

STAFF REPORT

DATE: June 21, 2020

TO: City Council

FROM: Ashley Feeney, Assistant City Manager
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SUBJECT: **University Commons Mixed Use Redevelopment Project at 737-885 Russell Boulevard:** Planning Application #18-17 for General Planned Amendment #02-18, Planned Development Rezone #03-18, Demolition #11-18, Development Agreement #02-19, EIR #04-18

Recommendation

Staff recommends that the City Council hold a public hearing and:

1. Consider the proposed University Commons Mixed Use Redevelopment Project with the supplemental commitments;
2. Consider the Planning Commission's recommendation; and
3. Should City Council choose to approve the project, CEQA Findings and approval documents are provided, which include:
 - a. Resolution certifying the Environmental Impact Report for the University Commons Project and adopting CEQA Findings of Facts, a Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (Attachments 1 and 2);
 - b. Resolution of Intent to Amend the City of Davis General Plan to create a new Mixed Use land use category and to change the land use designation of 737-885 Russell Boulevard from Community Retail to Mixed Use (Attachment 3);
 - c. Ordinance rezoning 737-885 Russell Boulevard from PD 2-97B to Preliminary Planned Development (PD) #3-18 (Attachment 4);
 - d. Findings and Conditions of Approval for Planning Application #18-17 for Demolition #11-18 for the University Commons Project (Attachment 5); and
 - e. Ordinance approving a Development Agreement for the University Commons Project (Attachment 6);

The applicant has provided additional commitments in response to community and commission concerns. The commitments notably include the provision of affordable housing for 5% of the total Project beds, a limitation on the percentage of units with 4 bedrooms, no units with more than 4 bedrooms, and consolidation of a portion of the lower bedroom count units to one area of the project. These commitments are detailed in the letter from the applicant dated July 16, 2020, which is included as Attachment 13, and are incorporated in the attached approval documents.

City Council Goals

Applicable City Council Goals for 2018-2020 that the University Commons Project implements include:

- Drive a Diverse and Resilient Economy;
- Pursue Environmental Sustainability;
- Fund, Maintain, and Improve Infrastructure;
- Build and Promote a Vibrant City;

The project reinvests in and revitalizes an aging shopping center and provides needed rental housing and meets the City's sustainability policies. The project contributes to and provides infrastructure and improvements in the area. It redevelops an underutilized infill site to create a new vibrant mixed use community with expanded commercial square footage, and new retail spaces that will be designed in a manner for to achieve greater leasing potential.

Fiscal Impact

The University Common project is anticipated to be revenue positive according to the fiscal model analysis. The project will contribute property taxes to the City's General Fund based on the value of the property. The property tax revenue for this project would be \$6.7 million over 15-years with a valuation of \$190 million and a tax rate share of 21.1282%. Sales tax revenue collected by the City over 15-years is \$2.9 million. Over a 15-year period, the project will contribute \$16.4 million in revenue projections while expensing \$11.8 million in expenditures.

The University Common's project will also generate considerable one-time fiscal benefit to the City in construction tax \$1.7 million, permitting fees \$1.9 million, Development Impact Fees \$4 million and sewer connection fees \$876,000. For units greater than three bedrooms, Community Enhancement Funds will be paid. If 45% of the project units are four-bedroom units, which is the applicant's proposed maximum, approximately \$810,000 in Community Enhancement Funds would also be paid to the City. The County of Yolo will also benefit financially from this project with \$862,673 in one-time fees for Facilities and Service Authorization Fees. The Davis Joint Unified School Districts will benefit in one-time fees of \$1.2 million.

Executive Summary

The University Commons Project proposes to redevelop the existing University Mall site as a new vertical mixed use development with residential and retail. The residential component consists of 3 to 4 residential levels containing 264 units with approximately 622 bedrooms and up to 894 beds in a mix of unit types. The commercial retail component consists of 150,000 square feet of total retail space, which includes 136,800 square feet of new redeveloped space and 13,200 square feet in the existing Trader Joe's building, which will be retained.

This staff report briefly describes the project and land use entitlements, provides an overview of the project analysis and its consistency with City policies, summarizes the actions and discussions of the reviewing City Commissions, and identifies common themes in the public comments. The May 27, 2020 Planning Commission staff report, which is included as Attachment 7, provides more detailed information and analysis of the project. A comprehensive analysis of the project's consistency with applicable General Plan policies is included as Attachment 9. Staff continues to believe that overall the University Commons Project is consistent with City policies and would provide important community benefits and staff had therefore recommended approval of the project to the Planning Commission. However, as described in the Commission Review Section of this staff report, the Planning Commission had substantial concerns and voted 7-0 to reject staff's recommendation for approval and certification of the EIR.

Staff reports and related attachments for the June 8 and July 12, 2020 meetings of the Finance and Budget Commission (FBC), which reviewed the project's fiscal impact analysis, are included as Attachment 8. After reviewing the fiscal impact analysis, appointing a subcommittee to conduct a more detailed review, receiving additional information and the revised financial model, the Finance and Budget Commission accepted the subcommittee's memo and voted 6-1 to forward the memo to City Council. The subcommittee memo concluded that the University Commons Project would have a fiscally positive impact. The FBC clarified that they were not providing an opinion on the project itself, but were making a finding on the fiscal model and analysis. They also noted broader systematic concerns potentially affecting the City's financial health. The subcommittee's memo is included as part of the attached FBC staff report.

Public comments on the project cover a range of concerns, many of which were shared by the Planning Commission. Staff notes that public comments also expressed support for the project, particularly in providing needed housing and the associated benefits of dense, mixed use infill development. Positive comments by Planning Commissioners on general aspects of the project included the endorsement by SACOG, consistency with planning principles, project benefits, and investment in the site. Written comments submitted for the Planning Commission and Finance and Budget Commission meetings are included as part of those attached staff reports. Public comments submitted for the City Council are included as Attachment 12.

This Executive Summary highlights the main topics of concern. The most frequently cited issue areas and perhaps the most substantial concerns include:

- Housing for university students.
- Insufficient affordable housing provisions.
- Size, scale, and height of the project.
- Traffic and parking.

Student Housing Concerns

The residential portion of the University Commons Project is expected to be occupied predominantly by university students. The City has approved several large student-oriented housing projects in recent years that currently are under construction. UC Davis is also adding student housing pursuant to the MOU between the City and UC Davis and the University's Long Range Development Plan. Although UC Davis students have been a part of the city's fabric since

its inception, concerns have been expressed about the amount of recent student housing and the responsibility of UC Davis to house its students. However, with the surrounding project area consists of existing student apartments, rental houses, and commercial uses and the University Commons residential development would be consistent with those uses.

To limit the issues surrounding housing that caters solely to students, the applicant has made a commitment that the majority of the units (55%) will consist of studios, one, two, and three-bedroom units. Four bedroom units will not exceed 45% of the units and no units with five or more bedrooms are permitted. The commitment to a mix of unit sizes provides for housing opportunities at the proposed project that would be attractive to both student and nonstudent households.

Rental housing for students is a critical need as evidenced by the annual Apartment Vacancy Survey, which has consistently shown apartment vacancy rates in the city at less than or around 1 percent. The shortage has been attested to by individual students, student organizations, and housing groups in their comments on this and other housing projects. Additionally, new student-oriented rental projects can have a beneficial impact by easing pressure in the City's single-family neighborhoods from student rentals and crowding and reducing competition for single-family rentals for non-students.

A number of housing developments addressing other City housing needs and non-student populations have been approved by the City or are in the planning review process. Notable projects include, 3820 Chiles Road, Sterling Affordable Apartments, Paul's Place, Cannery Marketplace Apartments, Chiles Ranch Subdivision, Bretton Woods, Davis Innovation and Sustainability Campus, Olive Drive Mixed Use, Plaza 2555, and Research Park Mixed Use. Residential projects recently completed or close to build-out include the Cannery Subdivision, Grande Subdivision, Villages at Willowcreek, and Creekside Affordable Apartments. Taken together, these projects represent a substantial number of units that are not student-oriented.

Size, Scale, and Height Concerns

The University Commons Project is a vertical mixed use project with 3 to 4 residential levels located above 3 garage levels or above 1 to 2 levels of retail. The new mixed use building would stretch across the rear portion of the property and would be up to 80 feet tall with as many as 7 levels. It would be larger and taller than the surrounding development, which consists of older low-density development or low-rise 3 and 4-story apartment buildings. As noted, the site is located in a multi-family and commercial area. The Davis Live Project, which is nearby and currently under construction, is of a similar height with 7 stories. Combining and stacking uses on the site and intensifying development is a more efficient use of the site, but results in a larger sized project. Looking at the different pieces of the project shows how they fit together and that it is a reasonable mix.

The project increases the retail space by 46,237 square feet, which is a 44% increase above the existing 103,763 square feet of retail space. Retail and commercial uses will be located on the first and second floors similar to the existing shopping center. The increase adds to the overall project size. However, it continues to maintain the commercial focus, strengthens the overall center, and provides additional opportunities for businesses.

The project provides 3 to 4 levels of residential development. As a 3 and 4-story apartment building, the residential component would be consistent with the nearby multi-family development, which generally range from 2 to 4 stories. In this case, the units are located above the retail levels and parking structure, which creates a taller structure, but the overall residential intensity is reasonable for the 8.25-acre site. In terms of density, the proposed 264 units would be 32 units/acre for the site, which is at the low end of General Plan's high density category of 25-50 units/gross acre. Although density is not necessarily the best measure, it is commonly applied and can be useful for comparison purposes. The project's residential density is on par with other apartment projects such as 31 units/acre for 3820 Chiles Road Apartments, 32 unit/acre for Sterling Apartments, and 40 units/acre for Creekside Apartments.

The 3-level parking structure also adds to building size and scale. Use of surface area for parking is an inefficient use of land and the parking structure allows for more intense development. Currently, the project site is built out with the retail square footage and the surface parking and could not accommodate additional development. Structured or underground parking are necessary to provide parking for additional retail square footage and residential use. The proposed project maintains the existing parking ratio for the retail uses and provides one space per unit. The proposed parking seeks to provide adequate parking without overproviding. While some public comments have called for less parking or a car-less development, the more common comment made has been that there is not enough parking being provided. However, increasing the structure for more parking would increase the project size.

The overall project size and scale is reasonable for the large retail site which is surrounded by arterial streets and commercial and multi-family uses and the UC Davis campus. The project also requires additional planning approval for the Final Planned Development and Design Review, which focus on the site and building design and elements that can help to address scale and transition concerns.

Traffic and Parking

Comments from the public about traffic and parking were mixed and indicate differing views on the issue. They include calls for both more parking and less parking. On vehicle trips, particularly related to the residential component, many comments expressed concerns about increased traffic and congestion. Other comments pointed out the benefits for reduced vehicle trips and reduced miles travelled compared to other projects due to the proximity of the University Commons site to the campus and the commuting behavior of students living near the University as documented in UC Davis' travel surveys and the project's traffic analysis.

The surrounding area is already congested during peak hour periods and is projected to worsen as a result of anticipated growth and foreseeable future development. The significant and unavoidable traffic-related impact described in the EIR would occur with or without the project. Although the University Commons Project's contribution to the impact is cumulatively considerable when other development is factored in, the traffic-related impact of the Project by itself on existing conditions is less than significant. Mitigation measures have been identified to address the Project's transportation-related impacts. The EIR provides a detailed traffic analysis.

The applicant will also be implementing parking management measures that discourage vehicles ownership and use by residents and manage vehicle parking to ensure available parking for customers and to minimize conflicts. Finally, constraining housing such as for students close to their destination like the University campus results in greater distances between uses. It increases the likelihood of vehicle use and the vehicle miles travelled and potentially creates more traffic.

Affordable Housing Concerns

The City of Davis has a long history of requiring projects to incorporate affordable housing units, dedicate land, or contribute to the development of affordable units. It is an important aspect in projects to the larger community and the need for affordable housing in the City has only grown over the years. When the planning application was submitted, the University Commons Project qualified for the Vertical Mixed Use Exemption in the City's Affordable Housing Ordinance, which was in effect and was not obligated to comply with the requirements or provide any affordable units or contribution. However, the applicant had agreed to contribute \$600,000 to the City to facilitate development of affordable housing, but disappointment that more wasn't been done was expressed by Planning Commissioners and members of the public.

Previous City workshops and analyses have identified high construction costs associated with vertical mixed use podium-type of construction and feasibility and financing challenges for certain development types even without any contributions for additional community enhancements or infrastructure improvements. After feedback from the Planning Commission, the applicant continued to explore their ability to provide affordable housing or additional contributions and has revised their proposal. Instead of the contribution, the applicant has committed to meeting the City's current affordable requirement for vertical mixed use development by providing 5% (45 beds) of the Project's total beds as affordable to low income households (80% AMI). This commitment is incorporated in the Development Agreement.

Project Benefits and Development Challenges

Staff recognizes that the University Commons Project would be a substantial change for the site and would add residents to a densely developed area of the city. However, the site is an ideal location for redevelopment and the change also results in numerous benefits related to infill development, housing, economic development, sustainability, and smart growth. They include:

- Implementation of SACOG Blueprint principles for smart growth.
- Creation of needed housing targeted for students in an existing multi-family and commercial neighborhood and consistent with existing student housing in the area.
- Commitment of 5% (45 beds) of the total beds to be designated as affordable to low income households.
- An infill development site well-served by transit with strong bicycle/pedestrian connectivity and usage.
- Redevelopment and revitalization of the aging shopping center in order to adapt to changing retail conditions and future challenges.
- Creation of a vertical mixed use development with proximity of housing to services, shopping, transit, employment, and UC Davis and associated reductions in vehicle use, VMT, and GHG emissions.

- An estimated \$200 million investment in capital improvements generating 2,000 direct and indirect short-term construction jobs. At stabilization, the project is expected to generate approximately \$65 million in total sales annually and employ 300 people.
- Positive fiscal impacts for the city.
- The property would also be reassessed providing additional property tax revenues to the City based upon the new valuation
- Reinvestment in the property creates new commercial space and employment opportunities, more sustainable buildings and development, and a greater sense of place so that it can continue to serve the neighborhood and larger community.

