level 2 electric vehicle charging stations at community-use locations such as the University Retirement Center and the Activities and Wellness Center.
 - Provide convenient and secure bicycle parking for residents and visitors at locations such as the Senior Affordable Retirement Apartments, University Retirement Center and the Activities and Wellness Center.
 - To assist with bicycle safety within the project, include bicycle-dedicated left turn pockets, if feasible, on both east- and westbound Covell Boulevard and on northbound Shasta Drive, consistent with Southbound Risling Court.
 - Include signage at channelized right turns that reminds motorists to yield/stop on red lights for pedestrians and bicyclists that are crossing the intersection.
 - If feasible, narrow the southbound motor vehicle left turn pocket on John Jones Road to allow to a wider shared use northbound travel lane near the intersection on John Jones Road. This may also allow for a dedicated bicycle left turn pocket on east-bound Covell Boulevard.
 - Include a green bike box and crosswalk on the east side of John Jones Road and Covell Boulevard. This would allow for bicycle left/northbound box turns and may help reduce the need for multiple bike/pedestrian crossings of this intersection.
 - Since land surrounding the project is located within the City of Davis Sphere of Influence, there is the potential for new urban development to eventually be approved along the project's west north, and/or eastern boundaries in the future. To ensure that there will be connectivity between the project and future development, the City should attempt to secure easements or right-of-ways as necessary to allow for future streets and/or multi-modal connections to potential future development adjacent to the project.
8. The Tentative Map shall require purple pipe for potential non-potable irrigation of the ag buffer, central spine, and greenways. Incorporation of features to divert and utilize graywater are encouraged, to the satisfaction of the Director of Community Development and Sustainability;

SECTION 6. FINDINGS

The City Council of the City of Davis hereby finds:

1. The proposed project will be in conformance with the General Plan, which designates the site Medium Density Residential, High Density Residential and Public/Semi Public and allows a mix of single family and multi-family residential and limited commercial uses.
2. The proposed project, with the adoption of the proposed rezone will be consistent with the Zoning Ordinance, as the purpose of the Planned Development District is to allow for predominantly senior housing community in a location proximate to medical services, to provide a variety of housing options and a complementary mix of uses, and to foster a community where Davis residents can age-in-place while remaining active.
3. Public necessity, convenience and general welfare require the adoption of the proposed zoning amendment, given that the project is considered a senior housing development which serves the changing housing needs of the city’s maturing population.
4. The Planning Commission held a public hearing on April 11, 2018 to receive comments and consider the rezone for recommendations.
5. The City Council held a duly noticed public hearing on May 29, 2018 and based on oral testimony and documentary evidence reviewed during the public hearing, adopted the Environmental Impact Report (EIR) prepared for this project. The EIR was prepared in accordance with CEQA requirements and circulated for a 45-day public review and comment period. It evaluated the environmental effects of the project, determined that the project would have significant and unavoidable impacts, that mitigation measures have been included to reduce significant impacts to the extent feasible, and that benefits of the project override significant and unavoidable impacts, as outlined in Resolution _____.

SECTION 7. EFFECTIVE DATE

This ordinance shall become effective on and after the thirtieth (30th) day following its adoption.

INTRODUCED on _____ 2018, AND PASSED AND ADOPTED on _____, 2018 by the following vote:

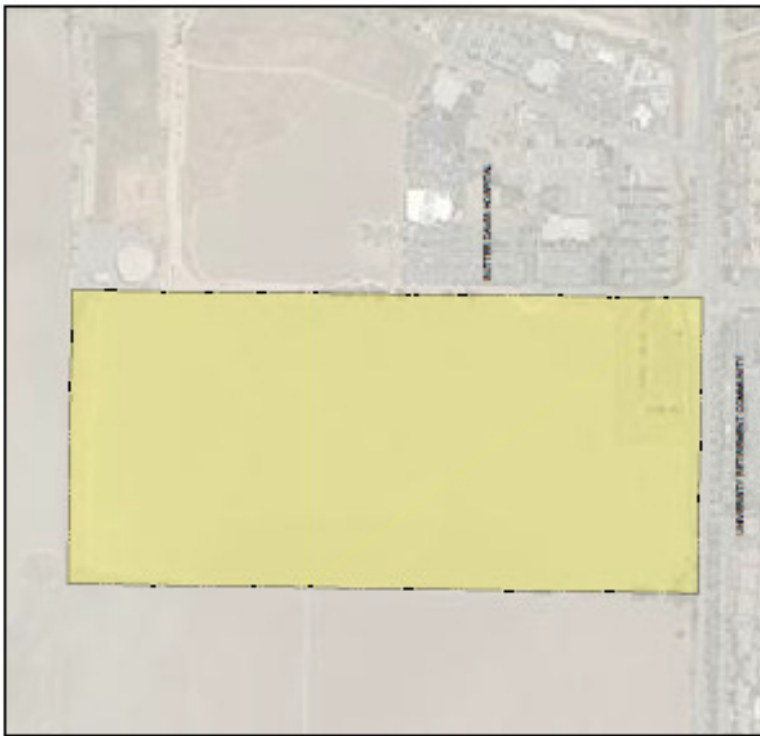
- AYES:
- NOES:
- ABSENT:

Robb Davis, Mayor

ATTEST:

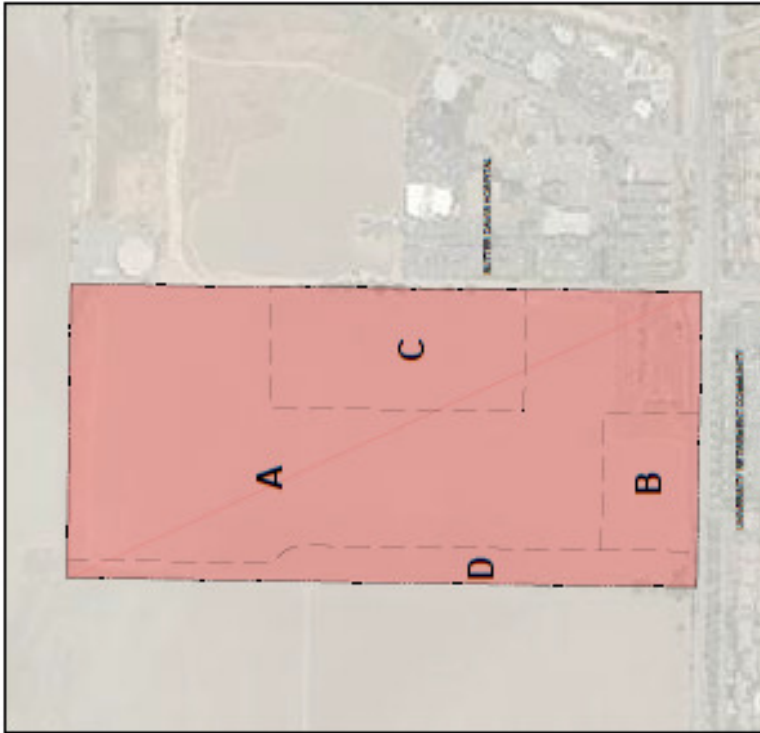
Zoe S. Mirabile, CMC
City Clerk

DRAFT



EXISTING ZONING

 AGRICULTURAL-EXTENSIVE



PROPOSED ZONING

EXISTING AND PROPOSED ZONING
FOR
WEST DAVIS ACTIVE ADULT

 PLANNED DEVELOPMENT (P-D)

A MEDIUM DENSITY RESIDENTIAL

B HIGH DENSITY RESIDENTIAL

C NEIGHBORHOOD MIXED USE

D AGRICULTURAL BUFFER

FOR WESTER DAVIS ACTIVE ADULT



100'

| West Davis Active Adult Community Summary of Commission Recommendations and Disposition | | |
|--|---|---|
| Commission / Date | Commission Comment | Revision / Response |
| Bicycling, Transportation and Street Safety January 11, 2018 | | |
| | Project needs to comply with City's adopted street standards | Concur – see Planned Development Special Condition 4 calling for evaluation at time of Tentative Map. |
| | Perimeter and spine paths need to be wide enough to accommodate tricycles | Applicant has proposed 10' wide path of decomposed granite or similar for agricultural buffer and for internal greenways. City standard is 12' wide path with 2' dg shoulders. Decomposed granite can be difficult to maintain and may be problematic for users with wheelchairs or walkers. Concrete may be appropriate when/if the 113 overcrossing is proposed, or for portions providing emergency vehicle access, but may encourage bicycle speeds higher than desired in this location. Design details will be resolved with tentative subdivision map. |
| | Need to be mindful of opportunities for future transit | Concur – see Development Agreement Exhibit F calling for transit hub in Mixed-Use area |
| | Eliminate all free rights at Covell / Shasta Risling | Concur – see Development Agreement Exhibit F with intersection redesign. |
| | Project needs connectivity to John Jones to accommodate potential bicycle/ped crossing of 113 | Concur – see Development Agreement Exhibit F, which calls for dedication of land to accommodate a landing. |
| | Needs better N/S connection of Covell Boulevard, preferably grade-separated | See Development Agreement Exhibit f, with modifications to Covell / Shasta / Risling intersection |

