

STAFF REPORT

DATE: October 16, 2018

TO: City Council

FROM: Heidi Tschudin, Deputy City Manager/Director Community Development and Sustainability Department
Ike Njoku, Planner & Historical Resources Manager

SUBJECT: **2555 Research Park Drive (Plaza 2555);** Planning Application (PA) #17-17: General Plan Amendment#1-17, South Davis Specific Plan Amendment (SPA) #1-17, Rezoning and Preliminary Planned Development #1-17, Affordable Housing Plan #1-17, and Development Agreement #3-18

Recommendation

The City Council is being presented the Plaza 2555 project with the intent of receiving direction and/or guidance. The City Council is being asked to hold a public hearing and take the following actions:

- A. Direct staff to return at a future date with a revised staff report and final recommendations for the Plaza 2555 project thus enabling the City Council to consider the following possible actions:
1. Determine that the Plaza 2555 project is statutorily exempt from CEQA pursuant to Section 21155.1 (Transit Priority Project) of the Public Resources Code (PRC) (see Attachments #3 and #4);
 2. Approve the attached resolution of intent to amend the General Plan land use designation of the subject site from General Commercial to Residential High Density (see Attachment #5);
 3. Approve the attached resolution to amend the South Davis Specific Plan to create a new Residential High Density land use designation, change the land use designation of the subject site from Commercial Recreation to a new land use category of Residential High Density, and make various specific plan text changes to accommodate the proposed project (see Attachment #6);
 4. Introduce the attached Planned Development (P-D) Ordinance that rezones the subject site from Planned Development (P-D) #7-95 (modified commercial highway) to a new Preliminary Planned Development #1-17 (multifamily, apartments) (see Attachments #1 and #7);
 5. Approve the Affordable Housing Plan #1-17 that establishes the affordable housing program for Plaza 2555 project (see Attachment #8, Exhibit D); and
 6. Introduce the attached ordinance approving the Development Agreement #3-18 (see Attachment #8).

- B. Provide guidance on policy issues identified and addressed in this report that would allow staff to work with the applicant to accomplish Recommended Action A identified above.

The August 29, 2018, Planning Commission staff report with all the attachments and background materials are available at the following link:

<http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Planning-Commission/Agendas/20180829/05A-Plaza-2555.pdf>.

On September 17, 2018, the Social Services Commission (SSC) held a meeting the project's revised affordable housing plan, and the Commission's staff report with all the attachments and materials are available at the following link:

http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Social-Services-Commission/Packet-Items/2018-09-17/6B-Plaza-2555-Affordable-Housing_SR.pdf.

Policy Discussion

Loss of Commercially Designated Land

The project site is identified in the general plan, South Davis Specific Plan, and zoning code for commercial use. The City has a limited inventory of commercial sites. In support of the request for a change in land use to residential, the applicant has previously provided an analysis of the feasibility of commercial development at the site. The analysis, prepared in November 2017, concludes that commercial development would be infeasible (see Attachment #9). As summarized in the Planning Commission staff report, the City has in prior years identified the site in various housing reports for possible residential development. Based on recent discussions by Council, staff is aware this issue remains a relevant consideration.

- Additional consideration and guidance from Council about this item would be helpful for staff and the applicant.

Unit Mix

The project proposes a maximum of 200 apartment units. At least 67 percent of the dwelling units are proposed to be three bedrooms or smaller (134 minimum). At least 10 percent of the overall number of dwelling units are proposed to be "micro units" (20 minimum) of about 350 square feet each. The applicant is proposing a cap on the overall number of units with four or more bedrooms at 33 percent of the total (66 maximum). Finally, no more than 10 percent of the total number of units would have five bedrooms (20 maximum). No units in excess of five-bedrooms are proposed.

This represents a noteworthy change from the applicant's original proposal, which contained more four and five bedroom units. One conceptual breakdown provided by the applicant is as follows:

- 30 micro units (15%)
- 4 one-bedroom units (2%)
- 11 two-bedroom units (5.5%)
- 89 three-bedroom units (44.5%)
- 46 four-bedroom units (23%)
- 20 five-bedroom units (10%)

Total 200 units (100%)

The total number of possible three-bedroom units continues to be a topic of discussion. Theoretically, as many as 57% of the three-bedroom units (114) could be proposed as three-bedroom to the exclusion of one-bedroom and two-bedroom units. Combined with possible four- and five-bedroom units the overall theoretical percentage could be considerable (90 percent). The applicant has expressed that is not their intent and in addition that the capacity of the site could preclude this.

- Staff and the applicant would benefit from the Council's input on this issue.

Development Agreement (including Affordable Housing Plan)

A Development Agreement (DA) is being negotiated between the applicant and the City (Attachment #8). The enacting ordinance and body of the agreement are substantively complete, and, with two exceptions, the various attachments are also substantively complete. The significant remaining items to be finalized are as follows:

- Development Impact Fees, Connection Fees, and Community Enhancement Funds (Exhibit C). This exhibit identifies both required and negotiated financial components of the project. The impact and connection fees are required fees established by City ordinance, nexus based, and not generally subject to negotiation. The developer has expressed interest in securing possible modifications to these fees and staff continues to work with the applicant team to find a workable approach. Estimates of these fees are provided in Attachment #8, subject to modification based on the Final Planned Development and site plan for the project.

The community enhancement funds are a voluntary additional public benefit that if offered would be used for various purposes as directed by Council. Examples of proposed uses for these funds are identified in Attachment #8, including various transportation corridor studies and improvements at Playfields Par among other things. Staff and the applicant continue to negotiate these components of the Development Agreement.

- Environmental Sustainability (Exhibit F). This exhibit identifies sustainability features of the project and sustainability commitments of the applicant. The intent is to highlight both required, and additional proposed, environmental sustainability features of the project. The attached draft is still in negotiation as staff works with the applicant to consider sustainability features that extend beyond City standards.

In addition to these two items, a third merits discussion:

- Affordable Housing Plan (Exhibit D). This exhibit contains the applicant's affordable housing commitments. The applicant has significantly modified their original concept to be consistent with the City's interim affordable housing ordinance. The applicant has intentionally focused their proposed Affordable Housing Plan on serving low-income families consisting of single individuals, including low-income students. The Plan includes, among other things, a proposed mix of affordability by both unit and by bedroom. The desirability of this approach has been a topic of discussion by the Social Services Commission (SSC) and some commenters.

Staff has concluded that the proposal is consistent with the interim ordinance. The Planning Commission voted to provide no recommendation on the Affordable Housing Plan. The Commission was aware that the plan would be subsequently reviewed by the SSC and it is staff's interpretation that their action was essentially intended to defer to the recommendations

of the SSC. The SSC subsequently voted 4-2 in support of the plan. The SSC report (link provided on page 2) includes “Frequently Asked Questions” explaining in further detail the proposed plan.

- Staff and the applicant would benefit from further consideration and deliberation by the City Council, if any, regarding these three components of the development agreement.

Details Regarding Project Design and Site Plan

The applicant has applied for the General Plan amendment, South Davis Specific Plan amendments, and rezoning necessary to entitle the land for the proposed residential project. The application does not include a final site plan, final unit mix, detailed project design, architectural elevations, or landscaping, etc., although conceptual exhibits for some of these items have been provided.

These aspects of the project are not required by the Zoning Code to be addressed as a part of the Preliminary Planned Development. The code allows for a two-step process. The applicant chose to utilize the allowed two-step process. They have proposed that detailed final design be determined subsequent to the subject requested approvals, as a later step in the process, in conjunction with submittal of applications for site design review and Final Planned Development. This is an acceptable approach procedurally but it has left many reviewers with unanswered questions regarding the details project.

- Staff and the applicant would benefit from further consideration and deliberation by the City Council regarding this approach.

Project Description

The applicant proposes to construct up to 200 apartment units on two parcels comprising approximately 7.34 acres generally bounded by Research Park Drive, Cowell Boulevard, and Interstate 80 (see Attachment #2, Site Plan and other applicant’s Exhibits). The property has a General Plan (GP) land use designation of General Commercial and a South Davis Specific Plan (SDSP) designation of Commercial Recreation.

The property is zoned Planned Development (P-D) #7-95 (Modified Commercial Highway). The project, as proposed, would require the following approvals:

- a GP amendment to Residential High Density (GPA #1-17);
- a SDSP amendment to create a new land use designation of Residential High Density (SPA #1-17), redesignate the site, and make other related specific plan text amendments to modify the apartment density and the apartment parking standards, and clarify that the overall residential unit count for SDSP area is to be determined by City Council, to accommodate the Plaza 2555 project;
- a rezoning to new Preliminary Planned Development (PD #1-17) for Multifamily Apartments; and
- a Development Agreement #3-18, including an Affordable Housing Plan #1-17.

The project proposes row-house style (townhouse) and stacked flat apartment units in two- and three-story buildings separated by landscaping. The project will consist of up to 200 units and a maximum of 646 bedrooms. Specifically, the project proposes a mix of micro (studio), 1-bedroom, 2-bedroom, 3-bedroom, 4-bedroom, and 5-bedroom apartment units.

The project will include approximately 2,500 square feet of leasing office and café space, multiple indoor activity areas, pedestrian pathways, landscaped courtyards, common open space areas, approximately 380 vehicle parking spaces, and approximately 646 bicycle parking spaces. Other proposed site amenities include a swimming pool, sporting activities area, a transit plaza, landscaping, a transit plaza, mail and package pickup/drop-off, and a car share/hail area. Table 1 below is a summary table of the proposed maximum unit mix for the project.

As shown in Table 2 below, the applicant’s proposed unit distribution will be as follows during the Final Planned Development application stage:

- At least 67% of the dwelling units will be three bedrooms or fewer.
- A maximum 33% of the total number of units will be four or more bedrooms units.
- At least 10% of the overall number of dwelling units will be “micro units” of about 350 square feet each.
- A maximum 10% of the total number of units will be five bedrooms.

Table 2 is showing the proposed illustrative mix of unit types and sizes (the final unit mix will be determined at the time of the Final Planned Development application review). For instance, 30 micro units are anticipated, while the applicant is committed to a minimum of 20 micro units.

Table 1: Plaza 2555 Proposed Unit Distribution			
		Approximation	
Unit Type by Bedrooms	% of All Units	# of Units	# of Bedrooms
<i>Three Bedroom and Smaller Units</i>			
Micro unit	10% (Minimum)	20	20
One bedroom	57% (Approx.)	114	342
Two bedroom			
Three bedroom			
Subtotal: 3 bedroom and smaller Units	67% (Minimum)	134	362
<i>Four Bedroom and Larger Units</i>			
Four bedroom	23% (Approx.)	46	184
Five bedroom (townhouse)	10% (Maximum)	20	100
Subtotal: 4 bedroom and larger Units	33% (Maximum)	66	284
Maximum TOTAL		200	646

Table 2: Illustrative Unit Mix			
Unit Size	Approximate No. of Units	Approximate SF per Unit	Approximate Total SF by Unit Type
<i>Three Bedroom and Smaller Units</i>			
Micro	30	350	10,500
One bedroom	4	600	2,400
Two bedroom	11	900	9,900
Three bedroom flat	29	1,360	39,440
Three bedroom	60	1,200	72,000
Subtotal	134		

Four Bedroom and Larger Units			
Four bedroom	46	1,720	79,120
Five bedroom	20	2,050	41,000
Subtotal	66		
Common areas			14,150
Garages			11,160
Approximate Total	200	Not applicable	279,670

Project Setting.

The project site is the triangular vacant land located in the South Davis Specific Plan land use area, and adjacent and to the south of Interstate 80, at the northern intersection of Research Park Drive and Cowell Boulevard. The site has no prior history of development and currently supports exotic annual grasses and forbs with few native plants or animal species. There are no trees of significance on the site. However, there are mature trees offsite on Caltrans property adjoining the subject site, along the I-80 freeway. See Figures 1, 2, and 3 consisting of the site plan, parcel map, and vicinity map respectively.



Figure 1: Conceptual Site Plan & Vicinity Map

The subject site is comprised of two parcels, APNs 069-530-030 (6.35 acres) and -031 (0.995 acre), shown as “Parcel 2” in yellow shading, and “Parcel 3” in green shading as depicted on Parcel Map No. 5100 (see Figure 2 below).

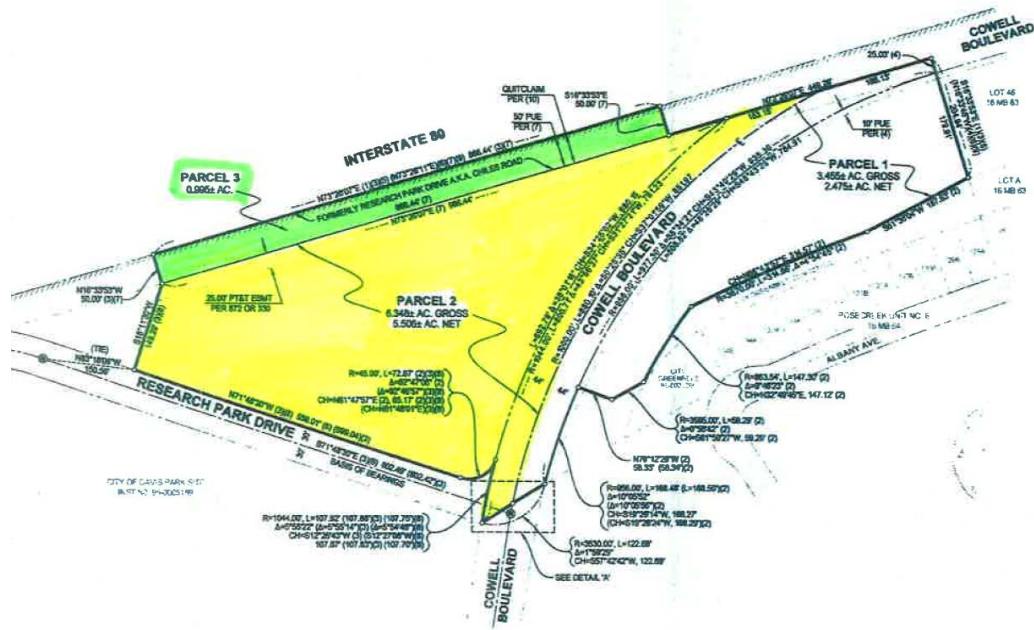


Figure 2: Parcel Map No. 5100

The surrounding vicinity land uses include residential, freeway, District Park (i.e., Playfield Park), Comcast office building, light industrial, and neighborhood commercial. See Figure 3 below.



Figure 3: Vicinity Aerial Exhibit

Fiscal Impact

The project is revenue neutral according to the City's fiscal model analysis. The project's annual ongoing revenues and costs for the City from the project are projected to be neutral over the first 15 years of development. The project is located in the 27.4539% property tax rate area. Based on an assessed valuation of \$51,750,000, annual property tax revenue to the City would be approximately \$144,000. Subject to final site design to be determined through the Final Planned Development, the development would also generate one-time fiscal benefits to the City as follows: construction tax of \$894,000; permit fees of \$241,000; impact fees of \$2,191,280; and sewer connection fees of \$664,000. The County of Yolo would benefit financially from this project with \$636,500 in one-time county impact fees. The development is in the Davis Joint Unified School District CFD #2, which would receive no one-time fees but would receive ongoing fees via assessments.

Council Goals and Objectives

Applicable Council Goals for 2016-2018 that the proposed project implements include:

- Environmental Sustainability (Goal 3) which includes the objective to reduce the community's carbon footprint and achieve measurable greenhouse gas emission reductions, including reduction of Vehicle Miles Traveled.
- Promote Community (Goal 5) which includes the objective to increase, maintain and improve the supply of affordable housing.

Summary of Planning Commission (PC) & Social Services Commission (SSC) Meetings

Below are summaries of PC and SSC meetings on Plaza 2555, summary of public comments, and additional staff information. There are no approved minutes for either Commissions at this time.

Planning Commission (PC)

The link to the Planning Commission (PC) staff report is provided above on page 2. On August 29, 2018, the PC held a public hearing on Plaza 2555 and recommended as follows:

- that the City Council determine that the Plaza 2555 project is statutorily exempt from CEQA pursuant to Section 21155.1 (Transit Priority Project) of the Public Resources Code (PRC) (7-0);
- that the City Council approve (5-2, Streeter, Rutherford):
 - resolution of intent to amend the General Plan (GP) land use designation of the subject site from General Commercial to Residential High Density;
 - resolution amending the South Davis Specific Plan (SDSP) to create a new Residential High Density land use designation and change the land use designation of the subject site from Commercial Recreation to a new land use category of Residential High Density;
 - introduce the Planned Development Ordinance that rezones the subject site from Planned Development #7-95 (modified commercial highway) to a new Preliminary Planned Development #1-17 (multifamily, apartments)
- that the Commission provide no recommendation on the Development Agreement or the affordable housing plan (7-0).

The Commission also recommended two additional conditions of approval.

- **Bus Stop & Shelters.** The applicant shall provide bus stop and shelters, as agreed to at the Planning Commission August 29, 2018 meeting, on both sides of Cowell Boulevard.

- Rental Parking Spaces. The applicant shall require a separate rental payment for parking space from the unit and bedroom rental in the leases with prospective residents with the goal of discouraging vehicle trips.

The two Commissioners that voted against a portion of the recommendation expressed concerns regarding the project's density, affordability, and appropriateness of the location. The full Commission voted to not take an action on the Development Agreement and affordable housing plan because they believed there was not enough information available to guide consideration of the Development Agreement and because they were aware the Social Services Commission would be subsequently voting on the Affordable Housing Plan.

Below are further discussions on the two conditions recommended by the PC (staff responses are in italics):

- Bus Stop and Shelters -- The applicant shall provide bus stop and shelters, as agreed to at the August 29, 2018, Planning Commission meeting, on both sides of Cowell Boulevard.

The applicant shall provide bus stop and shelters, as agreed to at the August 29, 2018, Planning Commission meeting, at the southbound "M" Line Research Park Drive bus stop (west side of Research Park Drive) and southbound Cowell Boulevard at Research Park Drive (northeast quadrant) to accommodate the southbound "W" Line.

The precise location the Commission voted to recommend a bus shelter (on both sides of Cowell Boulevard) was not where the bus service is actually provided, so Public Works staff has provided modified language to correct this. Condition of Approval #35 describes the appropriate location, and conditions reads as follows:

A bus shelter to be installed at the southbound "M" Line Research Park Drive bus stop (west side of Research Park Drive). A second stop and shelter shall be installed southbound Cowell Blvd. at Research Park Drive (northeast quadrant) to accommodate the southbound "W" Line.

- Rental Parking Spaces -- The applicant shall require a separate rental payment for parking space from the unit and bedroom rental in the leases with prospective residents with the goal of discouraging vehicle trips.

This requirement is included in Exhibit F of the DA, Environmental Sustainability Implementation Plan.

Public Comments:

The public comments received by Planning Commission are summarized below:

- Likes local hiring proposal, and hopes people will be compensated properly.
- Likes that community and neighbors have been consulted.
- Likes that the project includes different unit types.
- Will affordable units be micros and bedrooms in the 5-bedroom units? Where will the affordable units be located? Prefers that affordable units and bedrooms not be placed in less desirable places within the complex. Likes the affordable housing plan by bedroom rather than by bed; and supports the mix of units and bedrooms.
- Proximity to employment sites and transportation alternatives; need to reduce VMT; distances from work to home will help contribute to reduction in GHG emissions.

- Project is a reconstituted mega-dorm; remote from campus; the requested General Plan and South Davis Specific Plan amendments and up-zoning are extensive. Designed to target students as 78% of apartments are 3, 4 & 5 bedroom, and the biggest demand for workforce is micros, 1 and 2 bedroom. Should have far more micros and 1-bedroom.
- SDSP has higher parking ratio than what is required in the City Code. In that area of South Davis parking is a problem; could adopt 1:1 unit to car parking ratio and 1:1 bed to bike parking ratio, same as Davis Live.
- Should preserve subject site for commercial development.
- Will house 650-900 people at this location -- more than currently live in Rosecreek and Oakshade; Unitrans will have to increase number of buses to accommodate project; need comprehensive traffic report; need environmental document -- should have had an EIR prepared; requires more studies; location close to freeway and air quality assessment should be undertaken; noise issues and health impacts next to highway; hopes that request for traffic light can be incorporated.

Social Services Commission (SSC)

The link to the Social Services Commission (SSC) staff report is provided above on page 2. On October 16, 2017, the SSC reviewed and provided recommendations on the applicant's initial affordable housing plan (see PC staff report for a summary). Subsequent to that review, the City adopted the interim affordable housing ordinance, and the applicant modified the project's affordable housing plan to be consistent with the interim requirements.

On September 17, 2018, the SSC held a public meeting on the revised Plaza 2555 affordable housing plan, and by a vote of 4-2 (Goldstene, Tomasky), recommended as follows for Council consideration:

- Make an additional 10 micro units affordable, thus increasing total project affordability to 20%
- Reduce the number of four and five bedroom units
- Focus on floorplans that prioritize serving a diverse residency, specifically seniors and families

The two Commissioners that voted against the recommendations above expressed a preference for no four and five bedroom units, and a concern about approving an affordable housing plan that seems to be targeting students, given the number of recently approved student-oriented projects.

The Commission's general comments included: 1) what type of residents the project will serve, 2) the large number of three, four, and five bedroom units, and 3) whether the project site is a suitable location for a residential housing project. The SSC discussed whether the four and five bedrooms would only appeal to students and emphasized that the focus should be on ensuring that the project's affordable housing plan will appeal to seniors and families as well.

Below are further discussions on the Commission action (staff responses are in italics):

- Make an additional 10 micro units affordable thus increasing total affordability to 20%

The applicant has indicated that it is not feasible for the project to provide the requested 20%, and has expressed their desire to meet the City requirements as currently proposed. This issue is further discussed in Policy Discussion section of this report.

- Reduce the number of four and five bedroom units

The applicant has expressed their desire to proceed with the project as proposed. The proposal reflects earlier adjustments made by the applicant to address concerns about unit mix

- Provide floorplans that prioritize serving a diverse residency, specifically seniors and families

The applicant has expressed that the proposed project provides housing for a diverse population. The Social Services Commission was concerned that the project as proposed with majority of the units being three, four and five bedrooms would attract more students than families and seniors. The applicant disagrees with this position, and has indicated that the project is designed to accommodate seniors and families. The applicant has also noted that units on the ground floor would meet accessibility building code requirements and could be occupied by seniors.

The project applications is for a preliminary planned development permit (PPD), and did not include an application for a final planned development permit (FPD). It is at the FPD stage the floor plans and other development standards and design details would be addressed. This is further discussed in Policy Discussion section of this report.

Public Comment:

A summary of the public comments, including a letter of opposition, is provided below:

- Disappointed with the University of Davis for not providing enough on campus housing; urged the City to refocus its efforts on building housing for families, workers, and seniors, and to reject the Plaza 2555 proposal in favor of one that will help a more diverse set of residents.
- Concerned about the project’s close proximity to the freeway, which has noise problems, and not desirable for families and seniors; questioned the suitability of the site for residential development.
- Concerned that the project contains many three, four and five-bedroom units.
- Believes the project site is better suited for commercial uses, such as a restaurant.

Additional Project Analysis

South Davis Specific Plan (SDSP) Amendments Clarification. Since the project was before the Planning Commission, staff has identified clarifications to the required amendments to SDSP. Required SDSP amendments are described below and have been integrated into the necessary entitlements for the project (strikethrough, underline, and italics are used to show proposed amendments to the SDSP):

1. Under Development Plan, Land Use Summary, page 7 and elsewhere as appropriate, add a new land use designation as follows:

“Residential High Density (RHD) allowing high density residential development with density range of 25.00 to 50.00 units per gross acre, and 30.00 to 50.00 units per net acre.”

2. Under Land Use on page 11, it reads that “land uses and densities were designed to meet the following criteria”. Modify criteria #1 as follows:

“That the overall residential unit count ~~should be made as low as feasible in to meet the existing residents’ desires and to be~~ shall be determined by the City Council consistent with the General Plan growth policies; ...”

3. Under Residential Land Use; Policies on page 18: “Apartment densities, outside the Residential High Density (RHD), shall not exceed 15 units per gross acres.”
4. Under Parking on page 22: “~~For~~ Except for apartments in the RHD designation, apartment developments shall provide the following:

Studio & 1 bedroom unit	=	1.0 off-street space per unit
2 bedroom unit	=	1.75 spaces
3 bedroom units	=	2.5 spaces
4 bedroom units	=	3.0 spaces

For apartments in the RHD designation, parking shall be as prescribed by zoning.”

5. General – References to specific unit counts shall be replaced with “*as determined by the City Council consistent with the policies of the General Plan, including City growth policies and applicable growth caps.*”

These changes are consistent with the recommended action of the Planning Commission and would ensure consistency with the subsequent direction of the Council as expressed in the General Plan and subsequent growth policies including the one percent residential growth cap established in Council Resolution #11-077 of 2011 and analyzed in the Planning Commission staff report.

Correction to Summary of Transportation Analysis Reports

The Planning Commission staff report contained inaccurate information regarding the authorship of the various transportation analyses prepared for this project. The corrected list is as follows:

- Fehr and Peers Trip Generation 10/17/17
- Fehr and Peers Trip Generation 6/4/18
- KD Anderson Trip Generation 7/31/18
- KD Anderson Traffic Operational Analysis 8/22/18, updated 9/12/18

Environmental Determination

The project qualifies for the Public Resources Code (PRC) Section 21155.1 (Transit Priority project) statutory exemption from CEQA. The project is consistent with the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) pursuant to SB 375. It meets all of the requirements of PRC related to this exemption (see Attachment #4 described further below).

The applicant has provided various technical studies, which are summarized below, to substantiate the exemption determination. The Planning Commission is being asked to concur with the CEQA determination.

Attachment #3 provides the Resolution adopting the CEQA Exemption. Attachment #4 provides a checklist that itemizes each applicable requirement of the exemption, and the evidence and conclusions in support of each requirement. The checklist findings are provided in Attachment #4a supporting the finding that the project would be a Transit Priority Project.

Public Notice

A public hearing notice was published in The Davis Enterprise and mailed to all property owners within 500 feet of the proposed project ten days prior to the Planning Commission meeting. The notice was mailed to logical extension of residents in adjacent subdivisions as well. The City required noticing radius is 500’.

Attachments

1. Project Findings and Condition of Approval
2. Site Plan, Exhibits, Plans, Elevations and Floor Plans
3. Resolution Adopting CEQA Exemption
4. CEQA Exemption Supporting Materials
 - a. SCS Checklist -- <https://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/plaza-2555>
 - b. SACOG Letter --
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4a SACOG MTPSCS Consistency Determination Letter.pdf>
 - c. Project Narrative --
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4a SACOG MTPSCS Consistency Determination Letter.pdf>
 - d. Transit Corridor Map -- <https://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/plaza-2555>
 - e. Biological Survey -- <https://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/plaza-2555>
 - f. Environmental Site Assessment -- <https://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/plaza-2555>
 - g. Air Quality Assessment -- <https://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/plaza-2555>
 - h. Affordable Housing Plan (see Exhibit E of the DA which is Attachment 8 below)
 - i. Consistent Table Mitigation Measures
 - k. Exhibit K: Preliminary Endangerment Assessment
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Updated-Project-Materials-October-2018/Plaza 2555 Preliminary Endangerment Assessment Report October 2018.pdf>
 - j. Exhibit L: Cultural Resources Assessment for the Plaza 2555 Project
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Updated-Project-Materials-October-2018/Plaza 2555 Cultural Resource Assessment September 24 2018.pdf>
5. Resolution of Intent to Amend the General Plan
6. Resolution to Amend the South Davis Specific Plan
7. Ordinance Approving Rezoning and Preliminary Planned Development
8. Ordinance Approving Development Agreement, including the Affordable Housing Plan
9. Non-Residential Feasibility Analysis
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Technical-Reports-2018-08-22/Plaza2555EPSNon-ResidentialFeasibilityStudy11-09-17.pdf>

ATTACHMENT #1
Project Findings and Conditions of Approval
Plaza 2555

CEQA Statutory Exemption Findings of Fact

See Attachment #3 of the staff report.

General Plan Amendment Findings

In addition to the findings in the General Plan resolution of intent to approve the land use change (see Attachment #5 of the staff report), Plaza 2555 also complies with the following findings:

1. Find that the proposed General Plan amendment is appropriate in that it provides needed housing and contributes to infill housing development within the City limits.
2. Find that the project's proposed density of 27.25 units per acre is consistent with the General Plan Residential High Density land use designation, which permits a range of 25.00 to 50.00 per gross acre, or 30.00 to 60.00 per net acre.
3. Find that the proposed amendment provides consistency with General Plan policies for sensitive infill, a mix of housing types and creative development patterns.
4. Find that the proposed project will provide varying architectural "fit" with the scale of surrounding structures and their uses.
5. Find that the proposed project will not adversely impact the general welfare of residents within the area, and that the intended uses will serve public need and convenience, as this will complement the residential development in the area.
6. Find that environmental review is not required to approve the project given that it qualifies as a sustainable communities project and a transit priority project under Public Resources Code Sections 21155 and 21155.1. The project is consistent with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) pursuant to SB 375, and meets all of the requirements of Public Resources Code Sections 21155.1(a) and (b) and one of the requirements of Public Resources Code Section 21155.1(c). Hence, the project is exempt from CEQA.

South Davis Specific Plan Findings

In addition to the findings in the South Davis Specific Plan resolution of intent to approve the land use change (see Attachment #6 of the staff report), Plaza 5555 also complies with the following findings:

1. Find that the proposed Specific Plan amendment is appropriate in that it provides needed housing and contributes to infill housing development within the City limits.
2. Find that the project's proposed density of 27.25 units per acre is consistent with the General Plan Residential High Density land use designation, which permits a range of 25.00 to 50.00

per gross acre, or 30.00 to 60.00 per net acre; and the addition of Residential High Density to South Davis Specific Plan is consistent with the City's densification and infill policies.

3. Find that the proposed amendment provides consistency with General Plan policies for sensitive infill, a mix of housing types and creative development patterns.
4. Find that the proposed project will provide varying architectural "fit" with the scale of surrounding structures and their uses.
5. Find that the proposed project will not adversely impact the general welfare of residents within the area, and that the intended uses will serve public need and convenience, as this will complete the residential development for the area.
6. Find that the project is statutorily exempt from CEQA as a Transit Priority Project pursuant Public Resources Code Section 21155.1.

Rezoning and Preliminary Planned Development Findings

1. Find that the proposed rezoning to a planned development, with adoption of the proposed General Plan amendment, will comply with the new land use designation of Residential High Density for the parcels. This allows for a consistent land use designation and zoning for the parcels, which would facilitate the development of the proposed project.
2. Find that 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 diversification in the relationship of various buildings and structures and provide relief from the rigid standards of conventional zoning in order to allow for new and compatible housing development with surrounding residential uses. The proposed project will provide for an integrated and harmonious residential environment and creative relationship with adjacent uses. It will allow for and encourage architectural variation while complementing the residential character within the area.
3. Find that public necessity, convenience and general welfare require adoption of the proposed amendment, given that the proposed project is an infill project that will address the housing needs of the City.
4. Find that the project is statutorily exempt from CEQA as a Transit Priority Project pursuant Public Resources Code Section 21155.1.
5. Find that the proposed project will constitute a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood in that the proposed project complements surrounding uses in design, layout and architecture.
6. **1% Percent Growth Consistency.** The City Council finds that Plaza 2555 is consistent with Resolution No. 08-019, which established a target of 1% percent as an annual growth cap for residential development. The resolution exempts permanently affordable units and allows

the City Council to designate a portion of the yearly amount to multi-family rental units that can be rolled over and accumulated over several years as needed.

7. **Phased Allocation.** The project is exempt from phased allocation requirements pursuant to Municipal Code Section 18.01.030(b)(3) as a multifamily rental residential development. In addition, it is exempt from phased allocation requirements pursuant to Section 18.01.030(b)(5) of the Municipal Code as a small urban parcel less than ten gross acres.

Affordable Housing Plan #1-04 Findings.

1. The project constitutes a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood.
2. The project, as conditioned, will comply with the General Plan call for a mix of housing types, densities, prices and rents, and designs in each new development area.
3. As conditioned, the project is consistent with the Affordable Housing Ordinance in that the City Council has the final authority to approve affordable housing plan for projects.

Plaza 2555 P-D #1-17 Zoning Conditions of Approval

I. GENERAL CONDITIONS, FEES, AND TIME LIMITS

1. **Approval.** This approval allows:
 - A. An intent to amend the General Plan land use designation of the subject site (map attached) from General Commercial to Residential High Density;
 - B. An amendment to create a new SDSF land use designation of Residential High Density and change the South Davis Specific Plan land use designation of the subject site from Commercial Recreation to the new land use designation category of Residential High Density; and SDSF text amendments relative to density and parking.
 - C. A new Planned Development (P-D) Ordinance that rezones the subject site from Planned Development (P-D) #7-95 (modified commercial highway) to Planned Development #1-17 (multifamily, apartments). The apartment complex will have up to 200 apartment units of varying sizes, with no more than 646 bedrooms, and other improvements as described in the approval materials and Development Agreement.
 - D. An affordable housing plan as described in the Development Agreement.
2. **Development Agreement.** This project is subject to that certain Development Agreement between the City of Davis and Blue Bus, Limited Partnership, as approved by the City Council.
3. **Permit Expiration.** The Plaza 2555 project approval shall become null and void upon expiration of the Development Agreement if substantial construction in good faith reliance on the approval has not commenced.
4. **Applicant's Responsibility to Inform.** The applicant shall be responsible for informing all subcontractors, consultants engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Davis Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
5. **Indemnification.** The applicant shall defend, indemnify, and hold harmless the City of Davis, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Davis concerning this approval, including but not limited to any approval of condition of approval of the Planning Commission or City Council. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees and agents in the defense of the matter.
6. **Conflicts.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail. In the event of a conflict between the provisions of these conditions of approval and the Development Agreement, the terms of the Development Agreement shall prevail.

7. **Standard Conditions of Approval.** In the event that the City Community Development Director, Public Works Director, or City Engineer, in consultation with the City Attorney if appropriate, determines that a condition of approval should not be applicable to this project due to a change in law or specific circumstances applicable to the project, the City may waive the condition, provided that such waiver shall be in writing provided by the applicable City representative as listed above, and shall state the specific reasons why the condition is waived.
8. **Duplicates.** In the event of duplicate conditions of approval where there are no conflicting issues, then one of duplicate conditions of approval may be deleted. However, in the event that the duplicate conditions of approval provisions differ, then, the more restrictive conditions of approval shall prevail.
9. **Run With The Land.** The terms and conditions of this approval shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assignees of the property owner.
10. **Other Applicable Requirements.** The project approval is subject to all applicable requirements of the Federal, State, City of Davis and any other affected governmental agencies. Unless otherwise provided in the Development Agreement, approval of this request shall not waive compliance with all sections of the Municipal Code, all other applicable Federal, State and City Ordinances, and applicable Community or Specific Plans or Design Guidelines in effect at the time of building permit application. The duty of inquiry as to such requirements shall be upon the applicant.
11. **Fees.** The developer/applicant shall obtain all appropriate permits, if any, and pay all required fees, including fees specified in the conditions of approval, Development Agreement, and other applicable fees not addressed in the Development Agreement or conditions of approval at their payment due times.
12. **Development Impact Fees.** The developer/applicant shall pay required impact fees as described in the Development Agreement.
13. **Transportation Improvements.** The applicant shall contribute the project's fair share costs of transportation improvements to the Cowell Boulevard and Research Park Drive intersection for the Plaza 2555 project, as determined in the project's Traffic Operational Analysis, and an addendum which may be submitted by the applicant recalculating project fair share based on the final site plan and final planned development.
14. **YHC Evaluation.** The applicant shall comply with applicable requirements of the Yolo HCP/NCCP, if any, prior to any land disturbance activities.
15. **General Plan Policy HAZ 4.1.** The applicant shall provide a hazardous materials management plan, prior to the start of construction for construction activities that involve hazardous materials.

16. **SACOG Mitigation Measure AIR-1.** The applicant shall provide to the Community Development and Sustainability Director or his designee, prior to submission of the first building permit application, documentation of inclusion of measures that would help mitigate to less than significant levels any potential air quality impacts as discussed in the air quality analysis report to include:

- CARB’s Technical Advisory that identifies the use of particle filtration systems and devices, and specifically high-efficiency filtration with mechanical ventilation or portable high efficiency air cleaners to be used in the Plaza 2555 project. This will reflect CARB’s statement that these measures can be highly effective for reducing indoor pollution concentrations and can remove between 50 to 99 percent of particles in the air.
- Consistent with the report that roadside vegetation has been shown to reduce exposure to air pollution through the interception of airborne particles and/or through the uptake of gaseous air pollutants by leaf stomata as well as improvements to air pollutant dispersion, the applicant/developer shall provide documentation and plans to show the following to be included in the project, as applicable:
 - Vegetation type, height, and thickness that can influence the extent of mixing and pollutant deposition experienced at the site. The species should have the following characteristics:
 - Minimal seasonal effects (no deciduous plants);
 - Low allergen, low BVOC-producing, non-poisonous;
 - Urban hardy;
 - Low maintenance;
 - Drought tolerant;
 - Preferably native; and
 - Non-invasive.
 - The chosen vegetation barriers should have the following physical characteristics among other things:
 - Height (preferably 5 meters or higher);
 - Thickness (preferably 10 meters or greater, for vegetative barriers);
 - Allowance for some air flow-through (porosity of 0.5 to 0.9, for vegetative barriers);
 - No gaps in vegetation; and
- Vegetation extending from the ground to the top of the canopy.

17. **Signage.** Project signage shall be reviewed under a separate application. All signage shall comply with the requirements of Zoning Ordinance Section 40.26.020 for signs and shall require review and approval by the Department of Community Development and Sustainability Department. Signage consistent with an approved sign program or the citywide sign design guidelines may be processed as a Minor Improvement.

18. **Fire Safety Requirements.** Plans shall be submitted to the Fire Department for review and approval prior to issuance of building permits. All new development shall comply with the

fire safety requirements of the California Fire Code and California Building Code as adopted by the City of Davis.

19. **Police Safety Requirements.** Plans shall be submitted to the Police Department for review and approval prior to issuance of building permits. All new development shall comply with the City Building and Security Ordinance and other safety recommendations and requirements regarding building security, prior to issuance of building permits.
20. **Sustainability Plan.** The project shall comply with all commitments of the Sustainability Plan, including as set forth in the Development Agreement.
21. **Sustainable Communities Consistency/LEED Gold Equivalency.** The applicant/developer has proposed to comply with LEED GOLD certification, including being built at no less than 15 percent more energy efficient than required by Chapter 6 of Title 24, and that the buildings and landscaping will be designed to use 25 percent less water than average household use in the region. Therefore, the Plaza 2555 project shall provide staff a professionally prepared analysis showing how the project shall exceed Title 24 by 15 percent, and how water usage will be 25 percent less than average household use in the region, prior to Building Permit application submittal for the project, but no later than at time of Building Permit application submittal.
22. **Contingencies.** This project is contingent upon the adoption of General Plan Amendment Resolution, which permits the land use change.
23. **Compliance with Conditions of Approval.** Prior to issuance of Certificate of Occupancy, conditions of approval and required improvements deemed necessary for a Certificate of Occupancy shall be completed or secured by the applicant to the satisfaction of the Community Development & Sustainability Department.

II. ZONING STANDARDS

24. **Development Standards.** The project's development standards shall comply with those established for draft P-D Ordinance, and as amended in the future.
25. **Parking Spaces Required.** Parking areas, driveways, and number of parking spaces shall meet minimum parking requirements established in Section 40.25 of the Zoning Code unless otherwise specified in the Final Planned Development. Details of parking space location and configuration, consistent with these requirements, shall be submitted with the Final Planned Development and Design Review application. The Community Development & Sustainability Department may approve minor changes in parking space location and configuration through the minor improvement process.
26. **Bike Parking Required.** The applicant/developer shall submit plans at the time of final planned development and design review applications that show compliance with Section 40.25A of the zoning ordinance.

Prior to the issuance of permits, pedestrian and bike circulation shall be provided for, to and from and within the project itself to the satisfaction of the applicable City Departments. Primary and secondary walkways shall be designed indicating a relationship to street access, bus stops, parking areas, employee activity areas, and adjacent structures and abutting properties. Pedestrian walkways and bikeways shall be landscaped to provide shade in the summer. Each building shall provide for a direct sidewalk as a means of ingress and egress from the public sidewalk to the entryway of the building.

27. **Outdoor Amenities.** The use of the various outdoor amenities shall comply with the City's Noise Regulations, Municipal Code Chapter 24.
28. **Security Plan.** Prior to final or occupancy of the project, the applicant shall submit a final security plan for review by the Police Department and Community Development and Sustainability Department.
29. **Property Maintenance.** Property owner(s) is/are responsible for maintaining all building, bike facility, yards, structures, parking areas and other improvements in such a manner, which does not detract from the appearance of the surrounding area. Driveways and parking areas shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving and any other significant damage repaired in a timely fashion throughout the life of the project.
30. **Landscape Maintenance.** The property owner shall be responsible for the installation and maintenance of all landscaping, including street trees, from the back of the curb to their project. All utility lines (water lines), if currently operated by the City, shall be disconnected and patched into the developments irrigation system.
31. **Trash Maintenance.** The entire site shall be kept free of trash or debris at all times.

III. DEMOLITION, GRADING, SITE DEVELOPMENT, AND SITE PLAN

Prior to Demolition, Grading, or Site Disturbance

32. **Construction Waste Recycling.** Project shall comply with the City's Construction and Demolition Ordinance for diversion of construction and demolition waste from the landfill, through recycling, reuse and or waste reduction. Compliance shall be demonstrated as set forth in section 32.04.080 of the Davis Municipal Code. Prior to issuance of building permit, the applicant shall submit to the City for review and approval a Construction Waste Recycling Program for the project including provisions for participation in the County Wood Waste Reduction program or equivalent. The recycling program should include the recycling and re-use of all construction materials and garbage generated by the construction work, such as shipping boxes and packing materials, beverage containers, metal scraps, etc.
33. **Construction Management Plan.** Prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and "good neighbor"

information for review and approval by the Community Development and Public Works Departments. The plan shall include, but is not limited to, public notice requirements for periods of significant impacts (noise/vibration/street or parking lot closures, etc.), special street posting, construction vehicle parking plan, phone listing for community concerns, names of persons who can be contacted to correct problems, hours of construction activity, noise limits, dust control measures, and security fencing and temporary walkways. Work and/or storage of material or equipment within a City right-of-way shall be reviewed on a case-by-case basis and is subject to review and approval of the City Engineer. Such use of the right-of-way may require a separate Encroachment Permit.