City policies have sought to encourage vertical mixed used development precisely because they can provide benefits like the ones cited. Downtown Davis contains a number good examples of vertical mixed use, but they are relatively small projects due to the size of most downtown properties. Outside of Downtown, vertical mixed use is still non-existent. If the vertical mixed use is not appropriate or feasible at this location, it is difficult to see where it would be acceptable outside of downtown. The University Commons Project provides a good balance of residential and retail, but this type of vertical mixed use project on an infill site also faces a number of challenges and constraints for development, such as:

- Complexity and costs of the vertical mixed use construction type.
- Challenges to infill development in dealing with surrounding uses and existing conditions and uncertain processes and opposition.
- Risk of redeveloping an existing cash generating site.
- Financing feasibility hurdles as mentioned in the economic analysis of this construction type.
- The resulting need for denser, larger, or taller development to justify the development risk.

Staff Report Sections

This staff report is organized with the following sections.

- A. Project Summary and Background
- B. Discussion and Analysis Summary
- C. Environmental Review
- D. Commission Review and Comments
- E. Public Comments and Noticing
- F. Conclusion
- G. Attachments

A. PROJECT SUMMARY AND BACKGROUND

Project Description

The applicant is requesting approvals to allow demolition of approximately 90,563 sq. ft. of the existing University Mall building for redevelopment as the new mixed-use University Commons Project. The new development would include 264 new multi-family residential units and 136,800 sq. ft. of new retail space, not including the existing 13,200-sq. ft. Trader Joe's building which will remain at its current location. A three-level, 246,000-sq. ft. parking structure would provide 533 garage stalls with an additional 160 stalls in the surface parking lot. The main structure would consist of five to seven levels approximately 80 feet in height. Two smaller pad buildings are also proposed.

The 136,800 sq. ft. of retail space would accommodate shops, restaurants, offices, and other associated uses on the ground floor and second floor areas. There would be eight retail areas constructed generally within the footprint of the existing University Mall and underneath the proposed residential units and two new, free-standing, two-story retail buildings.

The 264 residential units would have approximately 622 bedrooms and up to 894 beds in a mix of unit types. The residential portion of the project would consist of four residential levels over the three-level parking garage and three residential levels over two retail levels. The residential units would be arranged around four separate courtyards. The project also includes tree removal, 693 vehicle parking spaces, 1,018 bicycle parking spaces, landscaping, and other site improvements. The conceptual site plans for the retail and residential site plans are shown in Figures 1 and 2 below.

Planning entitlements include:

- General Plan Amendment to create a new Mixed Use land use category and to change the designation of the project site from Community Retail to Mixed Use;
- Rezone of the site to a Planned Development (PD) addressing the mix of uses and development standards; and
- Demolition to allow for removal of the existing structure.

The project also includes a Development Agreement that addresses issues outside the typical project review scope and includes impact fees, connection fees, sustainability commitments. An Environmental Impact Report was prepared and evaluated the project's environmental impacts pursuant to CEQA.

Project plans and supplemental project information are available on the project webpage (<https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/university-commons>) and are included as Attachments 10 and 11.

Future planning entitlements are required prior to construction and include the Final Planned Development and Design Review, which would include details on the site layout, landscaping, building, and architectural design. The final mix of unit types will be determined with the final project plans. These entitlements require additional review by the Planning Commission.



Figure 1. Conceptual Retail Site Plan



Figure 2. Conceptual Residential Level Plan

Project Setting

The existing 8.25-acre University Mall site is a neighborhood and community retail shopping center that includes a variety of commercial uses and restaurants. Surrounding uses include: an ARCO service station with a mini-mart, located adjacent to the southeast border of the site, at the northwest corner of the intersection of Russell Boulevard and Anderson Road. The Davis Chinese Christian Church and Rite Aid pharmacy are located east of the site across Anderson Road. The UC Davis campus is located to the south of the site across Russell Boulevard. Uses on the UC Davis campus in the project vicinity include a softball field and student housing. A three-story apartment complex (University Court) is located west of the project site, across Sycamore Lane. The site is bounded to the north by the two-story Sycamore Lane Apartments complex. See Figure 3 for the Aerial Vicinity Map.



Figure 3. Project Area Vicinity Map

Project and Site Information

The existing University Mall was opened in 1966 and served as the City's first major shopping mall. Over the years, it was added onto, renovated, and evolved to accommodate new tenants and changing retail tastes. Although it has served the local community and adjacent university campus for many decades, the current state of the property no longer meets today's rapidly changing retail environment. In 2004, the University Mall was acquired by the (Centro Watt Operating Partnership LLC) Brixmor Property Group, Inc., the second-largest owner of community and neighborhood shopping centers in the United States. In March 2018, the City received the planning application for the University Commons Project to redevelop the site and revitalize the center with modern, energy-efficient buildings accommodating a mix of both residential, retail, and office uses. Project data are summarized in Table 1 and building height

sections shown in Figure 4. This data was used to provide environmental analysis and to assist in the creation of project development standards.

Table 1. General Site Project Data

Building Square Footage	Proposed	Detailed Information
Mixed Use – Residential (3 to 4 floors)	412,500 sf	264 units/622 bedrooms/894 beds*
Mixed Use – Retail, Offices (1 to 2 floors)	150,000 sf	90,563 sf demolished 13,200 sf remaining 136,800 sf constructed
Parking Structure (3 levels)	246,000 sf	
Total Square Feet:	808,500 sf	
Vehicle Parking		
Residential	264 spaces	264 garage spaces
Retail	429 spaces	269 garage spaces 160 surface spaces
Total Parking	693 spaces	
Bicycle Parking		
Residential	838 spaces	
Retail	180 spaces	
Total Parking	1,018 spaces	

* Final unit mix and composition to be determined in the final project plans. However, no more than 45% of the total units shall be comprised of 4-bedroom units.

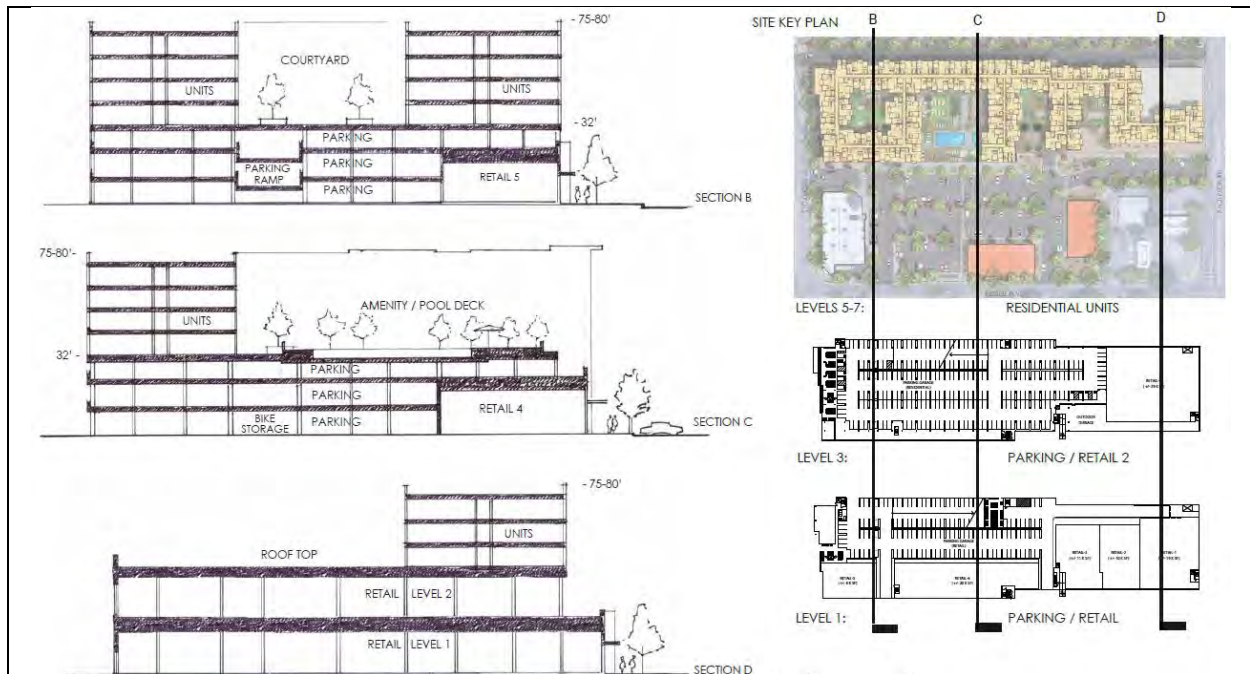


Figure 4. Building Heights Sections Exhibit

B. DISCUSSION AND ANALYSIS SUMMARY

General Plan Amendment

The project requires a General Plan Amendment for a text change to create a new “Mixed Use” land use category and a map change to redesignate the University Commons project site from the existing designation of “Community Retail” to “Mixed Use”. While the current designation allows for residential use, the amount is limited. The new Mixed Use designation would allow for a mix of various non-residential uses with higher intensity residential uses. Specific amounts and uses would be specified in the zoning. The new Mixed Use land use designation addresses the need for a land use that has become more common in many communities and that would help the City achieve its goals for infill development, transit-oriented projects, and VMT reduction.

Proposed Mixed Use Land Use Category

The specific language for the proposed Mixed Use category is provided in Attachment 3 as part of the Resolution to amend the General Plan and is summarized here. The intent of the new Mixed Use category would be:

To provide sustainable and transit oriented opportunities for medium and large-scale multi-story, mixed use development that integrates retail uses and/or office and research and development related uses with higher density multifamily residential uses. The Mixed Use designation is intended to create housing opportunities; retain and encourage healthy, active retail centers for the community; promote innovative design by integrating residential and non-residential uses; facilitate neighborhood connections and convenient transportation alternatives in the vicinity of the project.

Permitted uses include: retail, offices, personal services, restaurants, research and development space, including laboratories, residential uses, light manufacturing and assembly, and open space. Specific amounts and types would be established in the zoning. If approved, the Mixed Use designation would currently only apply to the University Commons Project site. It could be applied to other sites, but would require a separate General Plan Amendment which would be subject to discretionary approval and related environmental review. The resolution to amend the General Plan is included as Attachment 3.

Residential Very High Density Land Use Category

In 2018, the City adopted a new Residential Very High Density land use category, which was applied to the Davis Live Project on Oxford Circle. It included a provision restricting the designation to properties on the north side of Russell Boulevard, between State Highway 113 and Sycamore Lane. The University Commons Project has not proposed to utilize this land use category. The residential density of the University Commons Project is too low for the category. It is also situated outside of the designated area and as a mixed use project, it would not be allowed. The proposed Mixed Use category, which would be applied to the University Commons Project, fulfills the need for a flexible mixed use land use that supports the types of projects encouraged by City policies

General Plan Policy Consistency

Staff has completed a detailed policy consistency analysis which is included as Attachment 9. It identifies over 100 principles, goals, policies, and related actions or standards from the General Plan which are applicable to the project. The analysis documents the overwhelming General Plan policies from multiple chapter topics that the project implements or is consistent with. The Land Use, Housing, Transportation, and Urban Design sections contain the most numerous and most relevant policies. Several policies which the University Commons project implements that are particularly applicable include:

- Housing 1.1. Encourage a variety of housing types that meet the housing needs of an economically and socially diverse Davis.
- Housing 1.2. Strive to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students.
- Land Use Infill 2.1.a2. New mixed use, transit oriented development in/near established neighborhoods.
- Urban Design 1.1g. Designs that are urban in character are encouraged around the core area and at neighborhood activity nodes. Such designs include, but are not limited to, buildings that extend to the front and side property lines, buildings which provide a feeling of permanence and durability, and buildings with outdoor cafes and plazas.
- Urban Design 2.4. Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers.
- Transportation 1.3. (Goals 1, 2, 3, 4). Encourage higher intensity residential, commercial, and mixed-use development near existing activity centers and along corridors well served by non-motorized transportation infrastructure and public transportation.

The analysis includes several policies where there is some inconsistency or a conflict with the project with the most notable ones being:

- Urban Design 2.3a. There should be a scale transition between intensified land uses and adjoining lower intensity land uses.
- Urban Design 2.4d. Multifamily housing complexes should be designed, constructed and managed in projects of no more than 150 units, not including any density bonus.

Urban Design Standard 2.3a addresses scale transition between land uses. The University Commons Project would have up to 7 levels (3 garage levels and 4 residential floors) at 80 feet high, which would be a change to the site and taller than adjacent developments, which are generally two stories. However, staff believes that it is reasonable for the location and general setting. The project site is separated from other land uses by arterial streets on three sides, which include UC Davis, apartment complexes, retail, and public/semipublic uses. It adjoins another property (not including the ARCO station) only on the north side where the Sycamore Lane Apartments, a large apartment development, is located. Buildings on the two sites would be separated by drive aisles on both sides and parking. Furthermore, the area already has intensified land uses and redevelopment of apartment sites in the area has increased the building heights.

Urban Design Standard 2.4d states that multifamily projects should not exceed 150 units, not including density bonus. This policy provides guidance for general intent and is not an absolute standard. Staff believes that the intent of this policy is to avoid excessively large-scale apartment complexes of buildings and surface parking that can be found in other cities and to promote architectural diversity. While most multifamily sites in the Davis appear to be under or within this 150-unit range, there are a number of exceptions including: 3820 Chiles Road Apartments (224 market-rate units), Sterling Apartments (160 market-rate units & 38 affordable units), Anderson Place Apartments (240 units), University Retirement Community (238 units), Cranbrook Apartments (216 units), Tanglewood Apartments (216 units), Parkside Apartments (200 units).

Conformity with every General Plan policy is not a requirement as they are statements of policy and direction, rather than strict standards. Additional considerations that influence the number of units and scale of a project include city housing needs, changing economic and development conditions, and size of the project site such as the relatively large 8.25-acre University Commons site. Overall, staff finds that the project is consistent with the applicable General Plan policies.

City Infill and Growth Policies and Housing Issues

These policy topics are briefly discussed to demonstrate the project's consistency City infill and growth policies and are addressed in detail in the attached Planning Commission staff report.