| West Davis Active Adult Community Summary of Commission Recommendations and Disposition | | |
|--|--|--|
| Commission / Date | Commission Comment | Revision / Response |
| Natural Resources Commission January 28, 2018 | | |
| | Project's buildings and common (public) areas should be carbon-neutral (zero net greenhouse gas) during operations. | Future energy code is anticipated to require all single-family dwellings and any apartments/condos of three or fewer stories will be required to offset 100% of anticipated electricity use through on-site production. See Development Agreement Exhibit E. The City's Chief Building Official reports that oversizing a PV system to offset gas usage is problematic for the grid. |
| | Request for electric-only utilities (no natural gas) re-iterated in supplemental letter to City Council. | Concur - See Planned Development special condition requiring purple pipe for ag buffer, central spine, and greenways. |
| | Require purple (non-potable water) pipes for public landscaping, and investigate use of non-potable sources for that use. The purple pipe irrigation system is required whether or not non-potable water is available at time of construction. | Concur - See Development Agreement Exhibit F |
| | Require a "transportation hub" in a central location that is oriented toward transit, and featuring seating, weather protection, and lighting. | Transit hub in mixed-use area is anticipated to include space for car-share Zip Car) parking and pick-up / drop-off locations for taxis and other ride-share programs. Public transit accommodated through bus stops on Covell Boulevard |
| | Encourage investigation of public and alternative transportation connecting the development to locations in and around Davis. | See Development Agreement Exhibit E. Staff supports the program for Davis resale homes as a pilot program to test the concept of grants for retrofit of existing houses. |
| | Support energy retrofit program concept for every purchase, including if buyer is outside Davis. Funds to be used for energy retrofits of existing homes in Davis. | See staff report discussion of density. Overall density of project is 7.7 units per gross acre. Housing type densities range from 8.1 units per net acre (small builder lots) to 40.4 units per net acre (affordable apartments). Stacked-flat condominiums have been added, adjacent to the mixed-use area. |
| | Encourage looking at intensifying density by increasing number of units on the property, such as additional stacked flats and more building stories. | |

| West Davis Active Adult Community Summary of Commission Recommendations and Disposition | | |
|--|--|---|
| Commission / Date | Commission Comment | Revision / Response |
| | Encourage microgrid-ready infrastructure throughout the community. | Not proposed at this time. |
| | Encourage “pre-stubbing” homes for graywater reuse. | See Planned Development Special Conditions for graywater to be evaluated with Final Planned Development |
| Open Space and Habitat Commission January 8, 2018 | | |
| | Detention basin as habitat. Develop and manage the detention basin as a habitat area and community amenity similar to North and West Davis ponds (Baseline Project Feature). | See Development Agreement Exhibit E calling for the detention basin as habitat, and Preliminary Planned Development Special Condition 5 for the Open Space and Habitat Commission to review and comment on the proposed design features related to habitat creation and plant palette prior to Planning Commission action on Final Planned Development and Tentative Map. |
| | Agricultural buffer as habitat. Develop and manage the agricultural buffer as a habitat area and community amenity, for example, as described in the Acorns-to-Oaks proposal (Baseline Project Feature). | See Development Agreement Exhibit E describing the ag buffer / oak grove, and Preliminary Planned Development Special Condition 5 for the Open Space and Habitat Commission to review and comment on the proposed design features related to habitat creation and plant palette prior to Planning Commission action on Final Planned Development and Tentative Map. |
| | Open space/habitat connectivity. Improve the drainage ditch next to Covell Boulevard to enhance habitat and wildlife connectivity, including the provision of culverts that allow for wildlife movement (Baseline Project Feature). | See Development Agreement Exhibit E regarding wildlife connectivity culverts. |
| | Public access. Encourage public access and recreational opportunities in the 50-foot-wide agricultural transition area (See Municipal Code Section 40A.01.050). | See Development Agreement Exhibit G requiring a public access easement for the internal greenways and agricultural buffer. |

| West Davis Active Adult Community Summary of Commission Recommendations and Disposition | | |
|--|--|---|
| Commission / Date | Commission Comment | Revision / Response |
| | <p>Native plants. Maximize the use of native plants and plants that benefit native animals, including pollinators and invertebrates, throughout the project including on internal greenbelts.</p> <p>Maintenance funding. Ensure there is a funding mechanism for the initial planting and long-term maintenance of habitat areas throughout the project.</p> <p>More open space. Redesign the project to include more natural features and larger open spaces that provide views of the surrounding landscape (as opposed to pathways with buildings on both sides).</p> | <p>See Development Agreement Exhibit E calling for UC Davis Arboretum All-Stars within the greenways and mini-parks.</p> <p>Finance and Budget Commission evaluated fiscal impacts of project. Development Agreement Exhibit E calls for maintenance of agricultural buffer by developer and its successors.</p> <p>Natural features and habitat areas are on perimeter of project to provide opportunities for external views. View node added at northwest corner of residential area. Internal pathways provide connectivity for pedestrians integrated within site.</p> |
| Planning Commission Workshop November 8, 2017 | | |
| | Overall density: Should be higher; compare to Rancho Yolo | See discussion in staff report (Density and consistency with regional plans). Overall density exceeds Rancho Yolo in terms of units per gross acre. |
| | Do we want to provide senior-only housing, given all needs? | Policy question. Staff has concluded that a primarily-senior development is approvable. |
| | Support services and amenities not contained within project (parks, groceries). Needs outside connectivity, including transit alternatives | Ped/bike connectivity is provided through improvements to Covell Boulevard and modified Shasta/Rising intersection. Mixed-use includes transportation hub. Development Agreement Exhibit F describes improvements and timing. |
| | Explore form-based planning, sight lines, and landscape architecture | See discussion in staff report (Subdivision design and “feel”) |
| | Intersperse activity nodes throughout neighborhood, including benches and shade | Concur – shown on Baseline Project Features exhibit. |

| West Davis Active Adult Community Summary of Commission Recommendations and Disposition | | |
|--|---|---|
| Commission / Date | Commission Comment | Revision / Response |
| | Need to provide legal support for preference program | Included as Attachment to Planning Commission staff report. Indemnification to City for this developer program in Section 201 of Development Agreement. |
| | Should have transit center | Concur - Mixed-use are includes transportation hub. Development Agreement Exhibit F describes improvements and timing. |
| | Recreation and Park Commission October 18, 2017 | |
| | The proposed public spaces in the subdivision (dog exercise area, tot lot, and walking loop) could be appropriate for meeting resident needs for passive recreation and for activities for small children. | No response necessary. Greenways and public spaces are shown on Baseline Project Features exhibit. Development Agreement requires public access for greenways. |
| | The proposed pathways (eight feet concrete and four of decomposed granite), although not qualifying as official greenbelts, could provide internal circulation for seniors and other residents. However, the path width does not meet City standard for multi-use paths and may not safely accommodate all users at all times, particularly if faster cyclists use the greenways. | Applicant has proposed 10' wide path of decomposed granite or similar for agricultural buffer and for internal greenways. City standard is 12' wide path with 2' dg shoulders. Decomposed granite can be difficult to maintain and may be problematic for users with wheelchairs or walkers. Concrete may be appropriate when/if the 113 overcrossing is proposed, but may encourage bicycle speeds higher than desired in this location. Design details will be resolved with tentative subdivision map. |
| | The project does not foster regional connection. Access at the south end of the subdivision, and connections across and along Covell Boulevard, continue to be of concern for neighborhood residents seeking to walk or cycle to Arroyo Park, Patwin and Emerson schools, and the Marketplace shopping center. | Ped/bike connectivity is provided through improvements to Covell Boulevard and modified Shasta/Rising intersection. The project also includes space for a potential landing for a grade-separated crossing of SR-113, should that be proposed and funded at a future time. |
| | Whether a subdivision should meet recreational needs through private ownership and maintenance should be thoughtfully considered. | Public access is required for greenways, and agricultural buffer will be publicly-owned. Finance and Budget Commission considered fiscal impacts of project. |