34. **Recology.** Documentation of approval from Recology for the quantity, location and size of proposed project trash and recycling enclosures shall be submitted with the Design Review and Final Planned Development applications submission.
35. **Traffic & Circulation.** The applicant/developer is responsible for the construction of roadway improvements, and shall provide roadway improvement plans that reflect the following:

Traffic & Circulation. The applicant/developer shall provide roadway improvement plans that reflect the following:

Cowell & Research Park Drive Intersection.

- i. Intersection pedestrian traffic control (specific application to be determined) with ladder style cross walks).
- ii. Curb extensions at northwest and southwest corners.
- iii. A pedestrian actuated rectangular rapid flashing beacon (RRFB) with ladder style crosswalk markings and pedestrian crossing signs shall be installed across the south side of the Cowell Boulevard/Research Park Drive-Green Terrace Intersection.

Cowell Blvd Frontage.

- i. Improvements pursuant to cross section presented at December 2017 BTSSC meeting. Improvements boundary:
 - ✓ From project property to Cowell Blvd centerline. This includes curb extensions at the northwest and southwest quadrants of the Cowell Blvd. and Research Park Drive intersection and at the crossing at the Playfields Park entrance (mid-block).
 - ✓ From convergence of property boundary and street at project's NE corner to corner of Cowell & Research Park Drive. This includes a protected bike lane as discussed with the Bicycling, Transportation, Street Safety Commission (BTSSC). This consists of parking, a 3' wide 6" raised concrete barrier, then a 7' wide bike lane adjacent to the landscape strip.

Research Park Drive.

- i. Mid-block enhanced crossing from project site to Playfields Park sidewalk between the sidewalk and soccer field. Ladder-style crosswalk, pedestrian refuge, curb extensions and traffic safety device such as RRFB or similar.
- ii. A bus shelter to be installed at the southbound “M” Line Research Park Drive bus stop (west side of Research Park Drive). A second stop and shelter shall be installed southbound Cowell Blvd. at Research Park Drive (northeast quadrant) to accommodate the southbound “W” Line.

36. Asbestos Dust Management Plan. The applicant shall implement asbestos dust control measures consisting of managed and documented moisturizing of soil in accordance with an Asbestos Dust Management Plan (ADMP) prior to and during soil-disturbing construction activities. An ADMP shall be prepared and implemented for construction excavation activities. Asbestos dust control measures shall be implemented in accordance with:

- CCR § 93105 – Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ATCM 93105);
- CCR § 93106 – Asbestos Airborne Toxic Control Measure for Surfacing Applications (ATCM 93106); and
- Yolo – Solano Air Quality Management District (AQMD) rules and guidelines.

37. Noise Control Measures. Noise Control Measure 1: The following interior noise reduction measures shall be included for all first-row, north facing units, unless an update noise study provides a different mitigation measure. See Figure 5 of the noise study for the specific buildings needing these upgrades:

- Interior Noise Control Measures:
 - Glazing shall have a sound transmission class (STC) rating of 36.
 - Exterior finish shall be three-coat stucco or system with equivalent weight per square foot;
 - Interior gypsum at exterior walls shall be 5/8” Type X on resilient channel or 5/8” Type X on staggered stud wall assembly;
 - Ceiling gypsum shall be 5/8” type X or Type C;
 - Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation. PTAC’s shall not be used for any unit requiring these acoustical upgrades.
- As an alternative to the above-listed interior noise control measures, the applicant may provide a detailed analysis of interior noise control measures once building plans become available. The analysis shall be prepared by a qualified noise control engineer and shall outline the specific measures required to meet the City’s 45 dB Ldn, interior noise level standards.

I. GENERAL CONDITIONS

38. Encroachment Permit. All work within the public right-of-way (ROW), utilities and grading, shall be explicitly noted with the building plans. The applicant shall obtain all necessary encroachment permits from the City of Davis Public Works Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to, balconies, fire ladders, outdoor restaurant

seating, bike racks, water meters, backflow devices, signs and curb/gutter/sidewalk improvements. (DR/FPD/CUP)

- 39. **FIRE DEPARTMENT REQUIREMENTS.** Prior to the issuance of permits, the Applicant shall obtain approval from the fire department that:
 - a. All necessary public services, including water service and fire hydrants, meet fire department standards;
 - b. Vehicle access is sufficient to accommodate fire department equipment
 - c. Fire sprinklers are provided in any building over 5,000 square feet.
 - d. All emergency vehicle access roads are approved by the Fire Marshall, City Engineer, and are in compliance with section 503 of the 2016 California Fire Code.

- 40. **NOISE ANALYSIS** Applicant shall implement recommended improvements contained in a noise analysis conducted as part of the project review, subject to the review and approval of the City Engineer.

- 41. **ADDITIONAL REQUIREMENTS.** The improvement plans are currently deemed incomplete by Public Works. The applicant shall be responsible for complying with additional conditions of approval as deemed appropriate by the City Engineer, and fire department prior to the issuance of any permit.

II. PRIOR TO ISSUANCE OF BUILDING PERMIT

Pavement

42. **PAVEMENT DESIGN.** The following information is included for reference, even if this project is only creating private streets. At submittal of improvement plans, provide details of pavement treatment including type, thickness, and other design details subject to review and approval of the City Engineer. All street sections shall be designed based on the subgrade "R" value and the Traffic Index (TI). The TI for streets shall be as follows:

<u>Street Classification</u>	<u>TI</u>
Major Arterials	10.0
Minor Arterials	8.0
Collectors	7.5
Modified Locals	6.5
Local	5.5
Cul-de-sac	5.0
Private	5.0

Pavement design shall be consistent with the recommendations stated in the soils report.

43. **SOILS.** Prior to the issuance of permits, the applicant shall have a soils investigation report prepared and the applicant shall comply with all recommendations contained within the report.

44. Prior to completion of streets, building permits may be issued, provided fire vehicles access is maintained to all hydrants and from hydrants to all structures prior to commencing wood construction.
- a. Details of Fire Department access to hydrants and structures shall be approved by the Fire Department.
 - b. Where structures are built or under construction, all adjacent streets shall be paved or graveled.
45. **ROADWAY IMPROVEMENTS REQUIRED.** Applicant shall construct roadway improvements on Research Park Drive, and Cowell Boulevard including but not limited to sidewalk, curb, and gutter improvements, and grind, overlay, and stripe existing roadway subject to the review and approval of the City Engineer.

Stormwater

46. **COMPLIANCE WITH THE STORMWATER MANAGEMENT AND DISCHARGE CONTROL ORDINANCE.** The proposed development and project applicant shall comply with the City's Stormwater Management and Discharge Control Ordinance (Chapter 30 of Municipal Code). If at the time of submittal of a building permit application, the project is found not to be in compliance with Section E.12. of the Phase II Small MS4 General Permit, then the project developer may be required to redesign the site to accommodate appropriate Site Design and Treatment Control Measures, and Bioretention and Hydromodification facilities. The applicant shall assume all responsibility for any additional discretionary review applications required.
47. **DRAINAGE PLAN REQUIRED.** An on-site drainage plan to serve the site shall be submitted for review and approval of the City Engineer concurrent with the site improvement plans. On-site drainage improvements shall be designed to collect and convey the 10% storm flows. Final calculations for the 10% and 1% storm events shall be provided.
48. **EROSION CONTROL PLAN REQUIRED.** . An Erosion Control plan shall be prepared by a registered Civil Engineer, for review and approval by the City Engineer prior to commencement of construction of improvements. This plan shall incorporate the following requirements:
- a. This plan will include erosion control measures to be applied during the rainy season (the months of October through April, inclusive). These measures may include limitations on earth moving activities in sensitive areas during this time period.
 - b. This plan will include methods of revegetating denuded earth slopes. Revegetation will be accomplished by a method which reseeds and temporarily protects the ground so that 90% germination is achieved. Future building pads are not subject to this requirement, although measures will be required to contain sediments.
 - c. The Applicant shall implement wind erosion and dust control measures to be applied on a year-round basis. This shall include an effective watering program to be implemented during earth moving activities. Erosion control measures may include limitations on earth moving activities in sensitive areas during the rainy season and wind events exceeding 15 mph.

- d. All sediments generated by construction activities shall be contained by the use of sediment traps, such as silt fences, settling basins, perimeter ditches, etc.
 - e. When building construction will be delayed beyond the next rainy season, the Applicant shall provide erosion control measures on each individual lot.
49. **STORMWATER MAINTENANCE AGREEMENT.** A stormwater maintenance agreement shall be submitted subject to the review and approval of the Public Works Director prior to the issuance of the building permits. A copy of the fully executed and recorded SW maintenance agreement shall be provided to the Public Works Director prior to occupancy.
50. **STORMWATER POLLUTION PREVENTION PLAN (SWPPP)** The developer shall submit a full SWPPP, subject to the review and approval of the Public Works Director prior to the issuance of building permits. The SWPPP shall be developed by a State of California certified QSD. The SWPPP shall be submitted along with a completed NOI and WDID number.
51. **STORMWATER QUALITY PLAN.** A complete stormwater quality plan shall be submitted with the building permit to include all of the following:
- a. The total amount of existing vs. proposed impervious surfaces for the project.
 - b. All site design measures identified on the plan consistent with Section E.12.b. of the Phase II Small MS4 General Permit.
 - c. All of the drainage sheds delineated with each corresponding treatment control measure clearly identified on the plan.
 - d. Direction of flow for all drainage. All drainage on site should be directed to treatment control measures and bioretention areas.
 - e. All final calculations for each drainage shed to show sizing for treatment control measures, bioretention areas for the 85th percentile 24 hour storm event for Davis. The calculations should show weighted imperviousness of each drainage shed, the flow or volume dependent upon the treatment control measure selected, the sizing required of the treatment control measure to treat the amount of flow or volume generated and the methodology chosen to determine calculations.
 - f. Final detailed cross-sections for engineered substrate of the proposed bio-retention areas and pervious paving.
 - g. Final detailed cross-sections for treatment control measures.
52. **SUPPORTING PLANTINGS.** All supporting plantings and supporting supplementary irrigation for all bioretention areas and treatment control measures shall be included in a landscape plan set subject to review and approval of the Public Works Director prior to the issuance of building permits. No plant species identified on the California Invasive Plant Inventory Database shall be permitted on site.
53. **FEMA FLOOD ZONE.** Per the City of Davis Flood Zone Ordinance (Article IIA of Chapter 6, Buildings, Davis Municipal Code), the property owner/developer shall demonstrate, by the completion of an elevation certificate by a registered engineer, that the proposed construction shall be above the base flood elevation as designated by FEMA, or alternatively provide documentation to the City and FEMA leading to a letter of map revision.

Utilities

54. **SIZE AND LOCATIONS** All sizes, locations and grades of the utilities, including private common utilities to serve this project shall be subject to the review and approval of the City Engineer. Applicant shall submit improvement plans for the public improvements subject to review and approval of the City Engineer.
55. **DRY UTILITIES.** Prior to approval of the improvement plans, Applicant shall submit locations of joint trench and other dry utilities. Details shall include but not be limited to the following: HVAC, gas meters, and electrical boxes for each unit and service points, conduit wire sizes, and poles numbers for street lights.
56. **BACKFLOW PREVENTION EQUIPMENT.** Backflow prevention devices may be required for units within this project. Prior to issuance of building permits for any structure within the project, plumbing plans shall be submitted subject to the review and approval of the City Engineer.
57. **STREET LIGHTING.** Final street lighting design, including location and number of fixtures, are subject to the review and approval of the City Engineer.
58. **SEWER CAPACITY STUDY** Applicant shall implement recommended improvements contained in a sewer capacity study conducted as part of the project review, subject to the review and approval of the City Engineer.

Right-of-Way, and Easements

59. **EASEMENTS.** Utilities located within common access areas shall be privately owned and maintained. Provisions shall be made for easements for common access, drainage, utilities and provisions for maintenance and repair of any shared utilities, driveways, or walkways. These provisions shall be subject to the review and approval of the Public Works Director and/or the City Attorney prior to approval of the improvement plans. Reservation of the easements for reciprocal access, drainage, utilities and maintenance for shared facilities for this site shall be shown on the Improvement Plans.
60. **RIGHT OF WAY ACQUISITION.** Applicant shall acquire excess right of way at the North East corner of the development subject to the review and approval of the City Engineer and City Attorney prior to the issuance of any building permit.

III. PRIOR TO CONSTRUCTION

61. **PRECONSTRUCTION MEETING.** Prior to the start of any work on-site, Applicant shall request and attend a preconstruction meeting to include project superintendent, architect, subcontractors, as well as City representatives including Community Development and Public Works.
62. **BIOLOGICAL SURVEY.** Prior to commencement of construction of public improvements on the site, a biological clearance survey application shall be submitted by the Applicant for review by the City. The study shall be consistent with City ordinances and applicable requirements of the HCP/NCCP, and shall address whether there are endangered and/or protected species on the site. The applicant shall implement all mitigation measures that are

identified as required as a result of the survey. The survey shall be conducted not less than thirty days prior to any grading activity. A discing permit may be required.

63. **GRADING PERMIT REQUIRED.** The applicant shall obtain a grading permit, which has a 30 day expiration date, from the Department of Public Works before any grading or disking is commenced on the site. A separate grading permit shall be required for any off-site borrow disposal, or staging site, if within the City limits.

64. **CONSTRUCTION MANAGEMENT PLAN.** Prior to issuance of any permit or inception of any construction activity on the site, the Applicant shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Public Works Departments. The plan shall include, but is not limited to: public notice requirements for periods of significant impacts (noise/vibration, etc.), special street posting, construction vehicle parking plan, phone listing for community concerns, names of persons who can be contacted to correct problems, hours of construction activity, noise limits, dust control measures, and security fencing and temporary walkways. Work and/or storage of material or equipment within a City right-of-way may require the separate receipt of an Encroachment Permit.

IV. DURING CONSTRUCTION

65. **CONSTRUCTION TIMES AND NOISE IMPACTS/MITIGATION MEASURES.** Applicant shall be responsible for informing all subcontractors and construction crews about construction start and finish times including appropriate ambient noise impacts consistent with city code and of all applicable mitigation measures.

66. **EXCAVATION.** If subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.

67. **DISCOVERY OF HUMAN REMAINS.** In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area suspected to overlie adjacent remains until the Yolo County Coroner has determined that the remains are not subject to any provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the Yolo County Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native

American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC). After notification, the NAHC will follow the procedures outlined in Public Resources Code Section 5097.98, that include notification of most likely descendants (MLDs), and recommendations for treatment of the remains. The MLDs will have 24 hours after notification by the NAHC to make their recommendations (PRC Section 5097.98).

68. NOISE REDUCTION PRACTICES. Applicant shall employ noise-reducing construction practices. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise.

- a. All equipment shall have sound-control devices no less effective than those provided on the original equipment. No equipment shall have an un-muffled exhaust.
- b. As directed by the City, the Applicant shall implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.

69. TRASH MAINTENANCE. The entire site shall be kept free of trash or debris at all times.

70. AIR QUALITY DURING CONSTRUCTION. The following actions shall be taken during construction to minimize temporary air quality impacts (dust):

- a. An effective dust control program should be implemented whenever earth-moving activities occur on the project site. In addition, all dirt loads exiting a construction site within the project area should be well watered and/or covered after loading.
- b. 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 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.
- c. Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).
- d. Outdoor storage of fine particulate matter on construction sites shall be prohibited.
- e. Contractors shall cover any stockpiles of soil, sand and similar materials.
- f. Construction-related trucks shall be covered and installed with liners and on the project site shall be swept at the end of the day.
- g. Revegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
- h. Vehicle speeds shall not exceed 15 miles per hour on unpaved surfaces.

71. OZONE PRECURSORS DURING CONSTRUCTION. In order to minimize the release of ozone precursors associated with construction, the following standard requirements developed by the Yolo/Solano APCD shall be implemented:

- a. Construction equipment and engines shall be properly maintained.
- b. Vehicle idling shall be kept below ten minutes.

- c. Construction activities shall utilize new technologies to control ozone precursor emissions, as they become available and feasible.
- d. During smog season (May through October), the construction period shall be lengthened so as to minimize the number of vehicles and equipment operating at the same time.

IV. PRIOR TO CERTIFICATE OF OCCUPANCY

- 72. **PAVEMENT REPLACEMENT.** Applicant shall repave and re-stripe Research Park Drive, and Cowell Boulevard from property line to property line, including the intersection of Cowell Boulevard and Research Park Drive, subject to the review and approval of the City Engineer.
- 73. **RECORD DRAWINGS** The Applicant's engineer shall prepare Record Drawings that accurately indicate the completed grades, locations of utilities, after completion of construction. Reproducible Mylar copies, Adobe PDFs, and AutoCAD files of the Record Drawings shall be provided to the City.
- 74. **COMPLIANCE WITH CONDITIONS.** Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City of Davis Community Development Department. The site and buildings shall be inspected for compliance prior to the issuance of a certificate of occupancy.

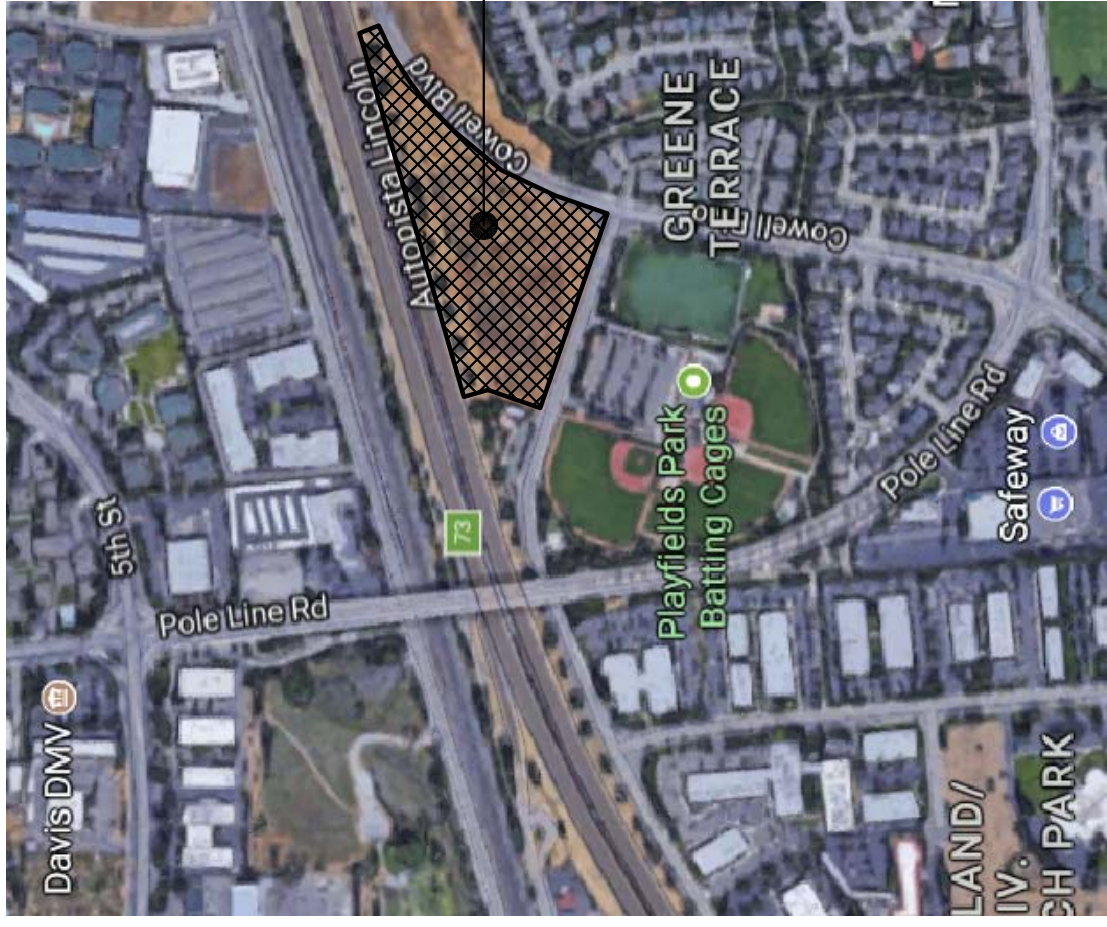
Fees

- 75. **WATER AND SEWER CONNECTION FEES.** Water Connection and Sewer Connection fees for the development shall be paid in the manner set forth in Exhibit C to the Development Agreement.
- 76. **PARKLAND DEDICATION FEES.** If applicable, prior to approval of the improvement plans, the Applicant shall pay the parkland in-lieu fee. Fee shall be at the rate in effect at the time of payment as established and amended in Section 36.08.040(d) of the City of Davis Municipal Code.
- 77. **STREET TREE FEES.** Applicant shall pay a street tree fee and/or provide street tree planting in accordance with section 37.01.050 of the City Code.
- 78. **SCHOOL IMPACT FEES.** Applicant shall cooperate with the School District to the extent authorized by State law in establishing school funding mechanisms for new subdivisions and in-fill development to ensure that the impacts of such development on school facilities are fully mitigated.

V. ONGOING

- 79. **BACKFLOW EQUIPMENT.** Backflow prevent valve wheels and stems shall be maintained in a manner, which enables inspection in order to determine whether or not the valve is open.
- 80. **UNDEVELOPED SITE MAINTENANCE.** Applicant shall be responsible for the ongoing maintenance and upkeep of undeveloped portions of the project site in accordance with the City of Davis Municipal Code. The applicant shall consult with Public Works for use of Best Management Practices to manage erosion control on the site.

81. **LANDSCAPING/IRRIGATION.** Landscaping and irrigation systems required to be installed within the public right-of-way shall be the responsibility of the developer, which shall begin upon completion of the landscaping and prior to issuance of certificate of occupancy, and shall be continuously maintained by the developer/owner in a healthy and weed-free condition. (DR/FPD/PPD)
82. **LANDSCAPING.** The property owner shall be responsible for maintaining the street landscaping along the north side of Research Park Drive and Cowell Blvd adjacent to the project site, including that within the public right of way. (DR/FPD)
83. **LANDSCAPING WITHIN THE PUBLIC RIGHT OF WAY.** All landscaping within the public right of way shall be maintained by the property owner and all utility lines (water lines) which are currently operated by the City shall be disconnected and patched into the developments irrigation system. Except when the property in question has a single family dwelling unit on it. (DR/FPD)
84. **TREE MAINTENANCE.** All trees planted or preserved in accordance with this approval shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Any pruning of the trees, other than light pruning of no more than 25 percent of the foliage within any one growing season, requires review and approval of a Tree Modification Permit prior to the commencement of the work. (DR/FPD)
85. **CONTINUED MAINTENANCE.** The applicant shall maintain all landscaped areas in perpetuity upon completion and they shall be kept free from weeds and debris and maintained in a healthy, growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days. (DR/FPD)

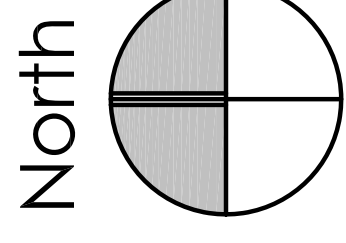


PROJECT LOCATION

VICINITY MAP

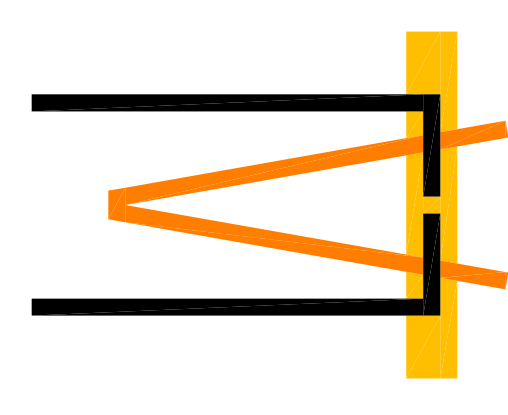
No Scale

Plaza 2555 Proposed Building Square Footage site plan C-5.1			
Residential	units	sq. ft.	extension
Micro apartment (flat)	30	350	10,500
One bedroom (flat)	4	600	2,400
Two bedroom (flat)	11	900	9,900
Three bedroom (th)	29	1,360	39,440
Three bedroom (flat)	60	1,200	72,000
Four bedroom (th)	46	1,720	79,120
Five bedroom (th)	20	2,050	41,000
sub total Residential	200		254,360
Non Residential			2,400
Café and Office			2,240
Co-work and "Class room"			5,400
Leasing and Community			1,250
Pool Building			2,600
Bike Barns	10	260	11,160
Garages			
sub total non residential			25,050
project total building			279,410



Illustrative Site Plan Exhibit 1

Plan C-5.1
Scale 1"=40'-0"
June 26, 2018



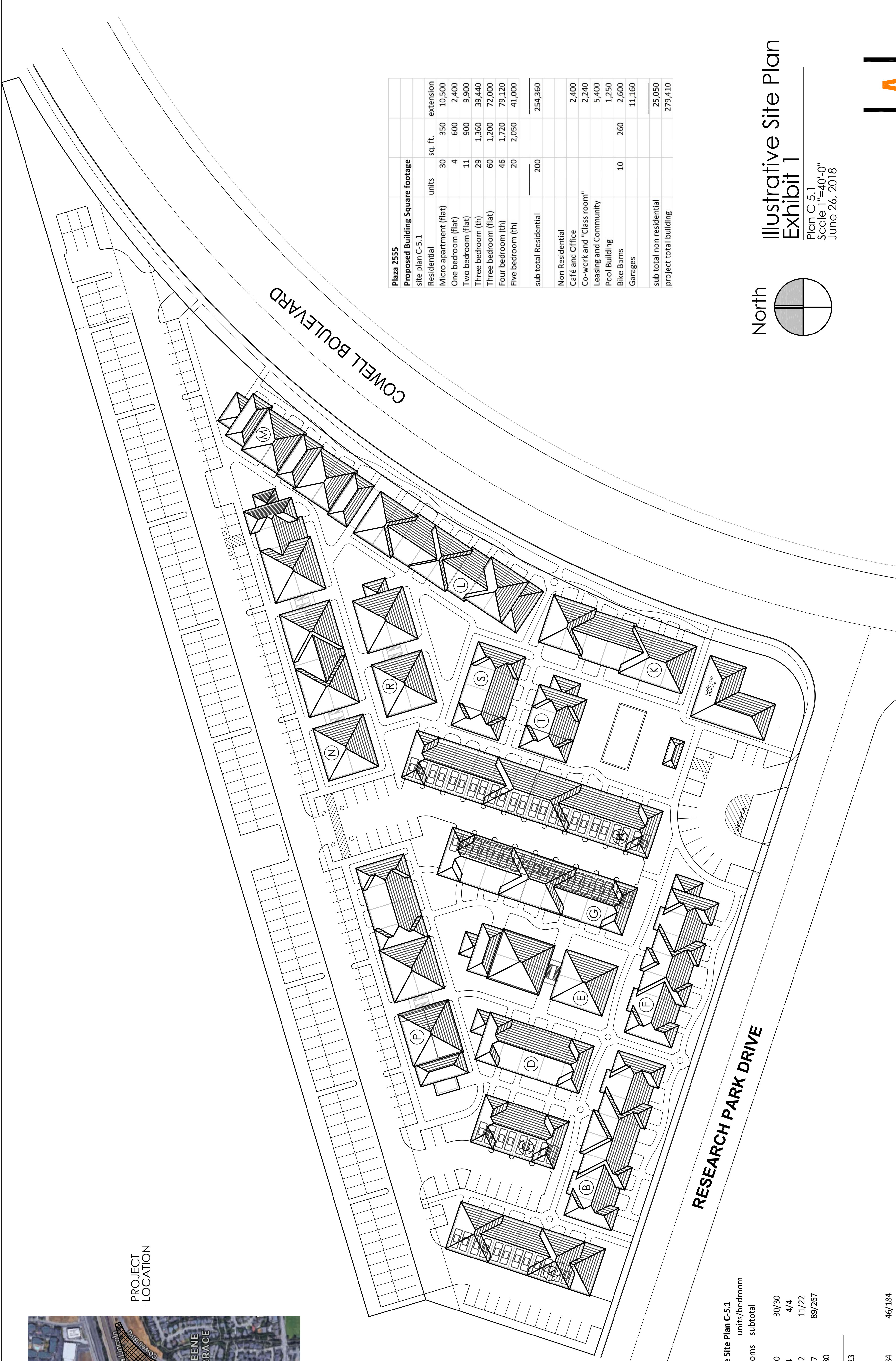
LEE + JAGOE ARCHITECTURE
INCORPORATED

211 WEST FRANKLIN STREET
MONTEREY, CALIFORNIA 93940
(831) 718-8172
MLELLIARCH@GMAIL.COM

PRELIMINARY PLANNED DEVELOPMENT

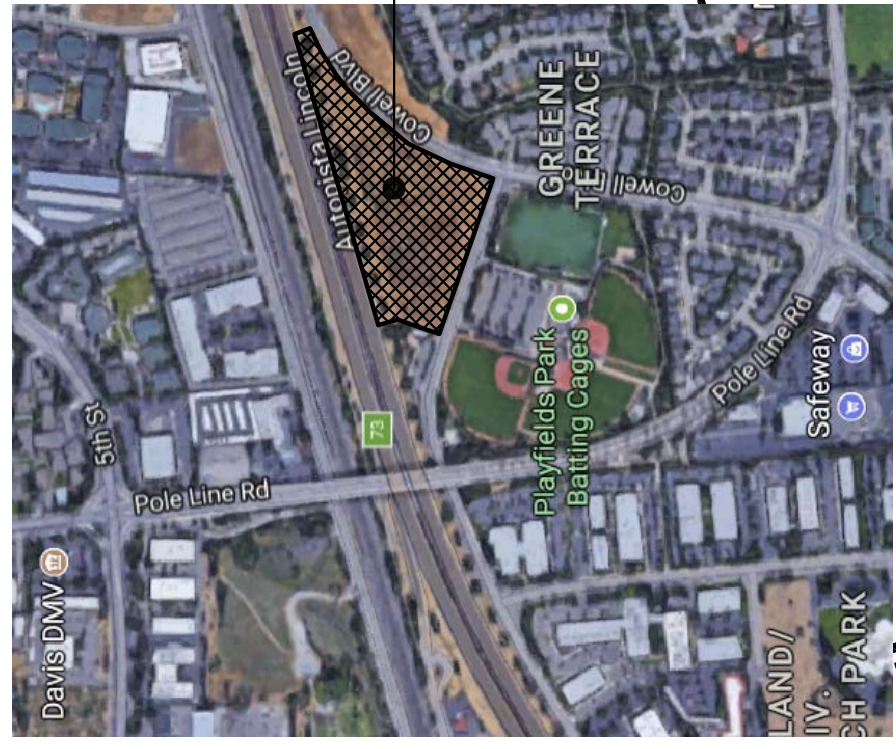
Plaza 2555
Davis, California

Blue Bus, L. P.



Plaza 2555 Proposed Unit Mix	Proposed % of all Units	# of Units	Illustrative Site Plan C-5.1 total units/bedroom	
			bedrooms	subtotal
Smaller Units				
Micro unit (min)	15%	30	30	30/30
One bedroom		4	4	4/4
Two bedroom		11	22	11/22
Three bedroom th		29	87	89/267
three bedroom flat		60	180	
subtotal		134	323	
three bedrooms or less	67%			
Larger Units				
Four bedroom th		46	184	46/184
Five bedroom th (max)	10%	20	100	20/100
subtotal		66	284	
four bedrooms or more	33%			
Total Units		200	607	

2221 W. MARCH LANE, SUITE B200
STOCKTON, CALIFORNIA 95207
(209) 957-9254 FAX (209) 957-9347
DJAGOE@LEEARCH.COM



LOCATION MAP
No Scale

PROJECT LOCATION

200 Foot Boundary Line For Reference

COMWELL BOULEVARD

LOT 46
16 MB 63
69-390-31
2830 Comwell Boulevard

LOT A
16 MB 63

PARCEL 1
3.455± AC. GROSS
2.475± AC. NET

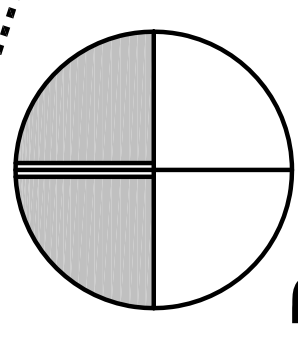
PARCEL 2
6.348± AC. GROSS
5.506± AC. NET

PARCEL 3
0.892± AC.

COMCAST
69-390-33
2501 Research Park Drive

CITY OF DAVIS PARK SITE
INST NO. 95-0005189

North



**Property Lines, APNs,
Existing Structure, 200'
Exhibit 2**
Scale 1'-0"=50'
June 26, 2017

Plaza 2555
Davis, California

Blue Bus, L.P.

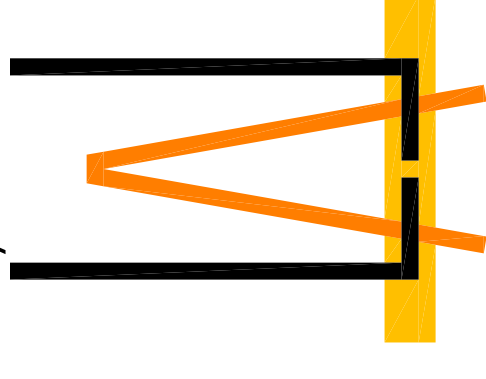
Legend:

- (1)
 - (2)
 - (3)
 - (4)
 - (5)
 - (6)
 - (7)
 - (8)
 - (9)
 - (10)
- Property Dimension Point-Nothing Found or Set
Found City Standard Cased Monument as Shown
Record Per 16 Maps 42
Record Per Document #95-0002635-00
Record Per 13 Surveys 78
Record Per 2444 or 686
Record Per 15 Maps 56
Record Per 9 Parcel Maps 35
Record Per Document #95-00006460-00
Record Per Document #95-0005189-00
Record Per 15 MB 36
Record Per Document #2016-
Property Boundary/Exterior Boundary
Street Centerline/Parcel Line
Parcel Line
Right of Way Line
Existing Easement Line
Abutters Rights Relinquished
Per 605 or 129

Owner Data:

Blue Bus, L.P.
Attn: Richard Harris
635 "G" Street
Davis, California 95616
(530) 758-6700

**PRELIMINARY PLANNED
DEVELOPMENT**



JAGOE ARCHITECTURE
INCORPORATED

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MLELLIARCH@GMAIL.COM

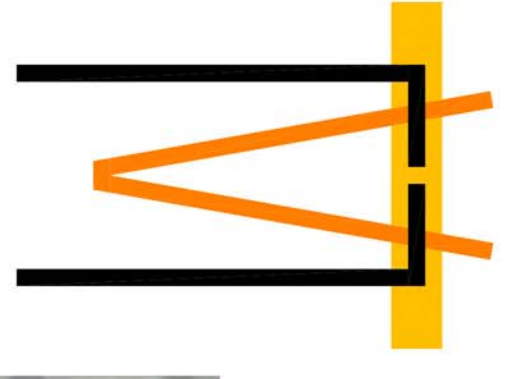
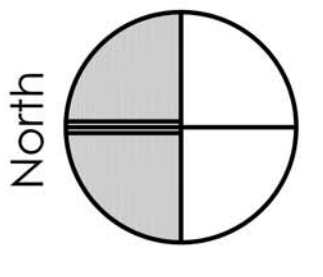
2221 W. MARCH LANE, SUITE B200
STOCKTON, CALIFORNIA 95207
(209) 957-9254 FAX (209) 957-9347
DJAGOEIARCH@GMAIL.COM



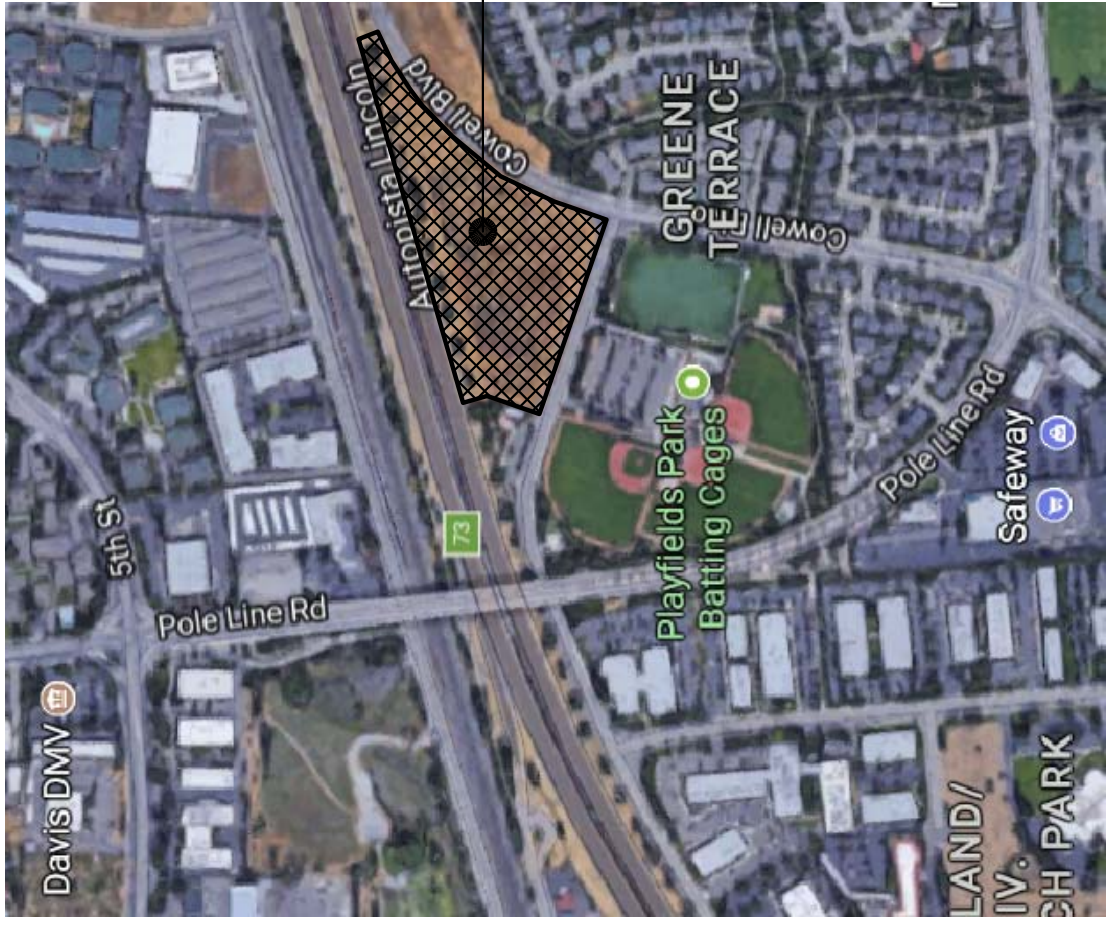
PRELIMINARY PLANNED DEVELOPMENT

Plaza 2555
 Davis, California
 Blue Bus, L. P.