Infill Policies

City policies strongly encourage opportunities for infill development projects that are beneficial to the community, protective of existing neighborhoods, and well designed. The benefits of infill include resource conservation, efficiency of facilities and services, promotion of alternative modes of transportation, and opportunities for diverse housing and mixed use options. The University Commons project provides benefits consistent with the General Plan policies for infill development and the Interim Infill Guidelines.

1% Growth Cap

The City's 1% growth cap guideline was updated by City Council in 2008 by Resolution #08-019 of 2008 and was amended in 2011 by Resolution #11-077. The Resolution establishes a residential growth cap of 1% per year, or approximately 260 "base" units. Affordable housing, units in vertical mixed-use buildings, and accessory dwelling units are exempt from the cap. The University Commons Project is exempt as a vertical mixed use project.

Phased Allocation

The City's phased allocation requirements are contained in the Municipal Code, of which Section 18.01.030(b) exempts the University Commons Project under items: (2) as nonresidential development; and (3) as a multifamily rental residential development.

Mix of Housing Types.

In addition to policies in the General Plan promoting a mix of housing, Housing Resolution 11-077 adopted by Council (in June 2011, amending an original resolution in 2008), contains "Direction #2, Strive for general targets for the mix of housing types." The intent of the general housing types' targets is to provide for the varied housing needs in the community. The target

range for multi-family rental types is 30%-40%. It is worth noting that the ratios of different types of housing can vary from year to year, particularly when a major project receives building permits, but over the course of several years, the ratios can change. Between 2009-2019, the percentage of units produced by multi-family rental projects is 53% and exceeds the target range for that type. It is the result of several recently approved project that are currently under construction, including Creekside Apartments, Sterling Apartments, Lincoln40 Apartments, and Davis Live. If approved and constructed, the University Commons Project would further increase the share of multi-family units. It represents the uneven nature of housing construction and pent up demand. By contrast, for the 9-year period (2008-2017) prior to these projects, the multi-family rental share of development was 33%. It should be noted that the 53% represents the percentage of that unit type constructed during that period, but does not reflect the actual total percentage of multi-family rentals in Davis which remains closer to the target range.

RHNA

Per the now approved Regional Housing Needs Plan, the City of Davis will be responsible to provide adequate land for the development of 2,075 housing units during the RHNA planning period. The City's current RHNA allocation calls for the development of 1,066 units, including 124 Extremely Low, 124 Very Low, 174 Low, 198 Moderate, and 446 Above Moderate Income Units. It is worth noting that the total RHNA allocation represents a nearly 95% increase in housing production for the next Housing Element cycle. The new RHNA allocation also indicates that 44.8% of new housing units built during the RHNA planning period should be affordable to very-low and low-income households, which translates to multi-family housing.

The City has already met its requirements for moderate and above-moderate affordability of the current cycle. However, the University Commons Project would not be expected to begin construction until sometime in the next housing cycle after 2021. As the City's next RHNA allocation is expected to be significantly higher, the University Commons Project will contribute to meeting the City's RHNA allocation in the moderate and above-moderate category. The proposal to dedicate 5% of the project's total beds as affordable to low-income households would also contribute to the City's RHNA allocation.

Preliminary Planned Development/Rezone

The proposed project would rezone the site from PD 2-97B to a new Preliminary Planned Development (PD) 3-18 (University Commons) for the mixed use retail and multi-family residential project. The purpose of a planned development is to allow for flexibility from the rigid standards of conventional zoning and to encourage a variety of developments. It also provides greater certainty and higher quality project for the City. The new PD 3-18 zoning would be consistent with and implement the new Mixed Use land use consistent with the associated policy. The project mixes high density residential with retail and service uses, includes on-site amenities and gathering spaces, supports and includes facilities for bicycle, pedestrian, and transit uses, incorporates parking and management measures to reduce vehicle ownership and use, and provides a high-quality urban design and scale.

Permitted Uses and Development Standards

The Planned Development identifies permitted uses and development standards for the project which are incorporated in the PD 3-18 zoning document. Permitted uses in PD 3-18 would be

consistent with Community Retail District (Zoning Code Section 40.18A), which would serve as the base zone. Adjustments as specified in the PD zoning document allows for a wider range of uses and includes lab and R&D-type, which are employment-generating, knowledge-based, and compatible with the primary retail and office uses. PD 3-18 also allows for a high intensity level of residential uses. The development standards provided in PD 3-18 address general development requirements and reflect the proposed project. The ordinance rezoning the site and establishing the permitted uses and required standards is included as Attachment 4.

Subsequent Project Entitlements

The project requires approval of a subsequent Final PD for the site details and layout of the project which is required to comply with the PD approval and would also include a Design Review for the site and building architecture. These subsequent planning entitlements and project plans would reviewed by the Planning Commission.

Bed/Bedroom/Unit Numbers

The analyzed project includes a total of 894 beds and 622 bedrooms. However, the final unit mix is to be determined in the final project plans through the Final Planned Development. The Final Planned Development permits 894 beds with a requirement to demonstrate that the final configuration of beds in units meets the same or less than the impacts identified in the University Commons EIR.

The PD 3-18 zoning document includes language clarifying that no units with 5 or more bedrooms are allowed. It limits the number of 4-bedroom unit to no more than 45% of the total units. Consequently, the majority of units will be studios, one, two, or three-bedroom units.

Demolition

The project includes Demolition Review which was conducted pursuant to the City's Demolition Ordinance, which requires review of the demolition of structures 50 years or older to determine whether the structure should be considered for historic designation. Section 40.23.050(d) and 40.23.050(m) of the Zoning Ordinance authorize the Historic Resources Management Commission (HRMC) to consider the designation of historical resources and to comment on environmental documents relative to historical resources. As previously summarized, the HRMC reviewed the cultural resources report prepared for the project, provided comments, and accepted the report's conclusions that the site did not meet the eligibility criteria for historical designation. Thus, no substantial cultural resource issues were identified related to the proposed demolition. Finding and conditions related to the Demolition are included as Attachment 5.

Affordable Housing

The demand for housing in the City is well documented with the need for affordable housing particularly acute. Throughout the public process for the project, comments were raised about a desire to for the project to provide housing on site or contribute to affordable housing. The City determined that the University Commons Project qualified for the Vertical Mixed Use Exemption pursuant to Section 18.05.080 of the City's Municipal Code that was in effect for this project at the time of the application submittal in March 2018. The exemption applied to the residential component of a vertical mixed-use development, which was defined as mixed-use structures that vertically integrate residential dwelling units above the ground floor with

unrelated non-residential uses on the ground floor, including office, restaurant, retail, and other non-residential uses. The exemption was created in response to a number of changes affecting the development of housing including the dissolution of the redevelopment agency, reduction in federal housing subsidy funds, changes in development patterns from large peripheral subdivisions to compact infill projects, and fiscal challenges to develop vertical mixed-use projects. Although the City's Affordable Housing Ordinance was amended in January 2019 with current requirements which included revisions to the exemptions, the proposed project was submitted prior to the amendments. As such, the proposed project would be exempt from the affordable housing standards established by Article 18.05, Affordable Housing, of the Municipal Code.

Nevertheless, the applicant had agreed to contribute \$600,000 to facilitate the development of affordable housing in the city. After feedback from the Planning Commission, the applicant continued to explore their ability to provide affordable housing or additional contributions and revised the proposal. Instead of the contribution, the applicant has committed to meeting the current affordable requirement for vertical mixed use development by providing 5% (45 beds) of the Project's total beds as affordable to low income households (80% AMI), which is consistent with the City's current affordable housing requirements for vertical mixed use development. This commitment is included as part of the Development Agreement in Attachment 6.

Development Agreement

A Development Agreement between the Developer and the City establishes applicable impact fees, connection fees, and other commitments. The Development Agreement and the related exhibits are included as Attachment 6. The main topics of the Development Agreement are identified below.

- Development Impact Fees, Connection Fees and Community Enhancement Funds (Exhibit C). This exhibit identifies the fees and funds the applicant will pay and timing of payment.
- Affordable Housing In-Lieu Fee Program (Exhibit D). This exhibit identifies the contribution that the applicant will pay to the City to support affordable housing development.
- Local Hiring Program (Exhibit E). This exhibit identifies a construction hiring policy that will facilitate the employment of residents of Davis, particularly low-income residents.
- Environmental Sustainability (Exhibit F). This exhibit identifies sustainability features of the project and sustainability commitments of the applicant. Some specific areas of sustainability proposal that the proposed project will incorporate include:
 - Energy Efficiency. Compliance to meet or exceed the city's Reach Code requirements and solar PV.
 - Transportation. EV charging facilities, bicycle parking and facilities, parking management to discourage additional vehicles.
 - Site/Landscape. Sustainable landscape management and stormwater best management strategies.
 - Energy/Water. Individual unit metering, additional charges for "excessive" water usage, electric cooking appliances.

- Solid Waste. Services and programs to minimize waste and maximize recycling.
- Residential Occupancy Management Plan (Exhibit G). This exhibit identifies occupancy management measures that the applicant will implement to control total residential occupancy.
- Parking Management Plan (Exhibit H). This exhibit identifies parking management measures that the applicant will implement to control on-site parking, discourage vehicle ownership, and reduce off-site impacts.
- Construction of or Fair Share Contributions to Off-Site Road, Bike, and Pedestrian Improvements (Exhibit I). This exhibit identifies the applicant's commitments related to construction or contributions to off-site transportation-related improvements.

The attached Planning Commission staff report provides additional discussion and more detail of the various policy items and project entitlements presented above.

C. ENVIRONMENTAL REVIEW

An Environmental Impact Report (SCH#2018112044) evaluating the environmental impacts was prepared for the project pursuant to CEQA requirements. The EIR identified significant and unavoidable impacts related to transportation, which requires adoption of a statement of overriding considerations. Potentially significant impacts related to air quality, biological, cultural, GHG emissions, hazardous materials, hydrology, noise, and transportation were identified, but impacts were reduced to a less-than-significant level through the implementation of mitigation measures. All other impacts were determined to be less than significant. The Final EIR is available online at the project website (<https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/university-commons/environmental-review>). Links to the EIR sections and appendices are also provided in Attachment 1.

The Draft EIR was released for a 45-day public comment that included review by the Bicycle, Transportation, and Street Safety Commission, and the Planning Commission. Comments received from the public and city commissions on the Draft EIR are included in the Final EIR, which consists of the Draft EIR, responses to comments, edits, clarifying information, and mitigation monitoring and reporting plan. The Final EIR contains the comments received on the Draft EIR, responses to comments, and clarifying edits to the EIR text. The comments and edits do not identify any new information or new impacts that would require recirculation of the EIR. The resolution certifying the Final EIR and adopting a Mitigation Monitoring and Reporting Plan, CEQA Findings of Fact and a Statement of Overriding Considerations for the Project is included as Attachment 2.

Significant and Unavoidable Transportation and Circulation Impacts

The significant and unavoidable impacts to Transportation and Circulation are discussed in the following DEIR sections and include:

- Section 4.6-2 and 4.6-3. Impacts to bicycle and pedestrian facilities under Existing Plus Project conditions remain significant and unavoidable because implementation of the mitigation measure would require UC Davis approval, which the City of Davis cannot guarantee. In addition, the preferred improvements cannot be determined at this time, as they will be determined through the City's Corridor Plan process. For these reasons, the impact remains significant and unavoidable.
- Section 4.6-9. Impacts to study intersections under Cumulative Plus Project conditions. Mitigation measure would reduce peak hour delay for select vehicular movements at intersections along the Russell Boulevard under Cumulative Plus Project conditions. However, overall Russell Boulevard corridor vehicle demand would remain high under Cumulative Plus Project conditions, which would limit the effectiveness of potential mitigation actions with regards to reducing peak hour vehicle delay at study intersections. Overall, the delay reductions would not be sufficient to restore acceptable intersection operating conditions at impacted study intersections, or to reduce the project's cumulatively considerable contribution to unacceptable operating conditions. Additionally, full implementation of mitigation measure cannot be guaranteed because elements of the mitigation measure are located on UC Davis property requiring final

approval and actions by UC Davis and because the remaining fair share contributions needed for the construction of some of the alternative improvements have not been identified by the City of Davis. Finally, the preferred improvements cannot be determined at this time, as they will be determined through the City's Corridor Plan process. Thus, the project's incremental contribution to the cumulative impact would remain cumulatively considerable and significant and unavoidable.

Significant and Unavoidable Bicycle and Pedestrian Impacts

The significant and unavoidable impacts to bicycle and pedestrian facilities results from the project's proximity to the UC Davis campus, the expected student residents, and their travel characteristics. City policies seek to achieve a high trip rate for bicycles and pedestrians. The University Commons Project at this location supports that objective. However, it results in impacts and a need to upgrade affected bicycle and pedestrian facilities, which are already heavily used. The significant and unavoidable impact determination stems from the complexity of the Russell Boulevard corridor, which requires a holistic approach and coordination with UC Davis. The City's Transportation Element identifies Russell Boulevard for a corridor plan and the City is working with UC Davis planning staff to begin the corridor plan this Fall. The Draft EIR identifies mitigation measures that address the bicycle and pedestrian impacts. However, implementation of certain of the improvements currently cannot be guaranteed absent their identification in the corridor plan and approval by UC Davis.

Significant and Unavoidable Intersection Impacts

The significant and unavoidable impacts identified in the Draft EIR to several intersections along Russell Boulevard is a cumulative impact which occurs with or without the proposed University Commons Project. The cumulative impact exists without the proposed project and is created from expected city and UC Davis growth and foreseeable future development. While the University Commons Project contribution to the impact is cumulatively considerable and therefore considered significant, the identified intersections would still experience significant impacts without the Project. The significant and unavoidable determination related to the corridor plan, UC Davis jurisdiction, and funding for the necessary improvements are described above.

Mitigation Measures

As described in the EIR, project impacts were found to be less than significant or less than significant with mitigation in all of the topic areas, except for certain impacts related to Transportation and Circulation. The mitigation measures are compiled in the Mitigation Monitoring and Reporting Program, which is included in the Final EIR, and is provided in Attachment 2.