| West Davis Active Adult Community Summary of Commission Recommendations and Disposition | | |
|--|---|--|
| Commission / Date | Commission Comment | Revision / Response |
| | The Recreation and Park Commission, relative to the concept and review of parks and green spaces, is generally supportive of the overall development project taking into consideration the two prior motions. | No response necessary |
| Senior Citizen Commission January 11, 2018 | Support for project and find general consistency with Guidelines for Housing that Serves Senior Citizens and Persons with Disabilities. | No response necessary. Staff notes that the Development Agreement also calls for compliance with City goals for accessibility. |
| | Find that the project could help meet internal housing needs, in particular, housing needs of seniors. | No response necessary. Finding has been included as a recital in the General Plan Amendment resolution. |
| | Would like to see provisions made for internal transportation to the external bus stops | The mixed-use are includes a transportation hub. Development Agreement Exhibit F describes improvements and timing. HOA could consider transportation program as a component of resident services. |
| Social Services Commission November 20, 2017 | Find the proposal to be consistent with the City's affordable housing ordinance. | No response necessary. See staff report discussion on affordable housing for alternatives and considerations |
| | Require the developer to implement a sliding scale fee for senior renters who wish to utilize homeowner association amenities. | Development Agreement Exhibit H calls for occupants of the affordable housing to be provided subsidized access to the facilities located at the Activity and Wellness Center. |
| | Require the developer to more fully integrate the senior renters with the market rate homeowners. | Residents of the affordable housing development will have full access to the public spaces in the project (greenways, ag buffer, dog exercise area). The mixed-use area is anticipated to have publicly-accessible uses such as a restaurant and a health club. The affordable housing development will also have internal facilities and services for residents. The need for public subsidy financing for affordable housing projects generally requires a stand-alone parcel. |



1
2
3 **City of Davis**
4 **Bicycling, Transportation, and Street Safety Commission (BTSSC)**
5 **Agenda**
6 **Davis Senior Center, Valente Room (646 A Street)**
7 **January 11, 2018**
8 **4:45 p.m.**

9 Commission Members: Frances Andrews, Earl Bossard, Ryan Dodge, Todd Edelman, Daniel
10 Fuchs (Vice Chair), Eric Gudz, George Hague, Mike Mitchell (Chair),
11 Jon Watterson
12
13 Council Liaisons: Brett Lee, Robb Davis (alternate)
14
15 Staff: Brian Mickelson, Assistant City Engineer / Transportation Manager
16 Brian Abbanat, Senior Transportation Planner
17
18 Absent: Councilmembers Lee and Davis

19
20
21 **1. Call to Order & Roll Call**

22 Meeting was called to order at 4:45 p.m.

23
24 **2. Approval of Agenda**

25 *Motion to approve agenda (Watterson, Gudz)*

26 *Motion carries unanimously.*

27
28 **3. Brief Announcements from Staff, Commissioners, and Liaisons**

29 **A. Bicycle / Pedestrian Program & Safe Routes to School Program Updates**

30 Jennifer Donofrio, Bicycle and Pedestrian Program Coordinator gave an update on the Bike Link
31 electronic lockers at the Amtrak Station. Provided data with 89 discrete users. She also updated
32 the commission that the Safe Routes to School program has scheduled 13 bike safety assemblies
33 through the Bay Area Children's Theater.

34
35 **B. Council Liaison(s) Announcements**

36 No announcements, both councilmembers absent.

37
38 **4. Public Comment**

39 No public comment.

40
41 **5. Consent Calendar**

42 **A. Draft Minutes: December 14, 2017**

43 *Motion to approve minutes (Dodge, Watterson)*

44 *Motion carries unanimously.*

45

46 **6. Regular Items**

47 **A. Traffic Enforcement Strategic Plan**

48 Note: This item followed Agenda Item #6B.

49

50 Police Lieutenant Michael Munoz introduced himself and reviewed the fourteen objectives of the
51 Traffic Enforcement Strategic Plan.

52

53 Commissioner Bossard inquired about Driving Under the Influence with marijuana and whether
54 the Police Department is aware of communities experimenting with different physical detection
55 devices.

56 Lieutenant Munoz responded they are aware of this, but the PD isn't currently using
57 them. DEA officers give some training on the topic.

58

59 Commissioner Gudz commented that some states are experimenting with blood testing but the
60 best thing at this point may be field sobriety testing as marijuana is metabolized and affects
61 individuals quite differently.

62 Lieutenant Munoz agreed that there is no magic threshold right now such as .08 BAC. PD
63 has to prove being "under the influence".

64

65 Commissioner Hague inquired about disabled parking enforcement as he has never seen a
66 citation given.

67 Lieutenant Munoz responded there are some restrictions on this but parking enforcement
68 officers can look more closely for violations on their routes.

69 Brian Abbanat added that parking enforcement officers are typically enforcing downtown
70 and residential parking areas, which don't have a significant amount of designated
71 disabled parking spaces. So you won't see them at, for example, neighborhood shopping
72 centers.

73

74 Commissioner Mitchell inquired about traffic safety curriculum for junior high school kids.

75 Lieutenant Munoz responded that it is difficult to formalize this with the school district.

76

77 **B. West Davis Active Adult Community**

78 Katherine Hess introduced the project, summarized prior BTSSC discussion:

- 79 • Street widths weren't compliant with street standards, to which the applicant is now
- 80 agreeing.
- 81 • Paths are not "greenbelts" as defined in City planning documents.
- 82 • Connectivity, particularly across Covell was lacking.

83

84 Dave Taormino stated:

- 85 • They are willing to comply with the street design standards if held harmless for injury
- 86 and damage.

- 87 • The project is designed for the vast majority of residents. Paths are designed to invite
88 people to walk.
89 • Does not feel the proposed development is more disconnected than other developments
90 north of Covell Blvd.
91

92 Commissioner Gudz inquired if the developers explored other types of transportation options,
93 such as shuttles or paratransit.

94 Jason Taormino responded the high density apartments and accompanying street network
95 are set up to facilitate such types of service.
96

97 Commissioner Gudz followed up by stating transit stop improvements should come on line with
98 the project's first phase.

99 Jason Taormino responded they are providing baseline assumptions for a Measure R
100 vote. After the vote, they can get into more detail.

101 Katherine Hess stated that adding services and other details after the vote is reasonable.
102

103 Commissioner Hague commented the development should be better connected to adjacent
104 activity centers such as Sutter Hospital and the Marketplace.
105

106 Commissioner Edelman stated that the project does not create meaningful connectivity to
107 destinations outside the development.
108

109 Commissioner Bossard commented the internal bike paths need to be wider to accommodate
110 trikes. Also, a connection cross to John Jones Drive.

111 Jason Taormino responded the project does include a land dedication for a future Hwy
112 113 crossing.
113

114 Commissioner Watterson commented a good east/west connection and connectivity across
115 Covell Blvd to existing greenbelt is needed.
116

117 Commissioner Andrews supports narrower streets and wider paths. Cited connectivity challenges
118 at Rancho Yolo. Stated Covell frontage to Hwy 113 needs to be improved.
119

120 Commissioner Fuchs agreed internal paths should be wide enough to fit trikes. Stated
121 connectivity issues were huge one year ago and nothing has been addressed. Cannot support
122 project without addressing connectivity.
123

124 Commissioner Dodge commented that narrow streets and wider paths are better for active
125 neighborhoods. Alleyway system is preferred.
126

127 Commissioner Mitchell stated that if the project is for active adults, then better connectivity is
128 needed. Consistency with street standards is important. Noted there is no clear non-motorized
129 north/south route through the neighborhood. Disappointed in lack of transit hub. Project should
130 be built out for future transit service.

Minutes: Bicycling, Transportation, and Street Safety Commission Meeting
January 11, 2017

131 Jason Taormino responded that there are two options for addressing transit hub request:
132 1) Using the activity and wellness center, and 2) Fully utilizing the existing street setup
133 which is designed to accommodate transit.

134
135 Commissioner Mitchell followed up by stating the project needs to remove all free-right turns at
136 Risling Court. Look to the East Covell Corridor Plan as examples.

137
138 Commissioner Bossard suggested the transit hub might be better located at Sutter Hospital.
139 Recommended grade-separated crossing, possibly east of Shasta.

140
141 Katherine Hess summarized the commission comments and supported via general consensus:

- 142 • Project should comply with street design standards.
- 143 • Internal paths should be wider, consistent with City multi-use path standards.
- 144 • Project should include wider peripheral paths.
- 145 • Project should eliminate free-right turns at Covell & Risling.
- 146 • A north/south grade separated connection across Covell is needed.
- 147 • Project should include connectivity to John Jones Rd & landing for future Hwy 113
- 148 crossing.

149
150 *Motion (Dodge, Bossard): BTSSC designates the Chair to speak on behalf of the commission at*
151 *public meetings regarding this project.*

152 *Motion carries unanimously*

153
154 **C. Traffic Calming Program Recommendations**

155 *This item was postponed to the next BTSSC meeting.*

156
157 **7. Commission and Staff Communications**

158 **A. Long Range Calendar**

159 Commissioner Edelman suggested establishing an ad hoc committee to track and advise on the
160 Caltrans I-80 High Occupancy Lane Study.