500' Boundary
 Exhibit 3
 Scale 1"=0'=100'
 June 26, 2018



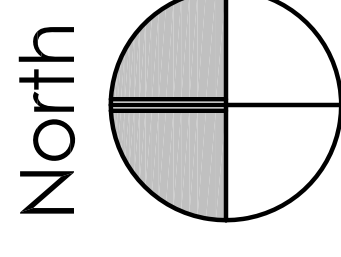
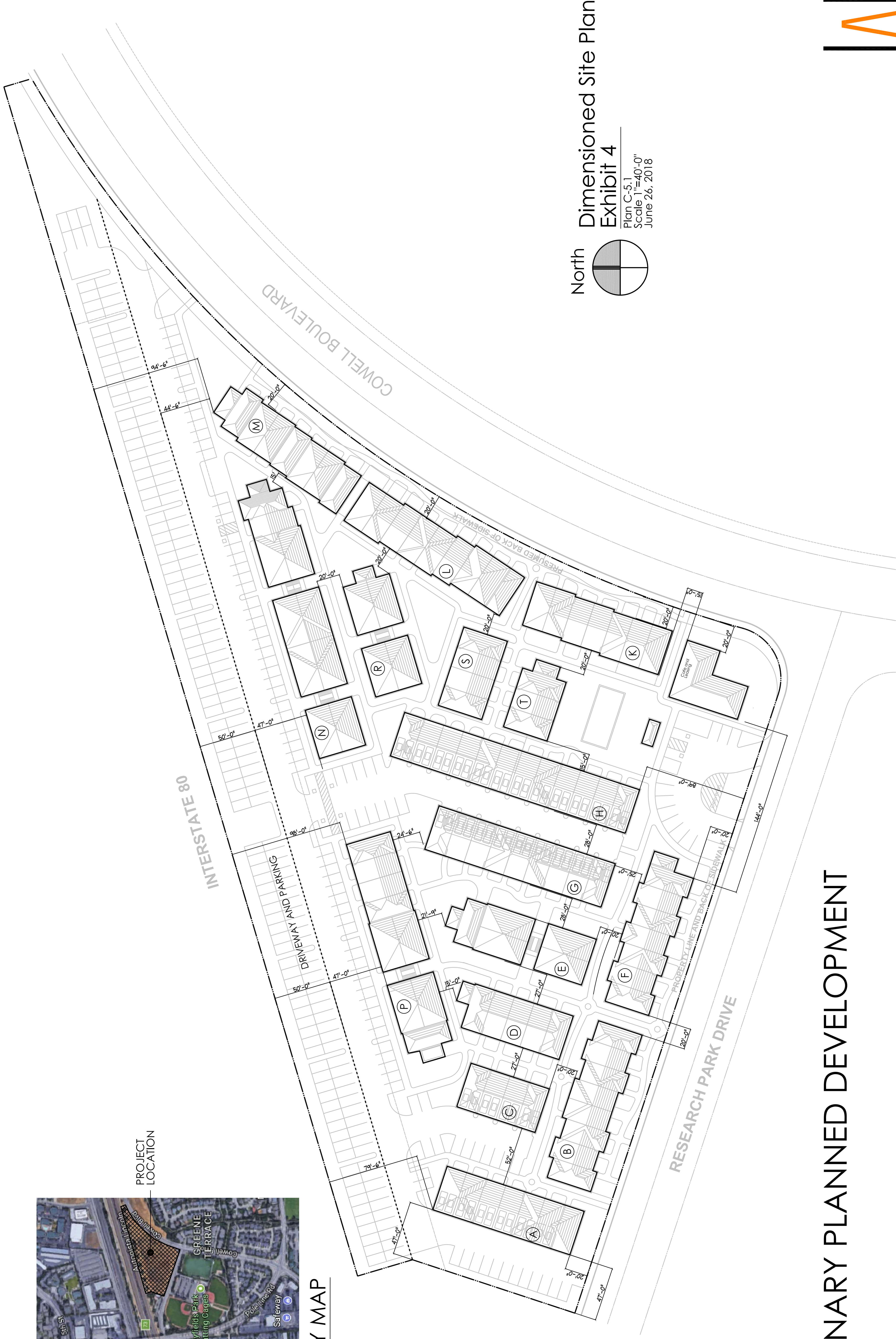
LEE JAGOE ARCHITECTURE
 INCORPORATED



PROJECT LOCATION

VICINITY MAP

No Scale



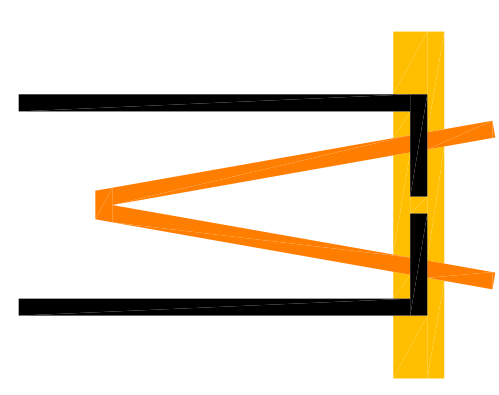
Dimensioned Site Plan
Exhibit 4

Plan C-5.1
Scale 1"=40'-0"
June 26, 2018

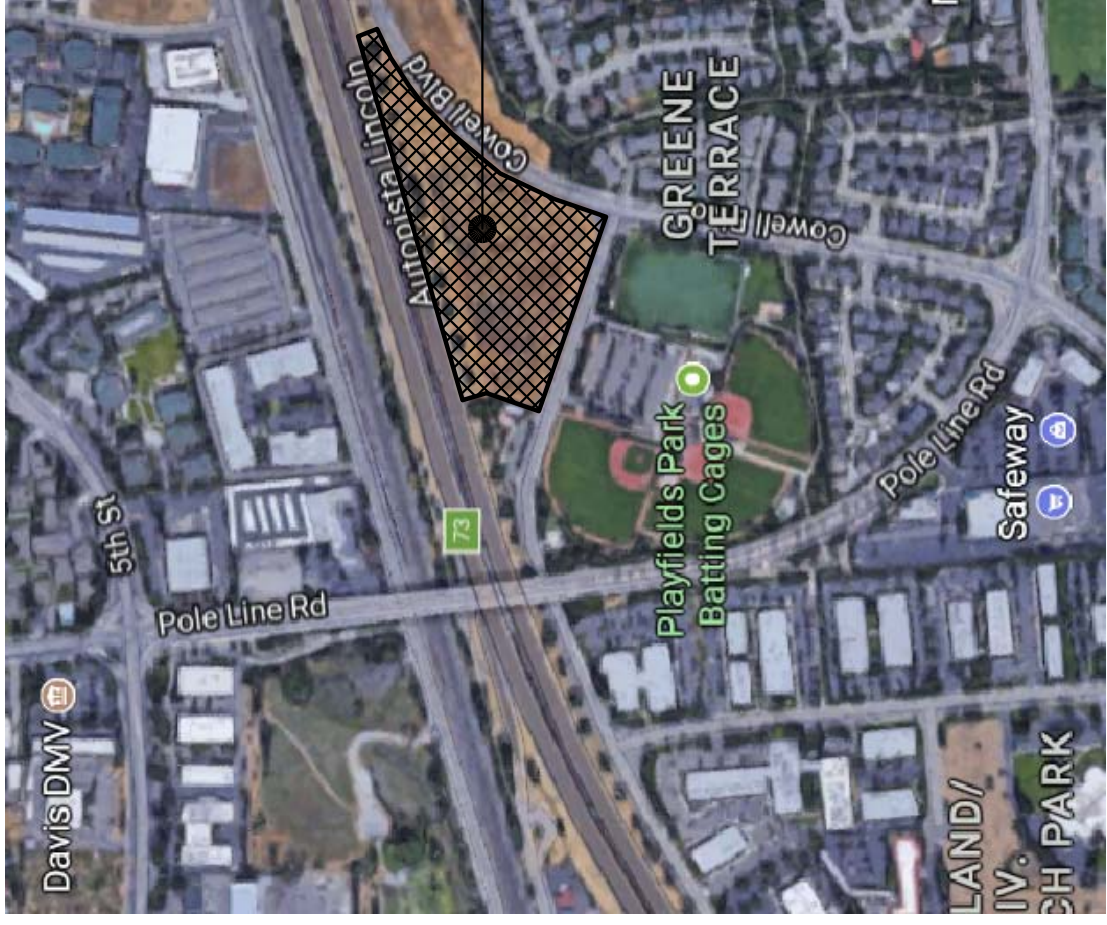
PRELIMINARY PLANNED DEVELOPMENT

Plaza 2555
Davis, California

Blue Bus, L. P.



LEE JAGOE ARCHITECTURE
INCORPORATED

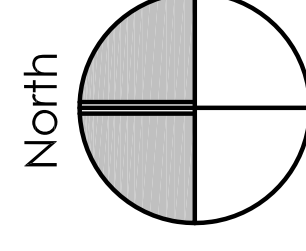


PROJECT LOCATION

VICINITY MAP

No Scale

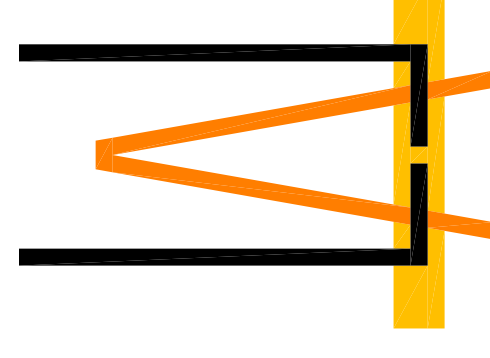
- Blue Bus - W Line
- Blue Bus - M Line
- Bicycle Lane
- Bicycle Access to Site/Bike Lanes and Trails
- Internal Pedestrian/Bike Circulation
- Automobile Access to Site
- Automobile Circulation
- Parking Areas



TRANSIT PLAZA

ACCESS AND CIRCULATION
EXHIBIT 5

Plan C-5.1
Scale 1'-0"=40'
June 26, 2018



LEE + JAGOE ARCHITECTURE
INCORPORATED

PRELIMINARY PLANNED DEVELOPMENT
Plaza 2555
Davis, California

Blue Bus, L. P.

Dropoff/
Delivery/
Car Share/
Car Hail/
Electric
12 Spaces

Right in
Only

RESEARCH PARK DRIVE

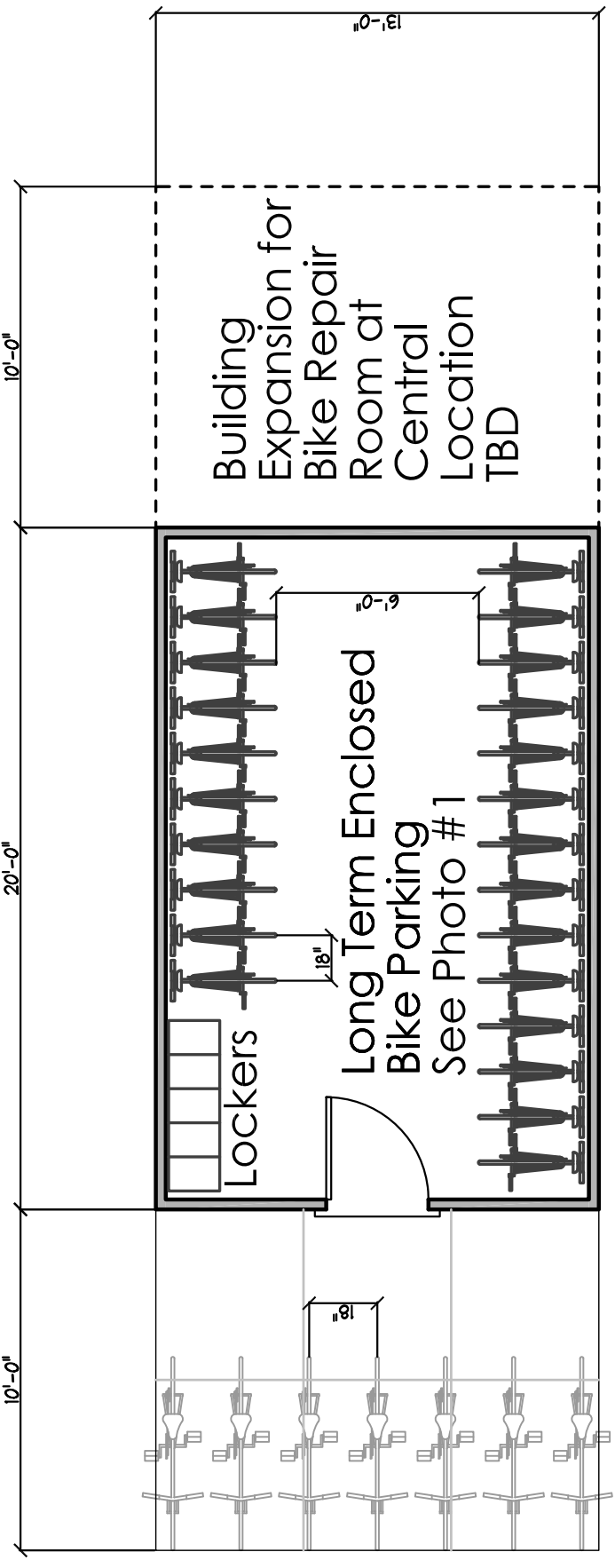
INTERSTATE 80

COMWELL BOULEVARD

M Unitrans
Stop

W Unitrans
Stop

Short Term Open Air
Bike Parking
See Photo #2



BIKE STORAGE
260 Square Feet
10 Buildings
24 Bikes Each Building

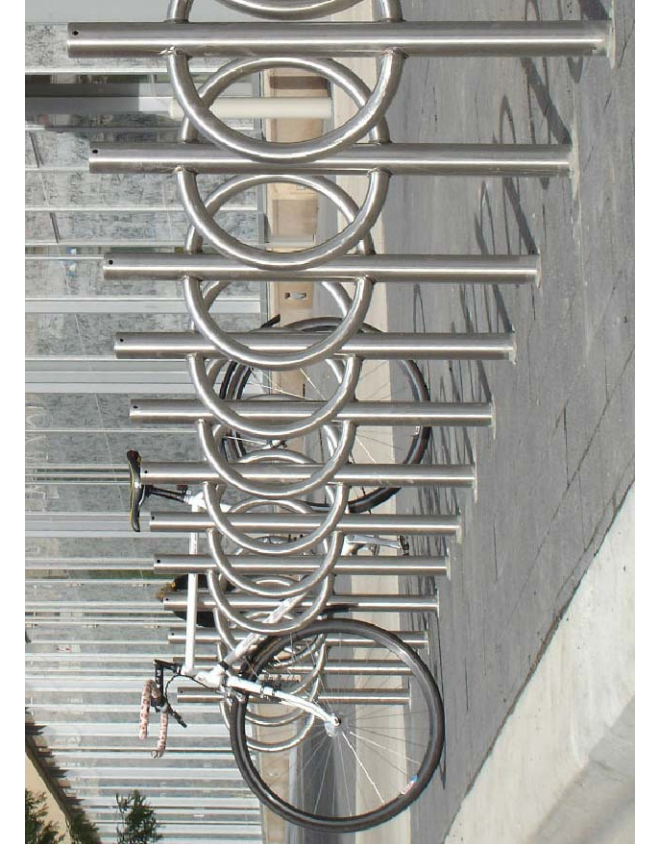
INTERSTATE 80

COMWELL BOULEVARD

RESEARCH PARK DRIVE



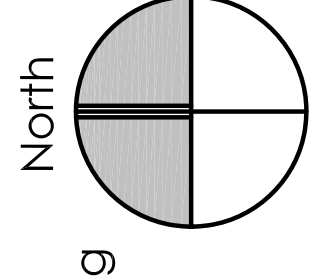
BIKE STORAGE UNIT-Photo #1
Bike Barn-Inside Mounting System
Typical Wall Mount Unit-24 per Building



BIKE STORAGE UNIT-Photo #2
Typical Outdoors Mounting System

584 Bike Spaces
Bike Barns (11 Barns/20 Per Barn)
Short term 220 Spaces
364 Spaces

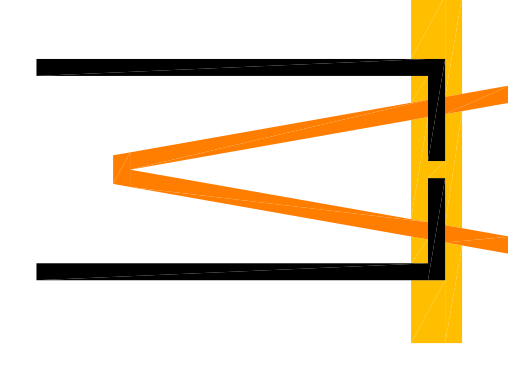
- Bicycle Lane in Right of Way
- Bicycle Paths from Trail System
- On Site Bicycle Circulation
- On Site Open Bicycle Parking Racks
Short term
- Secured Bicycle Barns
Long Term



From interconnecting
Trail System

**Bike Parking and
On Site Bicycle Circulation Plan**
Exhibit 6

Plan C-5.1
Scale 1"=0'-40"
June 26, 2018



LEE + JAGOE ARCHITECTURE
I N C O R P O R A T E D

**PRELIMINARY PLANNED
N DEVELOPMENT**

Plaza 2555
Davis, California

Blue Bus, L. P.



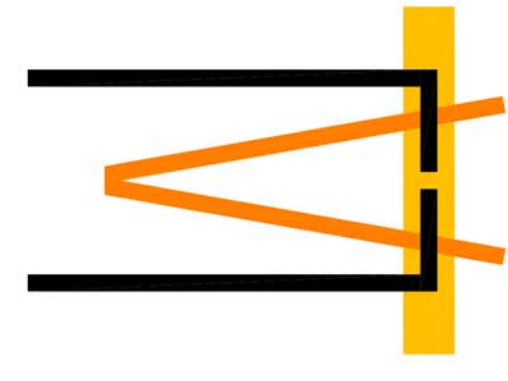
North  Contextual Exhibit 7
June 26, 2018

PRELIMINARY PLANNED DEVELOPMENT

Plaza 2555

Davis, California

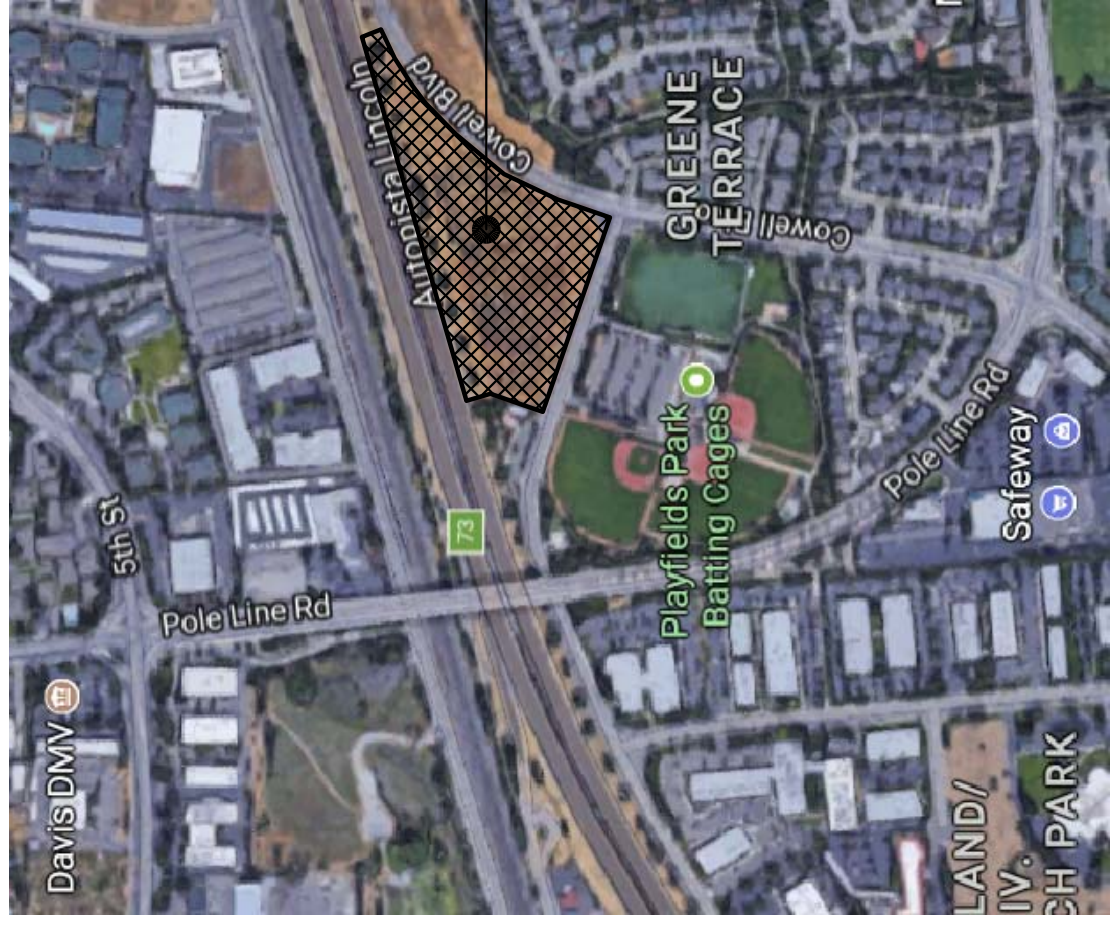
Blue Bus, L. P.



LEE • JAGOE ARCHITECTURE
I N C O R P O R A T E D

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DJAGOE@LJARCH.COM

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MONTEREY, CALIFORNIA 93940
(831) 718-8172
MLEELJARCH@GMAIL.COM



PROJECT LOCATION

VICINITY MAP

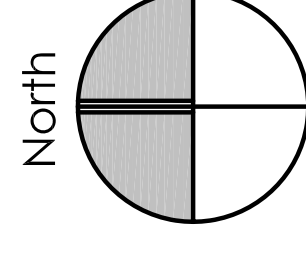
No Scale

INTERSTATE 80

COWELL BOULEVARD

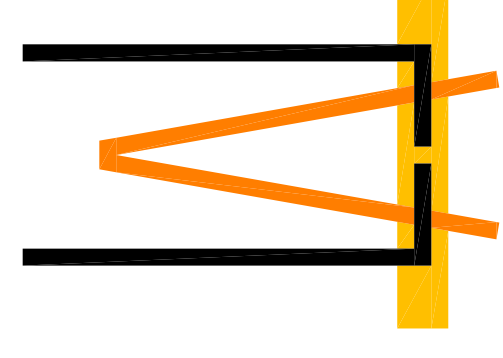
RESEARCH PARK DRIVE

- One Story
- Two Story
- Three Story



Building Height Site Plan
Exhibit 12

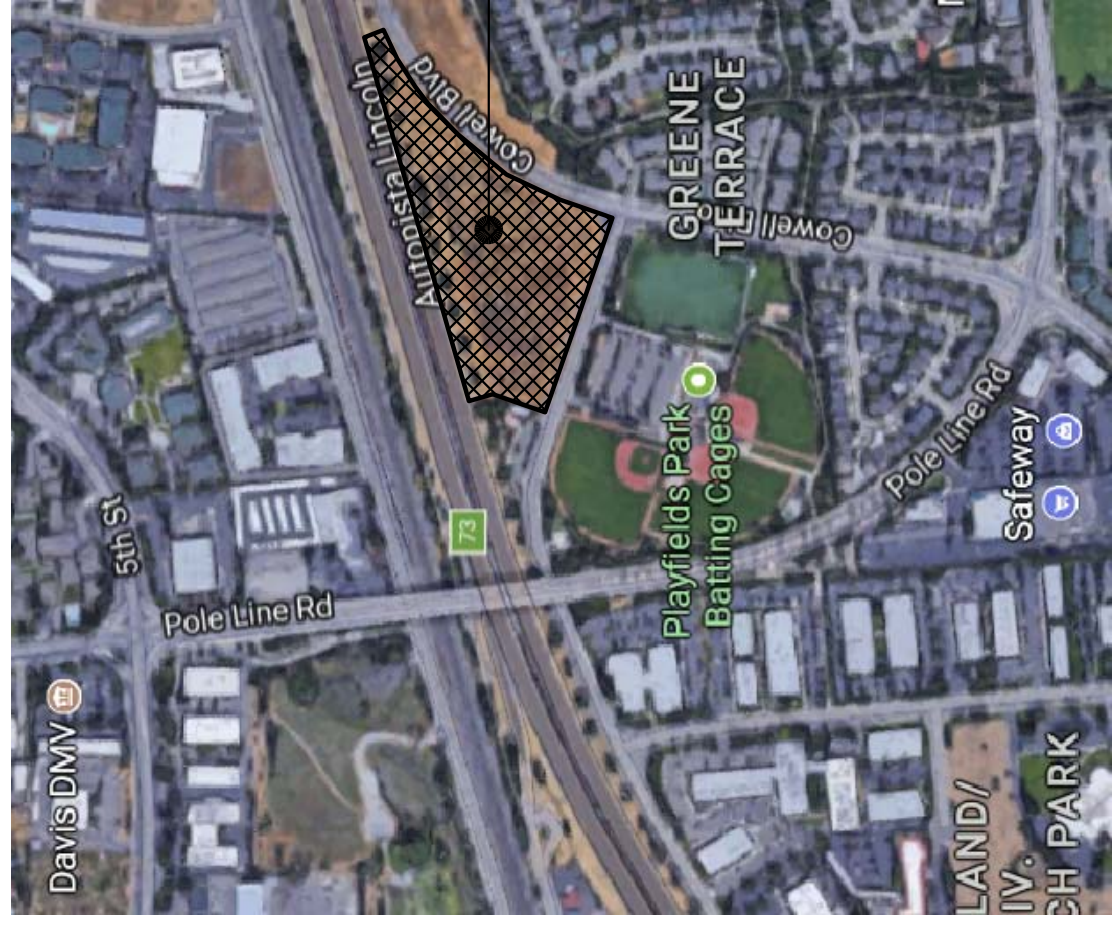
Plan C-5.1
Scale 1"=0'-40"
June 26, 2018



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INCORPORATED

PRELIMINARY PLANNED
DEVELOPMENT

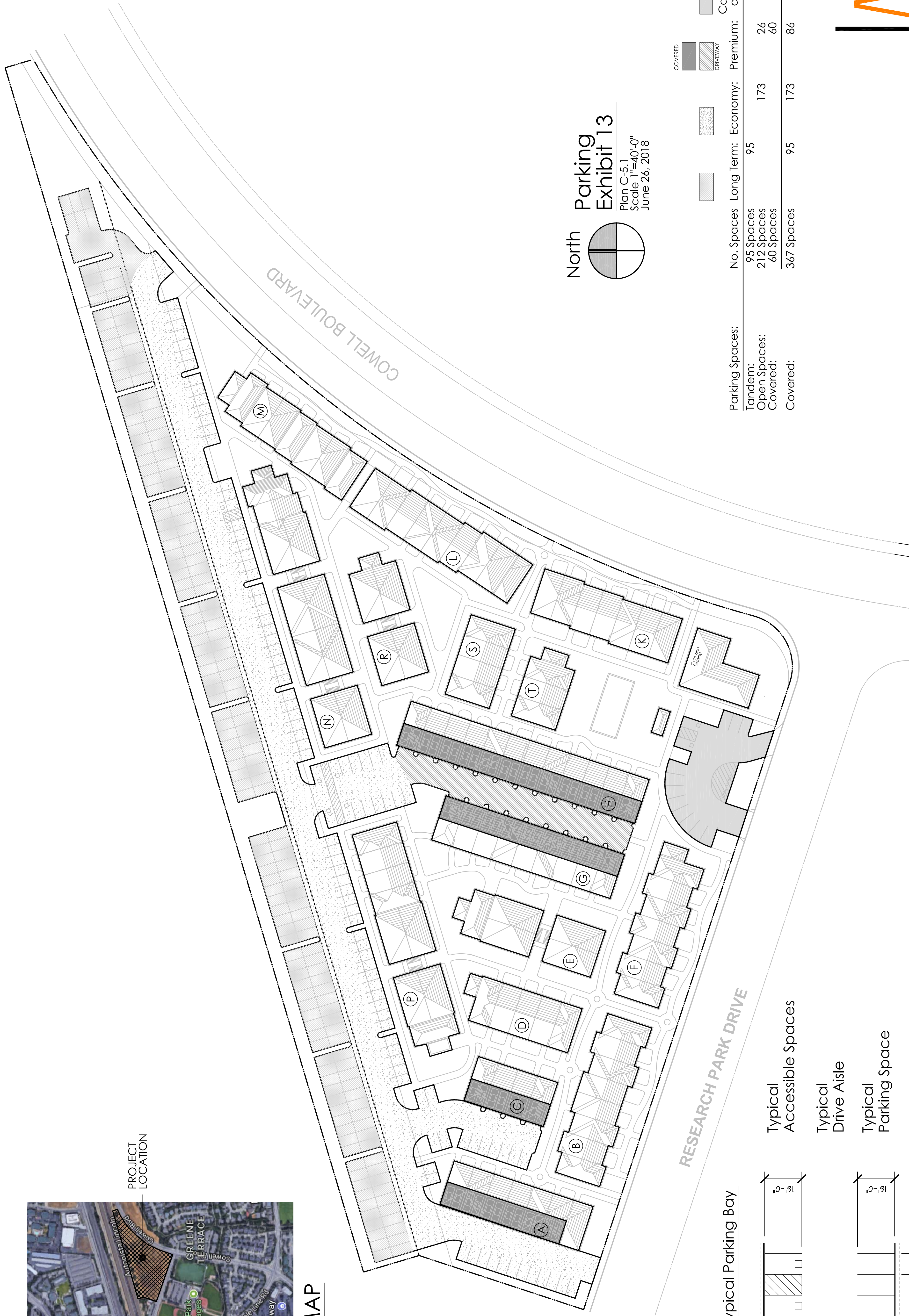
Plaza 2555
Davis, California



PROJECT LOCATION

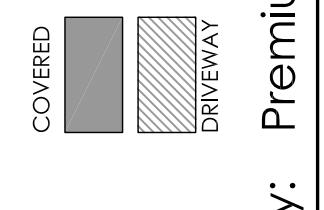
VICINITY MAP

No Scale

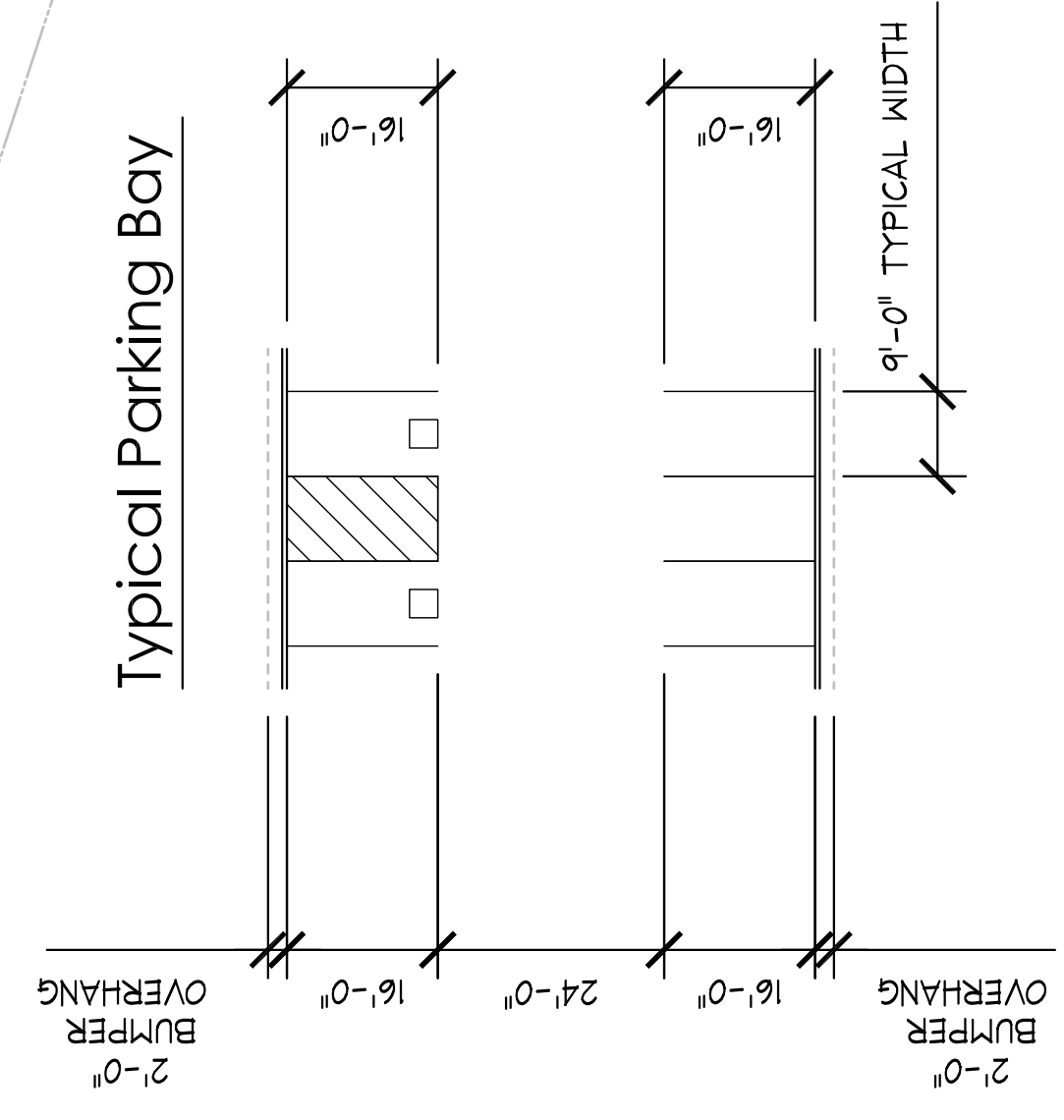


North
 Parking Exhibit 13
 Plan C-5.1
 Scale 1"=40'-0"
 June 26, 2018

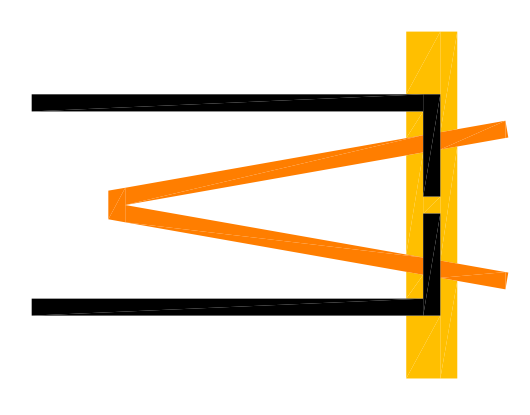
Parking Spaces:	No. Spaces	Long Term	Economy	Premium	Car Share and Flex
Tandem:	95	95	173	26	13
Open Spaces:	212			60	
Covered:	367	95	173	86	13



RESEARCH PARK DRIVE



Plaza 2555
 Davis, California
 Blue Bus, L. P.



LEE + JAGOE ARCHITECTURE
 INCORPORATED

Morrow Surveying
LAND SURVEYORS

1255 Starboard Drive
West Sacramento - CA - 95691
Phone: 916-372-8124
Fax: 916-372-8538
Email: adamz@morrowsurveying.com
www.morrowsurveying.com

PROJECT
City of Davis
County of Yolo
Research Park Drive
California

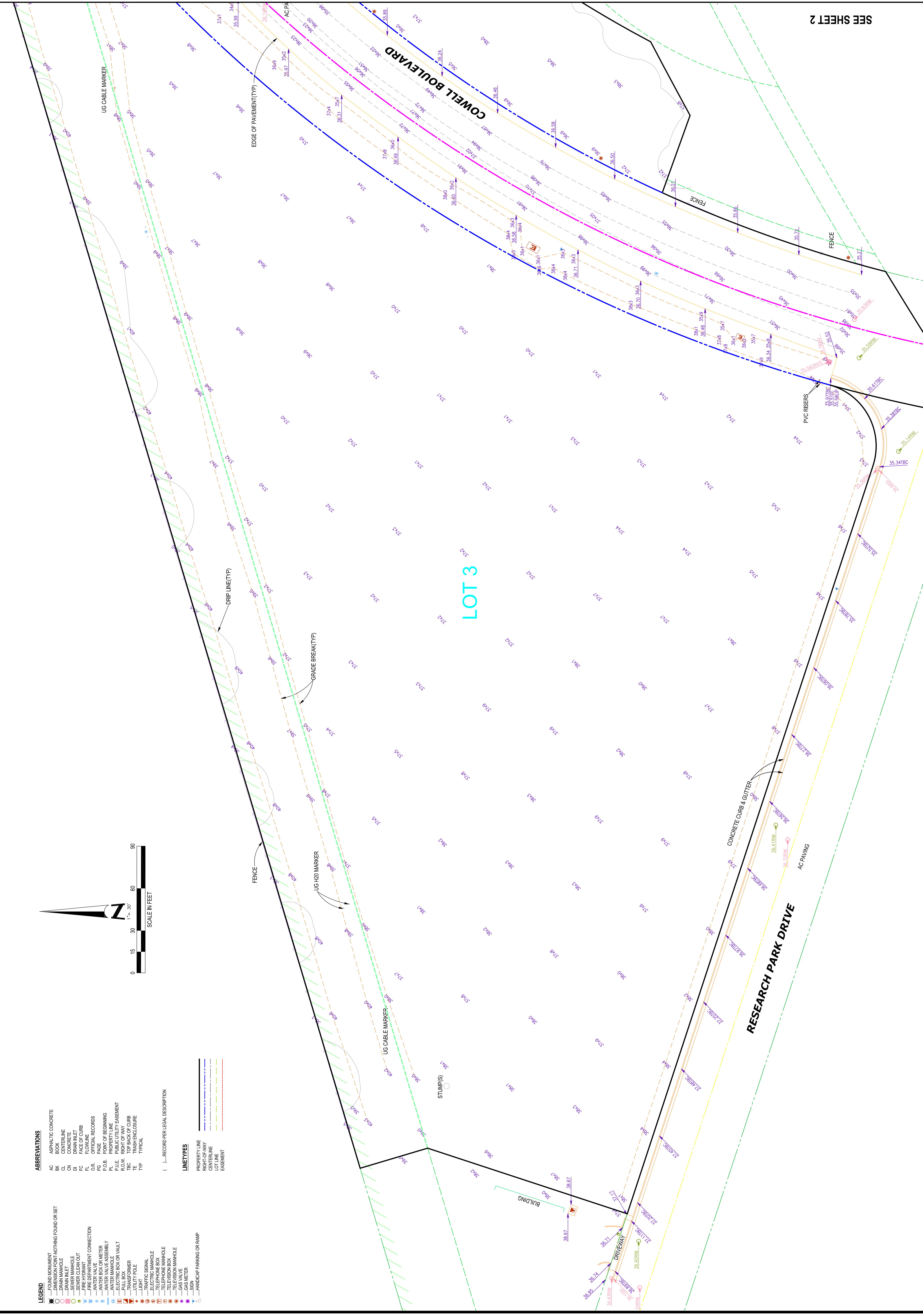
DATE: 06-22-2017
SCALE: 1" = 30'
FIELD BOOK:
DRAWING NO.: 72239-005
DRAWN BY: A. Zarfos

BASIS OF BEARINGS:
XXXXXX

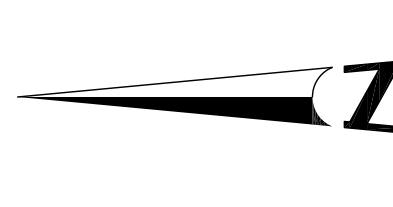
BENCHMARK:
NGS DESIGNATION 'ALHAMBRA'
PID A6051
EL = 42.8' (NAVD 88)

NO.	DATE	REVISION
1.	XX-XX-XXXX	XXXX

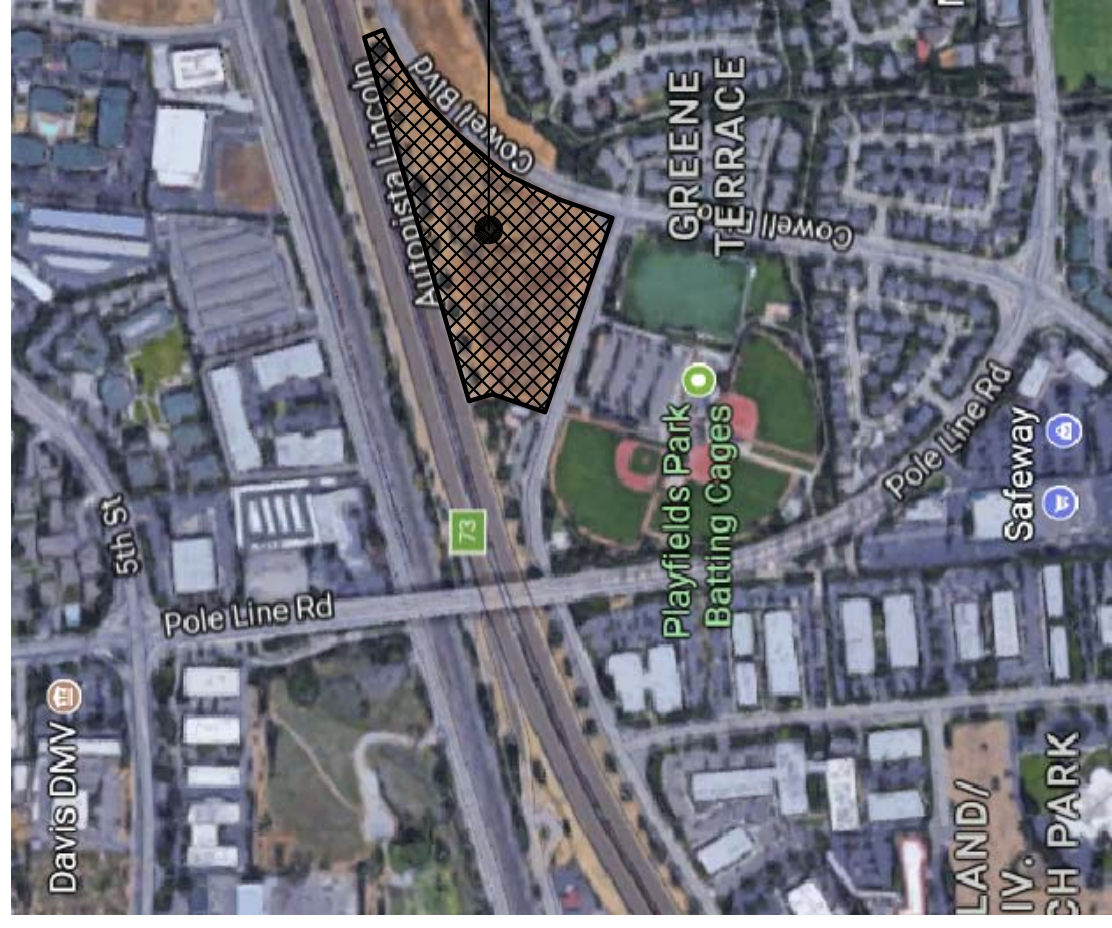
SEE SHEET 2



LOT 3



- ABBREVIATIONS**
- AC ASPHALTIC CONCRETE
 - BC BLOCK
 - CL CENTERLINE
 - CN CONCRETE
 - DI DIMENSION POINT
 - FL FLOWLINE
 - FR FENCE
 - GA GAS VALVE
 - IG UG CABLE MARKER
 - PL PROPERTY LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - R.O.W. RIGHT OF WAY
 - TE TELEPHONE ENCLOSURE
 - TYP TYPICAL
- LEGEND**
- FOUNDATION
 - DRAIN MANHOLE
 - SEWER MANHOLE
 - SEWER CLEAN OUT
 - WATER VALVE
 - WATER MAIN
 - ELECTRIC MANHOLE
 - TELEPHONE MANHOLE
 - GAS VALVE
 - GAS METER
 - HANDICAP PARKING OR RAMP
- LINETYPES**
- PROPERTY LINE
 - RIGHT-OF-WAY
 - CENTERLINE
 - EASEMENT
- SYMBOLS**
- FOUNDATION
 - DRAIN MANHOLE
 - SEWER MANHOLE
 - SEWER CLEAN OUT
 - WATER VALVE
 - WATER MAIN
 - ELECTRIC MANHOLE
 - TELEPHONE MANHOLE
 - GAS VALVE
 - GAS METER
 - HANDICAP PARKING OR RAMP
- NOTES**
- () RECORD PER LEGAL DESCRIPTION



VICINITY MAP
No Scale

PROJECT LOCATION

BIKE BARN
(Secured Bike Parking-Typical)

CONIFEROUS HEDGE

TOT LOT

COMWELL BOULEVARD

OUTDOOR GATHERING AREA
(Seating, BBQ, Tables, Games, Benches)

POOL
FITNESS

CO-WORK SPACE
"CLASSROOM"
(Yoga, Dance, Birthday, Child Art)

STUDY ROOMS

TRANSIT PLAZA
(Coffee Shop, Office)

UCD
Downtown
TRANSIT
(Target/Sacramento)

UNIVERSITY RESEARCH PARK
(Interland)

KAISER MEDICAL OFFICES

OAKSHADE TOWN CENTER
(Safeway, CVS, Office Max)

CAR SHARE/HAIL
BIKE SHARE
DROP OFF
DELIVERY

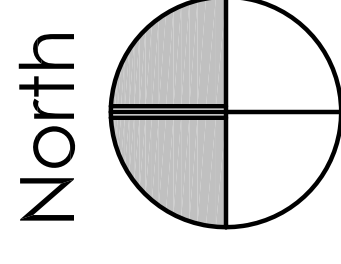
PACKAGE DELIVERY/SUPPORT

Plaza 2555
Davis, California

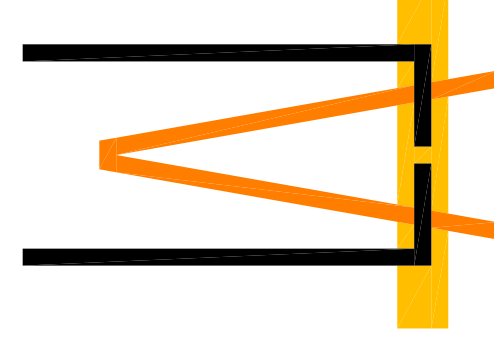
Blue Bus, L. P.