Alternatives Analysis

The California Environmental Quality Act (CEQA) requires that an EIR analyze a reasonable range of feasible alternatives that meet most or all project objectives while reducing or avoiding one or more significant environmental effects of the project. The following project alternatives were considered in the DEIR:

- No Project Alternative;

- Retail Only Alternative;
- Existing Zoning Mixed Use Build Out Alternative;
- Low Parking Alternative;

CEQA requires that an environmentally superior alternative be identified. As required by CEQA, when the No Project Alternative is the environmentally superior alternative, the environmentally superior alternative among the other ones must be identified. Among the alternatives analyzed in this EIR, the Retail Only Alternative was determined to be the environmentally superior alternative. Due to the nature of the project and impacts, the Retail Only Alternative would result in a reduced number of pedestrian, bicycle, transit, and vehicle trips during operations compared to the other alternatives, thereby resulting in fewer traffic impacts. However, as provided in the Final EIR and in the attached CEQA Findings of Fact, the project alternatives including the Retail Only Alternative were rejected as not feasible or insufficient in meeting the Project's objectives.

Planning Commission Comments

During their May 27, 2020 hearing, Planning Commission comments included comments on the EIR. In response, clarifications and additional information have been added in the Erratum to the Final EIR included as part of Attachment 1. The edits are for clarification and do not alter the analysis or conclusions of the EIR. There were other additional comments that did not result in edits.

- There was a comment that the responses in the Final EIR appeared dismissive of the comments because the comments were not addressed in greater detail, used boilerplate language, repeated responses, or appeared condescending. Although the verbiage of the responses can benefit from a softer tone, staff believes that it is also important to be respond clearly and that it adequately responds to the comments.
- One comment suggested the addition of a mitigation measure to evaluate and monitor parking impacts in the surrounding neighborhood and for the developer to pay for the monitoring and enforcement. Staff determined that the suggested measure is not necessary for mitigation and has not been added. As addressed in the Draft EIR and the master response in the Final EIR, parking impacts are exempt from CEQA review. Nevertheless, the project will implement a parking management plan with disincentives for vehicle ownership and use, measures supporting other transportation modes, and on-site enforcement.
- There was also a comment that the project would have parking impacts on the nearby Davis Medical Center parking lot, but was not substantiated. The general area currently contains a number of apartment sites, including the Sycamore Lane Apartments which adjoins the Davis Medical Center Site. The proposed project provides 1 parking space per unit which is consistent with the parking requirement for residential uses in a community shopping center pursuant to Municipal Code Section 40.25.090.w. It has not been demonstrated that there is an existing parking impact on the property from the existing apartment sites or that the proposed project would result in an impact.

- Other comments raised concerns about partial mitigation measures, the general adequacy of the EIR, and related CEQA findings, but did not provide specific details. The University Commons Project EIR was prepared in accordance with CEQA. It underwent an intensive review process that included public meetings and comments by the BTSSC and Planning Commission, over 40 public comment letters, and responses to comments and appropriate edits and clarifications. The EIR provides a thorough analysis and identifies necessary mitigation and staff believes that the document adequately evaluates the project's environmental impacts. The significant and unavoidable impact determination was made in part because certain mitigation measures could not be guaranteed as described in the EIR, not because they are partial mitigation. Furthermore, the Findings of Fact and Statement of Overriding Considerations for the project includes a comprehensive record of the CEQA analysis and conclusions and provides detailed findings, including the projects benefits to justify approval of the project.

D. COMMISSION REVIEW AND COMMENTS

Historic Resources Management Commission (HRMC).

On November 26, 2018 and May 20, 2019, the Historical Resources Management Commission reviewed the cultural resources report prepared for the project. The HRMC identified corrections and requested additional information, which was added to the final report. The HRMC accepted the conclusions of the report, which determined that the site does not meet eligibility criteria for designation as a historical resource and there are not significant cultural resource issues related to the project.

Bicycle, Transportation, and Street Safety Commission (BTSSC)

On November 14, 2019, the Bicycle, Transportation, and Street Safety Commission reviewed the Draft EIR Transportation and Circulation Section. Comments and questions related to the CEQA alternatives, vehicle use and GHG emissions, parking, bike facilities, and concern about the significant and unavoidable project impacts. The Commission comments and response to comments are included in the Final EIR.

Finance and Budget Commission (FBC)

On June 8, 2020, the Finance and Budget Commission reviewed the fiscal impact analysis of the project. The FBC had questions about the economic model and project assumptions and voted to appoint a subcommittee synthesize the Commission's comments, coordinate with city staff for additional information, and continue review of the project at the next Commission meeting. The FBC also passed a motion requesting that in the future any financial analysis attached to reports have the analysis in an appropriate format for the Commission's use to the extent possible.

On July 13, 2020, the FBC reviewed the staff memo which had detailed responses to the subcommittee's question and updated information on the fiscal analysis that incorporated suggested changes. The information included a memo from the subcommittee with a summary of their process and conclusions supporting the revised model and results. The staff memo noted that staff requested a peer review of staff's fiscal analysis by Bay Area Economics to evaluate key fiscal impact assumptions as well as the overall reasonableness of the fiscal impacts. The takeaway from the peer review was that the overall positive fiscal result projected in staff's fiscal analysis of the project was reasonable, if not conservative.

Based on suggestions from the FBC subcommittee and BAE peer review, staff incorporated modifications to the fiscal analysis. The subcommittee memo stated that: *"the result of the revised fiscal analysis was a cumulative positive impact of \$4.63MM over 15 years, compared to a positive impact of \$3.84MM from staff's previous analysis."*

The Commission discussed the clarifications and changes to the model and the subcommittee's conclusions. Concern was expressed about the process and providing sufficient time to the commission and public to review the information. Nevertheless, the Finance and Budget Commission voted 6-1 to forward to the City Council the subcommittee's memo, which found the fiscal analysis for the University Commons Project would have a positive net impact.

The FBC clarified that they were not providing a position on the merits of the project, but were making a finding on the fiscal model and analysis. Their motion also noted a couple broader systematic concerns potentially affecting the City's financial health related to unfunded liabilities and unfunded capital replacement costs and the City's impact fees. FBC staff reports from the meetings, the submitted public comments, and the subcommittee's memo are included as Attachment 8.

Planning Commission

On December 11, 2019, the Planning Commission reviewed the Draft EIR and provided comments. Public comments and Planning Commission comments from the meeting and response to comments are included in the Final EIR.

On May 27, 2020, the Planning Commission held a public hearing to consider the entitlements for the University Commons Project and the associated EIR, took public comment, and voted 7-0 to reject staff's recommendation for certification of the EIR and approval of the project. The Planning Commission staff report with the submitted public comments are included as Attachment 7.

Planning Commission Comments and Issues

Planning Commission discussion and comments covered an array of topics, which are briefly identified and grouped below. Comments included

1. General Comments
 - Does not benefit community or neighborhood.
 - Compatible with planning concepts and lingo.
 - Project is endorsed by SACOG.
 - Not consistent with policy for 150-units and not comparable with others that are conventional apartment types.
 - Have issue with SACOG letter.
 - Appreciate the benefits the project provides and investment in the site.
 - Significant challenges with the proposal.
 - Comment regarding the provision in the Residential Very High Density land use category restricting the location of its designation.
2. Zoning
 - Concern about change in the retail focus and loss of a retail site.
3. Housing/Affordable Housing
 - Share community concerns about student housing.
 - Not supportive of student housing.
 - UCD responsibility for student housing, not City responsibility.
 - Why allow 7 stories if UCD won't.
 - No affordable housing proposed. \$600,000 contribution is insufficient.
 - Unclear what the contribution for affordable housing would be used for or how it would benefit the community.

- Cannot build enough student housing and when is it enough.
 - Generally support housing, but not specific support for this proposal.
 - Need for workforce housing.
4. Traffic and Parking
 - Cumulative traffic impact will occur with or without project. Provides opportunity to get traffic improvements.
 - Parking enforcement is inadequate.
 - Concern about traffic.
 - Prefer underground parking.
 - Active parking management can help with parking issues.
 5. Site, Design, and Scale
 - Concerns about project size and scale and shading.
 - Concern about design.
 - Concern about viewshed.
 - Out of proportion. Better if reduced height.
 - Too many big projects in the area.
 - Lack of setback from Anderson Road and Sycamore Lane.
 - Upper floors not stepped back.
 6. Process Issues
 - Lack of community outreach.
 - Comment about waiting for the corridor plan before considering the project.
 - Question about the mix of units and clarification of the requirement for the Final PD and Design Review.
 7. Other
 - Comment to clarify timing of payments or improvements identified in the Development Agreement.
 - Concern about effectiveness of TDM strategies and reliance on them.
 - Concern about timing of actual improvements from the expected corridor study.
 - Bait and switch with proposal and increased units.
 - Concern tree management and tree exhibit. Need updated and more detailed tree plan.
 - EIR-related comments are addressed above.

In response to Planning Commission comments, clarifications have been added to address certain EIR comments, payment timing in the Development Agreement, the unit mix, and requirement for an updated tree plan. As mentioned, the applicant revised their proposal related to affordable housing and has committed to meeting the City's current affordable housing requirement for vertical mixed use by dedicating 5% of the total number of beds as affordable to low income households. Other general topic areas and city policy issues were discussed above.

E. PUBLIC COMMENTS AND NOTICING

The hearing for the project was publicly noticed in the Davis Enterprise and notices mailed out to surrounding properties in accordance with City noticing requirements. There have been multiple opportunities for public input on the project at public meetings and during comment periods at different points in the process. Written public comments received on the project for the recent commission meetings are included in the attachments as part of the Planning Commission Staff Report (Attachment 7) and the Finance and Budget Commission Staff Report (Attachment 8). Public comments received for the City Council are included in Attachment 12. Any additional comments for City Council will be provided when they are received.

The majority of public comments express concerns or opposition to the proposal. A number of comments from individuals and organizations indicate support and include SACOG and the Davis Chamber of Commerce. The various comments and topics are identified below.

Supportive Comments

Comments expressing support include:

- General support for project.
- Overcrowding of students in housing and need for more student housing.
- Reduces crowding issues, mini-dorms, and traffic.
- People who will benefit are unrepresented.
- Housing shortage in city. Project provides needed housing.
- Location next to campus reduces car dependence.
- Building up not out fulfills City preference for infill growth.
- Housing for students exclusively on campus has drawbacks, primarily property tax revenue.
- Project is compact infill development and implements SACOG Blueprint principles that include supporting transportation choices, providing housing, conserving natural resources, mixed-used development for a better jobs-housing balance, creation of activity centers, and quality design.
- Both short-term and long-term economic benefits of the project with the investment in construction and improvements and development of the new retail center for jobs and sales tax revenue.
- The vertical mixed use project represents progressive smart growth.

Opposing or Concerned Comments

Comments expressing opposition or concerns include:

General Concerns

- Keep Davis a small town.
- Management of the site and bedroom occupancy.
- Management of the parking.
- The retail is geared for students and not city.
- Effect of projects in the area currently under construction is unknown.

Student Housing/UCD Responsibility

- UCD responsibility to provide housing.
- Megadorms and student housing.
- Units should not have 4 or 5 bedrooms.
- Master leasing by UCD.
- The mix of units and design of units for students.

Housing/Affordable Housing

- Need for worker housing and affordable housing.
- Need for family housing.
- Does not provide affordable housing.
- RHNA implications.

Site, Design, Scale

- Concerns about height, size, scale, density of project.
- Neighborhood compatibility
- Generic architecture.
- Area is already too dense.
- Surface parking is losing opportunity to create plaza/park/public space.

Traffic/Parking/Circulation

- Increased congestion, traffic, and neighborhood traffic,
- Unsafe streets. Safety of children crossing streets.
- Inadequate parking and parking spillover concerns.
- Too much residential parking provided.
- Concerns about the project related safety and traffic congestion,
- Loss of access to the bike/ped path at Sycamore Lane Apartments.
- Students will still have cars.
- Waive parking minimums. Opportunity for a car-free site.

Economic/Retail

- Overdevelopment and overcrowding of the site preventing ability to park and shop there any longer.
- Need more retail.
- Should not allow research and lab uses. Keep it as retail center for community not students. Impact to city sales tax.

EIR/Environmental

- Preference for reduced project.
- Infrastructure impacts.

Other

- Tree removal.
- Uncertain impacts from Covid pandemic.
- EIR-related comments on impacts, project alternatives.

F. CONCLUSION

Staff believes that the University Commons Mixed Use Project is consistent with the City's policies for land use, transportation, economic development, and sustainability. It reinvests in an aging shopping center to reinvigorate its economic productivity, provide needed housing at an ideal infill location that supports multimodal transportation and reduces VMT, incorporates affordable housing provisions, and creates a more environmentally and economically sustainable development for the benefit of the community and neighborhood.

Nevertheless, the City Council should consider in their decision the concerns expressed by the community, the recommendation by the Planning Commission, as well as the adjustments to the project by the applicant for provision of affordable housing consistent with the City's requirements and the limitation on the number of large bedroom units. Should the City Council choose to approve the University Commons Mixed Use Project, the necessary findings and approval documents for the project entitlements and environmental review are attached.