161 Brian Abbanat responded that establishing subcommittees is on the long range calendar
162 for the February meeting.

163
164 **A. Subcommittee Reports / Reports On Meetings Attended / Inter-jurisdictional**
165 **Bodies / Inter-Commission Liaisons / etc.**

166 No comments

167
168 **8. Adjourn**

169
170 *Motion to adjourn (Fuchs, Dodge)*

171 *Motion carries unanimously, meeting adjourned at approximately 7:05 p.m.*

172
173

Natural Resources Commission Minutes
January 29, 2018; 6:30 p.m.

Present: Steven Westhoff, John Johnston, Alan Pryor, Patrick Henderson, Mark Braly, Anya McCann

Absent: Evan Schmidt, Stan Bair

Staff: Kerry Daane Loux, Sustainability Coordinator. Community Development & Sustainability

Council Liaison: Rochelle Swanson

1. **Approval of Agenda** –Following a request to move the GHG Subcommittee report to Regular Item A, the agenda was approved unanimously.
2. **Brief Announcements from Staff, Commissioners, and Liaisons** –
John Johnston reported on the recent quarterly Unitrans Advisory Committee meeting. The budget was discussed, and an announcement about an invitational workshop being planned was made. The workshop will address reordering Unitrans routes and levels of service to meet community demand.
3. **Public Communications** –
Eileen Samitz spoke to the Commission on new Davis development project trends which include large (4-5 room) apartment suites, each with a dedicated bathroom. Concerns include potential increased water and energy use which are not metered by individual suites and therefore provide decreased incentive to conserve. Ms. Samitz reported that 5-6000 student beds are currently proposed. She distributed a letter to the Commission on the issue, and requests that the Commission address a recommendation for a city-wide ordinance to require utility (water and electricity) monitoring with penalties for overuse. Susan Rainier also commented on the above issue and noted that the City and the Commission should show leadership by working toward zero net water projects. Ms. Rainier noted that water resources are most important, and that other cities have taken action on this issue. Nancy Price noted that she supports the comments presented by the previous two speakers.
4. **Consent Calendar** –
(A) November 27, 2017 minutes (approval 6-0; moved by Johnston, seconded by Henderson)
5. **Regular Items**
 - A. **GHG Subcommittee Report**
Anya McCann of the GHG Subcommittee reported on recent meetings and goals. The subcommittee is recommending interim “Non-residential GHG Building Standards” in the short term (1-3 years), based on existing CalGreen Tier 1 requirements with additional requirements identified until the City is able to update the Climate Action and Adaptation Plan (CAAP). The subcommittee supports and recommends devoting 2018-19 budget dollars to a CAAP update that can occur in parallel to the Downtown Core Plan development and the upcoming General Plan update.

The subcommittee recommends identifying current and proposed ordinances that could be included in the Non Residential GHG Standards, even if they need to be updated, such as parking lot standards, heat island standards/shade, tree ordinance, electric vehicle charging plan, and solar ordinances. Review of these standards will be undertaken by the subcommittee and brought to the full Commission for review over the coming months.
 - B. **West Davis Active Adult Community (WDAAC) Proposal –Preliminary Review**
Katherine Hess gave an overview of the project. The Environmental Impact Report is currently in review; public comments deadline is February 20, 2018. Commissioners are asked to address and make recommendations on the sustainability components and baseline project conditions.

This project is taking a somewhat different approach from previous development projects. It is scheduled for a Measure R/J vote first, to be followed by the tentative map, utilities plans and other documents after the vote. The applicant believes that this will allow for increased community input and the ability to deliver an approvable project to voters.

The project includes single story, 1600 to 1800 SF/unit, energy efficient housing with universal design components, targeting active adults. Solar PV is proposed on every house. The project intends to meet statewide targets and requirements for net zero electricity, to be in place in 2020. The project will be built out in approximately six years, with about 50 homes constructed per year. The 'Activity and Wellness Center' will be open to all in the community. An energy retrofit program is proposed to provide funding to improve existing homes in Davis.

Public comments included:

Matt Williams voiced concern about the lot size and suggested lots should be smaller, especially to reduce water use in landscape. However, he said this site is an ideal place for development due to the poor soil quality on site.

Eileen Samitz commented on the positive attributes of the one story houses proposed, and the mixture of housing products offered.

Following Commission comments, the following recommendations were made in the form of motions:

1. Zero Net Carbon (moved by Braly, seconded by Pryor, 6-0 unanimous)
'The project's buildings and common (public) areas should be carbon-neutral, meaning zero net greenhouse gas emissions.'
Additional discussion: This should include the buildings and water heating, but is not required to offset construction, materials or transportation greenhouse gases.
2. Site Irrigation (moved by Johnston, seconded by Pryor, 6-0 unanimous)
'Require purple (non-potable water) pipes to be installed for public landscaping, and investigate non-potable water sources for that use.'
Additional discussion: The purple pipe irrigation system is required whether or not non-potable water is available at time of construction.
3. Central transportation hub (moved by Johnston, seconded by Pryor, 6-0 unanimous)
'Require a transportation hub in a central location in WDAAC that is oriented toward transit, and features seating, weather protection and lighting.'
Additional discussion: "oriented toward transit" is understood to mean the site is accessible to Unitrans vehicles of all shapes; 'central' is understood to mean at or near the Activity and Wellness Center and accessible to the road system loop provided in the project. Although Unitrans may not enter the site in the early phases, it is hoped that they will choose to enter the site at further buildout, due to community demand and needs.
4. Transportation options (moved by Braly, seconded by Pryor, 6-0 unanimous)
'Encourage investigation and accommodation of alternative public transportation options connecting the development to locations in and around Davis such as Zipcar, neighborhood electric vehicles, paratransit buses and other means.'
5. Energy retrofit program (moved by Johnston, seconded by Pryor, 6-0 unanimous)

‘Support the proposed energy retrofit program concept but expand it to cover *every* purchase, including buyers outside Davis. All funds (even those generated by out-of-town buyers) to be used for energy retrofits of existing homes in Davis.’

6. Density (moved by Pryor, seconded by Henderson, 6-0 unanimous)
‘Encourage intensifying density by increasing the number of units on the property, such as additional stacked flats and more building stories.’
7. Microgrid (moved by McCann, seconded by Pryor, 6-0 unanimous)
‘Encourage microgrid-ready electrical infrastructure throughout community.’
8. Graywater (moved by Pryor, seconded by Johnston, 6-0 unanimous)
‘Encourage “pre-stubbing” homes for onsite graywater reuse.’

C. 2018 Commission Goals Planning

The Commission will review the Goals and Long Range Calendar at the next meeting. Items requested to be addressed on the Long Range Plan for 2018 include a report from Parks on turf conversions and water conservation metrics; a report on the organics feasibility draft study; a report on metrics of green waste pick up; review of restaurant handling of solid waste, especially fast food restaurants and compliance with straws, packaging and other issues; a report from Cool Davis; a report on current graywater efforts from the WaterWise group; an update on the IPM Policy and IPM Specialist hiring process; an update on pesticide applications in October 2017 to January 2018; review of woodsmoke ordinances and complaints; and consideration of impacts of large unit multi-family development projects related to community goals and resource use. Additional items may be brought up for inclusion by NRC subcommittees.

The request by Eileen Samitz to address water metering is referred to the Water Subcommittee for review.

D. Subcommittee Updates –

The Environmental Recognition Awards subcommittee will consist of Alan Pryor and Steve Westhoff. Stan Bair will be invited to join the subcommittee as well.
No other subcommittee reports were made.

6. **Commission and Staff Communications**
 - a) **Long Range Calendar/Future Agenda Items.** Reviewed
 - b) **Upcoming meeting items/events.** Next regular meeting February 26, 2018
7. **Adjourn:** 10:35 p.m.

Date: April 30, 2018
From: Natural Resources Commission
To: Davis City Council

Dear Councilmembers,

As you know, the Natural Resources Commission (NRC) reviewed the West Davis Active Adult Community (WDAAC) project earlier this year and provided comments on how we think the project could be made more sustainable and better support the city's climate action goals. We appreciate that some of these comments (e.g. purple pipe for future reclaimed water use, and a transit hub) were adopted, though one regarding energy use was not.

The NRC wishes to re-iterate its recommendation that the development agreement for the WDAAC specify that natural gas service will not be extended into the project and that building and water heating be based on electricity. We make this request because this heating strategy will minimize GHG emissions. Heat pumps are very efficient, and when their electricity comes from renewables, including the solar systems associated with each dwelling, their operations produce little or no GHG emissions. (Of course there still are GHGs embedded in the manufacture of the equipment.)