Land Use and Coverage
Exhibit 16

Plan C-5.1
Scale 1"=40'-0"
June 26, 2018



	BUILDING COVERAGE 76,492 SF
	GARAGE PARKING 11,205 SF
	PARKING AND DRIVEWAYS 87,946 SF
	USABLE OPEN SPACE 75,000 SF PROVIDED 69,200 SF REQUIRED



LEE JAGOE ARCHITECTURE
INCORPORATED

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DJAGOE@LEEJAGOEARCHITECTURE.COM



Building Massing
Exhibit 17
6/27/18

PRELIMINARY PLANNED DEVELOPMENT

Plaza 2555
Davis, California
Blue Bus, L.P.

moniz
ARCHITECTURE

ATTACHMENT #3 (Resolution Adopting CEQA Exemption)

**RESOLUTION NO. _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS FINDING THE
PLAZA 2555 PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA) PURSUANT TO PUBLIC RESOURCES CODE
SECTION 21151.1**

WHEREAS, project applicants John Ott and Blue Bus, LLC propose to build a multifamily apartment development not to exceed 200 units located on two parcels comprising approximately 7.34 acres and generally bounded by Research Park Drive, Cowell Boulevard and Interstate 80 (“Project”); and

WHEREAS, the Project requires the approval of a General Plan Amendment, Amendment to the South Davis Specific Plan, rezoning of the property from Planned Development #7-95 (Modified Commercial Highway) to new PD #1-17, a Development Agreement, and Preliminary Planned Development for Multifamily Apartments; and

WHEREAS, the City has determined and the Sacramento Area Council of Governments has confirmed that the Project is consistent with 2016 SACOG’s Metropolitan Transportation Plan/Sustainable Communities Strategy; and

WHEREAS, CEQA exempts from further environmental review transit priority projects satisfying the criteria set forth in Public Resources Code section 21155.1 including showing that: 1) utilities and service systems are available to serve the project; 2) the project site does not include wetlands or riparian areas; 3) the subject site is not included on any list of facilities and sites compiled to have hazards and hazardous materials; 4) an environmental assessor has affirmed that there is no existence of a release of a hazardous substance on the subject site nor is there potential for exposure of future occupants to significant health hazards from any nearby property or activity; 5) the subject site does not have a significant effect on historical resources; 6) the subject site is not subject to wildland fire hazard, unusual high risk of fire or explosion, risk of public health exposure, seismic risk, and landslide hazard; 7) the subject site is not located on developed open space; and 8) the subject site is 15 percent more energy efficient than required by Chapter 6 of Title 24 of California Code of Regulations and 25 percent more water efficient than the average household use in the region; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 29, 2018 to consider the Project, including whether the Project is a transit priority project that meets the requirements for exemption from further environmental review under Public Resources Code section 21155.1, and recommended that the Project qualifies as a transit priority project and is exempt from further environmental review under Public Resources Code Section 211 55.1; and

WHEREAS, the City Council held a duly noticed public hearing on _____, 2018 to consider the Project, including whether the Project is a transit priority project that meets the requirements for exemption from further environmental review under Public Resources Code section 21155.1; and

WHEREAS, the information and analysis contained in the Sustainable Communities Project Checklist, attached as Attachment 4 to the Staff Report for consideration of the Project, including all exhibits attached thereto or referenced therein (the “Sustainable Communities Checklist”), demonstrates that the project satisfies all of the criteria set forth in Public Resources Code section 21155.1, and therefore qualifies as a Transit Priority Project exempt from further environmental review;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davis does hereby find that based on the entire record before the Council, including the information and analysis contained in the Sustainable Communities Checklist, the Project is a transit priority project as defined by Public Resources Code section 21155(b), and meets all of the requirements set forth in subdivisions (a) and (b) of Public Resources Code section 21155.1, and meets one of the requirements set forth in subdivision (c) of Public Resources Code 21155.1, and therefore, the Project constitutes a sustainable communities project that is exempt from further environmental review pursuant to Public Resources Code section 21155.1.

- AYES:
- NOES:
- ABSENT:

Brett Lee, Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

ATTACHMENT #4 (CEQA Exemption Supporting Materials)

**Plaza 2555
Sustainable Communities Project Checklist**

I. SUSTAINABLE COMMUNITIES STRATEGY CRITERIA (PRC Section 21155(a))		
	YES	NO
A. Is the project consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the adopted and accepted Sustainable Communities Strategy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> The project is consistent with the applicable policies in the Metropolitan Transportation Plan/Sustainable Communities Strategies (MTP/SCS), which has been adopted by SACOG and accepted by the Air Resources Board. The project is located within the Established Community designation of the MTP/SCS for the City of Davis, where the MTP/SCS forecasts a range of low to high density residential, commercial, office and industrial uses. The project's proposed land uses fall within the range of general uses, densities and building intensities contemplated within this designation and the policies included in the MTP/SCS. See <u>Exhibit A</u>, SACOG MTP/SCS Consistency Determination Letter.</p>		
II. TRANSIT PRIORITY PROJECT DEFINITION CRITERIA (PRC Section 21155(b))		
	YES	NO
A. Is the project at least 50 percent residential use based on area? If the project is between 26 percent and 50 percent nonresidential use is the project not less than 0.75 FAR?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> Project Total Floor Area: Approximately 279,670 sf Project Residential Area: Approximately 279,670 sf Percent residential use: Approximately 100% Project Lot Size: Approximately 319,730 sf / 7.34 gross acres FAR: Approximately 0.99 (based on 6.5 net acres)</p> <p>See <u>Exhibit B</u>, Project Description.</p>		
	YES	NO
B. Is the project at least 20 units/acre?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> Project density: Approximately 200 units/7.34 gross acres = 27 units/acre</p> <p>See <u>Exhibit B</u>, Project Description.</p>		

	YES	NO
C. Is the project located within one-half mile of a major transit stop or high quality transit corridor included in the Regional Transportation Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> The project is within one-quarter mile of a high quality transit corridor included in the Sacramento Area Council of Governments (“SACOG”) Regional Transportation Plan, in that it is directly adjacent to the Cowell Boulevard high quality transit corridor, and is less than a half mile from the Pole Line Road high quality transit corridor. See <u>Exhibit C</u> , SACOG Quarter Mile High Quality Transit Corridor Map.		
III. SUSTAINABLE COMMUNITIES PROJECT CRITERIA (PRC Section 21155.1)		
	YES	NO
A. The project, and any other projects approved prior to the approval of the project but not yet built, can be adequately served by existing utilities and has the project applicant paid, or will commit to pay, all applicable in-lieu or development fees. (PRC Section 21155.1(a)(1))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> The adequacy of existing sanitary sewer service, storm drainage, and water service was analyzed by Cunningham Engineering in a Technical Memorandum prepared for the proposed project on August 8, 2018 See <u>Exhibit D</u> , Civil Utility Summary . Cunningham Engineering assessed the adequacy of the existing eight-inch sewer main adjacent to the project site to the nearest existing downstream 12-inch main, which is located at the intersection of Cowell Blvd and Research Park Dr. Using the City of Davis’ methodology for evaluation of City sewer systems, Cunningham Engineering estimated that, following implementation of the proposed 200 unit (646 bedroom) proposed project, peak flows within the City’s aforementioned existing sanitary sewer infrastructure would meet the City’s standard for such infrastructure. Accordingly, Cunningham Engineering concluded that the existing sanitary sewer infrastructure maintains adequate capacity to serve operation of the proposed project in conjunction with existing uses. Stormwater from the existing vacant site appears to surface drain to inlets within the adjacent streets. An 18- inch diameter storm drainage main is currently located within Cowell Blvd. and 24” and 30” diameter public storm drainage mains are located within Research Park Drive. The existing general commercial land use would result in a 10-year runoff of approximately 8.1 cfs. The proposed multifamily residential land use would result in a reduced runoff of approximately 6.0 cfs. Prior to discharge to the City’s infrastructure, stormwater would pass through the project’s bioretention measures as required to meet the City’s storm water quality and hydromodification requirements. The project site is served by 10-inch diameter water mains located within each of Cowell Blvd, Research Park Dr., and within a 50’ public utility easement along the northern property line. Based on the design of the proposed structure, the California Fire Code (CFC) requires that a Fire Flow of 1,938 gallons per minute (gpm) be provided for the proposed project. The City’s water infrastructure is required to be designed to provide a minimum fire flow of 2,500 gpm in non-single family residential land uses, which is significantly larger than the required site flow. Therefore, the existing water main infrastructure would be adequate to serve the proposed project in conjunction with existing uses. The City of Davis and Cunningham Engineering further evaluated utility capacity for the proposed project and other projects approved but not yet built. The analysis produced the following findings.		

Water

In 2015, the City prepared a combined Water Supply Assessment (WSA) for buildout of the General Plan, as well as specific large development projects including Mace Ranch Innovation Center, Davis Innovation Center, Nishi Property, and the Triangle Project.¹ The WSA showed that after accounting for the four major development projects and development under the City's adopted General Plan, the City has 1,831 ac-ft/yr excess capacity in 2020 and 1,419 ac-ft/year in 2025. Therefore, there is adequate available capacity to serve the Plaza 2555 project along with other previously approved but not built projects.

Therefore, the Project, together with all approved but not yet built projects can be adequately served with the City's existing water supply.

Wastewater Collection and Treatment

The existing site is served by an 8-inch diameter public sanitary sewer main located adjacent to the project site. The 8-inch main is anticipated to be sufficient to serve Plaza 2555 together with other approved but not yet built projects. Nonetheless, the project has been conditioned to confirm that adequate capacity exists to serve the proposed project prior to project implementation.

As shown in the EIR prepared for the Nishi Gateway Project (Nishi EIR), the Capacity of the City's Wastewater treatment plant is 6.0 mgd ADF and 10,100 BOD Load, lbs./day.² Based on the Nishi EIR, taking into account the potential for buildout of the City's General Plan, approximately 0.95 mgd of capacity would remain available. Remaining BOD load capacity is anticipated to be 660 lbs per day with buildout of the City's current General Plan. The majority of the projects identified in table prepared by Cunningham Engineering are consistent with the General Plan designation and therefore are accounted for in the General Plan buildout calculations. The Nishi Gateway Project will consume 0.177 mgd. The Davis Live project will consume approximately 0.04 of additional capacity. The Plaza 2555 project will consume less than 0.04 mgd of additional capacity. The current City sewer demand is 4 MGD, and the Wastewater Treatment Plant has a 6 MGD capacity. The additional developments shown in the table prepared by Cunningham Engineering, will add an estimated 0.43 MGD, leaving an excess of 1.57 MGD in capacity. Plaza 2555 and other projects approved prior to the approval of the project but not yet built can be adequately served by existing wastewater capacity.

Drainage

All new development projects in the City of Davis are required to comply with the City of Davis Storm water ordinance (Davis Municipal Code Chapter 30) and prepare a storm water quality control plan to demonstrate that the project meets the standards of the City of Davis 2008 Manual of Storm Water Quality Control standards, which specifies that a project storm water system must be sized to capture and treat 80 percent or more of the average annual rainfall volume. The approved projects the table prepared by Cunningham Engineering, and the Plaza 2555 project will comply with the Davis storm water ordinance and as a result, the Plaza 2555 project and other projects approved prior to the approval of the project but not yet built can be adequately served by the City's existing drainage facilities.

Landfill

All non-recyclable waste generated by the City of Davis is disposed at the Yolo County Central Landfill. The Landfill has a maximum permitted capacity of 49,035,200 cubic yards and 1,800 tons per day. (Nishi EIR, p. 4.15-8.) The average daily throughput for waste disposed of at the Landfill is currently 500 tons per day from all sources. Considering the rate of waste disposal at the Landfill and the projected growth within the Landfill's service area, the closure date for the landfill is estimated to be January 1, 2081 (Nishi EIR, p. 4.15-8.). In 2011, the most recent year that such data was available, the residential disposal rate within the City of Davis was 2.6 pounds per person per day (lbs/capita/day). Considering that the proposed project would be designed to

¹ City of Davis. *Mace Ranch Final FEIR* (SCH# 2014112012). Certified on September 19, 2017.

² City of Davis. *Nishi Gateway Project Environmental Impact Report* (SCH# 2015012066). Adopted February 16, 2016.

accommodate up to 646 bedrooms, with a possible total occupancy of approximately 904 residents, operation of the proposed project would be anticipated to result in the generation of 2,350 lbs (1.1752 tons) of solid waste per day. Such waste generation would equate to 0.235 percent of the Yolo County Central Landfill’s current throughput. As such, the proposed project would not result in a substantial increase in the volume of waste received at the Landfill. Considering the limited amount of solid waste that would be generated by operation of the proposed project and the projected closure date of the landfill of January 1, 2081, the landfill has sufficient capacity for this project, buildout of the General Plan and all other permitted but not yet built projects.

Energy

Electricity and natural gas service has been provided to the City by the Pacific Gas and Electric Company (PG&E). Starting in June 2018, Valley Clean Energy (VCE) will begin serving the electricity needs of the Cities of Woodland and Davis, as well as unincorporated areas of Yolo County. Customers within the City of Davis, including customers at the project site, will have the opportunity to continue receiving service from PG&E or to receive energy from VCE. While VCE would supply the energy for customers enrolled in the VCE program, VCE electricity would be transmitted through PG&E owned and operated distribution and power lines. PG&E will continue to provide natural gas supplies to the City, including the project site. PG&E is legally required to provide services as development (e.g. commercial and residential development) is approved through the local planning process. The utility is responsible for providing for any such load growth efficiently and reliably. Therefore, utility capacity will exist to serve the electric and natural gas needs of the project.

Furthermore, as discussed below, the proposed project would be designed to exceed current California energy efficiency standards by 15 percent. Thus, the energy demand resulting from operations of the proposed project would be reduced through increased energy efficiency, and VCE and PG&E would have adequate capacity to serve the proposed project. Lastly, the conditions of approval for the project require the project applicant to pay all applicable in-lieu or development fees.

	YES	NO
B. The project site does not contain wetlands or riparian areas and does not have significant value as a wildlife habitat; the project does not harm any species protected by the Endangered Species Act, (ESA), Native Plant Protection Act, or California Endangered Species Act (CESA); and the project does not cause the destruction or removal of any species protected by local ordinance. (PRC Section 21155.1(a)(2))	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation:

The project site does not contain wetlands or riparian areas. The site is on well drained soils that do not support wetlands and cannot be classified as riparian zones. Nor does it have any significant value as wildlife habitat. The project site is a dense annual grassland that provides habitat for various urban species such as feral cats and sparrows, but no roosting or nesting birds were observed during reconnaissance surveys conducted at the site. Based on the surveys conducted there are no indications that either the habitat or the land use history and conditions on the site support any species of concern. The project is not expected to harm any protected species or cause destruction or removal of any species protected by the ESA, Native Plan Protection Act, CESA, or local ordinance. See Exhibit E, Reconnaissance Survey on Natural Resources.

Furthermore, the project is conditioned to comply with applicable requirements of the Yolo HCP/NCCP prior to any land disturbance activities. These include conducting planning-level surveys to validate the cover on the project site and determine if any natural communities and/or covered species are present on or near the project site as described in Section 4.2.2.3 and Table 4-1 of the Yolo HCP/NCCP. If the planning-level survey determines that any natural communities, covered species habitat, or covered species are identified during planning-level surveys on the project site or within specified buffer areas then the applicable avoidance and minimization measures (AMMs) would apply. The Yolo HCP/NCCP EIR determined that application and implementation of AMMs would create beneficial impacts on biological resources. Therefore, even in the event that planning-level surveys indicated the presence of natural communities and/or covered species on or near the project site, the project is not expected to harm any protected species or cause destruction or removal of any species protected by the ESA, Native Plant Protection Act, CESA, or local ordinance.

	YES	NO
C. The project site is not included on any list of facilities and sites with hazardous waste compiled pursuant to Government Code Section 65962.5 (the Cortese List). (PRC Section 21155.1(a)(3))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> The project site is not included on any list of facilities and sites with hazardous waste. See <u>Exhibit F</u> , Environmental Site Assessment.		
	YES	NO
D. The project site is subject to a preliminary endangerment assessment prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. (PRC Section 21155.1(a)(4))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Explanation:</u> An environmental professional has completed an environmental site assessment in compliance with ASTM E1527-13 which indicates that there has been no release of any hazardous substance on the site and there are not otherwise recognized environmental conditions. Therefore, there would be no potential to expose future occupants to hazardous substances from contamination from any nearby property or activity. See <u>Exhibit E</u> , Environmental Site Assessment. Section 21155.1 does not define “preliminary endangerment assessment” for the purposes of the statute, nor does Section 21155.1 refer to or incorporate the definition of preliminary endangerment assessment for the purposes of the Hazardous Substances Account Act (Act). (Health and Safety Code, § 25300 et seq.) Section 25319.5 sets forth the methodology for conducting a preliminary endangerment assessment for the purposes of the Act. Pursuant to state code the purpose of a preliminary endangerment assessment is to enable the Department of Toxic Substances Control (DTSC) to manage brownfield sites and school sites. (See Health & Safety Code, § 25395.21; Education Code, §17213.1; Preliminary Endangerment Assessment: Guidance Manual, pages iv, 3.) According to DTSC, section 21155.1 does not provide a role for DTSC or identify acceptable methods for determining the potential for exposure of future occupants to significant health hazards from any nearby property or activity (See SB375 Enrolled Bill Report from DTSC). Considering the DTSC’s guidance, the preliminary endangerment assessment performed for the purposes of Section 21155.1 must only “determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity” (Pub. Resources Code, § 21155.1 (a)(4)) and is not required to do so in strict accordance with Health and Safety Code section 25319.5 and/or the DTSC Guidance Manual (Manual). Nonetheless, were the project required to follow the Manual, it would not be “subject to a preliminary endangerment assessment” for the purposes of the Act. According to the Manual, a preliminary endangerment assessment is prepared after DTSC does the following: 1) identifies a potentially contaminated property; 2) determines that property should be evaluated further; and 3) determines that the property falls within DTSC’s clean-up authority. (Preliminary Endangerment Assessment: Guidance Manual, page 3.) As documented in the environmental site assessment, this site is not contaminated; consequently, even if the Manual were applicable to the evaluation of the project site the project site does not proceed to the next step of requiring a PEA under the manual. A PEA has nonetheless been prepared by an environmental assessor. See <u>Exhibit K</u> , Preliminary Endangerment Assessment Report. The purpose of the PEA was to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. The PEA determined that there has not been any release of a hazardous substance on the site and there is not the potential for exposure of future occupants to significant health hazards from any nearby property or activity.		

<p>The PEA indicates that naturally occurring asbestos (NOA) was detected at the site, but at less than the screening-level standards set by the California Air Resources Board (CARB). NOA detected at less than the screening level does not trigger the requirement for an asbestos dust mitigation plan (ADMP). As a conservative measure, however, the PEA recommends that an ADMP be prepared and implemented. Asbestos dust control measures consist of simple, managed and documented moisturizing of soil in accordance with an ADMP prior to and during soil-disturbing construction activities. Therefore, the project is conditioned on preparation and implementation of an ADMP.</p>		
	YES	NO
<p>E. If a release of hazardous substances is found to exist on the project site, the release shall be removed or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements. (PRC Section 21155.1(a)(4)(A))</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> Not applicable. No release of hazardous substances has occurred on the project site. See <u>Exhibit F</u>, Environmental Site Assessment; <u>Exhibit K</u>, Preliminary Endangerment Assessment.</p>		
	YES	NO
<p>F. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements. (PRC Section 21155.1(a)(4)(B))</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> No potential for exposure to significant hazards from surrounding properties or activities has been found to exist. Based on the review of the site, the only potentially significant hazard that could arise from surrounding properties or activities is exposure to air quality based on the project's proximity to Interstate 80. In order to analyze the potential for implementation of the proposed project to result in the exposure of future residents to concentrations of toxic air contaminants (TACs) in excess of local standards from existing nearby sources of emissions, a qualitative assessment of near-roadway air quality impacts was prepared for the project to determine whether there is potential for exposure to significant hazards from surrounding properties or activities. See <u>Exhibit G</u>, Qualitative Assessment of Near-Roadway Air Quality Impacts on the Plaza 2555 Project, Davis, California. Due to the published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects, the California Air Resources Board (CARB) has identified diesel particulate matter (DPM) from diesel fueled engines as a TAC. Although a variety of TACs are emitted by fossil fueled combustion engines, the cancer risk due to DPM exposure generally represents a more significant risk than other TACs. (See California Air Resources Board, <i>Reducing Toxic Air Pollutants in California's Communities</i> (February 6, 2002).) Therefore, DPM is the primary TAC of potential concern that could present an exposure to a potential hazard. DPM is a subset of particulate matter pollution with a diameter equal to or less than 2.5 microns, known as PM 2.5. Although there are not specific state or federal requirements related to exposure to DPM or PM 2.5, the qualitative assessment of air quality impact evaluates the potential air quality impacts to determine (1) whether the project would present an increased health risk to residents that would warrant a site specific health risk assessment, and (2) whether the exposure to existing sources of TACs (i.e., Interstate 80) would exceed thresholds established by the Bay Area Air Quality Management District (BAAQMD) for use in their jurisdiction. Because the Yolo-Solano Air Quality Management District (YSAQMD) does not establish thresholds that directly apply to the exposure of new sensitive receptors to existing TACs, the qualitative analysis utilized the three step procedure set forth in the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways (Roadway Protocol) to determine whether a site specific health risk assessment should be conducted for the project. Based on the analysis required under the Roadway Protocol, the qualitative analysis determined that a site specific health screening analysis is not required for the project under the Roadway Protocol. At the City's request, the consultant also evaluated whether the exposure was in excess of standards established by BAAQMD. (See Addendum to Qualitative Assessment of Near-Roadway Air Quality Impacts on the Plaza 2555 Project, Davis, California (August 22, 2018).) Utilizing BAAQMD's Roadway Screening Analysis Calculator and assumptions based on the information most applicable to the project, the consultant determined that the estimated cumulative impacts from annual average PM 2.5 concentrations and excess cancer risks are below the</p>		

thresholds of significance established by BAAQMD for sensitive receptors such as housing. Therefore, the potential for exposure of future occupants of the project to significant health hazards from I-80 is below the screening cancer level risk threshold for the BAAQMD and below the levels requiring a site specific health risk assessment for SMAQMD. In other words, the near-roadway health risk experienced by the Plaza 2555 project is not expected to be significant. Implementation of the proposed project design features would further reduce the already less-than-significant impacts. See Exhibit G, Qualitative Assessment of Near-Roadway Air Quality Impacts on the Plaza 2555 Project, Davis, California, and Addendum.

The PEA also concludes that there is not a potential for exposure to significant hazards from surrounding properties or activities. See Exhibit K, Preliminary Endangerment Assessment. The PEA indicates that naturally occurring asbestos (NOA) was detected at the site because of the soil’s mineralogic origin in ultramafic (NOA-bearing) rocks and not due to an anthropogenic release of an asbestos-containing substance to the Site. The PEA indicates that NOA was detected at less than the screening-level standards set by the California Air Resources Board (CARB). NOA detected at less than the screening level does not trigger the requirement for an asbestos dust mitigation plan (ADMP). As a conservative measure, however, the PEA recommends that an ADMP be prepared and implemented. Asbestos dust control measures consist of simple, managed and documented moisturizing of soil in accordance with an ADMP prior to and during soil-disturbing construction activities. Therefore, the project is conditioned on preparation and implementation of an ADMP. Preparation and implementation of an ADMP provides additional assurance that potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

	YES	NO
G. The project will not have a significant effect on historical resources. (PRC Section 21155.1(a)(5))	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation:
There are no historic resources on the site, which has never been developed (see Exhibit F, Environmental Site Assessment and Exhibit L, Cultural Resource Assessment for the Plaza 2555 Project) and there are no nearby historic resources. See, e.g., the City of Davis Designated Historical Resources Register and historic resources surveys and inventories. The project will not have a significant effect on historic resources.

	YES	NO
H. The project site is not subject to any of the following: (PRC Section 21155.1(a)(6))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Wildland fire hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• An unusually high risk of fire or explosion from materials stored or used on nearby properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Seismic risk as a result of being in a delineated earthquake fault zone or a seismic hazard zone, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake fault or seismic hazard zone.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Landslide hazard, floodplain, floodway, or restriction zone, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation:
(a) Wildland fire hazard.
The project site is surrounded by urban and suburban development within the City of Davis and is not subject to wildland fire hazard.
(b) Risk of fire or explosion from materials stored or used on nearby properties.
Similarly, the project site is not at an unusually high risk of fire or explosion from materials stored or used on nearby properties. The surrounding land uses, including parks and residential uses are not associated with the use of flammable or explosive materials that would expose the proposed project to risks from such materials.
(c) Risk of a public health exposure.

Public health exposure is not expressly defined in CEQA Section 21155.1, but for purposes of this analysis and in an effort to provide the most thorough consideration of this issue, the City reviewed whether a risk to public health exposure would occur through the exposure of persons or the environment to hazardous materials, the creation of or the exposure of persons to excess pollutant concentrations, and/or the creation of or exposure of persons to excess noise. See Exhibit F, Environmental Site Assessment, Exhibit G Qualitative Assessment of Near-Roadway Air Quality Impacts on the Plaza 2555 Project, Davis, California, Exhibit H, Noise Study, and Exhibit K, Preliminary Endangerment Assessment.

i. Hazardous materials

The Environmental Site Assessment conducted for the project site determined that there has been no release of any hazardous substance on the site and there are not otherwise recognized environmental conditions, and therefore there is no risk of public health exposure as the result of hazardous materials in or around the project site. The Preliminary Endangerment Assessment confirmed that there was no risk of public health exposure at a level that would exceed the standards established by any state or federal agency.

ii. Air Quality

While there are not specific state or federal standards that apply to exposure to TACs, the City has nevertheless conducted a review of potential exposure to TACs based on proximity to Interstate 80 through the Qualitative Assessment of Air Quality Impacts and Addendum. As discussed above under the Explanation for Subsection F of this checklist, the City has determined that there are not specific standards established by the YSAQMD that would apply to this project, and that in any event the project would not create a significant public health risk exposure under the standards utilized by the adjacent SMAQMD or the BAAQMD. Therefore, risk of a public health exposure will not be created at a level that would exceed the standards established by any state or federal agency.

iii. Noise

Lastly, while noise is not typically considered to present a risk to public health, in the interest of thorough review the City considered the potential noise impacts related to the project. Saxelby Acoustics prepared a project-specific noise study for Plaza 2555 (July 31, 2017). The noise study determined that the proposed project would not result in significant operational noise impacts with the imposition of interior noise control measures. The following provides a summary of the noise study conclusions.

Predicted Traffic Noise Levels – Exterior Areas: Proposed outdoor activity amenity areas near the swimming pool are predicted to be exposed to exterior noise levels of 58 dBA L_{dn}. (see Table 3 of the Noise Study). This would comply with the City of Davis 60 dBA L_{dn} normally acceptable exterior noise level standard.

Predicted Traffic Noise Levels – Interior Areas: Based upon Table 3 of the Noise Study, the proposed project would be exposed to exterior noise levels of up to 74 dBA L_{dn} at the building facades closest to I-80. Modern building construction typically yields an exterior-to-interior noise level reduction of 25 dBA. An interior noise level of 49 dBA would be expected. This would exceed the City’s 45 dB L_{dn} interior noise level standard. Therefore, the project is conditioned on the imposition of interior noise control measures for all first-row, north facing units to meet the City’s interior noise level standards.

(c) Seismic risk as a result of being in a delineated earthquake fault zone or a seismic hazard zone

The City’s General Plan EIR indicates that no faults run through the City. The project site is not in a delineated earthquake fault zone or a seismic hazard zone.

(d) Landslide hazard, floodplain, floodway, or restriction zone

The project site also is not located in a landslide hazard, floodplain, floodway, or restriction zone, as indicated on Flood Insurance Rate Map number 06113C0611G.

	YES	NO
I. The project site is not located on developed open space. (PRC Section 21155.1(a)(7))	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation:

The project site is located within an urbanized area of the City of Davis. The site is currently vacant, planned for residential development, and privately owned. The site is not developed and has not been designated as open space.

	YES	NO
J. The buildings in the project are 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations. (PRC Section 21155.1(a)(8))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> The project buildings will be at least 15 percent more energy efficient than required by Chapter 6 of Title 24. Section 8.01.090 of the Municipal Code requires mandatory compliance with Tier 1 standards of the CALGreen Code, which would otherwise be voluntary under the California Building Standards Code (Chapter 6 of Title 24 of the California Code of Regulations). Buildings constructed compliant with Tier 1 standards are anticipated to be between 10 and 15 percent more energy efficient than standard structures.³</p> <p>In compliance with Section 8.01.090, the proposed project would be designed in compliance with Tier 1 standards. Additionally, the proposed structure will be designed to meet the Gold Standard of the Leadership in Energy and Environmental Design (LEED). Design of the project in compliance with CALGreen Tier 1 standards, LEED Gold requirements, and all relevant energy efficiency requirements within the state mandated 2016 Building Energy Efficiency Standards will ensure that the proposed project will exceed the efficiency requirements within Chapter 6 of Title 24 of the California Code of Regulations by 15 percent. Specific measures that could be implemented within the proposed project to meet the required 15 percent improvement beyond Title 24 standards include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Solar water heating with a minimum solar fraction of 50 percent. • LED lighting with lighting power densities in common spaces, offices, and corridors at least 10 percent lower than the Title 24 prescriptive requirements. • High efficiency glazing for both manufactured and site-built storefront products that includes low-E coatings and either non-metal framing or thermally broken metal framing with U-factors less than or equal to 0.35 and solar heat gain coefficients less than or equal to 0.25. • Envelope insulation that meets or exceeds Title 24 prescriptive requirements, which for metal framed buildings is equivalent to walls with R-21 cavity insulation and R-10 continuous insulation, and roofs with R-38 cavity insulation and R-12 continuous insulation. • High efficiency cooling equipment with SEER values greater than or equal to 16; high efficiency heating equipment with AFUE values greater than or equal to 90 for gas equipment and HSPF values greater than or equal to 9 for electric equipment; high efficiency ventilation systems with fan efficacy less than or equal to 0.35 Watts / cfm.⁴ <p>Further, Condition of Approval #21 requires that the project be built to be 15 percent more energy efficient than required by Chapter 6 of Title 24, and that the buildings and landscaping will be designed to use 25 percent less water than average household use in the region. To substantiate this the applicant shall provide the City a professionally prepared analysis demonstrating how the project achieves and maintains these thresholds. The analysis must be submitted for review and accepted by the City prior to submittal of Building plans.</p>		
	YES	NO
K. The buildings and landscaping are designed to achieve 25 percent less water usage than the average household use in the region. (PRC Section 21155.1(a)(8))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> In addition to the energy requirements within Tier 1 of the CALGreen Code as discussed above, the CALGreen Code includes water efficiency requirements as well. The proposed project will be designed to meet and exceed</p>		

³ Pacific Gas & Electric Company. Updating California’s Building Energy Efficiency Standards, A Collaborative Process [pg. 11]. December 5, 2017.

⁴ Alan German, Principal, Frontier Energy. Personal Communication [Letter] with Heidi Tschudin, Director, City of Davis Department of Community Development & Sustainability. June 23, 2018.

the Tier 1 CALGreen requirements in order to achieve operational water use reductions in excess of 25 percent of regional averages.

As reported by the State Water Resources Control Board, the average annual water use in the Sacramento Hydraulic Region from May 2017 to April 2018 was 122.7 gallons per day per capita (gpd/capita)⁵, while the City of Davis' average water use is approximately 54 gpd/capita.

The proposed project will include low water use fixtures within the project and water efficient landscape design. Condition of Approval 17 has been included to ensure that the proposed project is designed to achieve a 25 percent water use reduction as compared to regional average water use. Condition of Approval 17 requires that the project applicant submit confirmation of compliance with these energy and water efficiency requirements to the City prior to issuance of building permits, which would allow the City to verify that the proposed project has met such standards prior to project implementation. Furthermore, the City's standard building review process includes review of projects for compliance with the Tier 1 standards of the CALGreen code.

	YES	NO
L. The project meets all of the following land use criteria: (PRC Section 21155.1(b))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> The site is not more than 8 acres in total 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> The site is approximately 7.34 gross acres. See <u>Exhibit B</u>, Project Description.</p>		
<ul style="list-style-type: none"> The project does not contain more than 200 residential units 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> The project includes approximately, but no more than, 200 units. See <u>Exhibit B</u>, Project Description.</p>		
<ul style="list-style-type: none"> The project does not result in any net loss in the number of affordable housing units within the project area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> The project site is not developed and the project will not result in any net loss of affordable housing units. On the contrary, the project will result in a net gain in the number of affordable housing units within the project area. See <u>Exhibit I</u>, Affordable Housing Plan.</p>		
<ul style="list-style-type: none"> The project does not include any single-level building that exceeds 75,000 square feet. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> The project does not include any single-level building, except for the bike barns and coffee shop. These will comprise a total of approximately 4,000 square feet, which is far below the threshold of 75,000 square feet.</p>		
<ul style="list-style-type: none"> Any applicable mitigation measures or performance standards or criteria set forth in the prior environmental impact reports, and adopted in findings, have been or will be incorporated into the project. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> The Plaza 2555 project incorporates all applicable mitigation measures, performance standards, and criteria set forth in the prior environmental impact reports for the City of Davis General Plan, the SACOG MTP/SCS EIR, and the South Davis Specific Plan EIR and are discussed in greater detail in <u>Exhibit J</u>, Mitigation Measure Consistency Table.</p>		

⁵ State Water Resources Control Board. Water Conservation Portal – Conservation Reporting. Available at https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/conservation_reporting.html. Accessed July 2, 2018.

<ul style="list-style-type: none"> The project is determined not to conflict with nearby operating industrial uses. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> There are no nearby operating industrial uses, and the project will not conflict with any nearby uses. Rather, it fits within the neighborhood context.</p>		
<ul style="list-style-type: none"> The project is located within one-half mile of a rail transit station or a ferry terminal included in a regional transportation plan or within one-quarter mile of a high-quality transit corridor included in a regional transportation plan. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> The project is within one-quarter mile of a high quality transit corridor included in the SACOG Regional Transportation Plan. See <u>Exhibit C</u>, SACOG Quarter Mile High Quality Transit Corridor Map.</p>		
	YES	NO
M. The project meets at least one of the following criteria: (PRC Section 21155.1(c))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> At least 20 percent of the housing will be sold to families of moderate income, or not less than 10 percent of the housing will be rented to families of low income, or not less than 5 percent of the housing will be rented to families of very low income. (PRC Section 21155.1(c)(1)(A)) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation:</u> At least 5% of the housing units will be rented to very low income households. See <u>Exhibit I</u>, Affordable Housing Plan.</p>		
<ul style="list-style-type: none"> The developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to the requirement directly above. (PRC Section 21155.1(c)(2)) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Explanation:</u> Not applicable because the project will comply with the first criterion.</p>		
<ul style="list-style-type: none"> The project provides public open space equal to or greater than five acres per 1,000 residents of the project. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Explanation:</u> Not applicable because the project will comply with the first criterion.</p>		

EXHIBITS TO CHECKLIST:

Exhibit A: SACOG MTP/SCS Consistency Determination Letter
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4a SACOG MTPSCS Consistency Determination Letter.pdf>

Exhibit B: Project Narrative/Description
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4b Project Narrative.pdf>

Exhibit C: SACOG Quarter Mile High Quality Transit Corridor Map
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4c SACOG Quarter Mile High Quality Transit Corridor Map.pdf>

Exhibit D: Civil Utility Summary
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4d Plaza 2555 - Utility Letter.pdf>

<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4d Utilities Letter Approval.pdf>

Exhibit E: Reconnaissance Survey on Natural Resources
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4e Reconnaissance Survey on Natural Resources.pdf>

Exhibit F: Environmental Site Assessment
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4f Environmental Site Assessment.pdf>

Exhibit G: Qualitative Assessment of Near-Roadway Air Quality Impacts on the Plaza 2555 Project
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Sustainable-Communities-Project-Checklist/Att 4g Qualitative Assessment of Near-Roadway Air Quality Impacts revd 9-21-17.pdf>

Exhibit H: Noise Study
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Technical-Reports-2018-08-22/Plaza2555Noise07-31-17.pdf>

Exhibit I: Affordable Housing Plan (see Attachment #8 (Development Agreement), Exhibit E)

Exhibit J: Mitigation Measure Consistency Table (see below)

Exhibit K: Preliminary Endangerment Assessment
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Updated-Project-Materials-October-2018/Plaza 2555 Preliminary Endangerment Assessment Report October 2018.pdf>

Exhibit L: Cultural Resources Assessment for the Plaza 2555 Project
<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Updated-Project-Materials-October-2018/Plaza 2555 Cultural Resource Assessment September 24 2018.pdf>

EXHIBIT J, Mitigation Measure Consistency Table

The Plaza 2555 project incorporates all applicable mitigation measures, performance standards, and criteria set forth in the prior environmental impact reports for the City of Davis General Plan, the SACOG MTP/SCS EIR, and the South Davis Specific Plan EIR.

General Plan EIR Measures

The proposed project’s consistency with and incorporation of applicable mitigation measures, performance standards, and criteria set forth in the Draft Program EIR for the City’s General Plan are discussed in Table 1.

The City’s General Plan includes self-mitigating goals, policies, standards, and actions designed to reduce the potential environmental impacts that could result from implementation of the General Plan. In addition, the Draft Program EIR for the City’s General Plan included various mitigation measures that amended some proposed goals, policies, standards, and/or actions within the General Plan or provided additional self-mitigating goals, policies, etc. Following approval of the Draft Program EIR for the City’s General Plan, the City’s General Plan was revised to incorporate the self-mitigating measures required as mitigation in the Draft Program EIR as goals, policies, standards and actions in the City’s General Plan. Therefore, the goals, policies, standards, and actions presented in Table 1 include the mitigation measures required by the Draft Program EIR for the City’s General Plan.