G. ATTACHMENTS

1. University Commons Project EIR (<https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/university-commons/environmental-review>)
 - A. Erratum to Final EIR (June 2020)
2. Resolution Certifying the University Commons Project EIR and adopting:
 - A. Findings of Fact and Statement of Overriding Considerations
 - B. Mitigation Monitoring and Reporting Plan
3. Resolution of Intent to Amend the City of Davis General Plan for the University Commons Project
4. Ordinance Rezoning 737-885 Russell Boulevard to Preliminary Planned Development (PD) #03-18 (University Commons)
5. Findings and Conditions of Approval of Demolition #11-18 for the University Commons Project
6. Ordinance Approving the Development Agreement for the University Commons Project
7. Planning Commission Staff Report,
 - A. May 27, 2020 Planning Commission Staff Report
 - B. Written Public Comments for Planning Commission
8. Finance and Budget Commission Staff Report
 - A. June 8, 2020 FBC Staff Report
 - B. July 13, 2020 FBC Update Memo
 - C. Written Public Comments for FBC
9. General Plan Policy Consistency Analysis
10. Applicant Project Description and Conceptual Project Plans
 - A. [Project Description](#)
 - B. [Site Plan - Ground Retail Level](#)
 - C. [Site Plan - Upper Residential Levels](#)
 - D. [Parking Exhibit](#)
 - E. [Building Height Exhibit](#)
 - F. [Building Renderings and Design Concept](#)
 - G. [Loading Dock Area and North Elevation Concept](#)
 - H. [Bicycle Parking & Circulation Exhibit](#)
 - I. [Bicycle Path Design Options](#)
 - J. [Plaza Spaces Exhibit](#)
 - K. [Tree Removal Exhibit](#)
 - L. [Shadow Study](#)

11. Supplemental Project Information:

- A. [Occupancy Management Program](#)
- B. [Parking Management Program](#)
- C. [Sustainability Summary](#)

12. Public Comments for City Council

13. Supplemental Commitments, Applicant Letter dated July 16, 2020

14. Redline Version identifying changes to the Development Agreement that was presented to Planning Commission on May 27, 2020

ATTACHMENT 1

University Commons Project EIR

The University Commons Project Draft and Final EIR are available online at:
<https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/university-commons/environmental-review>

FINAL EIR (May 2020) - Links

[Final EIR - University Commons](#)

[Erratum to University Commons FEIR \(June 2020\)](#)

DRAFT EIR SECTIONS (November 2019) - Links

[0 Cover Volume I](#)

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[1 Introduction](#)

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[4.0 Introduction to the Analysis](#)

[4.1 Air Quality](#)

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[5 Statutorily Required Sections](#)

[6 Alternatives Analysis](#)

[7 EIR Authors and Persons Consulted](#)

[8 References](#)

DEIR APPENDICES - Links

[0 Cover Volume II](#)

[Appendix A SACOG MTP-SCS Consistency Determination](#)

[Appendix B University Commons Project NOP](#)

[Appendix C University Mall Redevelopment Project IS with Appendices](#)

[Appendix D NOP Comment Letters](#)

[Appendix E Health Risk Assessment Modeling Outputs](#)

[Appendix F Air Quality Greenhouse Gas Modeling Outputs](#)

[Appendix G Environmental Noise Assessment](#)

[Appendix H Evaluation of Water Demands](#)

[Appendix I Evaluation of Sewer Flows and Resulting Infrastructure Needs](#)

[Appendix J Transportation Impact Study](#)

ERRATUM TO FINAL EIR UNIVERSITY COMMONS

INTRODUCTION

This Erratum to the Final Environmental Impact Report (EIR) for the University Commons project has been prepared to make minor modifications to the text of the Final EIR based upon feedback provided by the Davis Planning Commission at its May 27, 2020 public hearing on the proposed project. The minor modifications included below do not alter the analysis or conclusions contained within the EIR, which remains adequate.

CHANGES TO THE FINAL ENVIRONMENTAL IMPACT REPORT

Revision to Comment 43-20

Comment 43-20 is hereby revised, as shown below, to more accurately reflect Commissioner Shandy's comments related to short-term bicycle storage, which were provided during the December 11, 2019 public hearing to accept comments on the University Commons Draft EIR.

As stated in Response to Comment 43-20 of the Final EIR, final design of bike amenities would be determined by the City during review and approval of the final planned development for the project. At such time, the City would ensure that the design of short-term bicycle parking within the project would meet the City's short-term bike parking standards.

- 43-10
Cont'd
- Every 8 years, a jurisdiction is required to make a certain number of residences available, and some percentage must be for low income residents.
 - How would the proposed project influence the achievement of this goal?
- 43-11
- The proposed project is a large, student-oriented housing project. There are thousands of new units coming through the development pipeline. Commenter notes that a rigorous cumulative study should be conducted to assess the impacts of all upcoming large projects within the City of Davis. Such an analysis should focus on the regular CEQA topics of air quality, traffic, water supply, and sewer treatment capacity.
- 43-12
- Commenter believes it is unrealistic to assign one parking space per residential unit.
 - Commenter suggests a more rigorous traffic/parking analysis.
 - Commenter wants to see how the Davis Live parking project works out.
- 43-13
- How will the developer reprimand illicit parking? Current residents have found loopholes in parking regulations. Parking rules must be enforced, especially with an influx of new residents and associated cars.
- 43-14
- Commenter emphasizes that this project is advertised as a commercial project, but it is actually a housing project.
 - Commenter argues that, "it's time to hit the pause button," on large student housing developments within the City given the recent approval of other large projects in the City.
 - Encourages the Council to wait to approve this project until some of the other local student housing projects have been built.

Emily Shandy:

- 43-15
- Commenter is not concerned about the lack of parking availability.
 - Argues that limited parking helps discourage the use of single-passenger motor vehicles.
 - Commenter expresses interest in the Low Parking alternative.
- 43-16
- What is the status of the Russell Corridor Plan? Several mitigation measures are contingent upon this plan.
 - Commenter voices concerns about relying on a speculative future plan that does not currently have funding or a timeline for adoption. The Corridor Plan improvements may not be completed until long after the proposed project is built out and occupied.
- 43-17
- How will the traffic-related mitigation measures be evaluated? Impacts seem to stem from congestion and queuing; how will the mitigation measures' effectiveness be evaluated against these problems?
- 43-18
- Commenter suggests that the project include charging areas for electric bikes and electric vehicles.
- 43-19
- Commenter suggests the inclusion of bicycle and pedestrian circulation throughout the parking areas and project site.
- 43-20
- Page 3-12 of the Draft EIR showsdescribes an enclosed short-term bicycle storage area (80 spaces) that would cater to long term storage on the first floor of the parking structure, which will include benches and lockers and would ideally be suited for project employees. The commenter notes that this sounds like the definition of long-term bicycle parking, not short-term. Short-term bicycle parking is intended for people visiting the site and/or businesses, and is to be located in a highly visible and easily accessible area, close to the entrance to these areas. If these 80 spaces are "moved" from short- into long-term bicycle parking, then the project would fall 36 spaces short of the required 291 short-term bike parking spaces ~~The commenter recommends instead encouraging short term bike parking~~

~~by placing racks near the entrance of shops and in easily accessible and convenient locations.~~

- Commenter is concerned about the location of the cluster of short-term bicycle spaces at the southeast corner of the site, near Russell Boulevard. This does not meet the definition of bicycle parking for short-term use as laid out in the City' Commenter suggests relocation.

Revision to Comment 10-3

Response to Comment 10-3 is of the Final EIR hereby revised, as shown below, in response to Commissioner Rowe's comments during the May 27, 2020 hearing on the proposed project.

The commenter states an opinion that several side streets of Russell Boulevard, including Oak Avenue, Oeste Drive, and South Campus Way, are currently used to bypass the signalized intersection at the Russell Boulevard/Anderson Road/La Rue Road intersection during peak time periods. The commenter also states an opinion that such side streets were not designed as thoroughfares. Finally, the commenter questions the adequacy of the Draft EIR with respect to analyzing potential project impacts on Oak Avenue, Oeste Drive, and South Campus Way.

Section 4.6, Transportation and Circulation, and Appendix J of the Draft EIR provide a detailed analysis of the anticipated environmental effects of the project on the surrounding transportation system. It is important to note that project-related increases to peak hour traffic volumes on a given roadway do not constitute significant environmental impacts in and of themselves. Instead, Environmental impacts to roadway facilities are identified in instances where the project would exceed the applicable significance thresholds related to vehicle delay and level of service (LOS), or where the proposed project would substantially increase hazards due to a geometric design feature or incompatible use. Project impacts related to roadway hazards are commonly identified by evaluating if a project would increase traffic volumes or speeds to a level that would be incompatible with the design capacity or speed of a given roadway.

The commenter identifies three Russell Boulevard side streets of concern – Oak Avenue, Oeste Drive, and South Campus Way. Oak Avenue, Oeste Drive, and South Campus Way are components of a larger modified grid network bounded by State Route 113, Covell Boulevard, F Street, and Russell Boulevard that provides multiple route options for motorists traveling to, from, and through Central Davis. Oeste Drive and South Campus Way are both local roads that serve fewer than 75 vehicle trips per hour (two-way volume totals) on the roadway segments north of Russell Boulevard. Oak Avenue is a collector road that serves approximately 200 vehicle trips per hour (two-way volume total) on the roadway segment north of Russell Boulevard. Each of these three roadways currently serve traffic volumes that are well below their respective design capacities. Currently, Oeste Drive has multiple sets of speed humps and Oak Avenue has multiple speed tables to reduce vehicle speeds. According to the Statewide Integrated Traffic Records System, on the roadway segments north of Russell Boulevard, the three roadways in question have experienced zero reported injury collisions over the past five years.

Vehicle LOS Impacts

The Draft EIR evaluated potential vehicle LOS impacts at the Russell Boulevard/Oak Avenue intersection (study intersection #7). Therefore, the Draft EIR considers the extent to which project-generated traffic would cause an environmental impact to Oak Avenue on the basis of peak hour vehicle LOS. The Russell Boulevard intersections at Oeste Drive and South Campus Way were not selected as study intersections for the Draft EIR, given that both intersections exhibit modest peak hour side-street volumes that, even with the addition of project-generated traffic, would preclude the intersections from exceeding applicable significance thresholds related to vehicle LOS. In particular, the side-streets would not generate sufficient minor approach volumes to meet the peak hour signal warrant, which is a requirement for a significant impact finding for unsignalized intersections. Moreover, the Draft EIR project trip distribution analysis indicated that Oak Avenue, Oeste Drive, and South Campus Way would not serve a measurable number of project vehicle trips (refer to Figures 10 through 13 of Appendix J of the Draft EIR). Compared to the use of Oak Avenue, Oeste Drive, and South Campus Way numerous alternative routes require less travel time and less travel distance for motorists traveling to and from the project site.

Roadway Hazard Impacts

The Draft EIR describes how the proposed project would cause modest increases in peak hour delay on the Russell Boulevard corridor compared to existing conditions. Therefore, it is conceivable that project increases to peak hour delay on Russell Boulevard could cause some additional diversion of background traffic from Russell Boulevard onto the side-streets that provide alternative routing options, as referenced by the commenter. However, for the following reasons, it is difficult to accurately quantify the extent to which such a diversion would cause a material change in traffic volumes on Oak Avenue, Oeste Drive, and South Campus Way:

- Vehicle traffic most likely to utilize the diversions referenced by the commenter include westbound Russell Boulevard traffic during the PM peak hour. During the PM peak hour, traffic volume data from the Draft EIR indicates that the project would increase westbound Russell Boulevard peak hour traffic volumes approaching Anderson Road from 875 vehicle to 912 vehicles, an increase of 37 vehicles (or four percent) between existing and Existing Plus Project conditions. This represents a nominal increase in PM peak hour vehicle traffic on westbound Russell Boulevard approaching Anderson Road, particularly considering that traffic volumes generally fluctuate as much as 10 percent from day to day.
- As described in the Draft EIR, the project would cause minor increases to PM peak hour delay and LOS at intersections along Russell Boulevard. Along the relevant segment of Russell Boulevard between Anderson Road and A Street, the largest such increase would occur at the Russell Boulevard/Anderson Road/La Rue Road signalized intersection (study intersection #5), where the project would increase average intersection delay from 26 seconds to 32 seconds during the PM peak hour. Despite this increase, LOS C conditions would be maintained, allowing for steady progression of traffic and for most vehicles to pass through the intersection without stopping. Therefore, the project would not qualitatively change the delay experienced by motorists at the Russell Boulevard/Anderson Road/La Rue Road

intersection to the extent where motorists would experience obvious travel time benefits by diverting off of Russell Boulevard onto alternative side-street routes.

- As it relates to the diversion of Russell Boulevard traffic onto side-streets, a variety of factors influence driver behavior and route selection, including trip origin-destination patterns, driver perceptions of delay/travel time, and hourly and daily variations in traffic conditions. Moreover, the existing modified grid network provides a multitude of routing options for Russell Boulevard motorists. For example, in addition to Oak Avenue, South Campus Way, and Oeste Drive, several other north-south roadways provide alternatives to Russell Boulevard motorists desiring to avoid Anderson Road, including Miller Drive, A Street, and B Street. Given these varied factors, there is not a reasonably quantifiable relationship between minor changes to peak hour delay on Russell Boulevard (as would be caused by the project) and use of the side-streets of concern as an alternative to Anderson Road.

Altogether, these factors support the conclusion that project-related increases to traffic volumes on Oak Avenue, Oeste Drive, and South Campus Way, if any, would be low and difficult to quantify with any degree of accuracy. As discussed previously, under existing conditions, each of these three side-streets serve peak hour traffic volumes well below their respective design capacities. Therefore, it is reasonable to conclude that the project would not cause traffic volumes on these three side-streets to exceed their design capacity. Moreover, project-related increases to traffic volumes on these three side-streets, if any, would not be expected to materially change existing traffic speeds. Therefore, the project would not substantially increase hazards on these three side-streets due to a geometric design feature or incompatible use.

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

Summary

Per the significance thresholds presented in the Draft EIR, an increase in traffic volume on side streets such as Oak Avenue, Oeste Drive, and South Campus Way alone would not constitute a significant environmental impact. The Draft EIR describes project impacts to vehicle LOS at the Russell Boulevard/Oak Avenue intersection but appropriately excludes the Russell Boulevard/Oeste Drive and Russell Boulevard/South Campus Way intersections from the vehicle LOS impact analysis. Finally, the project would not substantially increase hazards on Oak Avenue, Oeste Drive, and South Campus Way due to a geometric design feature or incompatible use. ~~The commenter does not present any data, analyses, or other objective evaluations that would support an assertion that the Draft EIR was deficient in its evaluation of potential transportation system impacts that would be caused by the proposed project.~~ Therefore, changes to the Draft EIR are not required in response to the comment. The commenter's concerns have been forwarded to the decision-makers for their consideration.

Conclusion to Erratum

The above minor modifications to the University Commons Final EIR have been made in response to feedback provided by the Davis Planning Commission at its May 27, 2020 public hearing on the proposed project entitlements. The modifications do not result in changes to the conclusions of the EIR, nor do they affect the adequacy of the environmental analysis.