Although this requirement is more restrictive than current state standards, we want to point that the city's timeline for achieving carbon neutrality is more aggressive than the state's, and thus requires earlier adoption of GHG emission-reduction strategies. Removing the need for a gas line to each residence will reduce the price of construction which will provide cost offsets for the heat pump equipment. Modern electrical cooking appliances such as infrared induction are gaining in popularity. For homebuyers who insist on gas for cooking in the near term, propane is a viable option.

The staff report to the Planning Commission on this project cited an opinion from the city's Chief Building Official that oversizing photovoltaic (PV) systems to offset gas usage would be problematic for the local grid. Old-fashioned electrical resistance heating might be problematic but that's not what is being proposed. Conventional air conditioning is a type of heat pump. So, a grid sized to handle the PV needed for summer cooling should not be dramatically different from a grid sized for winter heating by heat pumps. While we respect the opinions of city staff, we think this concern needs to be evaluated more thoroughly before it is used to reject this proposal.

As the city works to implement its climate goals, we need new buildings to be as efficient as possible regarding GHG emissions. The proposal we are making here is to use existing commercial technology to substitute solar-generated electricity for natural gas combustion, thus replacing fossil fuel burning with renewables.

The recommendations in this memo were moved and approved unanimously at the April 23, 2018 Natural Resources Commission meeting (7-0, Braly, Johnston, McCann, Pryor, Schmidt, Westhoff, Bair). Thank you for your consideration.

Open Space and Habitat Commission Minutes

Monday, January 8, 2018

Redwood Park Community Room, Redwood Park, 1001 Anderson Road, 6:30 p.m.

| | |
|------------------------|---|
| Commissioners Present: | Rachel Aptekar, Jason Bone (Vice Chair), Marc Hoshovsky, Patrick Huber (Chair), Joy Klineberg, Roberta Millstein, Lon Payne |
| Vacant Positions: | One (Alternate) |
| Commissioners Absent: | None |
| Assigned Staff: | Tracie Reynolds, Manager of Leases and Open Space |
| Council Liaison: | Lucas Frerichs (Regular), Will Arnold (Alternate) |

1. Call to Order & Roll Call

Commissioner Huber opened the meeting.

2. Approval of Agenda

On a motion by Commissioner Aptekar, seconded by Commissioner Hoshovsky, the Commission voted 7-0-0-0 to approve the agenda (Ayes – Aptekar, Bone, Hoshovsky, Huber, Klineberg, Millstein, Payne; Noes – None; Absent – None; Abstentions – None).

3. Brief Announcements from Staff, Commissioners, and City Council Liaisons

Tracie Reynolds, staff to the Commission, updated the Commission on staff's efforts to clean-up a City-owned site (zoned for agriculture use) near the intersection of County Roads 105 and 32. She said staff intends to put bee hives on the cleaned-up site under a license agreement with a local honey company. She also updated the Commission on vandalism incidents at South Fork Preserve. Commissioner Hoshovsky mentioned that the artwork the Commission rejected for the Wildhorse Agricultural Buffer has been placed in front of Playfields Park. Commissioner Payne mentioned that there are numerous encampments along the Old Lincoln Highway and that debris is floating in the drainage channel.

4. Public Comment

There was no public comment.

5. Consent Calendar

There was only one item on the consent calendar: approval of the December 4, 2017 regular meeting minutes. On a motion by Commissioner Aptekar, seconded by Commissioner Bone, the Commission voted 5-0-0-2 to approve the meeting minutes, as amended (Ayes – Aptekar, Bone, Huber, Klineberg, Payne; Noes – None; Absent – None; Abstentions – Hoshovsky, Millstein).

6. Regular Items

Action Item – Approve comments on the open space and habitat elements of the proposed West Davis Active Adult Community development project

The Commission heard a presentation about the open space and habitat elements of the proposed West Davis Active Adult Community (“WDAAC”) development from the project applicants. Commissioners primarily discussed using the project's drainage basin and agricultural buffer for wildlife habitat, providing/enhancing wildlife linkages along the Covell Boulevard ditch, and planting native plants throughout the project. Commissioners discussed which of these features they would recommend to be in the project's Baseline Features and which were appropriate to include in either the zoning controls and/or development agreement.

On a motion by Commissioner Millstein, seconded by Commissioner Payne, the Commission voted 7-0-0-0 to approve the following motion (Ayes – Aptekar, Bone, Hoshovsky, Huber, Klineberg, Millstein, Payne; Noes – None; Absent – None; Abstentions – None):

“The Open Space and Habitat Commission makes the following recommendations about the proposed West Davis Active Adult Community development project to the Planning Commission and the City Council:

Baseline Project Features

The Commission recommends that the following features be included in the Baseline Project Features:

1. **Detention basin as habitat.** Develop and manage the detention basin as a habitat area and community amenity similar to North and West Davis ponds;
2. **Agricultural buffer as habitat.** Develop and manage the agricultural buffer as a habitat area and community amenity, for example, as described in the Acorns-to-Oaks proposal; and
3. **Open space/habitat connectivity.** Improve the drainage ditch next to Covell Boulevard to enhance habitat and wildlife connectivity, including the provision of culverts that allow for wildlife movement.

Development Agreement/Zoning Controls

The Commission recommends that the following features be included in either the development agreement or the zoning controls, as applicable:

4. **Public access.** Encourage public access and recreational opportunities in the 50-foot-wide agricultural transition area (See Municipal Code Section 40A.01.050);
5. **Native plants.** Maximize the use of native plants and plants that benefit native animals, including pollinators and invertebrates, throughout the project including on internal greenbelts;
6. **Maintenance funding.** Ensure there is a funding mechanism for the initial planting and long-term maintenance of habitat areas throughout the project; and
7. **More open space.** Redesign the project to include more natural features and larger open spaces that provide views of the surrounding landscape (as opposed to pathways with buildings on both sides).”

The Commission also asked staff to provide a summary of which Commission comments were ultimately incorporated into the project and which ones were not and why. Staff said it would provide that when it was available.

Action Item – Election of new chair and vice chair

Commissioner Aptekar nominated Patrick Huber to be the chair of the Commission during 2018. On a motion by Commissioner Aptekar, seconded by Commissioner Millstein, the Commission voted 7-0-0-0 to approve Patrick Huber as the chair of the Commission during 2018 (Ayes – Aptekar, Bone, Hoshovsky, Huber, Klineberg, Millstein, Payne; Noes – None; Absent – None; Abstentions – None).

Commissioner Aptekar nominated Jason Bone to be the vice chair of the Commission during 2018. On a motion by Commissioner Aptekar, seconded by Commissioner Millstein, the Commission voted 7-0-0-0 to approve Jason Bone as the vice chair of the Commission during 2018 (Ayes – Aptekar, Bone, Hoshovsky, Huber, Klineberg, Millstein, Payne; Noes – None; Absent – None; Abstentions – None).

7. Commission and Staff Communications

Commission Work Plan

The Commission has deferred approval of the work plan until the Strategic Plan for the Open Space Program is finalized.

Upcoming Meeting Date, Time, Items

The next meeting is February 5, 2018. Possible agenda items discussed include (1) a proposed “no feeding” ordinance for wild turkeys within the city limits, (2) approval of the entire Strategic Plan for the City’s Open Space Program, and (3) a discussion of the draft outline for open space land management plans.

Upcoming Events

There were no upcoming events to report.

Working Groups

There were no reports from the working groups.

8. Adjourn

The meeting was adjourned at approximately 9:20 p.m.



**Recreation and Park Commission
Civic Center – Community Chambers
Thursday, October 18, 2017
MINUTES**

Commission Members Present: Emily Griswold - Chair, Ira Bray, Tyson Hubbard (arrived at 6:33 pm), Stephanie Koop and Travie Westlund

Commission Members Absent: Cecilia Escamilla-Greenwald, Vice Chair and Alternate (Vacant)

Council Liaison Present: None

Public Present: Darla Rosenthal, Jason Taormino and David Thompson

Staff Present: Christine Helweg, Katherine Hess, Martin Jones and Dale Sumersille

The meeting was called to order by Chair Griswold at 6:30 pm.

1. Call to Order and Roll Call

2. Approval of the Agenda

A motion was made by T. Westlund to approve the agenda, seconded by I. Bray. The motion passed with a 4-0-2-0 vote.

AYES: Bray, Griswold, Koop and Westlund

NOES: None

Absent: Greenwald, Hubbard

Abstentions: None

3. Brief Announcements from Commissioners, Liaisons and Staff

- Parks & Community Services Director Dale Sumersille announced that the Department will be conducting a community input meeting on Thursday, October 26 at 6:30pm at Pioneer Elementary School, 5215 Hamel St., to show renderings of the proposed park renovation and the project timeline. More information and the playground renderings can be found online at www.cityofdavis.org. A link to choose a color scheme is also available: <https://www.surveymonkey.com/r/SJ957X9>.