Table 1 General Plan Mitigation and Performance Standards	
City of Davis General Plan -- Goal/Policy	Project Consistency
<p>Policy HAZ 1.1 Site and design developments to prevent flood damage.</p> <p>Standard 1.1a No development shall occur in flood-prone areas, including all areas below an elevation of 25 feet, unless mitigation of flood risk is assured. Any mitigation proposed by the project proponent to mitigate flood risks shall demonstrate that the mitigation/design does not adversely impact other properties.</p> <p>Standard 1.1b Development shall not increase flood hazards or reduce the effectiveness of existing flood-control facilities.</p> <p>Standard 1.1c New development shall be designed to include measures to protect structures from a 100-year flood.</p>	<p>The project site is not within a 100-year floodplain and implementation of the proposed project would not result in any changes to flood-prone areas. See Flood Insurance Rate Map number 06113C0611G.</p> <p>The conditions of approval require the developer to demonstrate that the proposed construction shall be above the base flood elevation as designated by FEMA.</p> <p>The conditions of approval further require compliance with the City’s Stormwater Management and Discharge Control Ordinance to control and prevent flooding by surface-water runoff.</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<p>Standard 1.1d New development shall include stormwater detention or retention ponds and other facilities, if necessary, to prevent flooding by surface-water runoff.</p>	
<p>Policy HAZ 2.1 Take necessary precautions to minimize risks associated with soils, geology, and seismicity.</p> <p>Standard 2.1a A soils report shall be required for development sites where soils conditions are not well known, as required by the Planning and Building or Public Works Department.</p>	<p>The City’s General Plan EIR indicates that no faults run through the City. The project site is not in a delineated earthquake fault zone or a seismic hazard zone. The conditions of approval require preparation of a soils investigation report and compliance with all recommendations contained within the report.</p>
<p>Policy HAZ 4.1 Reduce and manage toxics within the planning area.</p> <p>Standard 4.1a Before construction starts, a project proponent will submit a hazardous materials management plan for construction activities that involve hazardous materials. The plan shall discuss proper handling and disposal of materials used or produced onsite, such as petroleum products, concrete and sanitary waste, shall be established prior to the commencement of construction- related activities and strictly enforced by the project proponent. A specific protocol to identify health risks associated with the presence of measures to be followed by the workers entering the work area. If the presence of hazardous materials is suspected or encountered during construction-related activities, the project proponent shall complete a Phase I or Phase II hazardous materials study for each identified site.</p>	<p>The conditions of approval require preparation of a hazardous materials management plan prior to the start of construction for construction activities that involve hazardous materials.</p>
<p>Policy HAZ 5.1 Reduce the combined load of pollutants generated in the City's wastewater, stormwater, and solid waste streams. Such pollutants include, but are not limited to toxic and hazardous substances.</p>	<p>Any hazardous materials associated with project operations would be required to be disposed of in accordance with all applicable federal, State, and local regulations. Operation of residential developments, such as the proposed project, are not considered to involve the use or disposal of substantial amounts of hazardous materials.</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<p>Policy LU 1.1 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.</p> <p>Action 1.1d Maintain a growth management system that regulates the timing of residential growth in an orderly way considering the following: infrastructure, geographical phasing, local employment increases, jobs/housing balance, environmental resources, economic factors DJUSD school enrollment and sustainability.</p>	<p>Plaza 2555 is within the edge of the urbanized area of the City depicted on the General Plan land use map.</p> <p>The project is consistent with the City growth policies and housing issues because it is exempt from phased allocation requirements pursuant to Municipal Code Section 18.01.030(b) under item (3) a multifamily rental residential development and it is consistent with the 1% growth cap guideline established by the City Council by Resolution #08-019, which was amended by Resolution #11-077. The resolution establishes a residential growth cap of 1% per year, or approximately 260 “base” units. Affordable housing is exempt from the cap. On April 3, 2018, a Residential Development Status Report was given to the City Council, forecasting potential residential development to ensure that the 1% growth cap is not exceeded. The City has updated that Report with additional information from projects that have been placed into consideration since April. The updated information is provided in the staff report for this item. Based on that updated information, if all proposed projects were approved and built within five years, the total units to which the growth cap would apply could be 269 units per year. This is modestly above the 260 unit 1% base rate. Council, however, has the ability to roll over multi-family rental units and accumulate those units over several years. Based on this ability, the multi-family units currently approved could use allocations from prior years, given that little to no multifamily units have been constructed in the City in many years. This would result in the multi-family units in the City, including this project, remaining well below the 1% growth cap.</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<p>Policy LU 2.1 Develop and implement guidelines for infill development and comprehensive car management strategies immediately following the adoption of the General Plan so that guidelines and strategies will be in place prior to the approval of significant new infill development.</p> <p>Standard 2.1a Guidelines should recognize various forms and patterns of infill development including:</p> <ol style="list-style-type: none"> 1. new mixed use, transit oriented development in new neighborhoods developed on urban land zoned for nonresidential uses. (Land designated on the General Plan Land Use Map for uses of agriculture, agriculture buffer, or various open space uses are not to be considered as, nor re-designated as, urban land for infill purposes.) 2. new mixed use, transit oriented development in/near established neighborhoods. 3. residential infill in/near established neighborhoods (e.g., Grande and Wildhorse school sites). 4. densification of existing single family lots. 5. targeted residential infill to help address the needs of UC Davis students and employees, City and school district employees, seniors, lower income households and other special needs groups (e.g., prospective joint UC-City- RDA-private sector sponsored projects). • 6. redevelopment of older apartment complexes. 	<p>On October 24, 2001, the City adopted interim guidelines for infill development. The proposed project is considered an infill development, and would be subject to the adopted infill development guidelines.</p> <p>The City has reviewed the project in the context of the interim infill development guidelines and determined that the proposed project is consistent with such guidelines.</p> <p>The proposed project site is located in an existing neighborhood within the South Davis Specific Plan area of the City.</p> <p>The proposed project is considered an infill development that is consistent with the MTP/SCS. The project is located in proximity to high-quality transit corridors as well as existing bicycle and pedestrian infrastructure.</p> <p>The proposed project is located in an existing neighborhood and consists of residential infill.</p> <p>The proposed project is intended for use to meet un-met housing needs in the City, including as off-campus student housing, in proximity to UC Davis.</p>
<p>Policy UD 1.1 Promote urban/community design which is human-scaled, comfortable, safe and conducive to pedestrian use.</p>	<p>The proposed project incorporates a balanced circulation network within the proposed project to facilitate separate pedestrian and bicycle pathways separate from vehicular access. There is pedestrian-oriented design</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy		Project Consistency
		with regard to the allocation of space, building size and placement, site enhancement, open space design, and connection to pedestrian/bikeways and site amenities. The transit plaza provides pedestrian-attracting public spaces that provide informal areas for people of all ages to interact with one another.
Policy UD 3.2	Provide exterior lighting that enhances safety and night use in public spaces, but minimizes impacts on surrounding land uses.	Lighting would be designed to adequately serve the project site, and, in compliance with Section 8.17.030 of the City's Municipal Code, new lighting would be required to be fully shielded and placed with proper direction to avoid impacts on surrounding land uses. Moreover, the conditions of approval require preparation and approval by the City Engineer of a street lighting design.
Goal Water 1	Minimize increases in water use.	The proposed project would include water efficient indoor fixtures, as well as water efficient landscaping. The buildings and landscaping are designed to, and the conditions of approval require that the project achieve 25 percent less water usage than the average household use in the region.
Policy Water 1.2	Require water conserving landscaping.	The conditions of approval require that the buildings and landscaping are designed to achieve 25 percent less water usage than the average household use in the region.
Policy Water 2.1	Provide for the current and long-range water needs of the Davis Planning Area, and for protection of the quality and quantity of groundwater resources.	Beginning in June 2016, the City's main source of domestic water switched from groundwater sources to surface water sources. While groundwater will continue to be used within the City during peak demand periods and for some irrigation uses, the primary source of water for the City will be surface water, which will reduce the City's demand on groundwater resources. Because the project will predominantly use surface water, implementation of the proposed project would not result in impacts to the quantity of

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
	groundwater. The conditions of approval require compliance with the City’s Stormwater Management and Discharge Control Ordinance so the project would not result in impacts to the quality of groundwater.
Policy Water 2.2 Manage groundwater resources so as to preserve both quantity and quality.	Please refer to the discussion for Policy Water 2.1.
Policy Water 2.3 Maintain surface water quality.	Please refer to the discussion for Policy HAZ 5.1 and Policy Water 2.1 for how the proposed project would reduce the potential for degradation of surface water quality.
Policy Water 3.2 Coordinate and integrate design, construction, and operation of proposed stormwater retention and detention facilities City-wide, to minimize flood damage and improve water quality.	The conditions of approval require submission and approval of an on-site drainage plan in which improvement shall be designed to collect and convey the 10% storm flow. Final calculations for the 10% and 1% storm events will be provided.
Policy Water 5.1 Evaluate the wastewater production of new large-scale development prior to approval to ensure that it will fall within the capacity of the plant.	Cunningham Engineering prepared a technical memorandum, titled “Civil Utility Summary” on August 8, 2018 evaluating the capacity in the wastewater treatment facility to serve operation of the proposed project in conjunction with existing uses. The technical memorandum determined that the existing wastewater treatment infrastructure maintains adequate capacity to serve operation of the proposed project in conjunction with existing uses. City Public Works/Engineering staff reviewed the technical memorandum and concurs with its conclusions.
Goal TRANS #2: The Davis transportation system will evolve to improve air quality, reduce carbon emissions, and improve public health by encouraging usage of clean, energy-efficient, active (i.e. human powered), and economically sustainable means of travel.	The proposed project is considered an infill development that is consistent with the MTP/SCS. The project is located in proximity to high-quality transit corridors as well as existing bicycle and pedestrian infrastructure. The proposed project also

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<ul style="list-style-type: none"> • Performance Objective #2.1: Reduce carbon emissions from the transportation sector 61% [sic] by 2035. • Performance Objective #2.2: Reduce vehicle miles traveled (VMT) 39% by 2035. • Performance Objective #2.3: Annually increase funding for maintenance and operation needs of the transportation system, until fully funded. 	<p>includes a transit plaza, pedestrian connectivity and bicycle infrastructure such as bicycle parking, all of which would encourage alternate modes of transportation to reduce carbon emissions from the transportation sector and reduce vehicle miles traveled.</p>
<p>Policy TRANS 1.6 Reduce carbon emissions from the transportation system in Davis by encouraging the use of non-motorized and low carbon transportation modes.</p>	<p>Please refer to the Project Consistency discussion for Goal TRANS #2 regarding alternative means of transportation.</p>
<p>Policy TRANS 1.7 Promote the use of electric vehicles and other low-polluting vehicles, including Neighborhood Electric Vehicles (NEV).</p>	<p>The proposed project includes Electric Vehicle charging stations, which would promote the use of electric vehicles by future project residents.</p>
<p>Policy TRANS 2.4 As part of the initial project review for any new project, a project-specific traffic study may be required. Studies shall identify impacted transportation modes and recommend mitigation measures designed to reduce these impacts to acceptable levels.</p>	<p>A trip generation estimate was prepared by Fehr & Peers, a transportation planning and engineering firm. That estimate presents an analysis of the potential trip-generation of the proposed project. A refinement to the trip generation estimate was prepared by KD Anderson Associates, Inc., a transportation planning and engineering firm. That refinement captures the travel effects of the rooms per unit ratio proposed for the proposed project. Both estimates forecast that the Plaza 2555 project would generate peak hour trips that are within the range of projections for alternative site assumptions in the City’s traffic model, so no additional mitigation measures are necessary.</p>
<p>Policy TRANS 3.3 Require new development to be designed to maximize transit potential.</p>	<p>Please refer to the Project Consistency discussion for Goal TRANS #2, regarding alternative means of transportation.</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<p>Policy TRANS 4.2 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.</p>	<p>The proposed project includes a bikeway separated from vehicular traffic with appropriate landscaping and shading to minimize conflicts between pedestrians, bicyclists, transit, and automobiles.</p>
<p>Policy TRANS 4.4 Provide pedestrian and bicycle amenities.</p>	<p>Please refer to the discussion for Goal TRANS #2 and Policy Trans 4.2.</p>
<p>Policy TRANS 5.2 Existing and future off-street parking lots in development should contribute to the quality of the urban environment and support the goals of this chapter to the greatest extent possible.</p>	<p>The proposed project would include over 300 vehicle spaces generally behind the residential buildings, contributing to the quality of the urban environment.</p>
<p>Policy AIR 1.1 Take appropriate measures to reach and exceed the YSAQMD thresholds for air pollution levels.</p> <p>Action 1.1e: Implement transit- and pedestrian-oriented land use and design strategies outlined in the Land Use, Design and Mobility chapters of this General Plan.</p>	<p>Please refer to the discussions for Policy UD 1.1, Goal TRANS #2 and Policy Trans 3.3 and 4.2</p> <p>The conditions of approval require a number of actions to be taken during construction to minimize air quality impacts. Moreover, the developer will provide documentation of inclusion of measures to reduce potential air quality impacts as follows:</p> <p>CARB’s Technical Advisory that identifies the use of particle filtration systems and devices, and specifically high-efficiency filtration with mechanical ventilation or portable high efficiency air cleaners to be used in the Plaza 2555 project. This will reflect CARB’s statement that these measures can be highly effective for reducing indoor pollution concentrations and can remove between 50 to 99 percent of particles in the air. Consistent with the report that roadside vegetation has been shown to reduce exposure to air pollution through the interception of</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
	<p>airborne particles and/or through the uptake of gaseous air pollutants by leaf stomata as well as improvements to air pollutant dispersion, the applicant/developer shall provide documentation and plans to show the following to be included in the project, as applicable:</p> <ul style="list-style-type: none"> • Vegetation type, height, and thickness that can influence the extent of mixing and pollutant deposition experienced at the site. The species should have the following characteristics: <ul style="list-style-type: none"> ○ Minimal seasonal effects (no deciduous plants); ○ Low allergen, low BVOC-producing, non-poisonous; ○ Urban hardy; ○ Low maintenance; ○ Drought tolerant; ○ Preferably native; and ○ Non-invasive. ○ The chosen vegetation barriers should have the following physical characteristics among other things: <ul style="list-style-type: none"> ▪ Height (preferably 5 meters or higher); ▪ Thickness (preferably 10 meters or greater, for vegetative barriers); ▪ Allowance for some air flow-through (porosity of 0.5 to 0.9, for vegetative barriers); ▪ No gaps in vegetation; and ▪ Vegetation extending from the ground to the top of the canopy.
<p>Policy NOI 1.1 Minimize vehicular and stationary noise sources, and noise emanating from temporary activities.</p> <p>Standard 1.1a The City shall strive to achieve the</p>	<p>The potential for the proposed project to result in the exposure of future residents to exterior noise levels at outdoor spaces within the project site in excess of the City's General Plan standards was discussed in the Plaza</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<p>"normally acceptable" exterior noise levels as shown in Table 19 [Figure 5F-1 in this EIR] of the General Plan Update and the target interior noise levels as shown in Table 20 of the General Plan update in future development areas and in currently developed areas</p> <p>Standard 1.1b New development should generally be allowed only in areas where exterior and interior noise levels consistent with Tables 19 [Figure 5F-1 in this EIR] and 20 of the General Plan update can be achieved.</p> <p>Standard 1.1c New development and changes in use should generally be allowed only if they will not adversely impact attainment within the community of the exterior and interior noise standards shown in Table 19 [Figure 5F-1 in this EIR] and 20 in the General Plan Update Cumulative and project specific impacts by new development on existing residential land uses should be mitigated consistent with the standards shown in Table 19 and 20 of the General Plan Update.</p> <p>Standard 1.1d Required noise mitigation measures for new and existing housing should be provided with the first stage and prior to completion of new developments or the completion of capacity-enhancing roadway changes wherever noise levels currently exceed or are projected within 5 years to exceed the normally acceptable noise levels shown in Table 19 [Figure 5F-1 in this EIR] of the General Plan update.</p> <p>Action 1.1h Require an acoustic study for all proposed projects that would have noise exposure greater than normally acceptable as indicated by Figure 37 of the General Plan update.</p> <p>Action 1.1m The project proponent shall employ noise- reducing construction practices. The following measures shall be incorporated into contract</p>	<p>2555 Noise Study, which shows that the proposed project would not result in the exposure of future residents to exterior noise levels in excess of the City's General Plan standards.</p> <p>Furthermore, Noise Control Measure 1 would ensure that internal noise levels within the proposed residential structures would be within an acceptable range.</p> <p>The proposed project has been designed to fulfill Goal TRANS #2 of the City's General Plan, and reduce the use of automobiles through the development of an in-fill site with access to alternative means of transportation. Reducing the dependence of future residents on automobiles would have the co-benefit of reducing vehicular noise. Furthermore, the conditions of approval require that outdoor amenities comply with the city's Noise Regulations. Therefore, the proposed project is not anticipated to adversely impact attainment within the community of exterior and interior noise standards.</p> <p>Construction activity included in the proposed project could generate temporary noise in the project area; however, the conditions of approval require noise reduction practices, construction times and noise impact mitigation measures.</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<p>specifications to reduce the impact of construction noise. All equipment shall have sound- control devices no less effective than those provided on the original equipment. No equipment shall have an unmuffled exhaust. As directed by the City, the contractor shall implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.</p>	
<p>Policy NOI 2.1 Take all feasible steps to ensure that interior noise levels can be maintained at the levels shown in Table 20.</p>	<p>Please refer to the Project Consistency discussion for Policy NOI 1.1.</p>
<p>Policy HAB 1.1 Protect existing natural habitat areas, including designated Natural Habitat Areas.</p> <p>Standard 1.1a Heritage oak trees and City-designated signature trees shall be protected. Riparian corridors and wetlands should be protected.</p> <p>Standard 1.1b Project design shall demonstrate that avoidance of sensitive resources has been integrated into project design. Where avoidance is not feasible, the project proponent shall compensate for the loss of disturbance within Yolo County. The type and amount of compensation shall be determined in conjunction with the appropriate local, state, and/or federal regulatory agency involved.¹</p> <p>Standard 1.1i The City shall require a biological survey be prepared by a qualified biologist for proposed development areas that may contain sensitive resources as defined by the City or appropriate state or federal regulatory agencies. The biological study shall be prepared as a requirement of the environmental assessment of a given project unless the City's Planning Director determines, based on previous studies or other evidence, that the site's</p>	<p>As discussed in Reconnaissance Survey of Natural Resources, the project site is currently supports an exotic annual grass and forb community with few native plant or animal species. The project site does not contain wetlands or riparian areas, does not have significant value as a wildlife habitat, and any project on the site would not harm any species protected by the federal Endangered Species Act of 1973, the Native Plant Protection Act, or the California Endangered Species Act. Nor would a project on the site cause the destruction or removal of any species protected by a local ordinance. There are no heritage oak trees or City-designated signature trees.</p> <p>The conditions of approval require a biological clearance survey be submitted prior to commencement of construction of public improvements on the site.</p> <p>Standard HAB 1.1q is intended to protect sensitive biological areas and agricultural resources from the spread of noxious weeds.</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<p>current state would preclude the finding of sensitive resources. Agricultural use or plowing of a site does not eliminate the probability of sensitive resources. Such studies, when required, shall include:</p> <ul style="list-style-type: none"> • Surveys and mapping of special-status plants and wildlife during the appropriate identification periods; • mapping and quantification of sensitive habitat loss; and • delineation and quantification of waters of the U.S., including vernal pools, swales, alkali wetlands, seasonal wetlands, and other wetlands shall be done using the current USACE wetland delineation manual. <p>For areas of non-native grassland, rural, developed, or agricultural lands that are determined to contain no special-status species, inclusions of alkali grassland, meadow and scrub, native perennial grassland, or wetlands, no further mitigation will be required. If sensitive habitats are identified, please refer to the mitigation measure(s) below pertaining to that resource to avoid, minimize, or compensate significant effects on these resources accordingly.</p> <p>Standard 1.1j If a biological study of a site determines the presence of sensitive biological resources, the project proponent will retain a qualified biologist, approved by the agency(s) with regulatory responsibility, to monitor construction activities in sensitive biological resource areas.</p> <p>Standard 1.1k. Sensitive biological resources located in or adjacent to the construction area will be protected by placing orange construction barrier fencing, or stakes and flags, including buffer zone (where appropriate and depending on the type of resource). Adjacent resources that may require protection include oak woodland, riparian woodland and scrub vegetation, drainages, vernal pools and swales, other wetlands, native grassland, special status species populations, and elderberry shrubs.</p>	<p>The project site does not contain sensitive biological or agricultural resources, and is not located in proximity to such habitat. Moreover, the project site is not located in proximity to agricultural lands. Therefore, the proposed project does not have the potential to expose sensitive biological areas or agricultural areas to noxious weeds.</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<p>Standard 1.1q In order to avoid or minimize impacts from noxious weeds, the City, land manager, or project proponent should implement the following steps.</p> <ul style="list-style-type: none"> • The City shall work with regulatory agencies to develop a plan to identify and manage those weed species or weed infestation areas which pose the greatest threat to sensitive biological resources, agricultural areas, or other high priority resources. • Project proponents will be required to survey and implement prevention measures, abatement measures, and post-project monitoring of noxious weeds as a component of land management or land development projects. All measures should be consistent with other City policies (e.g. minimization of pesticide use). 	
<p>Policy HAB 1.4 Preserve and protect scenic resources.</p>	<p>The project site is located in an urbanized area. The project site and the site surroundings do not contain significant scenic resources, and the project would not result in any impacts to scenic resources.</p>
<p>Policy HIS 1.2 Incorporate measures to protect and preserve historic and archaeological resources into all planning and development.</p> <p>Standard 1.2b A cultural resources survey shall be required for development sites where cultural resource conditions are not known (as required by the Planning and Building Department). Resources within a project site that cannot be avoided should be evaluated. Additional research and test excavations, where appropriate, should be undertaken to determine whether the resource(s) meets CEQA and/or NRHP significance criteria. Impacts to significant resources that cannot be avoided will be mitigated in consultation with the lead agency for the project. Possible mitigation measures include:</p>	<p>There are no historic resources on the site, which has never been developed (see Environmental Site Assessment) and there are no nearby historic resources. See, e.g., the City of Davis Designated Historical Resources Register and historic resources surveys and inventories. The conditions of approval require that if subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to</p>

**Table 1
General Plan Mitigation and
Performance Standards**

City of Davis General Plan -- Goal/Policy	Project Consistency
<ul style="list-style-type: none"> • a data recovery program consisting of archaeological excavation to retrieve the important data from archaeological sites; • development and implementation of public interpretation plans for both prehistoric and historic sites; • preservation, rehabilitation, restoration, or reconstruction of historic structures according to Secretary of Interior Standards for Treatment of Historic Properties; • construction of new structures in a manner consistent with the historic character of the region; and • treatment of historic landscapes according to the Secretary of Interior Standards for Treatment of Historic Landscapes.¹ 	<p>develop, if necessary, further measures to reduce any cultural resource impact before construction continues.</p>
<p>Policy Y&E 8.1 Require full mitigation of school impacts resulting from new residential development within the boundaries of the City, to the extent legally permissible.</p>	<p>The conditions of approval require that developer shall cooperate with the School District to the extent authorized by State law in establishing school funding mechanisms for new subdivisions and in-fill development to ensure that the impacts of such development on school facilities are fully mitigated.</p>
<p>Policy ENERGY 1.3 Promote the development and use of advanced energy technology and building materials in Davis.</p>	<p>The proposed project shall meet LEEDv3 Gold standards. The conditions of approval require that the project is built at no less than 15 percent more energy efficient than required by Chapter 6 of Title 24, and that the buildings and landscaping will be designed to use 25 percent less water than average household use in the region. Therefore, the Plaza 2555 project shall to provide staff a professionally prepared analysis showing how the project shall exceed Title 24 by 15 percent, and how water usage will be 25 percent less than average household use in the region, prior to Building Permit application submittal for the project, but no later than at time of Building Permit application submittal.</p>

Table 1 General Plan Mitigation and Performance Standards	
City of Davis General Plan -- Goal/Policy	Project Consistency
Policy ENERGY 1.4 Continue to enforce landscaping requirements that facilitate efficient energy use or conservation.	Please refer to the Project Consistency discussion for Policy Water 2.1.
Policy ENERGY 1.5 Encourage the development of energy-efficient subdivisions and buildings.	Please refer to the Project Consistency discussion for Policy Energy 1.3.

SACOG MTP/SCS EIR Measures

The proposed project’s consistency with applicable mitigation measures, performance standards, and criteria set forth in the SACOG MTP/SCS EIR are discussed in Table 2.

Table 2 SACOG MTP/SCS EIR Mitigation Measures	
Mitigation Measure	Applicability/Project Consistency
<p>Mitigation Measure AES-1: Reduce sun glare resulting from implementation of new transportation projects.</p> <p>The implementing agency shall require measures that would minimize and control glare from transportation projects through the adoption of project design features that reduce glare. These features include:</p> <ul style="list-style-type: none"> • planting trees along transportation corridors to reduce glare from the sun; • creating tree wells in existing sidewalks; • adding trees in new curb extensions and traffic circles; • adding trees to public parks and greenways; and • landscaping off-street parking areas, loading areas, and service areas. 	<p>Not applicable: Proposed project is not a new transportation project.</p>

**Table 2
SACOG MTP/SCS EIR
Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
<p>Tree species planted to comply with this measure shall provide significant shade cover when mature. Utilities shall be installed underground along these routes wherever feasible to allow trees to grow and provide shade without need for severe pruning.</p>	
<p>Mitigation Measure AES-2: Design structures to avoid or reduce impacts resulting from glare. The implementing agency shall require measures that would minimize and control glare from land use and transportation projects through the adoption of project design features that reduce glare. These features include:</p> <ul style="list-style-type: none"> • limiting the use of reflective materials, such as metal; • using non-reflective material, such as paint, vegetative screening, matte • finish coatings, and masonry; • screening parking areas by using vegetation or trees; • using low-reflective glass; and • complying with applicable general plan policies or local controls related to glare. 	<p>Lighting would be designed to adequately serve the project site, and, in compliance with Section 8.17.030 of the City's Municipal Code, new lighting would be required to be fully shielded and placed with proper direction to avoid impacts on surrounding land uses. Moreover, the conditions of approval require preparation and approval by the City Engineer of a street lighting design.</p>
<p>Mitigation Measure AES-3: Design lighting to minimize light trespass and glare. The implementing agency shall require measures that would impose lighting standards that ensure that minimum safety and security needs are addressed and minimize light trespass and glare. These standards include the following:</p> <ul style="list-style-type: none"> • minimizing incidental spillover of light onto adjacent private properties and undeveloped open space; • directing luminaries away from habitat and open space areas adjacent to the project site; • installing luminaries that provide good color rendering and natural light qualities; and • minimizing the potential for back scatter into the nighttime sky and for incidental spillover of light onto adjacent private properties and undeveloped open space. 	<p>Lighting would be designed to adequately serve the project site, and, in compliance with Section 8.17.030 of the City's Municipal Code, new lighting would be required to be fully shielded and placed with proper direction to avoid impacts on surrounding land uses. Moreover, the conditions of approval require preparation and approval by the City Engineer of a street lighting design.</p>

Table 2
SACOG MTP/SCS EIR
Mitigation Measures

Mitigation Measure	Applicability/Project Consistency
<p>Mitigation Measure AES-4: Protect panoramic views and views of significant landscape features or landforms.</p> <p>The implementing agency shall protect panoramic views and views of significant landscape features or landforms by taking the following (or equivalent) actions:</p> <ul style="list-style-type: none"> • requiring that the scale and massing of new development in higher-density areas provide appropriate transitions in building height and bulk that are sensitive to the physical and visual character of adjoining neighborhoods that have lower development intensities and building heights; • ensuring building heights stepped back from sensitive adjoining uses to maintain appropriate transitions in scale and to protect scenic views; • avoiding electric towers, solar power facilities, wind power facilities, communication transmission facilities and/or above ground lines along scenic roadways and routes, to the maximum feasible extent; • prohibiting projects and activities that would obscure, detract from, or negatively affect the quality of views from designated scenic roadways or scenic highways; and • complying with other local general plan policies and local control related to the protection of panoramic or scenic views or views of significant landscape features or landforms. 	<p>Not applicable: There are no panoramic views or views of significant landscape features or landforms in proximity to the proposed project.</p>
<p>Mitigation Measure AES-5: Design river crossings to minimize aesthetic and visual impacts and to protect scenic and panoramic views of significant landscape features and landforms to the greatest feasible extent.</p> <p>The implementing agency shall design river crossings to protect the important elements of scenic vistas, including panoramic views and views of significant landscape features or landforms. Such design elements could include:</p>	<p>Not applicable: The proposed project does not involve any river crossings.</p>

**Table 2
SACOG MTP/SCS EIR
Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
<ul style="list-style-type: none"> • designing the facility with aesthetics and dimensions which are architecturally pleasing and contextually appropriate for the adjacent neighborhoods; • designing the facility to not exceed or expand the capacity of the approach roadway; and • prohibiting design features that obscure, detract from, or negatively affect the quality of views from public viewing areas. 	
<p>Mitigation Measure AES-6: Design projects to be visually compatible with surrounding areas. The implementing agency shall require measures that minimize contrasts in scale and massing between the project and surrounding natural forms and developments. Strategies to achieve this include: avoiding large cuts and fills when the visual environment (natural or urban) would be substantially disrupted;</p> <ul style="list-style-type: none"> • siting or designing projects to minimize their intrusion into important viewsheds; • using contour grading to match surrounding terrain; • developing transportation systems to be compatible with the surrounding environments (e.g., colors and materials of construction material; scale of improvements); • avoiding the use of non-native landscaping; if exotic vegetation is used, it • should be used as screening and landscaping that blends in and complements the natural landscape; • protecting or replacing trees in the project area; • using grading that blends with the adjacent landforms and topography; • landscaping new slopes and embankments with compatible grasses, shrubs, and trees to soften cuts and edges; and • designing new structures to be compatible in scale, mass, character, and architecture with 	<p>The proposed project will comply with the Municipal Code, which requires the Final Planned Development projects must be of sustained desirability and stability in harmony with the character of the surrounding neighborhood in order to be approved.</p> <p>The conditions of approval require that All supporting plantings and supporting supplementary irrigation for all bioretention areas and treatment control measures shall be included in a landscape plan set subject to review and approval of the Public Works Director prior to the issuance of building permits. No plant species identified on the California Invasive Plant Inventory Database shall be permitted on site.</p>

**Table 2
SACOG MTP/SCS EIR
Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
existing structures.	
Mitigation Measure AES-7: Implement Mitigation Measure AES-3.	See discussion of AES-3.
<p>Mitigation Measure AES-8: Reduce the visibility of construction-related activities. The implementing agency shall reduce the visibility of construction-related activities by taking the following (or equivalent) actions:</p> <ul style="list-style-type: none"> • restricting construction activities to permitted hours in accordance with local jurisdiction regulations; • locating materials and stationary equipment such as generators, compressors, rock crushers, cement mixers, etc. as far from sensitive receptors as possible; • locating materials and stationary equipment in such a way as to prevent glare, light, or shadow from impacting surrounding uses and minimize blockage of scenic resources; and • reducing the visibility of construction staging areas by fencing or screening these areas with low-contrast materials consistent with the surrounding environment. 	The conditions of approval require that prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Public Works Departments. The conditions of approval also require noise reduction practices including that all equipment shall have sound-control devices and as directed by the City, the Applicant shall implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.
Mitigation Measure AES-9: Implement Mitigation Measure AES-8.	See discussion of AES-8.
Mitigation Measure AES-10: Implement Mitigation Measure AES-8.	See discussion of AES-8.

**Table 2
SACOG MTP/SCS EIR
Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
<p>Mitigation Measure AES-11: Re-vegetate exposed earth surfaces. The implementing agency shall minimize short-term visual impacts of construction by requiring project sponsors to re-vegetate slopes and exposed earth surfaces at the earliest opportunity during construction.</p>	<p>The conditions of approval require landscaping to be maintained in perpetuity on site and within the public right of way</p>
<p>Mitigation Measure AES-12: Minimize contrasts between the project and surrounding areas. The implementing agency shall ensure that projects use natural landscaping to minimize contrasts between the projects and surrounding areas. Wherever possible, the implementing agency shall develop interchanges and transit lines at the grade of the surrounding land to limit view blockage. Project designs shall contour the edges of major cut-and-fill slopes to provide a more natural-looking finished profile.</p>	<p>The proposed project will comply with the Municipal Code, which requires the Final Planned Development projects must be of sustained desirability and stability in harmony with the character of the surrounding neighborhood in order to be approved.</p>
<p>Mitigation Measure AES-13: Replace and renew landscaping along roadway corridors and development sites. The implementing agency shall ensure that project sponsors replace and renew landscaping to the greatest extent possible along corridors with transportation improvements and at development sites. The implementing agency shall ensure that landscaping is planned in new corridors and developments to respect existing natural and man-made features and to complement the dominant landscaping of surrounding areas.</p>	<p>The conditions of approval require landscaping to be maintained in perpetuity on site and within the public right of way. More particularly, landscaped areas shall be kept free from weeds and debris and maintained in a healthy, growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days.</p>
<p>Mitigation Measure AG-1: Mitigate for loss of farmland.</p> <p>The implementing agency shall require project proponents to mitigate for loss of farmland by providing permanent protection of in-kind farmland at a 1:1 ratio, in the form of easements, fees, or elimination of development rights/potential.</p>	<p>Not applicable: The proposed project does not involve farmland.</p>
<p>Mitigation Measure AG-2: Implement Mitigation Measure AG-1.</p>	<p>See discussion of AG-1.</p>

**Table 2
SACOG MTP/SCS EIR
Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
<p>Mitigation Measure AG-3: Design proposed projects to minimize, to the greatest extent feasible, conflicts and inconsistencies with land protected by agricultural zoning or a Williamson Act contract and the terms of the applicable zoning and contract.</p> <p>Implementing agencies shall require project proponents to:</p> <ul style="list-style-type: none"> • Relocate project or corridor realignment, where feasible, to avoid farmland, especially Prime Farmland; • Minimize severance and fragmentation of agricultural land by constructing underpasses and overpasses at reasonable intervals to provide property access; • Include berms, buffer zones, setbacks, and fencing to reduce use conflicts between new development and farming uses and to protect the functions of farmland; and • Implement other feasible conservation tools available from the California Department of Conservation’s Division of Land Resource Protection. 	<p>Not applicable: The proposed project does not involve farmland and is surrounded by developed land.</p>
<p>Mitigation Measure AG-4: Mitigate for loss of forest land or timberland.</p> <p>The implementing agency shall require project proponents to mitigate for loss of forest land or timberland by requiring permanent protection of in-kind land at a 1:1 ratio, in the form of easements or fees and elimination of development rights/potential.</p>	<p>Not applicable: The proposed project does not involve forest land or timberland.</p>
<p>Mitigation Measure AG-5: Minimize conversion of farmland to non-agricultural use.</p> <p>Implementing agencies shall require project proponents to:</p> <ul style="list-style-type: none"> • Design proposed projects to minimize, to the greatest extent feasible, the loss of the highest 	<p>Not applicable: The proposed project does not involve farmland.</p>

Table 2
SACOG MTP/SCS EIR
Mitigation Measures

Mitigation Measure	Applicability/Project Consistency
<p>valued agricultural land.</p> <ul style="list-style-type: none"> • Redesign project features to minimize fragmenting or isolating Farmland. Where a project involves acquiring land or easements, ensure that the remaining nonproject area is of a size sufficient to allow economically viable farming operations. The project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management. • Reconnect utilities or infrastructure that serve agricultural uses if these are disturbed by project construction. If a project temporarily or permanently cuts off roadway access or removes utility lines, irrigation features, or other infrastructure, the project proponents shall be responsible for restoring access as necessary to ensure that economically viable farming operations are not interrupted. • Manage project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land. Where a project has the potential to introduce sensitive species or habitats or have other spill-over effects on nearby agricultural lands, the project proponents shall be responsible for acquiring easements on nearby agricultural land and/or financially compensating for indirect effects on nearby agricultural land. Easements (e.g., flowage easements) shall be required for temporary or intermittent interruption in farming activities (e.g., because of seasonal flooding or groundwater seepage). Acquisition or compensation would be required for permanent or significant loss of economically viable operations. 	
<p>Mitigation Measure AG-6: Inventory innovative ideas and best practices from the RUCS toolkit, USEPA and USDA Supporting Sustainable Rural Communities</p>	<p>Not applicable: The proposed project is not at the urban edge.</p>

**Table 2
SACOG MTP/SCS EIR
Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
<p>publication, and other sources and implement a locally appropriate strategy to manage growth issues at the rural-urban interface to support the long-term viability of agriculture in the SACOG region.</p> <p>The implementing agency shall avoid or minimize general pressure to convert agriculture land at the urban edge to non-agricultural uses by adopting regulations that enforce the innovations and best practices identified to minimize conversion pressures on farmland. Examples of this might include but are not limited to:</p> <ul style="list-style-type: none"> • Agriculture Buffers: Buffers, generally imposed on new development, can assist in reducing urban land use conflicts with farming operations. • Right-to-Farm Ordinances: These ordinances require project applicants to agree to provide real estate disclosures explaining farmers' rights to purchasers or lessees as a condition of project approval for projects located in active farming areas. The intent of such an ordinance is to protect farmers from nuisance complaints and enforcement actions. • Infill and Redevelopment: These policies, which are supportive of infill and redevelopment and consistent with the policy objectives of the proposed MTP/SCS and SB 375, would direct population growth to urban communities, or in established rural communities, thereby reducing pressure to convert agricultural land to development. 	
<p>Mitigation Measure AG-7: Implement Mitigation Measure AG-4.</p>	<p>See discussion of AG-4.</p>
<p>Mitigation Measure AG-8: Minimize construction-related impacts to agricultural and forestry resources.</p> <p>The implementing agency shall require project proponents to:</p>	<p>Not applicable: The proposed project is not at the urban edge and would not affect agricultural or forestry resources.</p>

**Table 2
SACOG MTP/SCS EIR
Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
<ul style="list-style-type: none"> • restrict construction activities to permitted hours in accordance with local jurisdiction regulations; • locate materials and stationary equipment (e.g., generators, compressors, rock crushers, cement mixers) as far from conflicting uses as possible; • locate materials and stationary equipment in such a way as to prevent conflict with agricultural and forestry resources; and • minimize conflict between construction vehicles and agricultural operations on roads that facilitate agricultural operations. 	
<p>Mitigation Measure AIR-1: Adhere to ARB Handbook siting guidance to the maximum extent possible. Where sensitive land uses or TAC sources would be sited within the minimum ARB recommended distances, a screening-level HRA, and, if warranted, a site-specific HRA shall be conducted to determine, based on site-specific and project-specific characteristics, all feasible mitigation and best practices. Identified feasible mitigations and best practices shall be implemented. The HRA protocols of the applicable local air districts shall be followed or, where a district/office does not have adopted protocols, the protocol of SMAQMD or CAPCOA shall be followed. Best practices shall be applied as recommended and applicable, to reduce the impact to a less-than-significant level where feasible. The HRA should give particular attention to the nature of the receptor, recognizing that some receptors are particularly sensitive (e.g., schools, day care centers, assisted living and senior centers, and hospitals) and may require special measures. Examples of best practices that studies have suggested to be effective include:</p> <ul style="list-style-type: none"> • install, operate, and maintain in good working order a central heating, ventilation, and air conditioning (HVAC) system or other air intake system in the building, or in each individual unit, that meets or exceeds a minimum efficiency reporting value (MERV) of 13 and includes 	<p>The project is located within 500 feet of the Interstate 80 freeway, and is therefore within the minimum recommended distance for which this mitigation measure calls for a screening level health risk assessment. The Plaza 2555 Project Qualitative Assessment of Near-Roadway Air Quality Impacts and Addendum prepared for the project constitutes a “screening level HRA,” and determined that the potential for exposure of future occupants of the project to significant health hazards from I-80 is below the screening cancer level risk thresholds established by SMAQMD and BAAQMD. In other words, the near-roadway health risk experienced by the Plaza 2555 project is not expected to be significant. Implementation of the proposed Project design features would further reduce the already less-than-significant impacts.</p> <p>The project would not result in an increased health risk to residents of a magnitude that would warrant a site-specific health risk assessment (HRA).</p> <p>The potential health risk to project residents is lower than that presumed in the analyses underlying existing guidance because vehicle emission standards have become more</p>

Table 2
SACOG MTP/SCS EIR
Mitigation Measures

Mitigation Measure	Applicability/Project Consistency
<p>either high efficiency particulate air (HEPA) filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) certified 85 percent or higher;</p> <ul style="list-style-type: none"> • install passive (drop-in) electrostatic filtering systems, especially those with low air velocities (i.e., 1 mile per hour [MPH]) as a part of the HVAC project HVAC system(s); • maintain, repair, and/or replace the HVAC system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HVAC system and the filter, for inclusion in the Covenants, Conditions and Restrictions (CC&Rs) for residential projects and a separate homeowners manual; • orient air intakes away from TAC sources or provide shields or buffers to the maximum extent possible; maintain a vegetative barrier between new residential units consisting of tree species with year-round foliage and a porosity of 20 or 40 percent wherever feasible; and • use tiered tree planting between roadways and sensitive receptors wherever feasible, using native, needled (coniferous) species, ensure a permanent irrigation source, and provide permanent funding to maintain and care for the trees. <p>Additionally, implementing agencies should contact SMAQMD and/or CAPCOA for the most current list of best practices for limiting exposure of sensitive receptors to substantial TAC concentrations consistent with the <i>ARB Handbook</i>.</p>	<p>stringent since those analyses were initially prepared, resulting in significantly lower emission rates of toxic air contaminants from mobile sources.</p> <p>Nonetheless, the City requires that the applicant/developer shall provide to the Community Development and Sustainability Director or his designee, prior to submission of the first building permit application, documentation of inclusion of measures that would help mitigate to less than significant levels any potential air quality impacts as discussed in the report to include:</p> <ul style="list-style-type: none"> • CARB’s Technical Advisory that identifies the use of particle filtration systems and devices, and specifically high-efficiency filtration with mechanical ventilation or portable high efficiency air cleaners to be used in the Plaza 2555 project. This will reflect CARB’s statement that these measures can be highly effective for reducing indoor pollution concentrations and can remove between 50 to 99 percent of particles in the air. • Consistent with the report that roadside vegetation has been shown to reduce exposure to air pollution through the interception of airborne particles and/or through the uptake of gaseous air pollutants by leaf stomata as well as improvements to air pollutant dispersion, the applicant/developer shall provide documentation and plans to show the following to be included in the project, as applicable: <ul style="list-style-type: none"> ○ Vegetation type, height, and thickness that can influence the extent of mixing and pollutant deposition experienced at the site. The species should have the following characteristics:

**Table 2
SACOG MTP/SCS EIR
Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
	<ul style="list-style-type: none"> ○ Minimal seasonal effects (no deciduous plants); ○ Low allergen, low BVOC-producing, non-poisonous; ○ Urban hardy; ○ Low maintenance; ○ Drought tolerant; ○ Preferably native; and ○ Non-invasive. ● The chosen vegetation barriers should have the following physical characteristics among other things: <ul style="list-style-type: none"> ○ Height (preferably 5 meters or higher); ○ Thickness (preferably 10 meters or greater, for vegetative barriers); ○ Allowance for some air flow-through (porosity of 0.5 to 0.9, for vegetative barriers); ○ No gaps in vegetation; and ○ Vegetation extending from the ground to the top of the canopy.
<p>Mitigation Measure AIR-2: Implementing agencies shall require assessment of new and existing odor sources for individual land use projects to determine whether sensitive receptors would be exposed to objectionable odors and apply recommended applicable mitigation measures as defined by the applicable local air district and best practices.</p> <p>Examples of mitigation measures that may be applied where feasible and necessary to address site-specific impacts, include but not limited to:</p> <ul style="list-style-type: none"> ● Proposed industrial, commercial, or convenience land uses (e.g., fast-food restaurants, painting operations) that have the potential to emit objectionable odors shall be located as far away as feasibly possible from existing and proposed sensitive receptors and oriented where possible to place buildings or other obstructions between 	<p>Not applicable: The proposed project would not create new odor sources or be located near existing odor sources. See, e.g., Yolo Solano Air Quality Management District Handbook for Assessing and Mitigating Air Quality Impacts, p. 14.</p>