ATTACHMENT 2

RESOLUTION NO. 20-_____, SERIES 2020

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE UNIVERSITY COMMONS PROJECT AND ADOPTING CEQA FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PLAN

WHEREAS, the subject project known as the "University Commons Project" is located on approximately 8.25 acres of land located at 737-885 Russell Boulevard, within the incorporated boundary of the City of Davis (APN: 034-253-007); and

WHEREAS, an Environmental Impact Report (EIR) was prepared and analyzed the environmental effects associated with demolition of 90,563 square feet of existing retail buildings and improvements on the site and construction of a mixed use redevelopment project consisting of 264 units with 622 bedrooms and 894 beds, 136,800 square feet of retail space, a 3-level parking structure, and site improvements; and

WHEREAS, the Final Environmental Impact Report (SCH #2018112044) consisting of the Draft EIR, responses to comments, edits, clarifying information, erratum, and mitigation monitoring and reporting plan was prepared and processed pursuant to the California Environmental Quality Act (CEQA; Public Resources Code § 21000 et seq.) (the "Final EIR"); and

WHEREAS, an Initial Study was prepared and a Notice of Preparation was circulated for a 30-day public review and comment period commencing on November 16, 2018; and

WHEREAS, a public scoping meeting was held December 5, 2018 to receive comments on the appropriate scope of the EIR; and

WHEREAS, the Draft EIR was circulated for a 45-day public review and comment period commencing November 6, 2019 and concluding December 20, 2019; and

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

WHEREAS, the University Commons Project is eligible for streamlining under SB 375 which provides for CEQA streamlining for projects consistent with a regional Sustainable Communities Strategy (SCS) adopted by a Metropolitan Planning Organization; and

WHEREAS, the Final EIR documents with comments received and responses to comments were released May 13, 2020 including notification to all public agencies that commented on the Draft EIR in satisfaction of CEQA Guidelines Section 15088(b); and

WHEREAS, the Final EIR identified and evaluated certain significant and potentially significant adverse effects on the environment caused by the project relative to air quality, biological resources, cultural resources, GHG emissions, hazardous materials, hydrology, noise, and transportation impacts and incorporated appropriate mitigation measures. The Final EIR identified significant and unavoidable impacts related to transportation, which requires adoption of a statement of overriding considerations and all other impacts were determined to be less than significant or less than significant with mitigation; and

WHEREAS, between the public scoping meeting and date of final action, city commission meetings were held by the Planning Commission, Historic Resources Management Commission, and Bicycle, Transportation, and Street Safety Commission, to consider the proposed project and provide comments or recommendations regarding the environmental review, components of the project, or the final action; and

WHEREAS, on May 27, 2020, the Planning Commission held a duly noticed public hearing to review the adequacy of the EIR and merits of the project and rejected approval of the project and certification of the EIR; and

WHEREAS, on July 21, 2020, the City Council held a duly noticed public hearing and reviewed the Final EIR prepared for the project, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes or comments, reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Davis does hereby approve as follows:

1. Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The City Council hereby adopts these various findings of fact, attached hereto as Exhibits A and B.
2. Exhibit A of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable". The City Council hereby adopts the Statement of Overriding Considerations contained within Exhibit A.
3. The City Council has determined that the project is consistent with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) pursuant to SB 375, complies with the requirements of Section 21159.28, 21155.2, and 21099 of CEQA Guidelines and is eligible for CEQA streamlining benefits as a qualifying "transit priority project" and "residential or mixed-use residential project."
4. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the project will result in significant effects on the environment, however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.
5. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the Project is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.
6. Responses to comments received on the Draft EIR adequately addressed the comments and minor additions and clarifications were provided, but did not result in any significant new information requiring recirculation of the EIR pursuant to Section 15088.5.
7. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.

8. The Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit B, is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.
9. The City Council finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.
10. The City Council hereby certifies the Final EIR in accordance with the requirements of CEQA.
11. A Notice of Determination shall be filed immediately after final approval of the project.
12. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:
 - a) A copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files with the City of Davis Department of Community Development and Sustainability;
 - b) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA "responsible" agencies.

PASSED AND ADOPTED by the City Council of the City of Davis on this _____ day of _____ 2020, by the following vote:

AYES:

NOES:

ABSENT:

Gloria Partida
Mayor

ATTEST:

Zoe Mirabile, CMC
City Clerk

EXHIBIT A
Findings of Fact and
Statement of Overriding Considerations

AND

EXHIBIT B
Mitigation Monitoring and Reporting Plan

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION FOR THE

UNIVERSITY COMMONS PROJECT

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

I. INTRODUCTION

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

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

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

The EIR for the proposed project examined the following alternatives to the proposed project that were not chosen as part of the approved project:

- No Project Alternative;
- Retail Project Only Alternative;
- Existing Zoning Mixed Use Build Out Alternative; and
- Low Parking Alternative.

The Findings of Fact set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under CEQA (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the proposed project. The Findings provide the written analysis and conclusions of this Council regarding the proposed project's environmental impacts, mitigation measures, and alternatives to the proposed project.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

With respect to a project for which significant impacts are not mitigated to a less-than-significant level, a public agency, after adopting proper findings, may nevertheless approve the proposed project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the proposed project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Citizens of Goleta Valley v. Board of Supervisors, 216 Cal. App 3d (1989), at p. 576.) The EIR for the University Commons Project concluded the proposed project would create significant and unavoidable impacts with regard to Transportation and Circulation; thus, a Statement of Overriding Considerations is required. The Statement of Overriding Considerations set forth below, in this Council's view, justify approval of the proposed project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Procedural Background

The City of Davis circulated a Notice of Preparation (NOP) for the Draft EIR on November 16, 2018 to trustee agencies, the State Clearinghouse (SCH#: 2018112044), and the public. As an attachment, the NOP included an Initial Study (IS), which was prepared for the proposed project. A scoping meeting was held on December 5, 2018 in the City of Davis for the purpose of informing the public and receiving comments on the scope of the environmental analysis to be prepared for the proposed project. The NOP and comments received during the NOP comment period are presented in Appendix B and D, respectively, of the Draft EIR, while the IS prepared for the proposed project is included as Appendix C of the Draft EIR.

The City of Davis published a public Notice of Availability (NOA) for the Draft EIR on November 6, 2019, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse and the County Clerk, was posted on the City's website, and was mailed to surrounding properties pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from November 6, 2019 through December 20, 2019.

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

The City received 41 comment letters regarding the Draft EIR from public agencies, organizations, and members of the public during the public comment period. In addition, verbal comments were received during the November 14, 2019 Bicycle, Transportation, and Street Safety Commission meeting, as well

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as during the December 11, 2019 Planning Commission meeting. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

Record of Proceedings and Custodian of Record

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

- The NOP, IS, comments received on the NOP, NOA, and all other public notices issued by the City in relation to the University Commons Project Draft EIR.
- The University Commons Project Final EIR, which consists of the Draft EIR, comment letters on the Draft EIR, responses to comments, revisions made to the Draft EIR text, Erratum to the Final EIR, Mitigation Monitoring and Reporting Program, and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Davis and consultants in relation to the EIR.
- Minutes of the discussions regarding the proposed project and/or project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the proposed project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

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

Consideration of the Environmental Impact Report

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the University Commons Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment and analysis of the City.

SEVERABILITY

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

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. TRANSPORTATION AND CIRCULATION

1. IMPACTS TO BICYCLE FACILITIES UNDER EXISTING PLUS PROJECT CONDITIONS (EIR IMPACT 4.6-2).

- (a) Potential Impact. The potential for the proposed project to cause a substantial adverse impact to bicycle facilities under Existing Plus Project conditions is discussed on pages 4.6-43 through 4.6-53 of the Draft EIR.
- (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the EIR, make infeasible additional mitigation measures or project alternatives identified in the EIR. (State CEQA Guidelines, Section 15091(a)(3).)
- (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds impacts related to bicycle facilities under Existing Plus Project conditions cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, project bicycle trips would be routed through nearby existing bicycle facilities, particularly the bike lanes on Sycamore Lane and Anderson Road, the shared-use paths on the south side of Russell Boulevard and the west side of La Rue Road, and crossing facilities at the Russell Boulevard/Sycamore Lane and Russell Boulevard/Anderson Road/La Rue Road intersections. The aforementioned facilities currently experience very high levels of peak hour bicycle and pedestrian volumes and when combined with the dimensions of path and crossing facilities results in crowding, which degrades the performance of the facilities for both bicyclists and pedestrians. Worsened crowding could result in increased competition for physical space between the modes, which in turn could increase the potential for conflicts, including conflicts involving bicyclists, and further degrade the performance of bicycle facilities.

While the proposed project would not conflict with implementation of any planned bicycle facilities within the site vicinity, the additional bicycle traffic associated with the proposed project could increase the potential for bicycle-vehicle or bicycle-pedestrian conflicts and a significant impact could occur.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

4.6-2(a) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Sycamore Lane intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Improvements shall either physically separate bicyclists and vehicles, or more clearly demarcate the existing bicycle-vehicle mixing zone if the City is unable to physically separate bicyclists and vehicles. Potential improvement alternatives include (but shall not be limited to):

1. Switch the placement of the southbound right-turn lane and the bike lane. Consistent with CAMUTCD standards (for a bicycle facility adjacent to a right-turn lane), such a configuration would place a Class IV separated bikeway immediately against the curb, enabling bicyclists to queue against the curb prior to crossing during the exclusive bicycle crossing signal phase (during which southbound right-turns for vehicles are prohibited). This configuration would eliminate the need for southbound bicyclists to weave across vehicular traffic at the intersection approach. The configuration shall include vertical separation between the bikeway and the right-turn lane, consistent with standard Class IV separated bikeway design.
2. Highlight the existing bicycle-vehicle mixing zone with additional pavement markings (e.g., green skip pavement markings) and warning signage.

4.6-2(b) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Improvements shall more clearly demarcate the existing bicycle-vehicle mixing zone. Potential improvement alternatives include highlighting the existing bicycle-vehicle mixing zone with additional pavement markings (e.g., green skip pavement markings) and warning signage. Implementation of such improvements, or an improvement of equal effectiveness, would enhance the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection and reduce the potential for conflicts between bicyclists and vehicles.

4.6-2(c) The project applicant shall implement one of the following options prior to issuance of certificates of occupancy, with the bicycle facility and final design to be determined by the City Engineer and the City Traffic Engineer as follows:

Option A: Off-Street Shared-use Path. Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall construct an off-street shared-use path on the north side of Russell Boulevard between Sycamore

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Lane and Anderson Road along the project site frontage, generally along the alignment of the existing sidewalk. The path may need to be widened into the existing roadway (i.e., into the parking lane) due to right-of-way constraints such as existing trees and driveways (e.g., along the ARCO gas station frontage). The new path shall be sufficiently sized to prevent crowding and minimize the potential for conflicts between bicyclists and pedestrians. The City of Davis 2016 Street Design Standards specifies a shared-use path width of 12 feet for arterial roadways, with two-foot wide all-weather shoulders on either side of the path where sufficient space exists to accommodate the standard. The City may determine that a narrower shared path, split path, combination, or alternative path design is acceptable in instances where right-of-way or design constraints, preservation of existing trees, or other considerations would limit the ability to implement the standard path width and design.

Option B: Protected Bike Lane/Cycle Track. Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall construct a protected bike lane on the north side of Russell Boulevard, between Sycamore Lane and Anderson Road along the project site frontage.

- 4.6-2(d) Consistent with cumulative Mitigation Measure 4.6-9, prior to the occupancy of the project, the project applicant shall contribute funding to cover their proportionate cost of bicycle improvements to the Russell Boulevard/Anderson Road/La Rue Road intersection as determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. Given the multi-modal nature of the intersection and future improvements, fair share calculations should consider all modes of transportation utilizing the intersection.

Modifications to improve crossings at the Russell Boulevard/Anderson Road/La Rue Road intersection shall be implemented to reduce the potential for bicycle-bicycle, bicycle-pedestrian, pedestrian-vehicle, and bicycle-vehicle conflicts. Because intersection modifications would affect right-of-way on the UC Davis campus, the City shall coordinate with UC Davis to identify the ultimate modifications. Improvements shall, to the extent feasible, physically separate bicyclists, pedestrians, and vehicles and reduce bicycle crossing distances and exposure time. Potential improvement alternatives include (but are not limited to):

1. For all intersection crosswalks, widen crosswalks to increase the capacity for crossing bicyclists and pedestrians and reduce the frequency of meeting and passing events that diminish the performance of the crosswalks.
2. Reconfigure the intersection into a protected intersection with corner refuge islands, setback crossings, and exclusive bicycle and pedestrian crossing phases (i.e., vehicles would not be permitted to turn on red

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during this phase). For all intersection crosswalks, physically separate bicyclists and pedestrians by installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle crossing zones, increase the capacity for crossing bicyclists and pedestrians, and reduce the frequency of meeting and passing events that diminish the performance of the crossings. This alternative would also include the removal of the eastbound and northbound channelized right-turn lanes.

- 4.6-2(e) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Sycamore Lane and the UC Davis softball field; the project's proportionate cost shall be determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements shall reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):

1. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle zones.
2. Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.
3. Install pedestrian-scale lighting to improve visibility.

- 4.6-2(f) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Anderson Road and the bicycle roundabout near Primero Grove; the project's proportionate cost shall be determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements should reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):

1. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle zones.
2. Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.
3. Install pedestrian-scale lighting to improve visibility.