4. Public Comment

None.

5. Consent Calendar

A motion was made by T. Westlund to approve the Consent Calendar, seconded by T. Hubbard. The motion passed with a 4-0-1-1 vote.

AYES: Bray, Griswold, Hubbard and Westlund
NOES: None
Absent: Greenwald
Abstentions: Koop (not present at last meeting)

6A. West Davis Active Adult Community – Revised Conceptual Master Plan

The Commission received a brief presentation from Community Development Administrator Katherine Hess on the proposed development project and stated that it could be placed as a potential ballot measure as early as the November 2018.

The development applicant also made a brief presentation of the various components of the project including the low income housing element.

A motion was made by T. Westlund, seconded by I. Bray, to approve staff's recommendations #1-#3 as stated in the staff report. The motion passed unanimously with a 5-0-1-0 vote.

AYES: Bray, Griswold, Hubbard, Koop and Westlund
NOES: None
Absent: Greenwald
Abstentions: None

A second motion was made by I. Bray, seconded by T. Hubbard, to recommend that the Planning Commission further consider the ramifications of private ownership and maintenance of public spaces in this and future development projects. The motion passed unanimously with a 4-1-1-0 vote.

AYES: Bray, Griswold, Hubbard and Koop
NOES: Westlund
Absent: Greenwald
Abstentions: None

A third motion was made by S. Koop, seconded by T. Westlund, that the Recreation and Parks Commission, relative to the concept and review of parks and green spaces, are generally supportive of the overall development project taking into consideration the two prior motions. The motion passed unanimously with a 4-1-1-0 vote.

AYES: Bray, Griswold, Koop and Westlund
NOES: Hubbard
Absent: Greenwald
Abstentions: None

7. Commission and Staff Communications

- a. City Council Liaison – No report
- b. Volunteer Engagement Sub-committee Update – Chair Griswold stated that the subcommittee is anticipated to begin meeting in November. The subcommittee currently includes Paul Steinberg, Joelle Ryan, Gene Trap, Jim Newman and Cecilia Greenwald.

Recreation & Park Commission Minutes
October 18, 2017
Page 3

The meeting was adjourned at 8:28 pm.

Respectfully submitted:

Christine Helweg
Parks & Community Services Assistant Director



**Senior Citizen Commission
Meeting Minutes
Community Chambers at City Hall, 23 Russell Blvd
Thursday, January 11, 2018
2:30 p.m.**

Commissioners Present: Patricia Quinn (Vice Chair), Janet Regnell, Margot Loschke, Bill Powell, Tom Garberson, Elizabeth Lasensky

Commissioners Absent: Donald Neville, Rosaria Berliner (Alternate)

Council Liaisons Present: None

City Staff Present: Maria Lucchesi, Community Services Supervisor
Katherine Hess, Community Development Administrator

PLEASE NOTE: The numerical order of discussion items on this agenda is for convenience of reference. Items may be taken out of order upon request of the City staff or Commission members.

1. Call to Order & Roll Call

Meeting was called to order at 2:30pm

2. Approval of Agenda

Motion to approve the Agenda moved by Powell, seconded by Loschke and passed. The motion passed with a 6-0-2-0 vote.

AYES: Regnell, Garberson, Powell, Quinn, Loschke, Lasensky

NOES: None

ABSENT: Neville, Berliner

ABSTENTIONS: None

3. Brief Announcements from Staff, Commissioners, and Liaisons

Staff noted that Neville and Berliner had notified staff in advance of their absences.

4. Public Comment

Erik Gudz, who serves on the Bicycling, Transportation, and Street Safety Commission, speaking as a member of the public, noted that his commission would be reviewing the West Davis Active Adult Community later that evening.

5. Consent Calendar

All matters listed under the Consent Calendar are considered routine and non-controversial, require no discussion, as items are expected to have unanimous support, and may be enacted by one motion.

A. Approval of Minutes – September 14, 2017

Staff noted a correction to the Minutes. Motion to approve the Minutes as amended moved by Powell, seconded by Regnell and passed.

The motion passed with a 6-0-2-0 vote.

AYES: Regnell, Garberson, Powell, Quinn, Loschke, Lasensky

NOES: None

ABSENT: Neville, Berliner

ABSTENTIONS: None

6. Regular Items

A. Finalize Cannabis Discussion

Commissioners reviewed final details regarding the cannabis discussion scheduled at the Senior Center on February 8 at 3:00pm. Staff reviewed publicity for the presentation, information on the speakers, and received questions to forward to the presenters.

B. West Davis Active Adult Community – Review and Recommendations

Commissioner Powell recused himself citing a conflict of interest due to his business relationship with the affordable housing component and left the room. The Commission received an update on the West Davis Active Adult Community from city staff. David Taormino and David Thompson also spoke and answered questions. Commissioners were requested by staff to comment on:

1. Consistency with the Guidelines for Housing that Serves Senior Citizens and Persons with Disabilities;
2. Whether the proposal meets the internal housing needs of the City of Davis; and
3. Other comments the Commission may want to forward for Planning Commission and City Council consideration.

C. Following discussion, Commissioners made the following motions:

“The Senior Citizen Commission reiterates its support for the West Davis Active Adult Community and would like to see provisions made for internal transportation to external bus stops . The Commission feels the project is generally consistent with the Guidelines.”

The Motion was moved by Lasensky ,seconded by Garberson and passed. The motion passed with a 6-0-3-0 vote.

AYES: Regnell, Garberson, Quinn, Loschke , Lasensky

NOES: None

ABSENT: Neville, Berliner, Powell

ABSTENTIONS: None

Second Motion:

“The Senior Commission thinks this proposal could help meet the internal housing needs of the City- specifically the needs of seniors.”

Motion was moved by Garberson, seconded by Regnell and passed. The motion passed with a 6-0-3-0 vote.

AYES: Regnell, Garberson, Quinn, Loschke , Lasensky

NOES: None

ABSENT: Neville, Berliner, Powell

ABSTENTIONS: None

7. Commission and Staff Communications

Staff will provide update on Legacy Patio Project in February.

9 . Adjourn Meeting (No Commission meetings in August or December)

The Davis Senior Citizen Commission is an appointed advisory body to the Davis City Council, and is facilitated through the Community Services Department.

Meeting facilities are accessible to persons with disabilities. Requests for alternative agenda document formats, assisted listening devices or other considerations for persons with disabilities are available by contacting the City Clerk’s office by calling (530) 757-5648 (voice) or 757-5666 (TDD). Requests should be made as soon as possible, and preferably at least 24 hours prior to the meeting date.



City of Davis

Social Services Commission Minutes

Community Chambers, 23 Russell Boulevard, Davis, CA 95616

Monday, November 20, 2017

7:00 P.M.

Commission Members: Claire Goldstene, Vice Chair; Donald Kalman; Ann Privateer; Tracy Tomasky, Chair; Bernita Toney; Georgina Valencia, Alternate, Kurt Wendlenner; R. Matthew Wise

1. Call to Order & Roll Call

Members Present: Claire Goldstene, Ann Privateer, Tracy Tomasky, Bernita Toney, Georgina Valencia, and R. Matthew Wise

Members Absent: Donald Kalman and Kurt Wendlenner

Also Present: Lisa Baker, CEO of Yolo County Housing; Robb Davis, Mayor; Ash Feeney, Assistant Community Development Director; Ginger Hashimoto, Administrative Analyst; Katherine Hess, Planning Administrator; Ike Njoku, Planner; and Kelly Stachowicz, Assistant City Manager

Tomasky called the meeting to order at 7:07pm.

2. Approval of Agenda

Goldstene moved to approve the agenda, with a second by Toney. Motion passed unanimously.

3. Brief Announcements from Staff, Commissioners, and Liaisons

Stachowicz introduced Ginger Hashimoto, who will eventually staff the Commission.

4. Public Comment

Eileen Samitz warned the Commissioners of the overabundance of mega-dorm style projects. She explained that these four to five bedroom apartments only work for students. Therefore, Samitz urged the Commissioners to support the building of more traditional one, two, and three bedroom apartments because they are inclusive of all community members.

5. Consent Calendar

A. Approval of Minutes – October 16, 2017

Wise and Goldstene requested to remove two incomplete sentences.

Wise moved to approve the amended minutes, with a second by Goldstene. The motion passed by the following votes:

AYES: Goldstene, Privateer, Tomasky, Toney, and Wise

NOES: None

ABSTAIN: Valencia

B. Critical Needs 2018-19

Stachowicz and Baker provided a brief overview of the critical needs. Baker explained that since the needs must closely align with the City's consolidated plan, they remained largely unchanged from last year. Stachowicz noted that per the Commission's recommendation, however, staff reprioritized prevention and intervention as the highest need.