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Mitigation Measure	Applicability/Project Consistency
<p>the odor source and downwind receptors.</p> <ul style="list-style-type: none"> • The odor-producing potential of land uses shall be considered when the exact type of facility that would occupy industrial, commercial, or convenience areas is determined. • If an odor-emitting facility is to occupy space in the industrial, commercial, or convenience area, the odor-producing potential of the source and potential control devices shall be determined in coordination with the local air district and shall be based on the number of complaints associated with existing sources of the same nature. Odor-control devices (e.g., wet chemical scrubbers, HVAC filters, activated carbon scrubbers, biologically active filters, enclosures) shall be identified in the improvement plans before the approval of building permits. The odor-control devices shall be installed before the issuance of certificates of occupancy for the potentially odor-producing use. • Require notification to incoming property owners (e.g., real estate disclosures) regarding the existence of pre-existing odor-emitting facilities or operations (e.g., similar to aviation easements for noise). <p>Also, see specifically SMAQMD’s <i>Guide to Air Quality Assessment in Sacramento County</i> (SMAQMD, 2009). Chapter 7 of the SMAQMD guide provides an extensive list of technology- and design based odor reduction measures.</p>	
<p>Mitigation Measure AIR-3: Implementing agencies shall require recommended applicable mitigation measures as defined by the applicable local air district. Implementing agencies shall require projects that exceed the long-term operational thresholds to mitigate the air quality impacts using all applicable and feasible mitigation. Examples of mitigation measures include, but are not limited to:</p> <ul style="list-style-type: none"> • provide for the use of energy-efficient lighting and process systems (e.g., low-NOx water heaters, furnaces, and boiler units); 	<p>Pursuant to the Yolo Solano Air Quality Management District Handbook for Assessing and Mitigating Air Quality Impacts, the proposed project with up to 200 apartments would not exceed the local air district long-term operational thresholds. Therefore, no mitigation is required.</p> <p>It should be noted that the proposed project includes a variety of design features to further improve air quality, including, among other</p>

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Mitigation Measure	Applicability/Project Consistency
<ul style="list-style-type: none"> • use EPA Phase II-certified devices for all newly installed woodburning devices; • design streets to maximize pedestrian access to transit stops; • include bus shelters at transit access points where deemed appropriate by local public transit operator in large residential, commercial, and industrial projects; • contribute to traffic-flow improvements (e.g., right-of-way, capital improvements) that reduce traffic congestion; • equip residential structures with electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment; • provide for, or contribute to, dedication of land for off-site Class I and Class II bicycle trails linking the project to designated bicycle commuting routes in accordance with the regional bikeway master plan; • contribute to the provision of synchronized traffic signals on roadways affected by the project and as deemed necessary by the local public works department; • provide transit-enhancing infrastructure that includes bus turnouts or bulbs, passenger benches, street lighting, route signs and displays, and shelters as demand and service routes warrant, subject to review and approval by local transportation planning agencies; • provide pedestrian-enhancing infrastructure that includes sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks, pedestrian safety designs and infrastructure, street furniture and artwork, street lighting, pedestrian signalization and signage, and/or access between bus service and major transportation points within the project; • include neighborhood park(s) or other recreational options, such as trails, within the development to minimize vehicle travel to off-site recreational and/or commercial uses; 	<p>things, maximizing pedestrian access to transit stops, including bus shelters at transit access points, providing for a separated bikeway, providing transit-enhancing infrastructure, and providing pedestrian-enhancing infrastructure. The proposed project will also include roadway improvements that improve pedestrian access and safety.</p>

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Mitigation Measure	Applicability/Project Consistency
<ul style="list-style-type: none"> • install solar water heaters; • incorporate mixed uses, where permitted by local development regulations, to achieve a balance of commercial, employment, and housing options on the project site; • include neighborhood telecommunications/ telework centers; • contribute to traffic-flow improvements (e.g., right-of-way, capital improvements) that reduce traffic congestion and do not substantially increase roadway capacity; • provide preferential parking spaces for carpool and vanpool vehicles, implement parking fees for single-occupancy vehicle commuters, and implement parking cash-out program for employees; • use clean fuel vehicles in the vehicle fleet; • require all employment centers to include an adequate number of on-site shower/locker facilities for bicycling and pedestrian commuters (typically one shower and three lockers for every 25 employees per shift); • construct/contribute to bicycle and pedestrian facility improvements; • provide ancillary services (e.g., cafeterias, health clubs, automatic tellers, and post offices) within walking distance of proposed development (no further than 1,500 feet) as appropriate and in compliance with local development regulations; • provide park-and-ride lots as deemed feasible and appropriate by transportation planning agencies; • employment centers that exceed a designated size, as measured by the number of employees, shall provide on-site child care and after-school facilities or contribute to off-site construction of such facilities within walking distance of employment land uses (for employment centers on or adjacent to industrial land uses, on-site child daycare centers shall be provided only if supported by the findings of a comprehensive 	

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Mitigation Measure	Applicability/Project Consistency
<p>HRA performed in consultation with the local air district);</p> <ul style="list-style-type: none"> • provide on-site pedestrian facility enhancements, such as walkways, benches, proper lighting, vending machines, and building access that are physically separated from parking lot traffic; • offer alternative work schedules, where practical, that allow for work hours that are compressed into fewer than 5 days (e.g., 9/80, 4/40, or 3/36 schedules), or allow flextime schedules; • provide transit amenities (e.g., on-site and off-site bus turnouts, passenger benches, or shelters) where deemed appropriate by local transportation planning agencies; • contribute to the provision of synchronized traffic signals on roadways affected by the proposed project and as deemed necessary by the local public works department; • provide video conferencing facilities; • commit to support programs that include guaranteed ride home, subsidized transit passes, and rideshare matching; • provide transportation (e.g., shuttles) to major transit stations and multimodal centers; • require each employer employment center (more than 25 employees) to assign a transportation coordinator for the applicable Transportation Management Association (TMA); • require all employers to install a permanent display in employee common areas of alternate transit information, as determined by the requirements of the TMA; • require employers or employment centers (more than 25 employees) to implement a guaranteed ride home program; • require employers or employment centers (more than 25 employees) to implement an incentive program for riding transit, carpooling, vanpooling, biking, and walking instead of driving a single-occupancy vehicle to work, and 	

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Mitigation Measure	Applicability/Project Consistency
<p>design and locate buildings to facilitate transit access;</p> <ul style="list-style-type: none"> • install Energy Star (or equivalent) cool roofing systems on all buildings; • design shuttle and transit exits to adjoining streets to reduce time to reenter traffic from the project site; • increase wall and attic insulation to 20 percent above Title 24 requirements (residential and commercial); • orient buildings to take advantage of solar heating and natural cooling, and use passive solar designs (residential, commercial, and industrial); • provide energy-efficient windows (double pane and/or Low-E) and awnings or other shading mechanisms for windows, porches, patios, and walkways; • consider passive solar cooling and heating designs, ceiling and whole house fans, and programmable thermostats in the design of heating and cooling systems; and • use day lighting systems, such as skylights, light shelves, and interior transom windows. 	
<p>Mitigation Measure AIR-4: Implementing agencies shall require project applicants to implement applicable, or equivalent, standard construction mitigation measures as defined by the applicable local air district. Lead agencies shall require project applicants, prior to construction, to implement construction mitigation measures that, at a minimum, meet the requirements of the applicable air district with jurisdiction over the area in which construction activity would occur if the project is anticipated to exceed thresholds of significance for short-term criteria air pollutant emissions. Projects that exceed these thresholds shall mitigate the air quality impacts using all applicable and feasible mitigation. For construction activity on the project site that is anticipated to exceed thresholds of significance, the project applicant(s) shall require construction contractors to implement both</p>	<p>The conditions of approval require that the proposed project implement a construction management plan that includes dust control measures and implement an erosion control plan that includes wind erosion and dust control measures. The conditions also specify the following actions to be taken during construction to minimize temporary air quality impacts (dust):</p> <ul style="list-style-type: none"> a. An effective dust control program should be implemented whenever earth-moving activities occur on the project site. In addition, all dirt loads exiting a construction site within the project area should be

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Mitigation Measure	Applicability/Project Consistency
<p>Standard Mitigation Measures and Best Available Mitigation Measures for Construction Activity to reduce emissions to the maximum extent applicable and feasible for all construction activity performed in the plan area.</p> <p>Examples of mitigation measures could include, but not limited to, the following:</p> <ul style="list-style-type: none"> • The applicant shall implement a Fugitive Dust Control Plan. • All grading operations on a project shall be suspended when winds exceed 20 MPH or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. • Construction sites shall be watered as directed by the local air district and as necessary to prevent fugitive dust violations. • An operational water truck shall be on-site at all times. Water shall be applied to control dust as needed to prevent visible emissions violations and off-site dust impacts. • On-site dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce windblown dust emissions. The use of approved nontoxic soil stabilizers shall be incorporated according to manufacturers' specifications to all inactive construction areas. • All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions. • Approved chemical soil stabilizers shall be applied according to the manufacturers' specifications to all inactive construction areas (previously graded areas that remain inactive for 96 hours), including unpaved roads and employee/equipment parking areas. • To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be 	<p>well watered and/or covered after loading.</p> <p>b. 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 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.</p> <p>c. Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).</p> <p>d. Outdoor storage of fine particulate matter on construction sites shall be prohibited.</p> <p>e. Contractors shall cover any stockpiles of soil, sand and similar materials.</p> <p>f. Construction-related trucks shall be covered and installed with liners and on the project site shall be swept at the end of the day.</p> <p>g. Revegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.</p> <p>h. Vehicle speeds shall not exceed 15 miles per hour on unpaved surfaces.</p>

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Mitigation Measure	Applicability/Project Consistency
<p>washed before each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks and prevent/diminish trackout.</p> <ul style="list-style-type: none"> • Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom permitted) if soil material has been carried onto adjacent paved, public thoroughfares from the project site. • Temporary traffic control shall be provided as needed during all phases of construction to improve traffic flow, as deemed appropriate by the appropriate department of public works and/or California Department of Transportation (Caltrans), and to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 MPH. • Traffic speeds on all unpaved surfaces shall be reduced to 15 MPH or less, and unnecessary vehicle traffic shall be reduced by restricting access. Appropriate training to truck and equipment drivers, on-site enforcement, and signage shall be provided. • Ground cover shall be reestablished on the construction site as soon as possible and before final occupancy through seeding and watering. • Open burning shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (e.g., trash, demolition debris) may be conducted at the project site. Vegetative wastes shall be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials off-site for disposal by open burning. • The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained before and for the duration of on-site operation. • Existing power sources (e.g., power poles) or 	

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Mitigation Measure	Applicability/Project Consistency
<p>clean-fuel generators shall be used rather than temporary power generators.</p> <ul style="list-style-type: none"> • A traffic plan shall be developed to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, • use of public transportation, and satellite parking areas with a shuttle service. • Operations that affect traffic shall be scheduled for off-peak hours. • Obstruction of through-traffic lanes shall be minimized. A flag person shall be • provided to guide traffic properly and ensure safety at construction sites. • The project proponent shall assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction project and provide a plan for approval by the local air district demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used for construction, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at the time of construction. These equipment emission reductions can be demonstrated using the most recent version of the Construction Mitigation Calculator developed by the SMAQMD. <p>Acceptable options for reducing emissions may include use of late-model engines, low-emission diesel products, alternative fuels, engine retrofit technology (Carl Moyer Guidelines), after-treatment products, voluntary off-site mitigation projects, the provision of funds for air district off-site mitigation projects, and/or other options as they become available. In addition, implementation of these measures would also</p>	

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<p>result in a 5 percent reduction in ROG emissions from heavy-duty diesel equipment. The local air district shall be contacted to discuss alternative measures. Air districts provide similar recommendations to those listed above. Some air districts in the region (e.g., SMAQMD) also offer the option for paying off-site construction mitigation fees if the recommended actions do not reduce construction emissions to acceptable levels.</p>	
<p>Mitigation Measure BIO-1a: Avoid, minimize, and mitigate impacts on special-status plant species.</p>	<p>The proposed project avoids such impacts because according to the Reconnaissance Survey of Natural Resources, no such resources are on site. The proposed project is nonetheless further conditioned to comply with applicable requirements of the Yolo HCP/NCCP if any, prior to any land disturbance activities. These include conducting planning-level surveys to validate the cover on the project site and determine if any natural communities and/or covered species are present on or near the project site as described in Section 4.2.2.3 and Table 4-1 of the Yolo HCP/NCCP. If the planning-level survey determines that any natural communities, covered species habitat, or covered species are identified during planning-level surveys on the project site or within specified buffer areas then the applicable AMMs would apply.</p>
<p>Mitigation Measure BIO-1b: Avoid, minimize, and mitigate impacts on special-status wildlife species.</p>	<p>See discussion of BIO-1a.</p>
<p>Mitigation Measure BIO-1c: Avoid, minimize, and mitigate impacts on special-status fish species.</p>	<p>See discussion of BIO-1a.</p>
<p>Mitigation Measure BIO-1d: Avoid, minimize, and mitigate impacts to sensitive natural communities.</p>	<p>See discussion of BIO-1a.</p>
<p>Mitigation Measure BIO-1e: Avoid, minimize, and mitigate impacts to wetland and other waters.</p>	<p>See discussion of BIO-1a.</p>
<p>Mitigation Measure BIO-2: Avoid, minimize, and mitigate impacts to wildlife corridors or native wildlife nursery sites.</p>	<p>See discussion of BIO-1a.</p>

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<p>Mitigation Measure BIO-3: Avoid, minimize, and mitigate for impacts on protected trees and other biological resources protected by local ordinances.</p>	<p>See discussion of BIO-1a.</p>
<p>Mitigation Measure CR-1: Conduct project-specific historic built environment resource studies and identify and implement project-specific mitigation. Measures that shall be implemented, where feasible and necessary to address site-specific impacts, include but are not limited to:</p> <ul style="list-style-type: none"> • As part of the project/environmental review of individual projects, a records search at the appropriate Information Center of the CHRIS and a review of literature and historic maps shall be conducted to determine whether the project area has been previously surveyed and whether historic built environment resources were identified. • In the event the records indicate that no previous survey has been conducted within the last five years, a qualified architectural historian (36 Code Fed. Regs, § 61) shall conduct a study of the project area for the presence of historic built environment resources. The study will include conducting a field survey, necessary background, archival and historic research, consultation with local historical societies, museums or other interested parties as relevant, and preparation of a Historic Resource Assessment Report. The report will document the results of the survey and the historic context, evaluate the federal, state, or local significance of built environment resources greater than 45 years in age that may potentially be directly or indirectly impacted by project activities, recommend appropriate protection or mitigative treatment, if any, and include recordation of identified built environment resources on appropriate California Department of Parks and Recreation (DPR) series 523 forms. The final report and DPR forms will be filed by the architectural historian with the CHRIS. Recommended treatment for historical resources 	<p>A Cultural Resource Assessment for the Plaza 2555 Project was completed. There are no historic resources on the site, which has never been developed (see also Environmental Site Assessment) and there are no nearby historic resources. See, e.g., the City of Davis Designated Historical Resources Register and historic resources surveys and inventories. A qualified architectural historian conducted a study of the project area and completed a historic resource assessment report, which recommends certain measures, which are included in the conditions of approval. The conditions of approval require that if subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues. The conditions of approval further specify what must occur in the event of discovery or recognition of any human remains.</p>

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<p>identified in the report shall be implemented.</p> <ul style="list-style-type: none"> • If no significant historic built environment resources are identified in the Historic Resource Assessment Report or prior survey of the project study area that may be directly or indirectly impacted by project activities, then mitigation for built environment resources is complete, and there is no adverse change to documented historical built environment resources for the project. • If significant historic built environment resources are identified in the Historic Resource Assessment Report or prior survey of the project study area, the project sponsor and/or implementing agency should consider avoidance as the primary mitigation measure. If avoidance is possible, mitigation to documented historical built environmental resources is complete. • If avoidance of a significant built environment resource is not feasible, then the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of the historical resource as recommended by a qualified architectural historian or historic architect (36 Code Fed. Regs., § 61) and conducted in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings or Historic Landscapes (Birnbaum and Peters 1996; Weeks and Grimmer 1995) will generally reduce impacts. If adherence to the Secretary of the Interior’s Standards cannot avoid materially altering in an adverse manner the physical characteristics or historic character of the surrounding environmental setting that contribute to a resource’s historical significance, additional mitigation may be required. • If avoidance of or minimization of substantial adverse effects to a significant built environment resource is not feasible through project design or 	

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<p>by adherence to the Secretary of the Interior’s Standards, the project sponsor and/or implementing agency should ensure that Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscapes Survey (HALS) documentation is completed prior to demolition or significant material alteration of the resource’s physical characteristics or setting. The HABS, HAER, and HALS programs formally document historical resources through the use of large-format photography, measured drawings, written architectural descriptions, and historical narratives. The level of documentation required as mitigation and preparation of the HABS, HAER, or HALS will be determined and prepared by a qualified architectural historian or historic architect (36 Code Fed. Regs., § 61). The documentation packages will be archived in appropriate public and secure repositories. Such documentation would not reduce the impact to a less than significant level.</p>	
<p>Mitigation Measure CR-2: Conduct project-specific archaeological resource studies and identify and implement project-specific mitigation. Measures that shall be implemented, where feasible and necessary to address site specific impacts, include but are not limited to:</p> <ul style="list-style-type: none"> • As part of the appropriate project/environmental review of individual projects, the NAHC shall be consulted to determine whether known sacred sites are in the project area, and to identify Native Americans to contact to obtain information about the project area and relevant areas of cultural sensitivity. Additional consultation with relevant tribal representatives may be appropriate regarding known prehistoric sites, traditional cultural places, TCPs, project areas deemed highly sensitive for prehistoric or ethnohistoric resources, or where avoidance of impacts to prehistoric or ethnohistoric resources 	<p>A Cultural Resource Assessment for the Plaza 2555 Project was completed. There are no historic resources on the site, which has never been developed (see also Environmental Site Assessment) and there are no nearby historic resources. See, e.g., the City of Davis Designated Historical Resources Register and historic resources surveys and inventories. A qualified archaeologist conducted a study of the project area and recommends certain measures, which are included in the conditions of approval. The conditions of approval require that if subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and</p>

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<p>may be infeasible. A records search at the appropriate Information Center of the CHRIS shall be conducted by a qualified archaeologist (36 Code Fed. Regs, § 61) as part of the appropriate project/environmental review of individual projects to determine whether the project area has been previously surveyed and whether archaeological resources were identified.</p> <ul style="list-style-type: none"> • In the event the records indicate that no previous survey has been conducted or the survey did not meet current professional standards or regulatory guidelines, the qualified archaeologist (36 Code Fed. Regs, § 61) or the Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the project area for archaeological resources and current professional standards or regulatory guidelines. If a survey is considered warranted, the archaeological study of the project area by a qualified archaeologist will include conducting a field survey, necessary background research, a Sacred Lands search by the NAHC and consultation with local Native Americans identified by the NAHC, consultation with local historical societies, museums or other interested parties as relevant, and an Archaeological Survey Report. The confidential report will document the results of the survey and the cultural context, assess the federal, state, or local significance of prehistoric, traditional, or historic-era archaeological resources that may potentially be directly or indirectly impacted by project activities, provide appropriate management recommendations, and include recordation of identified archaeological resources on appropriate California DPR series 523 forms. Management recommendations may include but not be limited to additional studies to evaluate identified sites, treatment for documented historical resources, or archaeological monitoring during ground- 	<p>a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues. The conditions of approval further specify what must occur in the event of discovery or recognition of any human remains.</p>

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<p>disturbing construction activities at locations determined by the archaeologist to be sensitive for subsurface cultural resource deposits, including local Native American monitors if sensitive for prehistoric resources. The final confidential report and DPR forms would be filed by the archaeologist with the CHRIS. Recommended treatment for historical resources identified in the report should be implemented.</p> <ul style="list-style-type: none"> • If no archeological resources are identified in the Archeological Survey Report that may be directly or indirectly impacted by project activities, mitigation is complete as there would be no adverse change to documented archeological resources. • When a project will impact a known archaeological site, the project sponsor and/or implementing agency shall determine whether the site is a historical resource (CEQA Guidelines § 15064.5 (c)(1)). If archaeological resources identified in the project area are considered potentially significant, the project sponsor and/or responsible implementing agency shall undertake additional studies overseen by a qualified archaeologist (36 Code Fed. Regs, § 61) to evaluate the resources eligibility for listing in the CRHR, NRHP, or local register and to recommend further mitigative treatment. Evaluations shall be based on, but not limited to, surface remains, subsurface testing, or archival and ethnographic resources, on the framework of the historic context and important research questions of the project area, and on the integrity of the resource. If a site to be tested is prehistoric, local tribal representatives should be afforded the opportunity to monitor the ground-disturbing activities. Appropriate mitigation may include curation of artifacts removed during subsurface testing. • If significant archaeological resources that meet the definition of historical or unique archaeological resources are identified in the 	

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<p>project area, the preferred mitigation of impacts is preservation in place (CEQA Guidelines § 15126.4(b); Pub. Resources Code, § 21083.2). Preservation in place may be accomplished by, but is not limited to, avoidance by project design, incorporation within parks, open space or conservation easements, covering with a layer of sterile soil, or similar measures. If preservation in place is feasible, mitigation is complete. Additionally, where the implementing agency determines that an alternative mitigation method is superior to in-place preservation, the project sponsor and/or implementing agency may implement such alternative measures.</p> <ul style="list-style-type: none"> • When preservation in place or avoidance of historical or unique archaeological resources are infeasible, data recovery through excavation shall be required (CEQA Guidelines § 15126.4(b)). Data recovery would consist of approval of a Data Recovery Plan and archaeological excavation of an adequate sample of site contents so that research questions applicable to the site can be addressed. For prehistoric sites, local tribal representatives should be afforded the opportunity to monitor the ground disturbing activities. If only part of a site will be impacted by a project, data recovery will only be necessary for that portion of the site. Data recovery will not be required if the implementing agency determines prior testing and studies have adequately recovered the scientifically consequential information from the resources. Studies and reports resulting from the data recovery shall be deposited with the appropriate CHRIS Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code or the provisions of NAGPRA on federal lands. Mitigation may include curation for artifacts removed during data recovery excavation. 	

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<ul style="list-style-type: none"> If archaeological resources are discovered during construction, all work near the find shall be halted and the project sponsor and/or implementing agency shall follow the steps described under CEQA Guidelines Section 15064.5(f), including an immediate evaluation of the find by a qualified archaeologist (36 Code Fed. Regs, § 61) and implementation of avoidance measures or appropriate mitigation if the find is determined to be a historical resource or unique archaeological resource. Consultation with or affording local tribal representatives the opportunity to monitor mitigative treatment may be appropriate. Should the find include human remains, the remains shall be treated in accordance with the provisions of Section 7050.5 of the Health and Safety Code or the provisions of NAGPRA on federal lands. During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project area. 	
<p>Mitigation Measure CR-3: Reduce visibility or accessibility of historical or unique archaeological resources.</p> <p>The project sponsor and/or implementing agency shall determine whether or not implementation of a project will indirectly impact historical or unique archaeological resources by increasing public visibility and ease of access. Increased visibility and accessibility may place a significant archaeological site in danger of disturbance, alteration, or destruction via vandalism, unauthorized collection of artifacts, or destruction (intentional or unintentional) of prehistoric or historic features. If so, the project sponsor and/or implementing agency shall take measures to reduce the visibility or accessibility of the historical or unique archaeological resource to the public. Visibility of the resource can be reduced through the use of decorative walls or vegetation screening. Accessibility can be reduced by installing fencing or vegetation barriers, particularly noxious vegetation, such as poison oak or blackberry</p>	<p>Not applicable: The proposed project does not involve historical or archaeological resources.</p>

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Mitigation Measure	Applicability/Project Consistency
<p>bushes. It is important to avoid creating an attractive nuisance when protecting significant archaeological sites. Conspicuous walls or signs indicating that an area is restricted may result in more attempts to access the excluded area.</p>	
<p>Mitigation Measure CR-4: Conduct project-specific paleontological resource studies and identify and implement mitigation.</p> <p>Measures that shall be implemented, where feasible and necessary to address site-specific impacts, include but are not limited to:</p> <ul style="list-style-type: none"> • The fossil yielding potential of the project area shall be determined by initially identifying the aerial and stratigraphic extents of the local geology, and then by performing a site-specific search of fossil locality records and peer-reviewed literature, as appropriate, by a qualified professional paleontologist, established state clearinghouse such as the UCMP, and/or by an established paleontological repository. A field survey by a qualified professional paleontologist to assess the paleontological sensitivity of the project area may be warranted if the preliminary review is inconclusive. • If a project is found to contain or be in the near vicinity of previously identified paleo-resources, to be located within an area of high, moderate, or undetermined paleontological resource sensitivity, or to be near a known unique geological feature, the project sponsor and/or implementing agency shall retain a qualified professional paleontologist prior to construction to conduct a survey, as warranted, to locate surface fossil concentrations and to assess the sensitivity of the project area for unique paleontological resources or geologic features. After completion of the survey, the qualified paleontologist will complete a 	<p>There are no historic resources on the site, which has never been developed (see Environmental Site Assessment) and there are no nearby historic resources. See, e.g., the City of Davis Designated Historical Resources Register and historic resources surveys and inventories. The conditions of approval require that if subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.</p>

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Mitigation Measure	Applicability/Project Consistency
<p>technical report documenting the results of all work, and include any recommended mitigation recommendations specific to the project. This study shall comply with standards in the industry such as the Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontological Resources (SVP, 2010) and applicable regulations.</p> <ul style="list-style-type: none"> • If the study indicates the project area is located in an area rich with paleontological resources or geologic features, the study may recommend that the project sponsor and/or implementing agency retain a qualified paleontologist to prepare a Paleontology Mitigation Plan and monitor subsurface disturbance, such as grading, excavation, and trenching. Construction protocols to ensure that contractors take appropriate measures to avoid destroying fossil materials discovered during construction shall also be established by the project sponsor and/or implementing agency. • Any area of known unique paleontological resources within a project area shall be avoided during construction if feasible. If avoidance of known resources is infeasible or a project has been identified as potentially directly or indirectly impacting, damaging or destroying a unique paleontological resource, treatment measures for nonrenewable unique paleontological resources or unique geologic features may include appropriate documentation and/or salvage measures for fossils, microfossils, or matrix in consultation with the project sponsor and/or implementing agency. Treatment shall comply with regulatory requirements. Measures may include plans for sampling and data recovery. All final documentation of mitigation treatment for paleontological resources to be impacted by the project shall be approved by the project sponsor and/or implementing agency prior to the initiation of any project ground-disturbing activities. 	

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Mitigation Measure	Applicability/Project Consistency
<ul style="list-style-type: none"> If fossils or other paleontological resources are encountered during construction, all work shall be halted within a minimum 30-foot radius of the find and a qualified paleontologist shall be contacted to examine the find and evaluate its significance. If the find is deemed to have significant scientific value, the paleontologist and the project sponsor and/or implementing agency shall coordinate with the property owner to formulate a plan to either avoid impacts, document the resource, or to continue construction without disturbing the integrity of the find (e.g., by excavating the material containing the resources). Consistent with regulatory requirements, recommendations determined by the qualified professional paleontologist, project sponsor, and/or implementing agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. 	
<p>Mitigation Measure CR-5: Conduct project-specific consultation with traditionally and culturally affiliated California Native American tribes to identify tribal cultural resources (TCR) and implement project-specific mitigation.</p> <p>If the implementing agency determines that a project may cause a substantial adverse change to a TCR, and measures are not otherwise identified in the consultation process under Public Resources Code Section 21080.3.2, the following mitigation measures described at Public Resources Code Section 21084.3 shall be implemented, where feasible and necessary, to address site-specific impacts in order to avoid or minimize the significant adverse impacts:</p> <ul style="list-style-type: none"> Avoidance and preservation of the TCRs in place, including, but not limited to, planning and construction to avoid the resources and protect 	<p>There are no historic resources on the site, which has never been developed (see Environmental Site Assessment) and there are no nearby historic resources. See, e.g., the City of Davis Designated Historical Resources Register and historic resources surveys and inventories. The conditions of approval require that if subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.</p>

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Mitigation Measure	Applicability/Project Consistency
<p>the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria;</p> <ul style="list-style-type: none"> • Treating the TCR with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to: protecting the cultural character and integrity of the resource; or protecting the traditional use of the resource; protecting the confidentiality of the resource; • Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places; or • Protecting the resource. 	
<p>Mitigation Measure CR-6: Reduce visibility or accessibility of tribal cultural resources. Measures that shall be implemented for projects that have a NOP, ND, or MND filed on or after July 1, 2015 include:</p> <ul style="list-style-type: none"> • The project sponsor and/or implementing agency shall determine whether or not implementation of a project will indirectly impact TCRs by increasing public visibility and ease of access. Increased visibility and accessibility may place a TCR in danger of disturbance, alteration, or destruction via vandalism, unauthorized collection of artifacts, or destruction (intentional or unintentional) of features, traditional resources, or traditional use of a TCR. If so, the project sponsor and/or implementing agency shall take measures to reduce the visibility or accessibility of the TCR to the public. Visibility of the resource can be reduced through the use of decorative walls or vegetation screening. Accessibility can be reduced by installing fencing or vegetation barriers, particularly noxious vegetation such as poison oak or 	<p>Not applicable: The proposed project does not involve tribal cultural resources and no NOP, ND, or MND was filed on or after July 1, 2015.</p>

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Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
<p>blackberry bushes. It is important to avoid creating an attractive nuisance when protecting TCRs. Conspicuous walls or signs indicating that an area is restricted may result in more attempts to access the excluded area.</p>	
<p>Mitigation Measure ENE-1: Require new development to provide necessary infrastructure to charge electric vehicles. To address this impact, where feasible and necessary to address site-specific impacts, the lead agency shall (1.) require all new single-family residential developments to install conduit necessary for the installation of charging infrastructure for electric vehicles for the use and charging of electric vehicles at the place of residence; and, (2.) require all new multi-family residential developments to install both necessary conduit and charging equipment for electric vehicles. All charging infrastructure and equipment shall be sufficient to meet or exceed electric vehicle supply equipment (EVSE) installation requirements of CALGreen Tier 1.</p>	<p>The proposed project includes infrastructure to charge electric vehicles.</p>
<p>Mitigation Measure ENE-2: Require new development to comply with local GHG reduction plans that contain measures identified in the Scoping Plan. The implementing agency should require development and transportation projects to comply with locally-adopted GHG reduction plans that, at a minimum, specifically address measures in the Scoping Plan aimed at reducing GHG emissions. Local plans should include local targets to help the state achieve the AB 32 goal of reducing 5 MMtCO₂e from cities and counties, which also will result in reduced reliance on oil and natural gas from residential, commercial, industrial, and public land uses, as well as transportation. If a local GHG reduction plan does not exist, the jurisdiction should adopt a plan with the foregoing features and apply such plan to new development projects.</p>	<p>The proposed project locates home within walking/biking distance of essential services, in compliance with Land Use & Buildings Action 3 of the Davis Climate Action and Adaptation Plan. It is in compliance with local GHG reduction plans. It is less than ¼ mile to transit, includes high-density housing in proximity to employment opportunities, will be built to LEED Gold standards, and includes energy efficiency upgrades above Title 24 standards.</p>
<p>Mitigation Measure GEO-1: Reduce soil erosion and loss of topsoil through erosion control mitigation and SWPPP. The implementing agency shall require the</p>	<p>The conditions of approval require the preparation and approval of an erosion control plan that incorporates the following</p>

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Mitigation Measure	Applicability/Project Consistency
<p>development and implementation of detailed erosion control measures, consistent with the CBC and UBC regulations and guidelines and/or local NPDES, to address erosion control specific to the project site; revegetate sites to minimize soil loss and prevent significant soil erosion; avoid construction on unstable slopes and other areas subject to soil erosion where possible; require management techniques that minimize soil loss and erosion; manage grading to maximize the capture and retention of water runoff through ditches, trenches, siltation ponds, or similar measures; and minimize erosion through adopted protocols and standards in the industry. The implementing agency should also require land use and transportation projects to comply with locally adopted grading, erosion, and/or sediment control ordinances beginning when any preconstruction or construction-related grading or soil storage first occurs, until all final improvements are completed. If a local grading, erosion, and/or sediment control ordinance or other applicable plans or regulations do not exist, the jurisdiction should adopt ordinances substantially addressing the foregoing features and apply those ordinances to new development projects.</p>	<p>requirements:</p> <p>a. This plan will include erosion control measures to be applied during the rainy season (the months of October through April, inclusive). These measures may include limitations on earth moving activities in sensitive areas during this time period.</p> <p>b. This plan will include methods of revegetating denuded earth slopes. Revegetation will be accomplished by a method which reseeds and temporarily protects the ground so that 90% germination is achieved. Future building pads are not subject to this requirement, although measures will be required to contain sediments.</p> <p>c. The Applicant shall implement wind erosion and dust control measures to be applied on a year-round basis. This shall include an effective watering program to be implemented during earth moving activities. Erosion control measures may include limitations on earth moving activities in sensitive areas during the rainy season and wind events exceeding 15 mph.</p> <p>d. All sediments generated by construction activities shall be contained by the use of sediment traps, such as silt fences, settling basins, perimeter ditches, etc.</p> <p>e. When building construction will be delayed beyond the next rainy season, the Applicant shall provide erosion control measures on each individual lot.</p> <p>The conditions also require that the developer shall submit a full SWPPP, subject to the review and approval of the Public Works Director prior to the issuance of building permits. The SWPPP shall be developed by a State of California certified QSD. The SWPPP shall be submitted along with a completed NOI and WDID number.</p>

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Mitigation Measure	Applicability/Project Consistency
<p>Mitigation Measure GEO-2: Implement Mitigation Measure GEO-1.</p>	<p>See discussion of GEO-1.</p>
<p>Mitigation Measure GEO-3: Reduce the loss of availability of a designated mineral resource.</p> <p>The implementing agency shall protect against the loss of availability of a designated mineral resource through identification of locations with designated mineral resources and adoption and implementation of policies to conserve land that is most suitable for mineral resource extraction from development of incompatible uses.</p>	<p>Not applicable: The proposed project does not affect any designated mineral resource.</p>
<p>Mitigation Measure HAZ-1: Reduce the impacts to the public and the environment from the reasonably foreseeable upset and accident conditions involving the release of hazardous materials by requiring implementation of best practice safety standards regarding crude oil transport.</p> <p>SACOG, in commenting on several specific projects and on federal rulemaking, has identified numerous measures to mitigate the impacts of crude oil shipments by rail. These include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Removal of the most volatile elements, including flammable natural gas liquids, prior to shipment. • More stringent tank car safety standards. • Improved rail transportation route analysis, and modification of routes based on that analysis. • Utilization of the best available inspection equipment and protocols, and implementation of positive train control. • Reduced train car speeds to 40 miles per hour when passing through urbanized areas of any size. • Limitations on storage of crude oil tank cars in urbanized areas of any size and provide appropriate security in storage yards for all 	<p>Not applicable: The proposed project does not involve crude oil transport.</p>

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Mitigation Measures**

Mitigation Measure	Applicability/Project Consistency
<p>shipments.</p> <ul style="list-style-type: none"> • Advance notification to county and city emergency operations offices of all crude oil shipments, including a contact number that can provide real-time information in the event of an oil train derailment or accident. • Quarterly hazardous commodity flow information, including classification and characterization of materials being transported, to all first response agencies (49 Code Fed. Regs. 15.5) along the mainline rail routes used by trains carrying crude oil identified. • Funding for training and outfitting emergency response crews that includes the cost of backfilling personnel while in training. • Annual emergency responses scenario/field based training including Emergency Operations Center Training activations with local emergency response agencies. 	
<p>Mitigation Measure HAZ-2: Determine if project sites are included on a government list of hazardous materials sites pursuant to Government Code Section 65962.5. For any listed sites or sites that have the potential for residual hazardous materials as a result of historic land uses, project proponents shall prepare a Phase I ESA that meets ASTM standards. For any sites that are not listed and do not have the potential for residual hazardous materials as a result of historic land uses, no action is required unless unknown hazards are discovered during development. In that case, the implementing agency shall discontinue development until DTSC, RWQCB, local air district, and/or other responsible agency issues a determination, which would likely require a Phase I ESA as part of the assessment. Projects preparing a Phase I ESA, where required, shall fully implement the recommendations contained in the report. If a Phase I ESA indicates the presence or likely presence of contamination, the project proponent shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented.</p>	<p>The project site is not included on any list of facilities and sites with hazardous waste. See Environmental Site Assessment.</p>

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Mitigation Measure	Applicability/Project Consistency
<p>Mitigation Measure HAZ-3: Implement state and local requirements for ongoing emergency evacuation planning.</p> <p>Implementing agencies shall require implementation of state and local requirements regarding evacuation planning and application of recommended applicable mitigation measures as defined by state and local agencies. Examples of mitigation measures should include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Continue to coordinate locally and regionally based on ongoing review and integration of projected transportation and circulation conditions; • Develop new methods of conveying projected and real time information to citizens using emerging electronic communication tools including social media and cellular networks; and • Continue to evaluate lifeline routes for movement of emergency supplies and evacuation. 	<p>Not applicable: applies to implementing agencies.</p>
<p>Mitigation Measure HYD-1: Manage stormwater runoff and other surface drainage. Measures that shall be implemented at a project-level, where feasible and necessary to address site-specific impacts, to reduce the impacts to hydrological resources, include but are not limited to:</p> <ul style="list-style-type: none"> • The implementing agency should require projects to direct stormwater runoff and other surface drainage into an adequate on-site system or into a municipal system with capacity to accept the project drainage. This should be demonstrated by requiring consistency with local stormwater drainage master plans or a project-specific drainage analysis satisfactory to the jurisdiction’s engineer of record. • The implementing agency should develop and implement best management practices (BMPs) for control of stormwater associated with rural 	<p>The conditions of approval require compliance with the City’s Stormwater Management and Discharge Control Ordinance to control and prevent flooding by surface-water runoff.</p>

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Mitigation Measure	Applicability/Project Consistency
residential development not otherwise subject to other runoff and water quality control requirements.	
<p>Mitigation Measure HYD-2: Use best management practices to treat water quality. The implementing agency should require the use of BMPs or equivalent measures to treat water quality on-site, prior to leaving the project site, and/or at the municipal system as necessary to achieve local or other applicable standards. This should be demonstrated by requiring consistency with local standards and practices for water quality control and management of erosion and sedimentation, and/or other applicable standards, including the CBC and UBC regulations and guidelines and/or local NPDES. Implementation of Mitigation Measure GEO-1 will also help mitigate this impact.</p>	<p>The conditions of approval require compliance with the City’s Stormwater Management and Discharge Control Ordinance to control and prevent flooding by surface-water runoff. The applicant must submit a complete stormwater quality plan that includes:</p> <ul style="list-style-type: none"> a. The total amount of existing vs. proposed impervious surfaces for the project. b. All site design measures identified on the plan consistent with Section E.12.b. of the Phase II Small MS4 General Permit. c. All of the drainage sheds delineated with each corresponding treatment control measure clearly identified on the plan. d. Direction of flow for all drainage. All drainage on site should be directed to treatment control measures and bioretention areas. e. All final calculations for each drainage shed to show sizing for treatment control measures, bioretention areas for the 85th percentile 24 hour storm event for Davis. The calculations should show weighted imperviousness of each drainage shed, the flow or volume dependent upon the treatment control measure selected, the sizing required of the treatment control measure to treat the amount of flow or volume generated and the methodology chosen to determine calculations. f. Final detailed cross-sections for engineered substrate of the proposed bio-retention areas and pervious paving. g. Final detailed cross-sections for treatment control measures.
<p>Mitigation Measure HYD-3: Implement Mitigation Measure GEO-1 (Reduce soil erosion and loss of topsoil through erosion control mitigation and SWPPP).</p>	<p>See discussion of GEO-1.</p>

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Mitigation Measure	Applicability/Project Consistency
<p>Mitigation Measure HYD-4: Conduct hydrology studies for projects in floodplains.</p> <p>The implementing agency should conduct or require project-specific hydrology studies for projects proposed to be constructed within floodplains to demonstrate compliance with applicable federal, state, and local agency flood-control regulations. These studies should identify project design features or measures that reduce impacts to either floodplains or flood flows to a less than significant level.</p>	<p>Not applicable: the proposed project is not in a floodplain. See Flood Insurance Rate Map number 06113C0611G.</p>
<p>Mitigation Measure HYD-5: Implement Mitigation Measure PS-1.</p>	<p>See discussion of PS-1.</p>
<p>Mitigation Measure HYD-6: In areas of existing or potential future land subsidence due to groundwater pumping, establish cooperative regional relationships to define and manage sustainable yield. Implementing agencies shall establish cooperative, comprehensive regional relationships with appropriate water supply planning agencies to define and manage the groundwater sustainable yield in areas of existing or potentially unsustainable groundwater use. At a minimum this effort should involve the following:</p> <ol style="list-style-type: none"> 1. Determine how growth and development will document compliance with current regulations related to sustainable groundwater use; 2. Establish cooperative agreements within groundwater basins to study and define sustainable yield, undertake regular monitoring, and reach agreement regarding management of groundwater withdrawal pursuant to sustainable yield objectives; 3. Develop and implement recharge programs in areas where land subsidence is, or is likely to become, a problem; 4. Cooperate regionally to consider use of surface water resources; and 	<p>Not applicable: the proposed project does not involve an area of existing or potential future land subsidence. Moreover, beginning in June 2016, the City's main source of domestic water switched from groundwater sources to surface water sources. While groundwater will continue to be used within the City during peak demand periods and for some irrigation uses, the primary source of water for the City will be surface water, which will reduce the City's demand on groundwater resources. Because the project will predominantly use surface water, implementation of the proposed project would not result in impacts to the quantity of groundwater. The conditions of approval require compliance with the City's Stormwater Management and Discharge Control Ordinance so the project would not result in impacts to the quality of groundwater.</p>

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Mitigation Measure	Applicability/Project Consistency
5. Ensure that new land uses do not exacerbate the potential for groundwater over-pumping and land subsidence, and strive to avoid increases in subsidence.	
Mitigation Measure HYD-7: Implement Mitigation Measure HYD-2.	See discussion of HYD-2.
Mitigation Measure HYD-8: Implement Mitigation Measure HYD-2.	See discussion of HYD-2.
<p>Mitigation Measure NOI-1: Employ measures to reduce noise from new land uses and transportation projects. For projects that have not undergone previous noise study and that exceed acceptable noise thresholds, the implementing agency should conduct a project-level evaluation of noise impacts in accordance with applicable federal, state, and local noise standards. Where significant impacts are identified, applicable mitigation measures shall be implemented, to reduce noise to be in compliance with applicable noise standards. Measurements that shall be implemented, where feasible and necessary to address site specific impacts, include but are not limited to:</p> <ul style="list-style-type: none"> • constructing barriers in the form of sound walls, buildings, or earth berms to attenuate noise at adjacent residences; • using land use planning measures, such as zoning, restrictions on development, site design, and buffers to ensure that future development is compatible with adjacent transportation facilities and land uses; • constructing roadways so that they are depressed below-grade of the existing sensitive land uses to create an effective barrier between new roadway lanes, roadways, rail lines, transit centers, park-n-ride lots, and other new noise generating facilities; • maximizing the distance between noise-sensitive land uses and new noise generating facilities and transportation systems; • improving the acoustical insulation of dwelling 	<p>The conditions of approval require that prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Public Works Departments. The conditions of approval also require noise reduction practices including that all equipment shall have sound-control devices and as directed by the City, the Applicant shall implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.</p> <p>The potential for the proposed project to result in the exposure of future residents to exterior noise levels at outdoor spaces within the project site in excess of the City's General Plan standards was discussed in the Plaza 2555 Noise Study, which shows that the proposed project would not result in the exposure of future residents to exterior noise levels in excess of the City's General Plan</p>

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Mitigation Measure	Applicability/Project Consistency
<p>units where setbacks and sound barriers do not sufficiently reduce noise; and</p> <ul style="list-style-type: none"> • using rubberized asphalt or “quiet pavement” to reduce road noise for new roadway segments, roadways in which widening or other modifications require re-pavement, or normal reconstruction of roadways where repavement is planned. 	<p>standards.</p> <p>Furthermore, Noise Control Measure 1 would ensure that internal noise levels within the proposed residential structures would be within an acceptable range.</p> <p>Construction activity included in the proposed project could generate temporary noise in the project area; however, the conditions of approval require noise reduction practices, construction times and noise impact mitigation measures.</p>
<p>Mitigation Measure NOI-2: Employ vibration-reducing measures on new and expanded rail systems.</p>	<p>Not applicable: the proposed project is not a new or expanded rail system.</p>
<p>Mitigation Measure NOI-3: Reduce noise, vibration, and groundborne noise generated by construction activities. Measures that shall be implemented to reduce noise, vibration, and groundborne noise generated by construction activities, where feasible and necessary to address site-specific considerations, include but are not limited to:</p> <ul style="list-style-type: none"> • restrict construction activities to permitted hours in accordance with local jurisdiction regulations; • properly maintain construction equipment and outfit construction equipment with the best available noise suppression devices (e.g., mufflers, silencers, wraps); • prohibit idling of construction equipment for extended periods of time in the vicinity of sensitive receptors; • locate stationary equipment such as generators, compressors, rock crushers, and cement mixers as far from sensitive receptors as possible; and • predrill pile holes to the maximum feasible depth, provided that pile driving is necessary for construction. 	<p>The conditions of approval require that prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Public Works Departments. The conditions of approval also require noise reduction practices including that all equipment shall have sound-control devices and as directed by the City, the Applicant shall implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.</p>
<p>Mitigation Measure PS-1, USS-1, USS-2: Ensure adequate public services and utilities will be available</p>	<p>The project and any other projects approved prior to the approval of the project but not yet built can be adequately served by existing</p>

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Mitigation Measure	Applicability/Project Consistency
to satisfy applicable service levels. The implementing agency shall ensure that public services and utilities will be available to meet or satisfy applicable service levels. This shall be documented in the form of a capacity analysis or provider will-serve letter.	utilities and the project applicant will commit to pay all applicable in-lieu or development fees.
Mitigation Measure PS-2: Implement the construction-related mitigation measures identified in other chapters of the MTP/SCS EIR.	See discussion throughout this table.
<p>Mitigation Measure TRN-1: Strategies to support the movement of agricultural products on rural roadways near growth areas.</p> <p>Implementing agencies shall require implementation of best practice goods movement standards regarding agricultural products transport and apply recommended applicable mitigation measures as defined by state and federal agencies for new growth in Developing Communities or Rural Residential Communities. Examples of mitigation measures should include, but are not limited to, the following:</p> <p>To reduce the impacts to the movement of agricultural products on rural roadways related to land use and transportation changes from the implementation of the proposed MTP/SCS, one or more of the following measures shall be implemented by local agencies for new growth in Developing Communities or Rural Residential Communities.</p> <ul style="list-style-type: none"> • Consider access needs for agricultural uses in the site design and phasing of development adjacent to rural roads. Balancing the needs from increased passenger vehicle travel in Developing Communities with the preservation of key access points for trucks and agricultural equipment can increase safe and efficient agricultural operations. • Prioritize safety and design improvements along rural roadways that are important farm-to-market routes and projected to accommodate future traffic increases from growth in Developing 	Not applicable: The proposed project is in an Established Community under the SCS/MTP rather than a Developing Community or Rural Residential Community. See SACOG consistency determination.