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Implementation of Mitigation Measures 4.6-2(a) through 4.6-2(f) would reduce significant impacts associated with bicycle facilities to a less-than-significant level by supporting bicycling to and from the project site and minimizing conflicts between bicycles and other travel modes. However, elements of Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f) would occur within UC Davis right-of-way and would be subject to final approval and actions by UC Davis. Given that the required improvements are outside of the City's jurisdiction, the City, as lead agency, cannot legally impose the mitigation measures unless and until UC Davis establishes a designated mitigation program to fund the improvements on its right-of-way. In addition, the City has held initial discussions with UC Davis with the intent to proceed on developing a Russell Boulevard Corridor Plan to identify preferred improvements. A Corridor Plan will be prepared by the City and the formal process is expected to begin in the near future, but a Corridor Plan has not yet been adopted. Due to uncertainties regarding the ability for the aforementioned mitigation measures to reduce impacts to bicycle facilities, bicycle facility impacts on the Russell Boulevard shared-use path and at the Russell Boulevard/Anderson Road/La Rue Road intersection would be considered to remain significant and unavoidable, because implementation of the aforementioned mitigation measures cannot be guaranteed and there are no additional feasible mitigation measures where implementation is guaranteed that would reduce the impact to a less-than-significant level. Therefore, despite the incorporation of Mitigation Measures 4.6-2(a) through (f) into the EIR, for the foregoing reasons and the reasons discussed in the EIR, impacts to bicycle facilities would be considered to remain significant and unavoidable. (Draft EIR, pg. 4.6-49).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to bicycle facilities under Existing Plus Project conditions, as more fully stated in Section VII, Statement of Overriding Considerations Related to the Impacts of the University Commons Project Findings, below.

2. IMPACTS TO PEDESTRIAN FACILITIES UNDER EXISTING PLUS PROJECT CONDITIONS (EIR IMPACT 4.6-3).

- (a) Potential Impact. The potential for the proposed project to cause a substantial adverse impact to pedestrian facilities under Existing Plus Project conditions is discussed on pages 4.6-54 through 4.6-55 of the Draft EIR.
- (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the EIR, make infeasible additional mitigation measures or project alternatives identified in the EIR. (State CEQA Guidelines, Section 15091(a)(3).)

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- (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds impacts related to pedestrian facilities under Existing Plus Project conditions cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, specific crossing facilities that would accommodate high levels of project pedestrian trips include the east leg crosswalk at the Russell Boulevard/Sycamore Lane intersection and all legs at the Russell Boulevard/Anderson Road/La Rue Road intersection. The aforementioned facilities currently experience very high levels of peak hour bicycle and pedestrian volumes and when combined with the dimensions of path and crossing facilities results in crowding, which degrades the performance of the facilities for both bicyclists and pedestrians. Additional pedestrian trips generated by the proposed project, together with increased vehicle and bicycle trips, could exacerbate crowding on existing pedestrian facilities and in shared right-of-way environments and further degrade the facilities, particularly during the peak travel periods such as the morning and evening commutes to/from the UC Davis campus.

While the proposed project would not conflict with implementation of any planned pedestrian facilities within the site vicinity, the additional pedestrian traffic associated with the proposed project could increase the potential for conflicts and a significant impact could occur.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

- 4.6-3 Implement Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f).

Mitigation Measures 4.6-2(d), 4.6-2(e) and 4.6-2(f) are presented again below for reference:

- 4.6-2(d) Consistent with cumulative Mitigation Measure 4.6-9, prior to the occupancy of the project, the project applicant shall contribute funding to cover their proportionate cost of bicycle improvements to the Russell Boulevard/Anderson Road/La Rue Road intersection as determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. Given the multi-modal nature of the intersection and future improvements, fair share calculations should consider all modes of transportation utilizing the intersection.

Modifications to improve crossings at the Russell Boulevard/Anderson Road/La Rue Road intersection shall be implemented to reduce the potential for bicycle-bicycle, bicycle-pedestrian, pedestrian-vehicle, and bicycle-vehicle conflicts. Because intersection modifications would affect right-of-way on the UC Davis campus, the City shall coordinate with UC Davis to identify the ultimate modifications. Improvements shall, to the extent feasible, physically separate bicyclists, pedestrians, and vehicles and reduce bicycle crossing distances and exposure time. Potential improvement alternatives include (but are not limited to):

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3. For all intersection crosswalks, widen crosswalks to increase the capacity for crossing bicyclists and pedestrians and reduce the frequency of meeting and passing events that diminish the performance of the crosswalks.
4. Reconfigure the intersection into a protected intersection with corner refuge islands, setback crossings, and exclusive bicycle and pedestrian crossing phases (i.e., vehicles would not be permitted to turn on red during this phase). For all intersection crosswalks, physically separate bicyclists and pedestrians by installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle crossing zones, increase the capacity for crossing bicyclists and pedestrians, and reduce the frequency of meeting and passing events that diminish the performance of the crossings. This alternative would also include the removal of the eastbound and northbound channelized right-turn lanes.

4.6-2(e) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Sycamore Lane and the UC Davis softball field; the project's proportionate cost shall be determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements shall reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):

4. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle zones.
5. Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.
6. Install pedestrian-scale lighting to improve visibility.

4.6-2(f) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Anderson Road and the bicycle roundabout near Primero Grove; the project's proportionate cost shall be determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements should reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):

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4. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle zones.
5. Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.
6. Install pedestrian-scale lighting to improve visibility.

Implementation of Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f) would reduce potential significant impacts associated with pedestrian facilities to a less-than-significant level by supporting walking to and from the project site and minimizing conflicts between pedestrians and other travel modes. However, elements of Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f) would occur within UC Davis right-of-way and would be subject to final approval and actions by UC Davis. Because implementation of the measures would require UC Davis approval, the City of Davis cannot legally impose these improvements, as they are outside of the City's control. Thus, the improvements are not guaranteed. In addition, the City has held initial discussions with UC Davis with the intent to proceed on developing a Corridor Plan to identify preferred improvements along the roadway. A Corridor Plan will be prepared by the City and the formal process is expected to begin in the near future, but a Corridor Plan has not yet been adopted. Due to the uncertainties regarding the ability for the aforementioned mitigation measures to reduce impacts to pedestrian facilities, pedestrian facility impacts on the Russell Boulevard shared-use path and at the Russell Boulevard/Anderson Road/La Rue Road intersection would be considered significant and unavoidable because implementation of the aforementioned mitigation measures cannot be guaranteed and there are no additional feasible mitigation measures where implementation is guaranteed that would reduce the impact to a less-than-significant level. Therefore, despite the incorporation of Mitigation Measure 4.6-3 into the EIR, for the foregoing reasons and the reasons discussed in the EIR, the impacts to pedestrian facilities under Existing Plus Project conditions would be considered significant and unavoidable. (Draft EIR, pg. 4.6-55).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to pedestrian facilities, as more fully stated in Section VII, Statement of Overriding Considerations Related to the Impacts of the University Commons Project Findings, below.

3. IMPACTS TO STUDY INTERSECTIONS UNDER CUMULATIVE PLUS PROJECT CONDITIONS (EIR IMPACT 4.6-9).

- (a) Potential Impact. The potential for the proposed project to cause a substantial adverse impact to study intersections under Cumulative Plus Project conditions is discussed on pages 4.6-64 through 4.6-71 of the Draft EIR.
- (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or

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substantially lessen this significant environmental effect as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the EIR, make infeasible additional mitigation measures or project alternatives identified in the EIR. (State CEQA Guidelines, Section 15091(a)(3).)

- (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds impacts related to the study intersections under Cumulative Plus Project conditions (Russell Boulevard/Orchard Park Drive, Russell Boulevard/Anderson Road/La Rue Road, and Russell Boulevard/California Avenue) cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, the increase in delay attributable to the proposed project at the Russell Boulevard/Anderson Road/La Rue Road intersection would exceed the applicable five-second standard established by the City of Davis. At the two unsignalized intersections, the increase in volume attributable to the proposed project would exceed the City's one percent increase threshold. Therefore, the proposed project's incremental contribution to the significant cumulative impact would be cumulatively considerable.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

4.6-9 Modifications to Russell Boulevard shall be implemented to reduce peak hour vehicle delay at the Russell Boulevard/Orchard Park Drive, Russell Boulevard/Anderson Road/La Rue Road, and Russell Boulevard/California Avenue intersections:

- Prior to issuance of certificates of occupancy, the project applicant shall construct the pedestrian bulbouts at Russell Boulevard/Sycamore Lane, to the satisfaction of the City Engineer, as follows:
 - At the Russell Boulevard/Sycamore Lane intersection, construct pedestrian bulbouts at the northwest and northeast corners of the intersection to reduce pedestrian crossing distances. The resulting excess green time shall be reallocated to the major east-west through movements to improve overall corridor operations. The pedestrian bulbouts shall be integrated with the design of the bike lane modification described in Mitigation Measure 4.6-2(a) (at the northwest corner) and the shared-use path described in Mitigation Measure 4.6-2(c) (at the northeast corner).
- Implement Mitigation Measure 4.6-8.
- Prior to issuance of certificates of occupancy, the project applicant shall contribute funding, to the satisfaction of the City Engineer, to cover the proportionate cost of improvements described in Alternatives 1, 4, 5, 6,

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and 7 above, the requirements of which are listed below.¹ The funding shall be submitted to the City of Davis:

- At the Russell Boulevard/Orchard Park Drive intersection, either:
 - a. Prohibit northbound left-turns, or
 - b. Prohibit northbound left-turns and westbound left-turns (i.e., right-in/right-out only).
- At the Russell Boulevard/Anderson Road/La Rue Road intersection, either
 - a. Install five-section traffic signal for the northbound right-turn lane and an accompanying bicycle/pedestrian signal to control crossing movements across the northbound channelized right-turn lane, or
 - b. Implement Alternative 2 described in Mitigation Measure 4.6-2(d) (conversion of the Russell Boulevard/Anderson Road/La Rue Road intersection to a protected intersection).
- At the Russell Boulevard/Oak Avenue intersection, prohibit eastbound U-turn movements and convert the eastbound left-turn movement from a permitted to a protected left-turn signal phase.
- At the Russell Boulevard/College Park/Howard Way intersection, convert the northbound and southbound approaches to split phase operations and eliminate the west leg crossing.
- At all signalized intersections on Russell Boulevard, increase the PM peak hour cycle length from 90 to 100 seconds to match the existing AM peak hour cycle length. The signal timing adjustment shall be applied to all coordinated signals along the corridor between and inclusive of Sycamore Lane and G Street.

The ultimate modifications constructed along Russell Boulevard shall be consistent with the preferred improvements identified in the Russell Boulevard Corridor Plan currently being prepared by the City.

Mitigation Measure 4.6-8 is presented again below for reference:

- 4.6-8(a) Prior to the issuance of demolition permits, the project applicant shall extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park

¹ Consistent with *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, contribution of mitigation funds is not required for impacts where the City does not have full jurisdiction, nor a plan in place to ensure implementation of mitigation measures. Nevertheless, the applicant has agreed to contribute mitigation funds to the City for Alternatives 1, 4, 5, 6, and 7.

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Drive intersection. The extension will enable the eastbound left-turn pocket to accommodate the maximum queue of 325 feet under Existing Plus Project conditions. The timing of this modification is necessary to accommodate the considerable number of truck trips related to the project's demolition and construction.

4.6-8(b) Prior to issuance of grading plans, the project improvement plans shall reflect the modifications listed below, or equivalent measures, based on the final site design, to reduce vehicle queuing spillback at the project driveways, to the satisfaction of the City Engineer. The modifications may include, but are not limited to, the following:

- Southern Sycamore Lane Driveway
 - Parking stalls along the Retail 6 frontage shall be eliminated; and
 - Exclusive outbound left-turn and right-turn lanes shall be provided.
- Southern Anderson Road Driveway
 - Parking stalls along the Retail 1, 2, and 3 frontages shall be angled.
- Western Russell Boulevard Driveway
 - The drive aisle shall be aligned north into the parking garage, shifted further east into the project site to provide additional throat depth for the southern Sycamore Lane driveway, and access for the southernmost east-west drive aisle shall be closed off to/from the west (opposite the Trader Joe's loading dock).

As noted in the Transportation Impact Study prepared for the proposed project, the Russell Boulevard corridor is currently limited in terms of physical modification or expansion due to right-of-way constraints. Moreover, any substantial widening of Russell Boulevard that would result in increased capacity for peak hour vehicle demand would be inconsistent with City policies related to non-motorized transportation prioritization and limits the number of allowable arterial vehicular lanes. Therefore, potential modifications to Russell Boulevard may not include the addition of through vehicular travel lanes, and must instead focus on intersection and/or traffic signal modifications to increase vehicle capacity without compromising bicycle, pedestrian, or transit facilities, thereby ensuring that the modifications address any potential cumulative effects associated with alternative modes of transit. In addition, the preferred improvements cannot be determined at this time, as they will be determined through development of the Russell Boulevard Corridor Plan currently being prepared by the City.

The mitigation listed above would reduce delays, but not to a level sufficient to restore acceptable intersection operating conditions at impacted study intersections, or to reduce the proposed project's cumulatively considerable contribution to unacceptable operating

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conditions. Furthermore, elements of Mitigation Measure 4.6-9 would occur within UC Davis right-of-way (e.g., modifications to the Russell Boulevard/Anderson Road/La Rue Road intersection) and would be subject to final approval and actions by UC Davis. Moreover, because the remaining fair share contributions needed for the construction of Alternatives 1, 4, 5, 6, and 7 have not been identified by the City of Davis, fair share payment by the project applicant would not ensure construction. In addition, the preferred improvements cannot be determined at this time, as they will be determined through the City's Corridor Plan process. Therefore, full implementation of Mitigation Measure 4.6-9 cannot be guaranteed, no other feasible mitigation is available that can be guaranteed and the proposed project's incremental contribution to the cumulative impact would remain cumulatively considerable and significant and unavoidable.

Accordingly, despite the implementation of Mitigation Measure 4.6-9, for the foregoing reasons and the reasons discussed in the EIR, impacts to study intersections under Cumulative Plus Project conditions would be considered to remain cumulatively considerable and significant and unavoidable. (Draft EIR, pg. 4.6-69).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project associated with the adequacy of the study intersections, as more fully stated in Section VII, Statement of Overriding Considerations Related to the Impacts of the University Commons Project Findings, below.