Goldstene asked staff to better advertise this year's CDBG/HOME request for proposal opportunity. She also requested that the process be more accessible for smaller organizations.

Wise moved to approve the Critical Needs for 2018-19 and recommend City Council adoption, with a second by Valencia. The motion passed unanimously.

6. Regular Items

A. West Davis Active Adult Community

Katherine Hess, Planning Administrator: Hess shared an overview of the proposal. Hess reminded Commissioners that they already provided preliminary recommendations in March. As such, the purpose of this review is to make formal recommendations for consideration by the Planning Commission and City Council.

David Taormino, Developer: Taormino underscored that the proposal includes 150 affordable senior apartments, which is twice as many affordable units as required by City code.

David Thompson, Neighborhood Partners: Thompson explained Neighborhood Partners' role, as the agency responsible for developing and financing the senior apartments. Thompson outlined the need for low-income senior housing, citing that a recent review of the City's inventory identified 208 units with a combined waiting list of 423 persons.

Public Comment:

Eric Gudz: Gudz acknowledged that affordability is a complex policy issue. He urged the Commissioners to disburse affordable units throughout the project, rather than concentrate the affordable units in one area.

Mary Jo Bryan: Bryan expressed her support for the project, particularly because it provides housing diversity for individuals who want to downsize.

Commission Discussion:

Privateer asked if there were ways to limit waitlist eligibility or prioritize individuals who already live or are from Davis. Stachowicz responded that federal and state fair housing laws govern the restrictions that the developer can impose.

Valencia asked if there was information on where the people from the waiting lists are coming from. Thompson replied that although the housing projects focus their advertising in Davis, it varies.

Valencia also asked if the average income of \$8,000 to \$10,000 per year is typical for the population. Baker answered that a person receiving SSI equates to approximately \$10,000 per year. She elaborated that in Yolo County about 26% of residents currently live under the poverty threshold. Thus, an income of less than \$10,000 per year is common.

Goldstene asked what happens in the event that the developer does not secure enough funding. Hess responded that while the City has yet to finalize the details for this proposal, it is typical for the City to either institute a phased approach and/or institute a provision where the land reverts to the City should the developer fail to secure funds by a certain date.

Goldstene also asked the developer why he could not institute an income-based fee to allow the senior renters access to homeowner association amenities. Thompson replied that due to administrative challenges and the concern about pricing seniors out, the best solution is allow access on an individual, ability-to-pay basis.

Goldstene also expressed concern about the separation between the affordable units and the market ownership units, as all the affordable units are located on Covell Boulevard. Taormino explained the design grants seniors easy access to transportation. In addition, the taller buildings located on the edge of the property makes good design sense, given its proximity to the University retirement community building, which is of similar size and scale.

Commission Motion:

Valencia moved that the Commission find the proposal to be consistent with the City's affordable housing ordinance, with a second by Wise. The motion passed unanimously.

Goldstene moved that the Commission issue the following additional recommendations, with a second by Wise:

- 1. Require the developer to implement a sliding scale fee for senior renters who wish to utilize homeowner association amenities*
- 2. Require the developer to more fully integrate the senior renters with the market rate homeowners*

The motion passed unanimously.

B. Cannery Mixed Use Proposal

Item deferred to December 4 meeting.

C. Public Hearing: Lincoln40 Housing Development

Tomasky opened the public hearing.

Ike Njoku, Planner: Njoku provided an overview of the project. Njoku explained that the developer changed the proposal from paying in-lieu fees to establishing program for low-income students called LincolnLift. The program will consist of 71 fully integrated, rent restricted beds that shall remain affordable in perpetuity. Njoku expounded LincolnLift will feature two tiers. The first tier will restrict 57 or 80% of the affordable beds for students who qualify as very low-income, which is 30% of 50% of the area median income for a one-bedroom occupant. The second tier will restrict 14 or 20% of the affordable beds for students who qualify as low-income, which is 30% of 60% of the area median income for a one-bedroom occupant.

Ash Feeney, Assistant Community Development Director: Feeney elaborated on Njoku's report by providing a comparison of the Lincoln40 project to a similar student housing project just approved by Council called Sterling. Feeney noted a significant difference is that Lincoln40 is proposing to rent by bed, while Sterling will rent by bedroom. Feeney concluded that despite some differences, both projects have a similar percentage of affordability with Lincoln40 at 16% and Sterling at 17%.

Paul Gradeff, Developer: Gradeff provided a more detailed overview of the project. He emphasized that the concept of bed rentals/double-up units is affordable by design. He estimated that the bed rental option is about 20% cheaper than unit rentals.

Vanessa Errecardi, Developer Representative: Errecardi explained the purpose of the LincolnLift program is to provide private housing subsidies to low-income students who do not qualify for public housing subsidies.

Public Comment:

Adam Mottafy, Student: Mottafy underscored the City's low vacancy rate and argued that if the City cannot stop UC Davis' growth than the City needs to grow with UC Davis.

Maya Dravosa, Student: Dravosa stated housing is a major issue and a financial burden for students. Dravosa expressed support for the project.

Benjamin Cadranell, Works with Foster Youth, Attorney: Cadranell shared the statistic that only 1% of foster youth graduate from college. Cadranell expressed support for the project.

Francois Keeblen, Student: Keeblen reiterated that Davis has a housing problem and students need housing. Keeblen expressed support for the project.

Lauren Kabantok, Student: Kabantok shared a story about her friend who was an international student and did not have financial aid. She explained the student lived in his car and got sick.

Adilla Jamaludin, Student and ASUCD Vice President: Jamaludin shared that students on campus are working on housing issues too. For example, the student government oversees a housing task force, offers housing navigation services for students struggling to find off-campus housing, and provides legal services for students facing housing-related issues.

Maya Adjo, Graduate Student and Graduate Student Representative: Adjo reiterated that housing is difficult to obtain and students have many financial obligations.

Marcelo, Student: Marcelo stated that housing in Davis is expensive and there is less of it than in a metropolitan area.

Elizabeth, Student: Elizabeth described how she is being gentrified out of her apartment by a bad landlord. She urged the Commissioners to support the project.

Donald Gibson, PhD Student and Chair of GSA/ASUCD Housing Task Force: Gibson shared his struggle to find housing as a young professional. As a result, he relocated to Sacramento, despite wanting to remain the Davis. Gibson expressed his support for the project and particularly applauded the rental of beds over units as a helpful option for young professionals.

Bonipak, Graduate Student: Bonipak underscored the importance of affordable housing. Bonipak shared that he is currently living in Solano Park and the City's needs more housing projects similar to Solano Park.

Eric Gudz: Gudz applauded LincolnLift as an innovative program. Nonetheless, he encouraged the Commissioners to review how the developer arrived at the 71-bed calculation.

Lindsay Durras: Durras described how her family commutes to Davis from Dixon often for church, school, and outings. She expressed her support for the project as a way to prevent investors from purchasing other types of housing and pricing out young families on single incomes.

Perla, Transfer Student: Perla reiterated the rising cost of housing and how landlords take advantage of students. She expressed support for the project.

George Via, Transfer Student: Via shared his story as a member of a low-income family, who struggled to find housing. Via expressed his support for the project.

Susan Ranier, Architect: Ranier expressed her frustration with UC Davis for not keeping up with their obligation to provide housing. She disliked the developer's proposal to include a bathroom for every bedroom. She also asked why the developer could not provide specifics on rental rates.

Olivia Grey, Student: Grey shared her experience living in cooperative housing. She explained that while cooperative housing is good for low-income students, it is contingent upon completing 20 hours of community services per week, so it is not for everyone. She expressed her support for the project.

Eileen Samitz: Samitz expressed her concern that UC Davis is not producing enough student housing. She asserted that four and five bedroom apartments are not flexible. She also questioned who would regulate and monitor the LincolnLift program.

No name given, Student: Student shared his story of living with six other people in four-bedroom house. He explained that one person even lives in the garage without HVAC and another fellow student he knows is living out of his van.

Nema Killeen, Transfer Student, ASUCD: Killeen reiterated that housing is difficult to find for students and encouraged support for the project.

Nancy Price: Price urged the City to view the issue of student housing needs within a broader context. She argued the need for a model lease, rent control, and design guidelines for mega-dorms.

David Greenwald: Greenwald expressed his support for the project because not enough apartments have been built to accommodate UC Davis' growth in the last 10 years. He added that students do not object to living in mega-dorms.

Commission Comments:

Valencia asked if the program is privately administered, how the City would know if the program is working and how the program would be monitored. Feeney responded that the City would maintain the authority to conduct audits and monitor the program. Stachowicz added that the City has other privately administered programs and the developer is proposing to submit an annual report.