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Mitigation Measure	Applicability/Project Consistency
<p>Communities and Rural Residential areas. Focusing available local funding on improvements to make these roadways consistent with local design standards (such as horizontal curvature, site distance, etc.) improves safety and reduces friction between agricultural operations, trucks, and passenger vehicles on the corridors with the greatest need.</p> <ul style="list-style-type: none"> • Reduce the growth in passenger vehicle miles traveled (VMT) in Developing Communities and Rural Residential areas through increased local investments in transit and non-motorized improvements. Implementing transportation demand management strategies identified in Mitigation Measure TRN 2 that divert some single occupancy auto trips to alternative modes reduces friction with travel for agricultural operations along rural roadways. 	
<p>Mitigation Measure TRN-2: Apply best practice strategies to reduce the localized impact from construction activities on the transportation system. Implementing agencies shall require implementation of best practice strategies regarding construction activities on the transportation system impacts and apply recommended applicable mitigation measures as defined by state and federal agencies. Examples of mitigation measures should include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Apply special construction techniques to minimize impacts to traffic flow and provide adequate access to important destinations in the area. • Develop circulation and detour plans to minimize impacts to local street impacts from construction activity on nearby major arterials. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone. • Establish truck “usage” routes that minimize truck traffic on local roadways to the extent possible. 	<p>The conditions of approval require that prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Public Works Departments. The plan shall include, but is not limited to, public notice requirements for periods of significant impacts (noise/vibration/street or parking lot closures, etc.), special street posting, construction vehicle parking plan, phone listing for community concerns, names of persons who can be contacted to correct problems, hours of construction activity, noise limits, dust control measures, and security fencing and temporary walkways. Work and/or storage of material or equipment within a City right-of-way shall be reviewed on a case-by-case basis and is subject to review and approval of the City Engineer. Such use of the right-of-way may</p>

**Table 2
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Mitigation Measure	Applicability/Project Consistency
<ul style="list-style-type: none"> • Schedule truck trips outside of peak morning and evening commute hours. • Route truck trips to avoid roadway segments with at risk or failed pavement conditions. • Limit the number of lane closures during peak hours to the extent possible. • Identify detours for bicycles and pedestrians in all areas potentially affected by project construction and provide adequate signage to mark these routes. • Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones. • Develop and implement access plans for potentially impacted local services such as police and fire stations, transit stations, hospitals, schools and parks. The access plans should be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, affected jurisdictions should be asked to identify detours for emergency vehicles, which will then be posted by the contractor. • Store construction materials only in designated areas that minimize impacts to nearby roadways. • Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary. • Conduct a public information campaign about how to use transit and other methods to reduce single-occupant vehicle use. 	<p>require a separate Encroachment Permit.</p>
<p>Mitigation Measure USS-1: Implement Mitigation Measure PS-1.</p>	<p>See discussion of PS-1.</p>
<p>Mitigation Measure USS-2: Implement Mitigation Measure PS-1.</p>	<p>See discussion of PS-1.</p>
<p>Mitigation Measure USS-3: Perform project-level CEQA environmental review for new wastewater</p>	<p>Not applicable: The proposed project is not a new wastewater treatment plan, landfill, or</p>

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Mitigation Measure	Applicability/Project Consistency
<p>treatment plants, landfills, and similar large utility facilities.</p> <p>The implementing agency shall undertake project-level review, where feasible and as necessary to address site-specific impacts, in order to provide CEQA clearance for new wastewater treatment plants, landfills, and similar large utility facilities.</p>	<p>similar large utility facility.</p>
<p>Mitigation Measure USS-4: Implement the construction-related mitigation measures identified in other chapters of the MTP/SCS EIR.</p>	<p>See discussion throughout this table.</p>
<p>Mitigation Measure CUM-1: Implement Mitigation Measures in Chapter 3 (Aesthetics).</p>	<p>See discussion of AES measures.</p>
<p>Mitigation Measure CUM-2: Implement Mitigation Measures in Chapter 4 (Agriculture and Forestry Resources).</p>	<p>See discussion of AG measures.</p>
<p>Mitigation Measure CUM-3: Implement Mitigation Measures in Chapter 5 (Air Quality).</p>	<p>See discussion of AIR measures.</p>
<p>Mitigation Measure CUM-4: Implement Mitigation Measures in Chapter 6 (Biological Resources).</p>	<p>See discussion of BIO measures.</p>
<p>Mitigation Measure CUM-5: Implement Mitigation Measures in Chapter 7 (Cultural and Paleontological Resources).</p>	<p>See discussion of CR measures.</p>
<p>Mitigation Measure CUM-10: Implement Mitigation Measures in Chapter 11 (Hydrology and Water Quality).</p>	<p>See discussion of HYD measures.</p>
<p>Mitigation Measure CUM-12: Implement Mitigation Measures in Chapter 13 (Noise).</p>	<p>See discussion of NOI measures.</p>
<p>Mitigation Measure CUM-14: Implement Mitigation Measures in Chapter 15 (Public Services and Recreation).</p>	<p>See discussion of PS measures.</p>

Table 2 SACOG MTP/SCS EIR Mitigation Measures	
Mitigation Measure	Applicability/Project Consistency
Mitigation Measure CUM-16: Implement Mitigation Measures in Chapter 17 (Utilities and Service Systems).	See discussion of USS measures.
Mitigation Measure CUM-19: Implement Mitigation Measures in Chapter 17 (Utilities and Service Systems, Solid Waste).	See discussion of USS measures.

South Davis Specific Plan EIR Measures

Although the South Davis Specific Plan does not articulate particular “mitigation measures,” it does specify “Changes and Alterations in the Project,” which include certain measures, performance standards, and criteria applicable to future projects. Table 3 details the proposed project’s consistency with and incorporation of the South Davis Specific Plan EIR’s measures, performance standards, and criteria that are applicable to development projects.

Table 3 South Davis Specific Plan Changes and Alterations in the Project	
Applicable South Davis Specific Plan Measure	Project Consistency
1. <u>Land Use and Planning Policy</u> b. Growth Policies. 1. The urban development policy, requiring all urban development to occur within the City shall apply to all properties within the plan area.	The project site is within the City limits, so its development will occur within the City as required by this standard.
3. <u>Air</u> a. An effective watering program shall be implemented whenever earth moving activities occur.	See discussion of SACOG MM AIR-4 and MM GEO-1.
b. Liberal planting of tree and roadside landscaping to help filter particulates from the atmosphere shall be provided.	The project includes a vegetative barrier along its northern boundary to help filter particulates from the atmosphere. See discussion of SACOG MM AIR-1. The project is also conditioned upon the installation and maintenance of landscaping, including street landscaping. Finally, the conditions of

Table 3
South Davis Specific Plan
Changes and Alterations in the Project

Applicable South Davis Specific Plan Measure	Project Consistency
	approval require compliance with the street tree ordinance, which requires either the planting of street trees or the payment of a street tree fee.
4. <u>Noise</u> a. Construction equipment shall be properly muffled.	The project is conditioned upon compliance with the City’s noise reduction practices, including a requirement that all equipment shall have sound-control devices and no equipment shall have an un-muffled exhaust.
a. Non-residential uses shall be located along Chiles Road to serve as a sound barrier. In addition, careful consideration of site planning shall be used during project planning stages to reduce noise impacts.	The project is located at the intersection of Research Park Drive and Cowell Boulevard. Careful consideration of site planning has been used during project planning stages to reduce noise impacts. See discussion of General Plan Policy NOI 1.1, General Plan Policy NOI 1.2, SACOG MM NOI-1, and SACOG MM NOI-3.
b. New structures located in areas where noise levels exceed City standards shall be designed to conform to Title 25 requirements, at a minimum as determined by the City.	The potential for the proposed project to result in the exposure of future residents to exterior noise levels at outdoor spaces within the project site in excess of the City's General Plan standards was discussed in the Plaza 2555 Noise Study, which shows that the proposed project would not result in the exposure of future residents to exterior noise levels in excess of the City's General Plan standards. Furthermore, Noise Control Measure 1 would ensure that internal noise levels within the proposed residential structures would be within an acceptable range. See discussion of General Plan Policy NOI 1.1, General Plan Policy NOI 1.2, SACOG MM NOI-1, and SACOG MM NOI-3.
5. <u>Fiscal</u> c. Development within the South Davis Plan area shall be subject to development impact fees to finance their	The project is subject to development impact fees as set forth in the Development

Table 3
South Davis Specific Plan
Changes and Alterations in the Project

Applicable South Davis Specific Plan Measure	Project Consistency
fair share of the traffic improvements, including but not limited to, the overcrossings of Interstate 80, internal traffic improvements and external traffic improvements necessitated by development within South Davis.	Agreement. The development impact fees include impact fees for roadways and general facilities.
6. <u>Hydrology</u> a. Developers within the project area shall contribute funds for drainage improvements to the main storm drainage system.	The project is subject to development impact fees as set forth in the Development Agreement. The development impact fees include impact fees for drainage and general facilities. Therefore, the proposed project will contribute funds for drainage improvements to the main storm drainage system. Furthermore, Cunningham Engineering has determined that there is adequate available capacity in the City's existing storm drain infrastructure to accommodate the proposed project. No improvements are required to the main storm drainage system to accommodate the proposed project.
b. Localized storm drainage systems shall be constructed to deliver runoff to the main storm drainage system.	The proposed project is conditioned to include drainage infrastructure to deliver runoff to the main storm drainage system. Conditions of approval require that the proposed project comply with the City's Stormwater Management and Discharge Control Ordinance and submit a drainage plan that includes on-site improvements designed to collect and convey stormwater. Conditions of approval further require a stormwater maintenance agreement be approved by the Public Works Director, as well as a SWPPP and a complete stormwater quality plan.
8. <u>Archaeology</u> b. If any archaeological resources are found during grading, work shall be halted and a qualified archaeological firm shall be consulted for advice.	The conditions of approval require that if subsurface paleontological, archaeological or historical resources or remains, including

**Table 3
South Davis Specific Plan
Changes and Alterations in the Project**

Applicable South Davis Specific Plan Measure	Project Consistency
	unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.
<p>10. <u>Services and Utilities</u> c. Development within the plan area shall be accommodated through increase in the design capacity of the wastewater treatment facility. Development within the plan area shall be paced so that capacity in the wastewater treatment facility is not exceeded. Development within the plan area shall pay its fair share of the costs of expansion of the treatment facility to provide this capacity.</p>	<p>Cunningham Engineering has determined that the City’s sanitary sewer system has adequate capacity to serve the proposed project (and other project approved but not yet built) while maintaining the City’s desired factor of safety. Therefore, the capacity of the wastewater treatment facility is not exceeded and there is no need to expand the treatment facility to provide capacity at this time. The proposed project is nonetheless subject to development impact fees and connection fees as set forth in the Development Agreement, including development impact fees for general facilities and connection fees for the sewer connection.</p>

ATTACHMENT #5 (General Plan Resolution of Intent to Amend)

RESOLUTION NO. _____ SERIES 2018

RESOLUTION OF INTENT TO AMEND THE CITY OF DAVIS GENERAL PLAN LAND USE MAP TO REDESIGNATE THE TWO PARCELS (APNs 069-530-030 AND 069-530-031) COMPRISING APPROXIMATELY 7.34 ACRES LOCATED AT THE NORTHERN CORNER OF RESEARCH PARK DRIVE AND COWELL BOULEVARD FROM GENERAL COMMERCIAL TO RESIDENTIAL HIGH DENSITY DESIGNATION FOR PLAZA 2555 PROJECT

WHEREAS, the two parcels (APNs 069-530-030 AND 069-530-031) comprising approximately 7.34 acres located at the northern corner of Research Park Drive and Cowell Boulevard, as shown in Exhibit A), are currently designated “General Commercial” in the General Plan land use map; and

WHEREAS, the proposed amendment would allow for consistency between the General Plan Land Use Map designation, South Davis Specific Plan, and Zoning Ordinance Land Use Map designations in order to facilitate the uniform residential development of the subject site and the property located at the northern corner of Research Park Drive and Cowell Boulevard (APNs: 069-530-030 AND 069-530-031 respectively) commonly known as Plaza 2555; and

WHEREAS, the irregular shape and 7.5-acre size of the subject site and its location relative to other commercial facilities in the South Davis area reduce the viability of the site for commercial uses, a consolidated and uniform development of the subject site will accord a uniform development that reflect General Plan policies relative to infill, densification and provision of a mix of housing types in the area, while promoting transit use due to its location;

WHEREAS, the residential high density designation will allow for compact multi-family and infill development in an existing neighborhood, convenient to local-serving retail, meet the housing demand, reduce pressure for peripheral growth, and facilitate transit and pedestrian/bicycle travel; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 29, 2018 to receive comments and consider the amendment to the General Plan, and following such hearing, based on oral testimony and documentary evidence reviewed during the public hearing, recommended that the City Council approve the intent to amend the General Plan and determine that the project is a transit priority project that qualifies for a Statutory Exemption from CEQA pursuant to Public Resources Code Section 21155.1; and

WHEREAS, the City Council held a duly noticed public hearing on _____, 2018 to receive comments and consider amendment of the General Plan and other entitlement applications; and

WHEREAS, based on oral testimony and documentary evidence reviewed during the public hearing, the City Council determined that the project is a sustainable communities project and qualifies for a Statutory Exemption from CEQA pursuant to Public Resources Code Section 21155.1; and

WHEREAS, the City Council's declaration of intent to approve the amendment to the General Plan is based on the following findings, as well as the General Findings for the approval of the proposed project (Attachment #1 to the staff report).

1. The proposed General Plan amendment is appropriate in that it provides needed housing and contributes to infill housing development within the City limits.
2. The project's proposed density of approximately 27 units per acre is consistent with the General Plan Residential High Density land use designation, which permits a range of 25.00 to 50.00 units per gross acre.
3. The proposed amendment provides consistency with General Plan policies for sensitive infill, a mix of housing types and creative development patterns.
4. The proposed project will provide varying architectural "fit" with the scale of surrounding structures and their uses.
5. The proposed project will not adversely impact the general welfare of businesses or residents within the area, and that the intended uses will serve the public need and convenience, as this will add to the residential development in South Davis.
6. The project is statutorily exempt from CEQA as a Transit Priority Project pursuant to Section 21155.1 of the PRC.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Davis does hereby declare its intent to amend the General Plan Land Use Map as shown on the map attached as Exhibit A of this resolution.

PASSED AND ADOPTED by the City Council of the City of Davis on this XXth day of XX, 2018 by the following vote.

AYES:

NOES:

ABSENT:

Brett Lee, Mayor

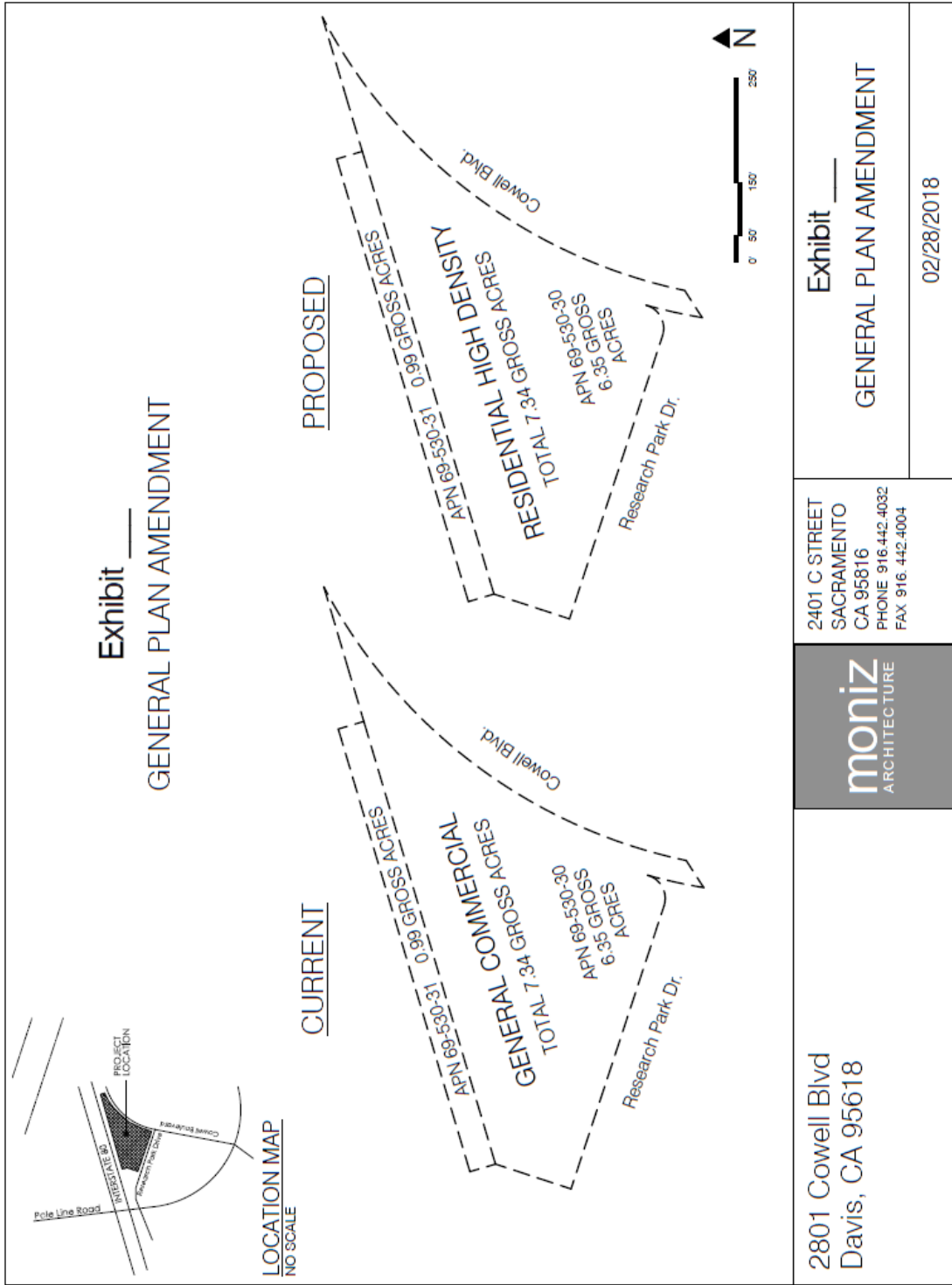
ATTEST: _____

Zoe Mirabile, Deputy City Clerk

Attachment

- A. General Plan Land Use Change Map

Exhibit A



ATTACHMENT #6 (South Davis Specific Plan Amendment Resolution)

RESOLUTION AMENDING THE LAND USE MAP AND TEXT OF THE SOUTH DAVIS SPECIFIC PLAN TO CREATE A NEW SPECIFIC PLAN LAND USE DESIGNATION, CHANGE THE LAND USE DESIGNATION FOR PLAZA 2555 PROJECT SITE, AND MAKE OTHER AMENDMENTS TO NECESSARY FOR THE PLAZA 2555 PROJECT

WHEREAS, the two parcels (APNs 069-530-030 AND 069-530-031) comprising approximately 7.34 gross acres located at the northern corner of Research Park Drive and Cowell Boulevard, (as shown on Exhibit A), are currently designated “Commercial Recreation” in the South Davis Specific Plan land use map; and

WHEREAS, the proposed addition of new land use of Residential High Density would allow for consistency between the General Plan Land Use Map designation, South Davis Specific Plan, and Zoning Ordinance Land Use Map designations in order to facilitate the uniform residential development of the subject site located at the northern corner of Research Park Drive and Cowell Boulevard (APNs: 069-530-030 AND 069-530-031 respectively) commonly known as Plaza 2555; and

WHEREAS, the proposed text addition and amendment would allow for consistency of development standards with the new land use designation of Residential High Density; and

WHEREAS, the irregular shape and 7.5-acre size of the subject site and its location relative to other commercial facilities in the South Davis area reduce the viability of the site for commercial uses, a consolidated and uniform development of the subject site will accord a uniform development that reflect General Plan policies relative to infill, densification and provision of a mix of housing types in the area, while promoting transit use due to its location;

WHEREAS, the South Davis Specific Plan is largely built out and applicable density policies and land use designations have been incorporated into the General Plan, including the growth management policy of the City;

WHEREAS, the residential high density designation will allow for compact multi-family and infill development in an existing neighborhood, convenient to local-serving retail, meet the housing demand, reduce pressure for peripheral growth, and facilitate transit and pedestrian/bicycle travel;

WHEREAS, these amendments to the Specific Plan are appropriate in that it will support and improve compatibility and consistency with existing and adjacent uses;

WHEREAS, the Planning Commission held a duly noticed public hearing on August 29, 2018, and recommended that the City Council approve the intent to amend the General Plan based on findings within the draft resolution; and also recommended approval of the South Davis Specific Plan subject to the findings below.

WHEREAS, the City Council held a duly noticed public hearing on _____, 2018, and approved the amendment of the South Davis Specific Plan based on findings below.

1. Find that the proposed South Davis Specific Plan amendment is appropriate in that it provides needed housing and contributes to infill housing development within the City limits.
2. Find that the project's proposed density of about 27 units per acre is consistent with the Residential High Density land use designation, which permits a range of 25.00 to 50.00 units per gross acre.
3. Find that the proposed amendment provides consistency with plans and policies for sensitive infill, a mix of housing types and creative development patterns.
4. Find that the proposed project will provide varying architectural "fit" with the scale of surrounding structures and their uses.
5. Find that the proposed project will have no adverse impact on the general welfare of residents or businesses within the area, and that the intended uses will serve the public need and convenience, as this will add to the residential development in South Davis.
6. Find that the project is statutorily exempt from CEQA as a Transit Priority Project pursuant to Section 21155.1 of the PRC.
7. Find that these changes will ensure consistency with the subsequent direction of the Council as expressed in the General Plan and subsequent growth policies including the one percent residential growth cap established in Council Resolution #11-077 of 2011.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Davis that the South Davis Specific Plan shall be amended as follows:

A. Under Development Plan, Land Use Summary, page 7 and elsewhere as appropriate, add a new land use designation as follows:

“Residential High Density (RHD) allowing high density residential development with density range of 25.00 to 50.00 units per gross acre, and 30.00 to 50.00 units per net acre.”

B. Under Land Use on page 11, it reads that “land uses and densities were designed to meet the following criteria”. Modify criteria #1 as follows:

“That the overall residential unit count ~~should be made as low as feasible in to meet the existing residents’ desires and to be~~ shall be determined by the City Council consistent with the General Plan growth policies; ...”

C. Under Residential Land Use; Policies on page 18: “Apartment densities, outside the Residential High Density (RHD), shall not exceed 15 units per gross acres.”

D. Under Parking on page 22: “~~For~~ Except for apartments in the RHD designation, apartment developments shall provide the following:

Studio & 1 bedroom unit = 1.0 off-street space per unit
2 bedroom unit = 1.75 spaces
3 bedroom units = 2.5 spaces
4 bedroom units = 3.0 spaces

For apartments in the RHD designation, parking shall be as prescribed by zoning.

E. General – References to specific unit counts shall be replaced with “*as determined by the City Council consistent with the policies of the General Plan, including City growth policies and applicable growth caps.*”

F. The South Davis Specific Plan Land Use Map will be amended as shown on the map attached as Exhibit A of this resolution change the land use designation for the two parcels (APNs 069-530-030 AND 069-530-031) comprising approximately 7.34 acres located at the northerly corner of Research Park Drive and Cowell Boulevard from Commercial Recreation to Residential High Density.

PASSED AND ADOPTED by the City Council of the City of Davis on this XXth day of XX, 2018 by the following vote.

AYES:

NOES:

ABSENT:

Brett Lee, Mayor

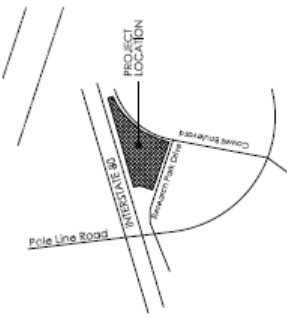
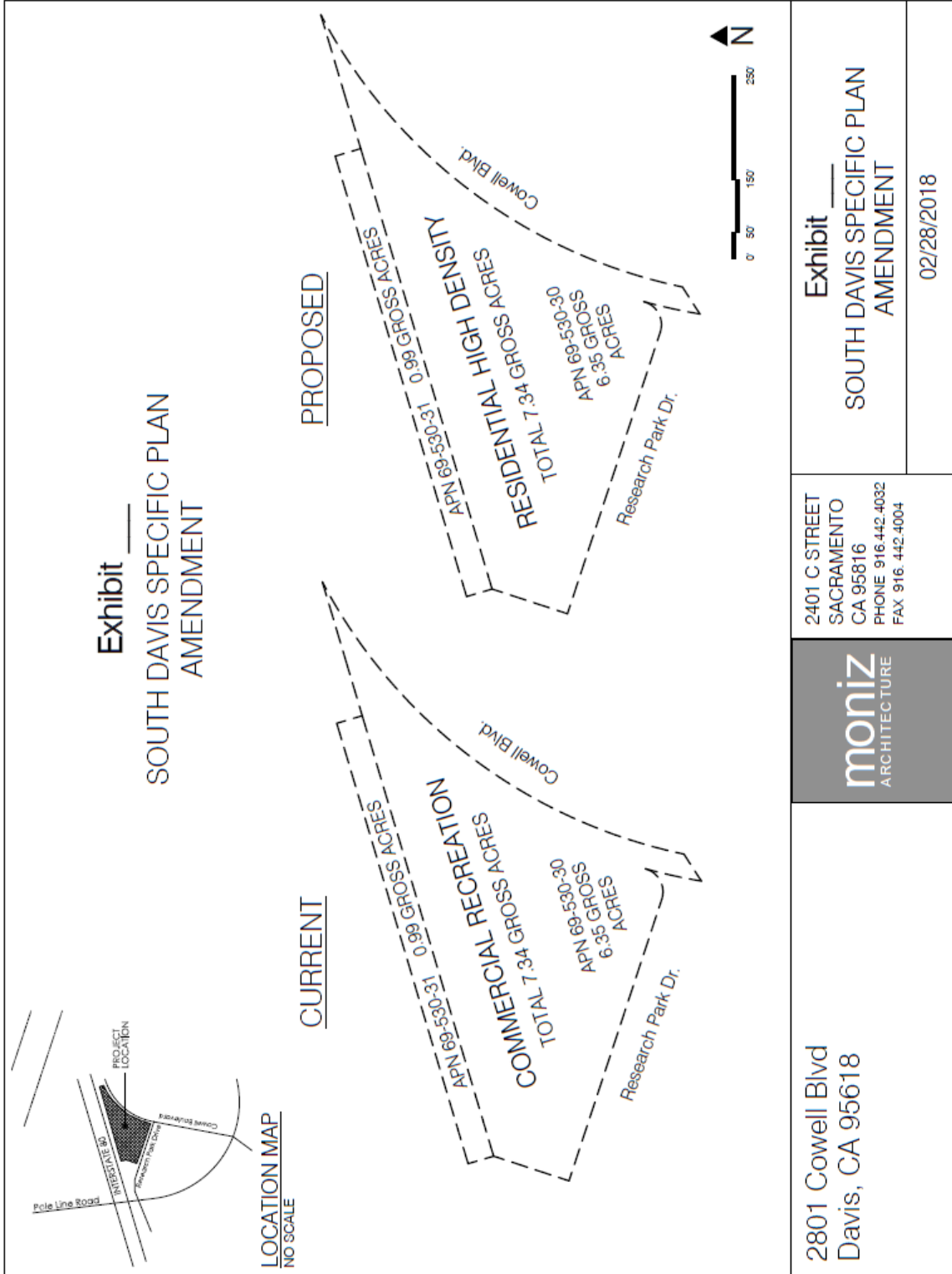
ATTEST: _____
Zoe Mirabile, Deputy City Clerk

Attachment

A. South Davis Specific Plan Land Use Change Map

Exhibit A

Exhibit _____
SOUTH DAVIS SPECIFIC PLAN
AMENDMENT



LOCATION MAP
 NO SCALE

CURRENT

PROPOSED

2801 Cowell Blvd
 Davis, CA 95618

moniz
 ARCHITECTURE

2401 C STREET
 SACRAMENTO
 CA 95816
 PHONE 916.442.4032
 FAX 916.442.4004

Exhibit _____
SOUTH DAVIS SPECIFIC PLAN
AMENDMENT

02/28/2018

ATTACHMENT #7 (Preliminary P-D Ordinance)

Ordinance No. _____

AN ORDINANCE AMENDING SECTION 40.01.090 OF CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE TO REZONE TWO PARCELS (APNs 069-530-030 AND 069-530-031) COMPRISING APPROXIMATELY 7.34 ACRES LOCATED AT THE NORTHERN CORNER OF RESEARCH PARK DRIVE AND COWELL BOULEVARD THAT IS ZONED PLANNED DEVELOPMENT #7-95 TO PLANNED DEVELOPMENT #1-17 FOR THE PROJECT COMMONLY KNOWN AS PLAZA 2555

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

SECTION 1. ZONING MAP CHANGE

Section 40.01.090 (Zoning Map) of Chapter 40 of the Code of the City of Davis, as amended, is hereby amended by changing the land use designations of the approximately 7.34 acres of parcels located at the northern corner of Research Park Drive and Cowell Boulevard (APNs: 069-530-030 AND 069-530-031), attached as Exhibit A, to Planned Development #1-17 (Residential High Density, R-HD).

SECTION 2. HIGH DENSITY RESIDENTIAL, PLAZA 2555 APARTMENTS

A. Purpose.

The purpose of Planned Development #1-17 (R-HD) is to establish a planned development district with the base zone of Residential High Density that principally allows Plaza 2555 multi-family residential uses, which would serve the following goals:

- a) Provides for a portion of the city's housing by providing market-rate and affordable housing units of various sizes and designs near existing mobility infrastructure;
- b) Satisfies a portion of the City's need for market-rate and on-site affordable housing units through infill development;
- c) Stabilizes and protects the residential character of the district and the surrounding area;
- d) Promotes and ensures that the new residential uses will be in harmony with the existing and surrounding neighborhoods;
- e) Respects the privacy of adjacent uses and properties through reasonable setbacks, architectural design and general landscaping plan; and
- f) Encourages alternative modes of transportation and promotes energy and resource conservation.

B. Principal Uses.

The principal permitted uses of land in this P-D district are as follows:

- a) Single-family dwellings and duplexes.

- b) Dwellings, multiple.
- c) Rooming and boarding houses.
- d) Family and group day care homes as defined in Section [40.26.270](#).
- e) Group care homes with six or fewer clients, subject to the provisions of Section [40.26.135](#).
- f) Cooperative housing, as defined in Section [40.01.010](#).
- g) Supportive housing.
- h) Transitional housing.
- i) Similar uses as determined by the Community Development and Sustainability Director with the right of referral to the Planning Commission.

C. Accessory Uses.

The following accessory uses are permitted in this P-D district:

- a) Home occupations subject to the provisions of Sections [40.01.010](#) and [40.26.150](#).
- b) Swimming pools, private, subject to provisions of Section [40.26.350](#).
- c) Signs, subject to the regulations of Section [40.26.020](#).
- d) Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to provisions of Section [40.26.010](#).
- e) Secondary dwelling units meeting the requirements of Section [40.26.450](#) (ministerial secondary units).
- f) Enclosed self-storage
- g) Parking garage
- h) Property management offices, club house, and study lounges.
- i) Bicycle Storage and Bicycle Rental.
- j) Bicycle and Car Share Services.
- k) Farm Stand/Outdoor Market.
- l) Indoor and outdoor exercise areas and gymnasiums (commercial or non-commercial).
- m) Smaller scale ground floor retail commercial uses (e.g., less than 2,500 total gross square feet) that primarily serve the day-to-day needs of on-site residents. These uses may include the following but with no more than 10,000 sf total
 - i. Restaurants, cafes, bakeries (including indoor and outdoor seating areas), which may include sale and service of beer and wine;
 - ii. Neighborhood-serving or employee-oriented retail and service establishments
 - iii. Health and fitness studios; and
 - iv. Other appropriate supporting uses.

D. Conditional Uses.

The following conditional uses may be permitted in this P-D district:

- a) Social halls, lodges, fraternal organizations and clubs, except those operated for a profit, subject to the provisions of Section [40.26.090](#).
- b) Public and semipublic buildings and uses of a recreational, educational, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards, warehouses and similar uses.
- c) Hospitals, churches and other religious or eleemosynary institutions, subject to the provisions of Section [40.26.160](#).
- d) Student oriented commercial uses may be permitted on the ground floor; provided, that the following conditions are found to exist:
 - i. Such uses conform to the intent of the master plan of the city;

- ii. Such uses are of the type that would primarily serve college students who would approach the area by bicycle or by walking;
- iii. There shall be vehicular access to the property from more than one public street or alley;
- iv. Access to an off-street loading area to serve the property shall exist from more than one public street or alley; provided, that the requirement of one such public street or alley required by this paragraph and paragraph (d)(3) of this section may be waived if the property fronts on a pedestrian or bicycle mall.
- e) Nursery schools and day care centers, subject to the provisions of Section [40.26.270](#).
- f) Group care homes with more than six clients, subject to the provisions of Section [40.26.135](#).
- g) Living groups, subject to the provisions of Section [40.26.260](#).
- h) Single room occupancy (SRO) units.

E. Building Height. No building, inclusive of accessory structures, shall exceed one hundred feet in height, except as provided in Section [40.27.030](#). Accessory structures are exempt from 15' maximum height restriction in the Zoning Ordinance, and shall be evaluated as part of a design review application approval.

F. Development Standards.

The following minimum requirements shall be observed, except where increased for conditional uses or as provided in Sections [40.27.040](#) to [40.27.070](#):

- a) **Lot area.** Seventy-five hundred square feet.
- b) **Lot width.** Seventy feet.
- c) **Usable open space.** Each efficiency apartment, two hundred square feet. Each one-bedroom apartment, two hundred square feet. Each two-bedroom apartment, two hundred fifty square feet. Each additional bedroom, fifty square feet. Twenty-five percent of the lot area shall be devoted to open space in the case of rooming and boarding houses and dwellings occupied by living groups.
- d) **Floor area ratio.** The floor area of the building shall not exceed two times the area of the lot.
- e) **Maximum lot coverage.** Fifty percent.
- f) **Yard requirements.** The following minimum yards shall be required:
 - i. Front Yard. Ten feet, except as modified by Section [40.27.050](#).
 - ii. Side Yard, Interior. Five feet.
 - iii. Side Yard, Street. Ten feet.
 - iv. Rear Yard. Ten feet.
- g) The required yards shall be increased by one foot for each five feet the building height exceeds twelve feet, except for the rear yard.
- h) **Lot area per dwelling unit.**
 - i. Efficiency apartment, five hundred square feet.
 - ii. One bedroom apartment, seven hundred square feet.
 - iii. Two bedroom apartment, eight hundred square feet

G. Conditions of Approval

Adoption of this Ordinance is subject to and conditioned upon the Conditions of Approval attached hereto as Attachment #2 and incorporated herein by this reference.

H. Special Conditions.

- a) Site plan and architectural approval by the community development and sustainability director or designee shall be required for all uses.
- b) Off-street parking shall be required for all uses, as provided in Sections [40.25.010](#) and [40.25.120](#).
- c) The property contained in this planned development district shall be subject to a final planned development application, which shall establish the final development standards for Plaza 2555, including the final number of units, the type and size of unit, the distribution of unit, and approval of the final site plan, design, and amenities. The final planned development shall be substantively consistent with the following:
 - i. A maximum of 200 units and a maximum of 646 bedrooms. A mix of micro (studio), 1-bedroom, 2-bedroom, 3-bedroom, 4-bedroom, and 5-bedroom apartment units.
 - ii. Approximately 2,500 square feet for leasing office and a café, multiple indoor activity areas, pedestrian pathways, landscaped courtyards, common open space areas, approximately 380 vehicle parking spaces, and approximately 646 bicycle parking spaces. Other proposed site amenities shall include a swimming pool, tot lot, sporting activities area, transit plaza, landscaping, transit plaza, mail and package pickup/drop-off, and ride share/hail area;
 - iii. At least 67% of the units will be three bedrooms or fewer. At least 10% of the units will be “micro units” of about 350 square feet each. There is a cap on the overall number of units with four or five bedrooms of 33% of the total number of units. No more than 10% of the total number of units will have five bedrooms. There will be no units larger than five-bedrooms.

SECTION 3.

The City Council hereby finds as follows:

1. Find that the proposed rezoning from P-D #7-95 to a new planned development (P-D) will be consistent with the General Plan and South Davis Specific Plan, as amended. This allows for a consistent land use designation and zoning for the parcels, which would facilitate the development of the proposed project.
2. Find that 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 diversification in the relationship of various buildings and structures and provide relief from the rigid standards of conventional zoning in order to allow for new and compatible housing development with surrounding residential uses. The proposed project will provide for an integrated and harmonious residential environment and creative relationship with adjacent residential uses. It will allow for and encourage architectural variation while maintaining the residential character within the area.
3. Find that public necessity, convenience and general welfare require adoption of the proposed amendment, given that the proposed project is an infill project that will address the housing needs of the City.