Valencia inquired as to whether other developers have tried similar programs for low-income students. Feeney responded that he is unaware of whether similar programs exist.

Goldstene asked if there were any legal issues around restricting who can live in the housing. The developer's attorney, Karen Tiedeman, confirmed her comfortability with the legality of the proposed program. She explained that in her assessment, the program complies with state and federal fair housing laws. Additionally, her analysis revealed no anticipated disparate impact on any protected classes.

Goldstene inquired about how the developer arrived at the 71 affordable bed total. Gradeff answered that he based the calculation on the City's direction for onsite units as well as Sterling's affordable housing proposal.

Valencia asked for clarification on the rental rate amounts. Gradeff answered the rates would be 50% of area median income for 80% for the beds, which would equate to approximately \$675 including furnishings and utilities and 60% of area median income for 20% of the beds, which would equate to approximately \$800 including furnishings and utilities. Baker confirmed that these rates are commensurate with other affordable housing programs.

Toney asked if the developer would take into consideration student needs and costs, such as books for classes. Feeney replied that is yet to be determined.

Toney asked if the developer would maintain a waitlist. If so, then she inquired about how the developer would manage a waitlist. Gradeff answered that the program will manage a waitlist, but the specifics of how have yet to be determined.

Lastly, Toney asked for more detail about what constitutes an overutilization of utilities. Gradeff replied that the provision's aim is to encourage the conservation of energy, but the exact amount is yet to be determined.

Goldstene asked if the City could require more than 71 affordable beds. Feeney replied yes.

Mayor Robb Davis reminded the Commissioners about the housing workshops held in recent months. Mayor Davis reiterated that the Council is less interested in collecting in-lieu fees. He also explained the City is currently reviewing reasonable inclusionary requirements with a consultant.

Goldstene commented that overall she is not supportive of this type of student housing oriented project because it is not flexible for all community members. She underscored her preference for standard apartment complexes. Nonetheless, she expressed that if the project design remains, then she wants an increase in the number of affordable beds.

Tomasky agreed with Goldstene in that she dislikes the inflexibility of the project design. Tomasky urged the City to develop better design guidelines for these types of housing projects.

Wise disagreed explaining that not every project can provide housing for all community members. He elaborated that the Olive Drive location is a desirable placement for student housing as it is close to the University. Wise continued that he liked the double occupancy option, as it is affordable by design. Wise also applauded the developer for proposing an innovative affordable housing program as opposed to paying in-lieu fees.

Commission Motion:

Valencia moved that the Commission issue the following recommendations, with a second by Privateer:

- 1. Require the developer to make an upfront contribution to the City's Housing Trust Fund*
- 2. Require the developer to amend the marketing window for the affordable beds from 30 days to 60 days*
- 3. Require the developer to increase the number of affordable beds dedicated to the LincolnLift program*

The motion passed by the following vote:

AYES: Goldstene, Privateer, Tomasky, Toney, and Valencia

NOES: Wise

ABSTAIN: None

Wise explained his "no" vote is because he is supportive of the affordable housing proposal in its current state.

7. Commission and Staff Communications

Stachowicz reminded members that the next meeting is on December 4, rather than December 18. At the meeting, Commissioners will review the Cannery Mixed Use Proposal first and then the Nishi Proposal.

8. Social Services Commission Work Plan

Commissioners requested no changes to the work plan.

9. Adjourn

Tomasky adjourned the meeting at 10:40 p.m.

**FBC Comments on West Davis Active Adult Community Fiscal Estimate
February 12, 2018**

The Finance and Budget Commission finds the following:

1. At the time of this analysis, the commission did not have available to it a development agreement with the city for the project. Therefore, any conclusions we have reached should be considered preliminary and subject to change.
2. The initial estimate developed by staff of one-time fiscal benefits from the project of \$8.6 million in construction tax revenues and development impact fees is generally reasonable given the data currently available. These resources are to be used to offset unspecified future costs of the city's growth. However, we note that the city has significant flexibility under city ordinances to use these resources to address infrastructure needs, like improving roads and parks.
3. We also generally concur with the estimate that annual ongoing revenues and costs for the city from the project would be significantly positive over its first 15 years of development, generating as much as a \$300,000 net fiscal benefit in many years.

We note, however, that the estimate does not reflect additional revenues that could result if Davis voters approve an increase in parcel taxes. Also, the estimate does not include revenues from possible community enhancement funds that could result from the negotiation of a development agreement. Also, the draft EIR for the project suggests that police and fire costs for serving the new residents could be nominal. Thus, in some respects, the net fiscal benefit of the project could be greater than estimated.

On the other hand, revenues generated from the project could be less than estimated if Davis voters reject renewal of the parcel tax. Moreover, the estimate assumes voter renewal in 2020 of the full rate currently imposed in Measure O sales taxes. Council or voter actions to reject or reduce Measure O revenues would also reduce the revenues generated by this project and its net fiscal impact.

4. Provisions of the California Constitution would permit some persons over age 55 who are selling a home elsewhere in Yolo County, and then moving to the new development, to reduce the property taxes they would otherwise have to pay for the newly purchased home in WDAAC. This loss of revenue could be offset, to an unknown degree, as various purchasers of homes in WDAAC who had homes in Davis sold them to new purchasers. This would in some cases trigger a reassessment of their former home to its full cash value, and thereby increase the property taxes levied on the home they "moved down" from. The applicant has proposed to restrict sales of new homes in WDAAC to persons with various personal connections to Davis, potentially maximizing the "move down" benefits of new property tax revenues to the city of Davis. However, these reassessments could be avoided in certain cases if that former Davis home was transferred to certain family members rather than sold to a new owner. The net

fiscal impact of these various measures on the generation of property taxes from WDAAC is unknown.

5. A development agreement for the project could include important fiscal provisions, such as a Community Services District assessment or community enhancement funds. We recommend that these negotiations be informed by a residual land value analysis of the revised project.

6. We recommend that the commission, or if necessary an FBC subcommittee, be provided a timely opportunity to review and comment on the fiscal provisions of the proposed development agreement before its presentation to City Council for approval.

7. The WDAAC proposal contemplates the operation of a 150-unit senior apartment complex and a 30-unit senior assisted living unit complex that would be operated by non-profit organizations and not be subject to property taxation. In the unlikely event that the use of either complex was changed someday to for-profit use, we recommend the inclusion in any development agreement of language to deter master leasing of WDAAC apartments by the campus because of the potential negative impact on city property tax revenues. A similar provision was included for the Sterling apartment project.

Parlin (With On-Site Ag Mitigation)

SITE NOT NEEDED PRIOR TO 2013 Map Key / Rank 33

Sites Tabled Indefinitely; they are "Red Light" sites

Recommended Actions and Responsibilities

Action 33.1 The City shall attempt to coordinate a joint master plan for the northwest and west areas, with the cooperation of multiple property owners and agreement to a land use allocation system among the properties. The master plan shall cover, but not be limited to, water, sewer, flood protection, ag mitigation, infrastructure, costs, timing, and sequence. Steering Committee criteria and principles shall be applied.

Action 33.2 General Plan amendment, rezoning, and Measure J vote.



Location Northwest of the intersection of Covell Boulevard and Sulter Place
Site Size (Gross / Net Assumption) 207.8 ac / 165.0 ac w/ 35.0 ac residential
Recommended General Plan Overall Residential Density Category (net density range including density bonus) Medium (7.2 - 16.79 du/ac)
Estimated Potential Number of Housing Units Range Per General Plan Category Medium 259 - 604 du
Steering Committee Recommendation 389 - 604 du

Rationale for Recommended Site Ranking Category and Number (Including Key Principles)

- 33.1 Would not contribute to compact urban form and efficient infrastructure and services. Major new infrastructure, including sewer trunk lines, needed.
- 33.2 Would impact ag land, habitat, and scenic resources.
- 33.3 Distances to community facilities and downtown would promote car travel and not be conducive to bicycle and pedestrian mobility.
- 33.4 Does not need to be considered for development prior to 2013.

Countering Views to Recommended Site Ranking Category and Number

- 33.5 Adjacent to hospital and transit. Schools, parks and shopping are within one mile.
- 33.6 Easy vehicular access to Covell Boulevard / H-113.
- 33.7 The site size has the potential to provide on-site ag mitigation and a variety of housing types.

Recommended Land Use and Design Considerations, Requirements or Conditions, and Any Additional Information that May be Needed for Site Development

- 33.A The costs and responsibilities of the required major sewer trunk line must be determined.
- 33.B Adequate fire response must be confirmed.
- 33.C Details of the ag mitigation are needed including the conditions of the mitigation and the established legal structure for maintaining open space uses, including ag mitigation.