4. Find that the proposed project will constitute a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood in that the proposed project compliments surrounding residential uses in design, layout and architecture.
5. Find that environmental review is not required to approve the project given that it qualifies as a Transit Priority project under Public Resources Code Sections 21155.1. The project is consistent with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) pursuant to SB 375, and meets all of the requirements of Public Resources Code Sections 21155.1(a) and (b) and one of the requirements of Public Resources Code Section 21155.1(c). Hence, the project is exempt from CEQA.
6. Finding that the Conditions of Approval attached to this Ordinance as Attachment #2 will address any potential issues, impacts, or concerns with the project.

SECTION 5. EFFECTIVE DATE

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

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

AYES:
NOES:
ABSENT:

ATTEST:

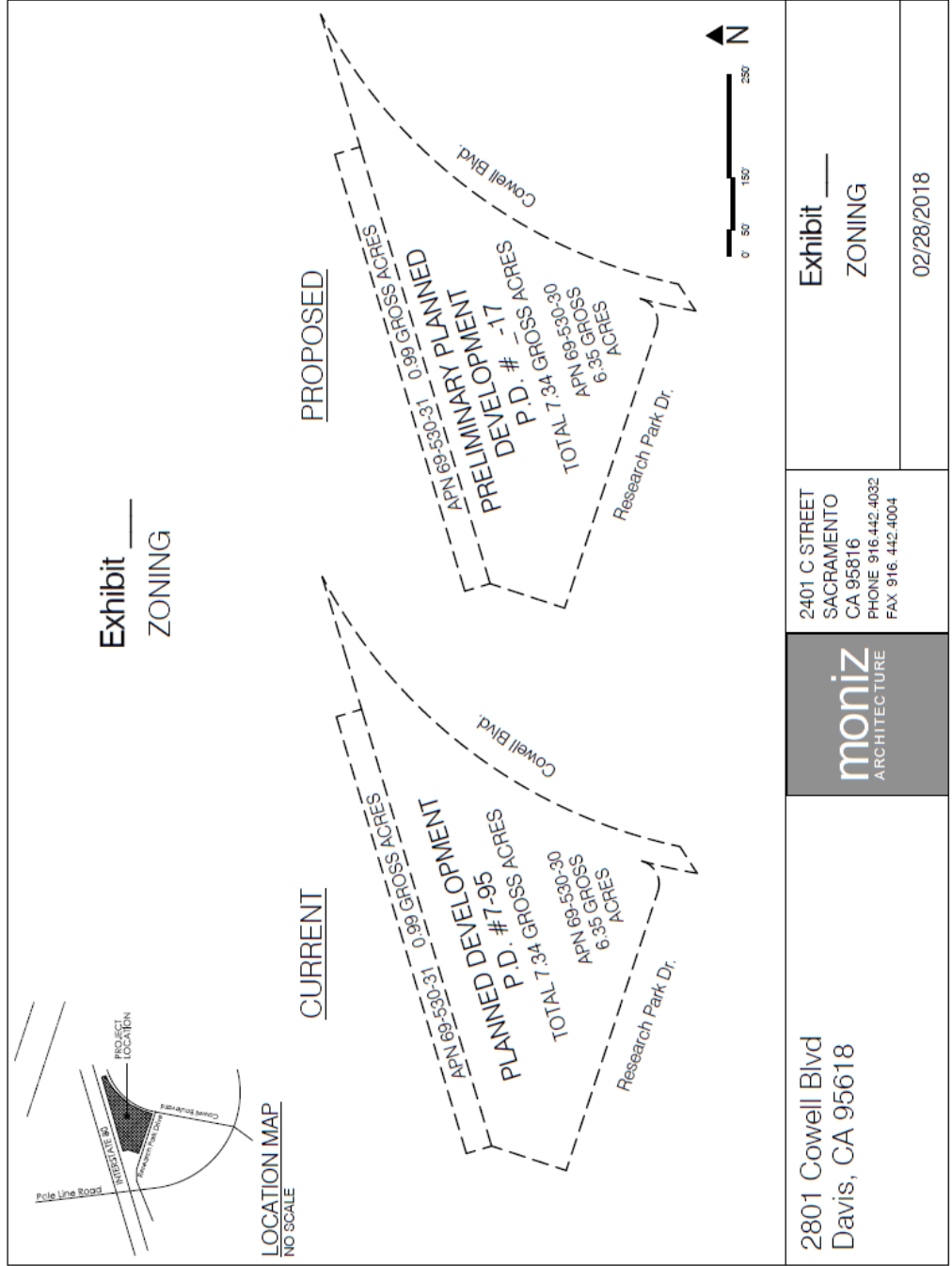
Brett Lee
Mayor

ZOE MIRABILE, CMC
City Clerk

Attachments

1. Exhibit A – Zoning Land Use Map of the subject parcels
2. P-D#1-17 Conditions of Approval

Exhibit A – Zoning Land Use Map of the subject parcels



ATTACHMENT #8 (Ordinance Approving the Development Agreement)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS
APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF
DAVIS, JOHN OTT, AN INDIVIDUAL, AND BLUE BUS LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY RELATING TO THE DEVELOPMENT OF THE
PROPERTY COMMONLY KNOWN AS PLAZA 2555**

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, on November 29, 2017, the Sacramento Area Council of Governments issued a consistency letter confirming that the Plaza 2555 project is consistent with the 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy; and

WHEREAS, City Council determined based on the findings set forth in Resolution No. [REDACTED] that the Plaza 2555 Project satisfies all of the criteria of a Transit Priority Project and is exempt from further environmental review pursuant to Public Resources Code Section 21155.1; and

WHEREAS, the City Council of Davis adopted project entitlements for the Plaza 2555 Project, including the General Plan Amendment, South Davis Specific Plan Amendment, Rezoning and Preliminary Planned Development Permit, and Affordable Housing Plan; and

WHEREAS, Developer desires to carry out the development of the approximately 6.5 acre property located at 2555 Cowell Boulevard (APNs 069-530-030 and 031) as described in the Development Agreement (the “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 both the City and the Developer that the Development will proceed as proposed; and that the Project can proceed without disruption caused by a change in City planning and development policies and requirements, which assurance will thereby reduce the actual or perceived risk of planning, financing and proceeding

with construction of the Project and promote the achievement of the private and public objectives of the Project; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 29, 2018 on the Plaza 2555 Project entitlements, during which public hearing the Planning Commission received comments from the Developer, City staff, and members of the general public and made a recommendation to the City Council on the Plaza 2555 Project entitlements.

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, in that it establishes certain development rights, obligations and conditions for the implementation of the Plaza 2555 Project;
- B. The Development Agreement is compatible with the uses authorized therein, and the regulations prescribed for, the general plan designations which will apply to the 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 the 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. The City's General Plan, as amended;
- C. Resolution No. ____, adopted by the City Council on _____, 2018 which Resolution and exhibits are incorporated herein by reference as if set forth in full;

- D. 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;
- E. The City's South Davis Specific Plan, as amended by the South Davis Specific Plan Amendment adopted by the City Council by Resolution No. _____ prior to adoption of this Ordinance;
- F. All City staff reports (and all other public reports and documents) prepared for the Planning Commission and City Council, relating to the the Development Agreement and other actions and entitlements relating to the Property, including all attachments thereto;
- G. All documentary and oral evidence received at public hearings or submitted to the City during the comment period relating to the Development Agreement, and other actions and entitlements relating to the Property; and
- H. All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City's fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City; State laws and regulations and publications.

Section 5. The City Council hereby approves the Development Agreement, attached hereto as Exhibit A, 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, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, and conformity to the General Plan, as amended, as approved by the City Council.

Section 6. 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 7. Upon the effective date of this Ordinance, the City Manager and the City Clerk are hereby authorized and directed to execute the Development Agreement on behalf of the City.

Section 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 9. This ordinance shall become effective on and after the thirtieth (30th) day following its adoption; provided, however, that if the General Plan Amendment is approved at a later date, then the effective date of this Ordinance shall be the date on which the General Plan Amendment becomes effective.

INTRODUCED on the ____ day of _____, 2018 and PASSED on the ____ day of _____, 2018 by the following vote:

- AYES:

- NOES:

- ABSENT:

Brett Lee, Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

EXHIBIT A

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AGREEMENT

BY AND BETWEEN

THE CITY OF DAVIS AND JOHN OTT AND BLUE BUS LLC

Relating to the Development

of the Property Commonly Known as Plaza 2555

THIS DEVELOPMENT AGREEMENT (“Agreement”) is entered into this _____ day of _____, 2018, by and between the CITY OF DAVIS, a municipal corporation (herein the “City”), and JOHN OTT, an individual, and BLUE BUS LLC, a California limited liability company (John Ott and Blue Bus LLC jointly, the “Developer”). This Agreement is made pursuant to the authority of Section 65864 *et seq.* of the *Government Code* of the State of California. 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 Developer owns in fee certain real properties divided into two parcels as described in Exhibit A attached hereto and incorporated herein by this reference. Developer seeks to develop as the Plaza 2555 residential, high-density, apartment project (the “Project”). The Project will consist of up to 200 units and a maximum of 646 bedrooms. The Project proposes row-house style (townhouse) and stacked flat apartment units in two- and three-story buildings separated by landscaping. Specifically, the Project proposes a mix of micro (studio), 1-bedroom, 2-bedroom, 3-bedroom, 4-bedroom, and 5-bedroom apartment units. The project will include a leasing office, multiple indoor activity areas, pedestrian pathways, landscaped courtyards, common open space areas, approximately 380 vehicle parking spaces, and approximately 646 bicycle parking spaces.

C. The Project was determined to be statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 21155.1 (Transit Priority Project) of the Public Resources Code.

D. This Agreement is voluntarily entered into by 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 approximately 6.5 acre property located at 2555 Cowell Boulevard (APNs 069-530-030 and 031) (“ the Property”), and further detailed in Recital E below. 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.

E. 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 #1-17 (Residential High Density)
- (2) South Davis Specific Plan Amendment #1-17
- (3) Zoning Amendment: from PD 7-95 to PD # 1-17
- (4) Affordable Housing Plan #1-17

F. 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.

G. 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 Section 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.

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 fifteen (15) years thereafter, unless said Term is terminated, modified or extended by circumstances set forth in this Agreement or by mutual consent of the Parties, subject to the provisions of Sections 105 through 107 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 pursuant to Section 400 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 sections 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 103, 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 103. 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 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.

Developer has informed the City that John Ott intends to transfer all his interest in the Project to Blue Bus LLC, a California limited liability company comprised of the following members: John Ott and Richard Harris. If this transfer occurs prior to the commencement of any construction on the Project, Ott and Blue Bus shall provide written notice to City of this transfer and approval of this transfer shall be deemed approved upon receipt of the notice. Thereafter Blue Bus LLC shall be the Developer under this Agreement. If the transfer does not occur prior to the commencement of construction then the transfer shall be subject to the provisions of this section.

Except as provided in the paragraph immediately above, 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 identity, 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 and assignor 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 Section 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, other than in accordance with this Section 103, that attempts to sever such conditions shall constitute a default under this Agreement and, subject to the procedure set forth in Section 400, shall entitle the City to terminate this Agreement in its entirety.

4. Notwithstanding subsection 2 of this Section, 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 or refinancing 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 subdivision or parcelization of the Property. 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, exclusive of the transfer to Blue Bus LLC set forth in Section 103(2)(a) above, 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 9 hereof. Alternatively, formal written notices, demands, correspondence and communications between the City and the Developer may be sent by electronic mail (e-mail) and shall be deemed sufficient upon confirmation of receipt of the e-mail by recipient Party. 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 acreage 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 pursuant to Section 103 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 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) provisions regarding Developer's fulfillment of its affordable housing obligations; (e) changes to conditions, terms, restrictions or requirements applicable to subsequent discretionary actions; (f) an increase in the density or intensity of use of the Property or the maximum height or maximum gross square footage; or (g) 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, and mutual consent of the Parties. 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. Minor amendments authorized by this subsection may not constitute an "amendment" for the purposes of Government Code sections 65867, 65867.5, and 65868. 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 B 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 any conditions of approval 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 also described and attached hereto as Exhibits C through H 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. Development Impact Fees, Connections Fees, and Community Enhancement Funds. The Developer shall pay Development Impact Fees, Connection Fees, and Community Enhancement Funds identified in Exhibit C.

2. Intentionally Reserved.

3. Affordable Housing. The Developer shall comply with the affordable housing requirements as set forth in Exhibit D.

4. Local Hiring Program. The Developer, shall implement a Local Hiring Program as set forth in Exhibit E.

5. Environmental Sustainability. The City and the Developer have agreed that environmental concerns and energy efficiency are critical issues for new developments. Developer shall implement the items described in Exhibit F.

6. Reimbursement for Property Taxes. Prior to issuance of building permit, Developer shall record a covenant on the title to the Project Site regarding property tax payments. The covenant shall include a permanent obligation for the property owner to make payments to the City in lieu of the City's share of otherwise-required property taxes in the event that the Property is acquired or master leased by an entity exempt from payment of property taxes. Wording of the covenant is subject to review and approval of the City Attorney.

7. Unit Mix: The Developer shall comply with the unit mix requirements as set forth in Exhibit G.

8. Bus Shelters: The Developer shall construct a standard bus shelter at the southwest corner of Research Park Drive and Cowell Blvd., which property is owned by the City, subject to all required City approvals.

9. Rental Parking Spaces: The Developer shall impose upon tenants a separate rental payment for parking spaces at Plaza 2555. Such rental payment for parking spaces shall be separate from residential rental rates imposed upon tenants at Plaza 2555. If a tenant does not rent a parking space, the rental payment will not be imposed upon the tenant. The purpose of the rental payment for parking requirement is to discourage vehicle trips and incentivize alternative, sustainable forms of transportation, such as public transportation, biking, or walking.

10. Improvements at the Property to be constructed by the Developer include, but are not limited to, the following frontage improvements:

(a) A bike lane with buffer will be installed along the Cowell Blvd project frontage.

(b) To facilitate pedestrian travel between the project and Playfields Park and the 'W' Line bus stop, a mid-block pedestrian crossing will be constructed along the Research Park Drive project frontage. The crossing will be located near the Playfields Park entrance and include a signed and marked crosswalk and a pedestrian actuated RRFB to alert approaching motorists of cross pedestrian / bicycle traffic.

C. [Sec. 202] Subsequent Approvals. The Developer's vested right to develop pursuant to this Agreement is subject to subsequent discretionary approvals. In reviewing and acting upon subsequent discretionary approvals, and except as set forth in this Agreement, the City shall not impose any conditions that preclude 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 in Exhibit B.

Design review approvals and Final Planned Development approvals are subject to review pursuant to the procedures set forth in Chapter 40 of the Davis Municipal Code, and shall remain in effect for the term of the Agreement. A Final Planned Development application that is consistent with this development agreement, the provisions of the Preliminary Planned Development, and that is in conformity with the General Plan and Article 40.22 of the Davis Municipal Code shall be presumed valid, subject to all appropriate findings by the Planning Commission and/or City Council, as set forth in Section 40.22.110.

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. 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.

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, 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 Sections 105 through 107 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; 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).

1. 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. Design, Construction, and Improvement Plans. All project construction and improvement plans for the Project, shall comply with the rules, regulations and design guidelines in effect at the time the construction improvement plans are 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. No such waiver is recognized for rights vesting in accordance with the decision of *Avco Community Developers, Inc. v. South Coast Regional Commission*, 17 Cal. 3d 785 (1976); 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.

(d) 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 increases as set forth 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. As set forth expressly in this Agreement, Developer shall be entitled to a credit for certain impact fees previously paid with respect to the Property.

2. Except as otherwise provided by this Agreement, the Developer shall pay the 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) prior to the Developer obtaining a certificate of occupancy, 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 Section 66000 et seq.

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 a Major Amendment to the Project Approvals or this Agreement, which amendment is either requested by the Developer or agreed to by the Developer; however, such additional fees, charges, dedication requirements, or improvement requirements shall relate only to the Major Amendment and shall be delineated in the Major Amendment.; 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 Section 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 Section 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 in effect pursuant to City-wide ordinance 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 National Pollution Discharge Elimination System ("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. All improvements necessary to service new development shall be completed prior to issuance of a certificate of occupancy for the Project or any portion of the Project.

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, 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 material 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. 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 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 material 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 pursuant to the procedures set forth in Sections 105 through 107, and 400. The costs of notice and reasonable 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, after advising the Developer in writing of the specific areas of concern, the City Manager may, with written notice to the Developer, 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, other than the City, 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 such time as developers should reasonably have known 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 the appeal period has expired following the issuance of a final order 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

ARTICLE 6 Prevailing Wages.

A. [Sec. 601] Prevailing Wages. Without limiting the foregoing, Developer acknowledges the requirements of California Labor Code Section 1720, *et seq.*, and 1770 *et seq.*, as well as California Code of Regulations, Title 8, Section 16000 *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 7 Project as a Private Undertaking.

A. [Sec. 700] 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 8 Consistency With General Plan.

A. [Sec. 800] 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 9 Notices.

A. [Sec. 900] 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, or alternatively via e-mail as set forth in Section 104.

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

City Manager
City of Davis
23 Russell Boulevard
Davis, CA 95616
E-mail: mwebb@cityofdavis.org

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

Blue Bus LLC
PO Box 4400
Davis, CA 95617
Attn: Richard Harris
E-mail: rharrisdavis@comcast.net

Either 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 10 Recordation.

A. [Sec. 1000] 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 11 Estoppel Certificates.

A. [Sec. 1100] 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. 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. 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.

ARTICLE 12 Provisions Relating to Lenders

A. [Sec. 1200] 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 900 above.

B. [Sec. 1201] 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 thirty-six (36) pages and seven (7) 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: Legal Description of the Property
- Exhibit B: Project Approvals and Subsequent Approvals

- Exhibit C: Development Impact Fees, Connection Fees, and the Community Enhancement Funds
- Exhibit D: Affordable Housing Plan
- Exhibit E: Local Hiring Program
- Exhibit F: Environmental Sustainability Implementation Plan
- Exhibit G: Unit Mix

[Signatures on following page]

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: _____
Brett Lee
Mayor

Attest: _____
Zoe Mirabile
City Clerk

APPROVED AS TO FORM:

Harriet A. Steiner
City Attorney

Timothy M. Taylor
Stoel Rives LLP

“DEVELOPER”
Liability company

BLUE BUS LLC, a California limited

By: _____
Name: _____
Title: _____

JOHN OTT, an individual

By: _____
Name: _____
Title: _____

EXHIBIT A

Legal Description

The land described herein is situated in the State of California, County of Yolo, City of Davis, described as follows:

Parcels 2 and 3 as shown on Parcel Map no. 5100, filed for record November 16, 2016, in Map Book 2016, Pages 101-102, Yolo County Records.

Excepting therefrom all of the minerals of every kind, oil, gas and other hydrocarbon substances lying 500 feet or more below the surface of the herein described property, without however, the right of surface entry.

APN: 069-530-004-000

EXHIBIT B

Project Approvals and Subsequent Approvals

Project Approvals

General Plan Amendment #1-17.

South Davis Specific Plan Amendment (SPA) #1-17.

Zoning; Preliminary Planned Development #1-17.

Development Agreement #3-18 By and Between the City of Davis, and John Ott and Blue Bus LLC.

Affordable Housing Plan 1-17.

Subsequent approvals

Final Planned Development.

Design Review.

EXHIBIT C

Development Impact Fees, Connection Fees, and Community Enhancement Funds

Development Impact Fees, Connection Fees, and Community Enhancement Funds

Notwithstanding any other provisions of this Agreement and the Municipal Code, the development impact fees, connection fees, and community enhancement funds set forth in this Exhibit C shall be paid by the Project developer.

DEVELOPMENT IMPACT FEES

Development impact fees shall be paid by the developer in accordance with AB 1600, based on the impacts of the Project, as set forth in the table below. These fees shall be payable prior to the Certificate of Occupancy being issued for the Project. The Developer has the right to pay any development impact fees associated with the Project at any given time after the first Building Permit has been issued to avoid upcoming increases. If fees are not paid by the fifth year, following issuance of building permit they shall be recalculated in accordance with rates applicable at the time. The fees below are based on assumptions regarding unit mix as proposed at the time of approval of the Preliminary Planned Development. Final fees shall be calculated based on the final unit mix as approved in the Final Planned Development.

DEVELOPMENT IMPACT FEES

	Studio/1 Bedroom Rate	Studio/1 Bedroom	Multi-Family Rate 3 bedrooms and up	Multi-Family Rate 3 bedrooms and up	Retail Rate	Retail Fees	Total Major Project Fees Due
Roadways	\$2,628.00	\$52,560.00	\$4,262.00	\$767,160.00	\$20,239.00	0.00	\$819,720.00
Drainage	\$85.00	\$1,700.00	\$85.00	\$15,300.00	\$118.00	0.00	\$17,000.00
Parks	\$3,277.00	\$65,540.00	\$3,827.00	\$688,860.00	\$730.00	0.00	\$754,400.00
Open Space	\$564.00	\$11,280.00	\$659.00	\$118,620.00	\$126.00	0.00	\$129,900.00
Public Safety	\$622.00	\$12,440.00	\$685.00	\$123,300.00	\$1,078.00	0.00	\$135,740.00
General Facilities	\$1,156.00	\$23,120.00	\$1,730.00	\$311,400.00	\$928.00	0.00	\$334,520.00
	\$8,332.00	\$166,640.00	\$11,248.00	\$2,024,640.00	\$23,219.00	0.00	\$2,191,280.00

CONNECTION FEES

Connection fees are due at the time of first building permit.

Water Connection Fees – Water connection fees paid by the Developer shall not exceed the existing City fee for the first five years from the Effective Date of this Agreement. Thereafter, if the water connection fee has increased, the residential units shall pay the then current connection fee. If the water connection fees decrease during the five-year period and the Developer has not yet paid the fee, then the Project shall be subject to the lower fee. This connection fee is calculated when a complete building permit application is received by the City, as determined by the City Building Official and City Engineer. Total water connection fees are estimated at \$_____.

Sewer Connection Fees – Sewer connection fees paid by the Developer shall not exceed the existing City fee for the first five years from the Effective Date of this Agreement. Thereafter, if the sewer connection fee has increased, the residential units shall pay the then current connection fee. If the sewer connection fees decrease during the five-year period and the Developer has not yet paid the fee, then the Project shall be subject to the lower fee. This fee is calculated when a complete building permit application is received by the City, as determined by the City Building Official and City Engineer. Total sewer connection fees are estimated at \$_____.

COMMUNITY ENHANCEMENT FUNDS

Developer shall provide Community Enhancement Funds, which are beyond the Project's requirements to mitigate for project-related impacts. These are separate and distinct from development impact fees and connection fees calculated above. Total community enhancement is \$_____. These funds shall be used as directed by the City Council in their sole discretion, for community enhancements, improvements, and renovations, which may include but are not limited to:

1. \$250,000 to conduct corridor studies of Cowell Boulevard from Interstate 80 to Mace Boulevard, of Chiles Road from Drummond to the City limit, and of Research Park Drive, from its intersection with Cowell Boulevard near I-80 to its intersection with Cowell Boulevard adjacent to the Project site. The General Plan sets forth a process for preparing corridor plans to improve the function, safety, and appearance of corridors in the City of Davis, Cowell Boulevard between I-80 and Mace Boulevard, and Chiles Road from Drummond and the City limit are two of the corridors that would benefit from this analysis. The purpose of the corridor studies is to identify transportation improvements to the corridors that will enhance safety, circulation, and access for all modes of transportation, and provide information to policy makers in support of decisions about future infrastructure development. Included in these studies will be a multi-modal analysis of all intersections within the corridor. The analysis will also include a corridor

wide analysis of bicycle and pedestrian facilities, and transit routes. The analysis shall determine the Level of Traffic Stress for bicyclists in determining future improvements. Payment for the corridor studies shall be made prior to issuance of the first certificate of occupancy. The analysis of both corridors may be combined into one study, at the City's discretion.

2. \$215,000 for improvements at Playfields Park including replacement of the playground and installation of other new improvements. The estimated cost to replace the playground including installation by a certified playground installer is approximately \$150,000 (not including performance bond, tax, or shipping). The estimated cost for additional user-specific improvements at the park is \$65,000. These improvements may include outdoor exercise equipment, additional picnic tables, picnic table umbrella(s), BBQ's, corn hole (beanbag toss) with decomposed granite course area, cement ping-pong table, and porch swings. Payment for the park improvements shall be made prior to issuance of the first certificate of occupancy.
3. \$20,000 for analysis and improvements at Pole Line Road and Cowell Boulevard as described below. The developer will fund an analysis of the intersection of Pole Line Road and Cowell Boulevard to determine whether changes to the phasing of the intersection can create gaps in traffic on Cowell sufficient to allow vehicles to enter Cowell from Green Terraces. If this study indicates this would be beneficial for this movement at Green Terraces, the City will implement the signal timing changes. In addition, if this analysis suggests that any modifications to the intersection and signal are necessary to address the phase timing changes, the developer shall be responsible for these improvements. Funding of these items shall occur prior to issuance of the first certificate of occupancy.

The Developer shall have the right to defer payment of the remainder of the Community Enhancement Funds for up to 18-months after being issued a final Certificate of Occupancy, provided a surety, such as a performance bond or letter of credit, in a form acceptable to City, and is issued securing the outstanding amount of the Community Enhancement Funds. If the amount due to the City is not paid in full upon the expiration of the 18-month period, a 10% penalty will be assessed. The surety amount shall include the 10% penalty or the outstanding amount of the Community Enhancement Fund deferred.

EXHIBIT D

**Plaza 2555
Affordable Housing Plan
Updated: August 20, 2018**

The Plaza 2555 project proposes a mix of affordable housing elements that address particular unmet housing needs within the City of Davis (“City”); meet the affordability requirements for a Sustainable Communities Project (“SCP”) under Public Resources Code section 21155.1(c); and respect the neighborhood context. Because this project would be entirely privately funded, the components of the affordable housing plan can be both straightforward and flexible.

Background

We have met with community members, activists, and decision-makers and refined the proposed affordable housing plan to best align with the community’s current needs. We have repeatedly heard that the City has an unmet need for small units and for bedrooms that are deeply affordable to low-income residents. The following Affordable Housing Plan incorporates the feedback that we have received.

Affordable Housing Plan

Target Income	Quantity and Type	Type of Lease	Rent as % of AMI	Expected initial monthly rent*
Low	5% of total bedrooms	Bedroom	30% of 80%	\$1165.00
Very low	5% of total units	Unit	30% of 50%	\$728.75
Extremely Low	5% of total bedrooms	Bedroom	30% of 30%	\$437.50
Total				
Notes: * Expected monthly rent is based on current year rental information and 2018 Yolo County AMI.				

1.) Affordable Rental Units for Very Low Income (Sustainable Communities Project).

Consistent with Public Resources Code Chapter 4.2, 21155.1, Section (c)(1), Plaza 2555 will include 5% of the rental units to be rented at an affordable rent to very low income households, which is defined by the statute as those households with a gross income of no more than 50% of the Area Median Income (“AMI”), adjusted for household size appropriate for the unit. We plan to use Yolo County as the “area” for calculation of applicable AMI.

With the proposed project of 200 units, Plaza 2555 would provide 10 micro units that are affordable to very low income households. At current standards, the rent for such units would be 30% of the income for a household earning 50% of the AMI, based on an assumed household size of one person.

2.) Affordable Housing for Individuals.

In addition, Plaza 2555 also proposes to provide deeply affordable housing for residents whose income is at the “low” and “extremely low income” levels. This housing would be provided through individual bedroom leases.

Individual bedroom leases, which are targeted to specific individuals at specific incomes, provide two significant benefits: (1) they efficiently assure that the rent reduction will benefit the targeted and qualified individuals; and (2) the targeted and qualified individuals can choose which apartment they want and with whom they wish to live, just like everyone else. The result is an efficient affordable housing subsidy to those who need it most, in a manner that is non-intrusive into their private lives.

Plaza 2555 will publicize the availability of affordable bedroom leases, and may offer bedroom leases at affordable and market rates so that eligible individuals can live with other residents who do not qualify for the affordable housing program. Plaza 2555 will be responsible for ensuring that the required number of bedrooms are set-aside and leased to eligible individuals during each lease year, and will engage in marketing and outreach as necessary to satisfy this requirement.

The result will be a mixed-income rental community in which people of all income levels can live in close proximity to one another. To assure a mixed-income community, Plaza 2555 proposes that 10% of the project’s bedrooms be rented at affordable levels.

In the proposed project of 200 units, the maximum number of bedrooms would be 646. Plaza 2555 proposes to provide 10% of the total bedrooms in the development, at affordable rents to low and extremely low income individuals, as follows.

a. Housing for Low Income Individuals.

Five percent of the total bedrooms (approximately 32—provided that the actual number will be based on final bedroom count and will be rounded to the nearest whole number), will be leased on an individual basis to individuals at “low” income levels, up to 80% of AMI. The monthly rent for such “low” income bedroom leases would be up to 30% of the income for a household earning 80% of the AMI.

b. Housing for Extremely Low Income Individuals.

Five percent of the total bedrooms (approximately 32), will be leased on an individual basis to individuals at “extremely low” income levels, up to 30% of AMI. The monthly rent for such “extremely low” income bedroom leases would be up to 30% of the income for a household earning 30% of the AMI.

3.) Qualifying Criteria

Plaza 2555’s affordable housing program will be open to residents who qualify for conventional affordable housing, as well as residents who may not qualify for such housing due to student status. Such residents may be either financially dependent or independent, which dependent residents’ income shall be determined based on the household income of the household for whom they are a dependent. All affordable housing residents must demonstrate that they meet the income criteria at the appropriate level for the housing they seek. For purposes of determining eligibility, “income” shall be defined as set forth in 25 Cal. Code Regs. §6914.

Plaza 2555 management may also implement additional selection criteria, such as alternative qualification through a lease with a local nonprofit acceptable to the City of Davis and the nonprofit would provide, to the satisfaction of the City, the required verification of income eligibility for the resident, and shall ensure that all selection criteria are in conformance with all applicable laws, including but not limited to the Federal Fair Housing Act, the California Fair Employment and Housing Act, and the California Unruh Act.

Further, eligible individuals who are also students may qualify based on their FAFSA if the financial aid office of the school in which they are enrolled will provide affirmation of income qualification.

4.) Affordable Rent Rate Determination

For each type of affordable housing, the annual rent will equal: thirty percent (30%) of thirty percent (30%) of Yolo County AMI for an Extremely Low Income household, thirty percent (30%) of fifty percent (50%) of Yolo County AMI for a Very Low Income household, and thirty percent (30%) of eighty percent (80%) of Yolo County AMI for a Low Income household. For each unit/bedroom, the rent will be based on an assumed household size of one person.

Utilities will be included in the rental rate, however costs for excessive utility use will be passed through to residents as they are to market rate tenants in order to discourage waste, enforce the project’s strong water conservation efforts, and encourage the sustainable environment and reduced carbon-footprint promoted by Plaza 2555.

Administration of Program

Current residents who can demonstrate their qualification will be offered first priority for the next lease year. To the extent that there are available units or bedrooms in the affordable housing program for the next lease year, the program will be offered to new prospective residents as part of the normal leasing process. If units or bedrooms in the program are available as of March 15 of any year, Plaza 2555 management will advertise locally, contact community groups, and notify local college and university financial aid offices of availability, and shall ensure that all

affordable units/bedrooms are leased at an affordable rent to eligible households or individuals as of September 15th each year. If Plaza 2555 is unable to fully rent the affordable units/bedrooms to eligible households or individuals by September 15, Plaza 2555 agrees to pay the City of Davis Housing Fund an amount equivalent to the sum of the annual discount for each unit/bedroom that is not occupied by a qualified household or individual. If Plaza 2555 is unable to fully rent the affordable units/bedrooms to qualified residents for three (3) consecutive years, Plaza 2555 ownership will modify the affordable housing program to more effectively address the affordable housing needs and community purpose. At the start of each new lease year, Plaza 2555 will again start to actively see eligible applicants for the program with the goal of filling all units/bedrooms each year.

The required number of affordable units/bedrooms shall be maintained and rented as part of Plaza 2555 in perpetuity. This affordable housing plan shall be implemented through a Regulatory Agreement and Restrictive Covenants (the "Regulatory Agreement") which shall be recorded against the Plaza 2555 property prior to the issuance of any building permits for the Project. The Regulatory Agreement shall be consistent with the Plan as outlined herein and shall be in a form as approved by the City Manager and City Attorney. The Regulatory Agreement shall remain in effect in perpetuity and shall be in a senior position to any deeds of trust or other security instruments recorded against the Plaza 2555 property for any purpose

Reporting

Plaza 2555 management will provide an annual report in a form approved by the City no later than November 30th of each year to the City of Davis showing the number of units and bedrooms participating in the Program for the lease year that commenced that fall, as well as compliance with qualification criteria of the program.

EXHIBIT E

Local Hiring Program for Construction

Local Hiring Policy for Construction. Developer shall implement a local hiring policy (the “**Local Hiring Policy**”) for construction of the Project, consistent with the following guidelines:

1. Purpose. The purpose of the Local Hiring Policy is to facilitate the employment by Developer and its contractors at the Project of residents of the City of Davis (the “**Targeted Job Applicants**”), and in particular, those residents who are “**Low-Income Individuals**” (defined below).
2. Definitions.
 - a. “**Contract**” means a contract or other agreement for the providing of any combination of labor, materials, supplies, and equipment to the construction of the Project that will result in On-Site Jobs, directly or indirectly, either pursuant to the terms of such contract or other agreement or through one of more subcontracts.
 - b. “**Contractor**” means a prime contractor, a sub-contractor, or any other entity that enters into a Contract with Developer for any portion or component of the work necessary to construct the Project (excluding architectural, design and other “soft” components of the construction of the Project).
 - c. “**Low Income Individual**” means a resident of the City of Davis whose household income is no greater than 80% of the Median Income.
 - d. “**Median Income**” means the median income for the Yolo County median income, which is published annually by HUD.
 - e. “**On-Site Jobs**” means all jobs by a Contractor under a Contract for which at least fifty percent (50%) of the work hours for such job requires the employee to be at the Project site, regardless of whether such job is in the nature of an employee or an independent contractor.
3. Priority for Targeted Job Applicants. Subject to Section 6 below in this Exhibit E, the Local Hiring Policy provides that the Targeted Job Applicants shall be considered for each On-Site Job in the following order of priority;
 - a. First Priority: Low Income Individuals living within one mile of the Project;

- b. Second Priority: Low Income Individuals living in census tracts throughout the City for which household income is no greater than 80% of the Median Income;
 - c. Third Priority: Low Income Individuals living in the City, other than the first priority and second priority Low Income Individuals; and
 - d. Fourth Priority: City residents other than the first priority, second priority, and third priority City residents.
4. Coverage. The Local Hiring Policy shall apply to all hiring for On-Site Jobs related to the construction of the Project, by Developer or its Contractors.
 5. Outreach. So that targeted Job Applicants are made aware of the availability of On-Site Jobs, Developer or its Contractors shall advertise available On-Site Jobs in the Davis Enterprise or similar local newspaper.
 6. Hiring. Developer and its prime contractor shall consider in good faith all applications submitted by Targeted Job Applicants for On-Site Jobs, in accordance with their respective normal hiring practices. The City acknowledges that the Contractors shall determine in the respective subjective business judgment whether any particular targeted Job Applicant is qualified to perform the On-Site Job for which such Targeted Job Applicant has applied.
 7. Term. The Local Hiring Policy extend throughout the construction of the Project until the final certificate of occupancy for the Project has been issued by the City.

EXHIBIT F

ENVIRONMENTAL SUSTAINABILITY IMPLEMENTATION PLAN

LEED Obligations

The City and the Developer have agreed that environmental concerns and energy efficiency are critical issues for new developments. The Developer shall meet or exceed Leadership in Energy & Environmental Design (“LEED”) Gold standards, utilizing the City of Davis’s identified existing and additional reach code requirements in CALGreen Tier 1 and 2, California Energy Code and Davis Municipal Code.

Transportation

The Project is oriented and designed to encourage the use of alternative transportation, including pedestrian, bike, and public transit, rather than cars, and the Project is directly accessible through landscaped walkways. The Project has prioritized pedestrian, bus, and bike access up front at the most visible corner of the Project, and has located the majority of vehicle parking and circulation at the rear of the site. Buses, bikes, delivery, drop-off, package pick-up, car share, ride hailing, and the office and lobby all converge at this point in conjunction with proposed pedestrian amenities. Electric vehicle charging infrastructure is provided at the project, as per the City of Davis EV Charging Plan approved Resolution 17-023.

- **Bicycle Access:** In order to encourage bicycle transit, the Project will provide the following amenities:
 - Bicycle Parking spaces in accordance with Article 40.25A of the Municipal Code; and
 - Work benches, tools and air pumping units for bicycle maintenance and minor repair in a secure area on site.
- **Car Share:** Two dedicated car share (Zipcar, or similar) spaces will be located in the Project parking area.
- **Ride Hail:** In conjunction with the car share area, the applicant will provide a convenient pullout and turnaround for ride hail/share Transportation Network Companies (TNCs).
- **Vehicle Parking:** All parking for multifamily rental units shall be charged separately from rent charges. Any resident may have the option of renting “parking-free housing.” The parking scheme is designed to encourage residents to utilize alternative forms of transportation. On-site parking will be provided in the following four (4) pricing tiers, each with a separate, increasing cost.
 1. Tier 1: Car Share, Ride Hail, flex spaces, and drop-off at The Plaza entrance. These spots shall be provided at no cost.

2. Tier 2: Additional Long-Term Parking for the infrequent driver. These shall be low cost.
3. Tier 3: Less convenient Economy Parking for those who use their cars less frequently. The cost of these shall fall between Tier 2 and 4.
4. Tier 4: Premium parking for those who choose to pay more for the privilege of convenience. These shall be the highest cost.

Electric vehicle charging spaces will be provided at all tiers at no additional cost to residents (for EV spaces compared to non-EV), other than the cost of charging.

Site/ Landscape

The Developer will achieve reductions in irrigation demand in conformance with the state Model Water Efficient Landscape Ordinance (MWELO) by minimizing turf areas, selecting drought-tolerant landscaping, utilizing smart, high-efficiency, weather-based irrigation systems, and protecting soil moisture and integrity by maintaining a top dressing of mulch.

The Developer will attain sustainable landscape management by implementing a landscaping plan, with the following features:

- Hardscapes and parking areas will be shaded with canopy trees and structures in conformance with shade ordinances to minimize the heat island effect and to mitigate seasonal climate extremes. In the event solar installations are proposed for parking areas, canopy trees can be situated elsewhere on the site.
- “Cool paving” options will be considered for large pavement areas.
- Bike and pedestrian paths will be constructed of concrete (no asphalt)
- Shade trees will be placed extensively on site, as set forth in a Landscape Plan to be reviewed and approved by the City.

The applicant proposes to utilize creative site stormwater management strategies and best practices in conformance with applicable codes, regulations, and sustainability rating systems. Creative stormwater management strategies will include the following measures:

- Connected series of stormwater treatment planters;
- Rain gardens;
- Pervious paving to reduce impervious surface area as needed

Project/Site Air Quality

The applicant proposes to establish vegetation barriers adjacent to Interstate 80. The vegetation barriers will consist of border plantings as identified in the Landscape Plan from Interstate 80. Vegetation barrier species will be selected with the following guiding characteristics:

- Minimal seasonal effects (no deciduous plants)
- Low allergen, low BVOC-producing, non-poisonous
- Urban hardy
- Low maintenance

- Drought tolerant
- Preferably native and/or adapted species
- Non-invasive

Solid Waste

Developer will increase solid waste diversion from landfill of total waste created on site to a minimum of 75% at buildout (current standards require 65%).

Energy/Water Efficiency

The project will provide separate water and electrical meters to every unit.

To the fullest extent possible, the project will provide an all-electric development to eliminate natural gas, thereby reducing GHG emissions and carbon-based energy.

Solar PV will meet City of Davis residential reach code requirements. The City of Davis Residential Energy Reach code, adopted in 2017 requires that 'low-rise multi-family comply with Tier 2 CALGreen (25% compliance margin) requirement for energy efficiency by employing energy efficiency measures and installing a PV system sized to offset a portion of the total household energy use based on TDV energy (consistent with CA Energy Commission's Solar PV Ordinance, or offsetting approximately 80% of total building electricity use). This Davis approach is referred to as PV-Plus. Since the project is 1-3 stories, these measures apply.

Any purchase of electricity required to achieve the desired net-zero energy profile for the site and common area spaces (not provided by on-site rooftop photo-voltaic electrical generation) shall be purchased at the highest renewable rate available (100% if applicable) from the project's utility.

To the fullest extent possible, the project will provide a microgrid-ready and battery storage-ready project, including Smart Building design and load management technology.

Energy/Water Efficiency Incentives and Outreach

The applicant will provide education and outreach to residents to encourage environmentally sustainable practices, such as pamphlets outlining strategies for water and energy reduction.

This plan assumes that tenants will pay their own electricity charges, which will provide an incentive for conservation.

Starting once the Project reaches 90% occupancy, and occurring every month thereafter, Developer shall provide a \$50 gift card to the residents in each of the three specific unit type, i.e. 3-bedroom, 4-bedroom, and 5-bedroom, with the lowest water usage. No unit can receive a gift card for more than two (2) consecutive months.

EXHIBIT G

Unit Mix

At least 67% of the dwelling units will be three bedrooms or fewer.

At least 10% of the overall number of dwelling units will be “micro units” of approximately 350 square feet each fully accessible with full kitchens and separate baths.

No more than 33% of the total number of units will be four or five bedrooms.

No more than 10% of the total number of units will have five bedrooms.

No units will contain more than five-bedrooms.

ATTACHMENT #11 (Non-Residential Feasibility Analysis)

Please visit the following link:

<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CDD/Planning/Project-Applications/Plaza-2555/Technical-Reports-2018-08-22/Plaza2555EPSNon-ResidentialFeasibilityStudy11-09-17.pdf>