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

A. AIR QUALITY

1. EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS (EIR IMPACT 4.1-3).

(a) Potential Impact. The potential for the proposed project to expose sensitive receptors to substantial pollutant concentrations is discussed on pages 4.1-29 through 4.1-36 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.1-35). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 4.1-3 would ensure that the cancer risk at the maximally exposed receptor associated with the proposed project's construction activity would be reduced from an increase of 49.82 cases in one million persons to an increase of 3.88 cases in one million persons, which would be below the applicable threshold of significance of an increase of 10 cases in one million persons. Any remaining impacts related to exposing sensitive receptors to substantial pollution concentrations after the implementation of the mitigation measure would not be significant

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

4.1-3 Prior to approval of any grading or demolition plans, the project applicant shall show on the plans via notation that the contractor shall ensure that all off-road diesel-powered equipment over 25 horsepower to be used in the construction of the project (including owned, leased, and subcontractor equipment) shall meet California Air Resources Board (CARB) Tier 4 emissions standards or cleaner. The plans shall be submitted for review and approval to the Department of Community Development and Sustainability. In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to 5

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minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB.

Portable equipment over 50 horsepower must have either a valid District Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.

Idling shall be limited to five minutes or less for all on-road related and/or delivery trucks in accordance with CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Clear Signage regarding idling restrictions should be placed at the entrances to the construction site.

B. GREENHOUSE GAS EMISSIONS AND ENERGY

1. GENERATE GREENHOUSE GAS (GHG) EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, OR CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GHGs (EIR IMPACT 4.2-3).
 - (a) Potential Impact. The potential for the proposed project to generate GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs is discussed on pages 4.2-31 through 4.2-39 of the Draft EIR.
 - (b) Findings. Less than cumulatively considerable with mitigation incorporated. (Draft EIR, pg. 4.2-36). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that the proposed project's incremental contribution to the significant cumulative impacts related to GHG emissions will be mitigated to a less-than-cumulatively considerable level. In order to demonstrate compliance with the City's adopted GHG emissions reduction goal, project related non-mobile operational emissions must be reduced to carbon neutrality by the year 2040. Should project emissions be shown to achieve a downward trajectory from the anticipated emissions level in the year 2024 to carbon neutrality by the year 2040, project operations would be considered in compliance with the City's adopted GHG emissions reduction goal and the City's Climate Action and Adaptation Plan. Implementation of Mitigation Measures 4.2-3(a) and 4.2-3(b) would achieve a downward trajectory of operational emissions, assuring that project implementation would not result in long-term operational impacts related to GHG emissions

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or the creation of conflicts with an applicable regulation. Therefore, implementation of Mitigation Measures 4.2-3(a) and 4.2-3(b) would reduce the proposed project's incremental contribution to the significant cumulative impact to a less-than-cumulatively considerable level.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

4.2-3(a) The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to the issuance of a building permit for the proposed project. The project proponent shall implement the following steps:

1. Model net non-mobile operational GHG emissions using CalEEMod, or another method accepted for the purpose of modeling GHG emissions for the proposed project, taking into account applicable building standards and other regulatory requirements, as well as building design, use of renewable energy, etc. The updated modeling shall take into account any updated project design measures incorporated in compliance with this mitigation measure or as proposed in future project design details.
2. Based on the construction and operational schedules proposed at the time of building permitting, the modeled emissions shall be compared to the maximum permitted emissions for the first year of occupancy, based on the Table below:

Year	Maximum Permitted Net Project Emissions (MTCO ₂ e)	Emissions Reductions Achieved (MTCO ₂ e)
2024	326.69	0.00
2025	306.27	20.42
2026	285.85	40.84
2027	265.44	61.25
2028	245.02	81.67
2029	224.60	102.09
2030	204.18	122.51
2031	183.76	142.93
2032	163.35	163.35
2033	142.93	183.76
2034	122.51	204.18
2035	102.09	224.60
2036	81.67	245.02
2037	61.25	265.44
2038	40.84	285.85

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2039	20.42	306.27
2040	0	326.69
<i>Total Emissions Reductions</i>		<i>2,776.87</i>

3. Should net operational emissions be shown to exceed the maximum emissions levels presented in the table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:
 - *Design of all or portions of the project without infrastructure to support natural gas appliances;*
 - *Installation of only all-electric, energy-star large appliances (i.e. ranges, ovens, water heating, and/or space heating equipment) in all or part of the project;*
 - *Require future refrigeration systems to only use low GWP potential gases;*
 - *Include electric outlets in outdoor areas sufficient to allow for the use of electric-powered landscaping equipment;*
 - *Construct all proposed loading docks with electric outlets sufficient to provide adequate electrical power for docking trucks;*
 - *Installation of on-site photovoltaic systems in excess of the City's standards in place at the time of this environmental analysis;*
 - *Use of LED lights in proposed parking areas and other outdoor areas;*
 - *Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);*
 - *Implement a Transportation Demand Management Program in accordance with Section 22.15 of the City of Davis Municipal Code;*
 - *Provide electric vehicle charging infrastructure in excess of existing CBSC requirements; and/or*
 - *Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis.*
4. The emissions reductions resulting from implementation of the above measures shall be calculated, using methods acceptable to the City.
5. Proof of compliance with the maximum annual net emissions targets and the steps above shall be verified through the submittal of a Technical Memorandum of Compliance (TMC) to the City of Davis Department of Community Development and Sustainability. The TMC shall document the following minimum items: modeling (step 1); comparison of modeled emissions to maximum emissions levels identified in step 2; chosen feasible

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actions to achieve required reductions (step 3); and measurable GHG reduction value of each action (step 4). TMCs prepared in compliance with the foregoing steps may cover individual operational years or multiple operational years. Should a TMC be prepared for multiple operational years, the TMC shall demonstrate compliance with the maximum emissions levels for each year included in the TMC.

6. Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development and Sustainability. Purchase of any carbon credits shall be completed prior to certificate of occupancy. The City upon review and acceptance of implementation, shall issue the certificate of occupancy.

4.2-3(b)

The owner of the project shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the project to demonstrate the project's compliance with the GHG emissions targets established by Mitigation Measure 4.2-3(a). The Report shall be submitted prior to the issuance of a certificate of occupancy for the first residential unit leased or sold. The Report shall identify the following minimum items. Other documentation requirements may be added by the City if found to be necessary to satisfy this mitigation measure.

1. Projected annual net GHG emissions from the initial date of operations through the year 2040.
2. Running total of project emissions reductions and reduction credits.
3. Comprehensive database and summary of implemented reduction actions.

Should the initial Report demonstrate that measures have been incorporated into the project sufficient to achieve the GHG emissions targets established by Mitigation Measure 4.2-3(a), further Reports are not required.

If the initial Report does not demonstrate that measures have been incorporated into the project sufficient to achieve the aforementioned emissions targets at the time of initial occupancy, the owner shall be required to submit subsequent Reports every five years until such time that demonstration is made that the project has achieved the required emissions reductions. Subsequent Reports shall contain the same content as required of the initial Report, and demonstrate the implementation of additional measures sufficient to reduce project GHG emissions in compliance with Mitigation Measure 4.2-3(a). Upon demonstration that the project has achieved the required emissions reductions, further Reports are not required.

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C. NOISE

1. GENERATION OF A SUBSTANTIAL TEMPORARY INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES (EIR IMPACT 4.4-1).
 - (a) Potential Impact. The potential for the proposed project to cause a substantial temporary increase in ambient noise levels in excess of the applicable standards is discussed on pages 4.4-17 through 4.4-19 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-19). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to temporary noise increases will be mitigated to a less-than-significant level upon implementation of Mitigation Measure 4.4-1. Project construction activities could result in periods of elevated ambient noise levels that could exceed the Noise Ordinance standards for construction noise (e.g., noise levels at any point outside of the property plane of the proposed project shall not exceed 86 dBA), which would be considered a substantial increase in ambient noise levels in the project vicinity. Mitigation Measure 4.4-1 requires noise-reduction practices that would reduce construction noise to levels consistent with the City's Noise Ordinance, which would be considered acceptable. Any remaining impacts related to a temporary increase in ambient noise levels after implementation of Mitigation Measure 4.4-1 would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

- 4.4-1 Prior to issuance of any grading permit, the applicant shall submit a construction noise management plan, identifying proposed noise-reduction practices for review and approval by the Department of Community Development and Sustainability. The following measures shall be utilized to reduce the impact of construction noise:
- Comply with the hours of operations between 7:00 AM and 7:00 PM on Mondays through Fridays, and between the hours of 8:00 AM and 8:00 PM on Saturdays and Sundays;
 - All equipment shall not exceed 86 dBA outside of the property line. Based upon Table 4.4-7, compactors, dozers and excavators shall

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maintain a distance of 50-feet from the north property line. Concrete saws and jackhammers shall maintain a distance of 100-feet from the nearest property line. If equipment such as compactors, dozers and excavators need to be within 50 feet of the north property line, temporary barriers such as "Noise Soaker" curtains may be applied at the construction site fence. The barriers shall be eight feet in height along the north property line.

- In accordance with City Code Section 24.02.040(b)(3), certain exceptions to these standards may be granted for impact tools and equipment providing either a housing or muffler, or other type of noise suppression equipment recommended by the manufacturer and approved by the Director of Public Works as best accomplishing maximum noise attenuation

2. GENERATION OF A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES (EIR IMPACT 4.4-2).

- (a) Potential Impact. The potential for the proposed project to cause a substantial permanent increase in ambient noise levels in excess of applicable standards is discussed on pages 4.4-19 through 4.4-25 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-24). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that the proposed project's permanent increase in ambient noise levels would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.4-2(a) and 4.4-2(b). The increase in noise levels associated with operational noise from the proposed project, including truck circulation noise related to deliveries, pallet or baling equipment, and HVAC equipment, is anticipated to be 58 dB L_{eq} at the nearest sensitive receptors, which would exceed the daytime (7:00 AM to 9:00 PM) threshold of 55 dB L_{eq} . However, according to the Environmental Noise Assessment prepared for the proposed project, a barrier of eight feet in height would reduce overall noise levels associated with loading docks, truck circulation, and other outdoor noise sources to the daytime (7:00 AM to 9:00 PM) standard of 55 dBA L_{eq} , and a 10-foot barrier would be required to reduce noise levels to the nighttime (9:00 PM to 7:00 AM) standard of 50 dB L_{eq} . Any remaining impacts

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related to a permanent increase in ambient noise levels after implementation of Mitigation Measures 4.4-2(a) and 4.4-2(b) would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

4.4-2(a) Prior to building permit issuance, the construction drawings shall include a noise barrier located along the north property line of the project site where trucks circulate for the loading docks. The partial loading dock walls may be eliminated, if desired. Based upon the Environmental Noise Assessment (October 2, 2019) prepared for this EIR, the noise barrier height requirements would be different depending upon the delivery hours, as follows:

- Daytime deliveries only (7:00 AM to 9:00 PM): An eight-foot wall shall be required along the north property line of the project site to meet the City's 55 dB L_{eq} daytime noise standard.
- Daytime AND Nighttime (9:00 PM to 7:00 AM): A 10-foot wall shall be required along the north property line of the project site to meet the City's daytime (55 dB L_{eq}) and nighttime 50 dB L_{eq} noise standards.

The delivery truck hours and sound wall height shall be finalized prior to City approval of the Final Planned Development for the project. In the event that an opening in the barrier is included to provide access to the pedestrian/bicycle pathway on the adjacent property, the opening shall be designed by an acoustical consultant to ensure that the City's above-specified daytime and nighttime standards can still be met at the nearest sensitive receptors. Final design and height of the barrier shall be incorporated in the construction drawings for approval by the City of Davis Department of Community Development and Sustainability.

4.4-2(b) Alternatively, the applicant may submit a subsequent acoustical report in conjunction with the submittal of the Final Planned Development to the City. The subsequent acoustical report, using additional design-level details developed during the Final Planned Development process, shall estimate the delivery truck/loading dock noise levels at the nearest sensitive receptors to verify the height of the wall needed to meet the City's stationary noise level standards (55 dB L_{eq} daytime and 50 dB L_{eq} nighttime). If the report determines that a reduced sound wall height, compared to the heights identified in MM 4.4-2(a), could achieve the City's noise standards at the nearest sensitive receptors, then the reduced height should be considered acceptable.

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The subsequent acoustical report could also consider the feasibility of relocating or eliminating the loading dock. Any proposed relocation would require analysis within the acoustical report to ensure that those sensitive receptors located closest to the relocated loading dock would not be subject to noise levels in excess of the City's noise level standards. Final loading dock design and barrier height shall be approved by the City of Davis Department of Community Development and Sustainability.

D. TRANSPORTATION AND CIRCULATION

1. IMPACTS TO TRANSIT FACILITIES AND SERVICES UNDER EXISTING PLUS PROJECT CONDITIONS (EIR IMPACT 4.6-4).
 - (a) Potential Impact. The potential for the proposed project to result in impacts to transit facilities and services under Existing Plus Project conditions is discussed on pages 4.6-56 through 4.6-57 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-57). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to transit facilities and services under Existing Plus Project conditions will be mitigated to a less-than-significant level. The additional transit use associated with the proposed project could conflict with operations at the southbound bus stop on Anderson Road, located on the eastern project site boundary. The existing southbound bus stop on Anderson Road is currently outfitted with a bus stop sign, but lacks a shelter, seating, or dedicated passenger waiting area, which results in dwelling passengers waiting in the sidewalk or in the adjacent landscaped area. The addition of project-generated transit passenger demand would exacerbate the existing conditions, which could lead to more substantial blocking of the sidewalk by dwelling passengers, as well as dwelling passengers physically blocking passengers who wish to deboard buses as passengers arrive at the stop. However, Mitigation Measure 4.6-4 requires that the project applicant enhance the existing bus stop on southbound Anderson Road to improve operations by adding shelter, seating, a waste receptacle, and an expanded dedicated waiting area. Such improvements would sufficiently prevent the anticipated issues related to project-generated transit demand. Any remaining impacts to transit facilities and services under Existing Plus Project conditions after implementation of Mitigation Measure 4.6-4 would not be significant.

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Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

- 4.6-4 Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall enhance the existing bus stop on southbound Anderson Road north of Russell Boulevard, to the satisfaction of the City Engineer. Bus stop enhancements shall include the addition of a shelter, seating, waste receptacle, as well as an expanded dedicated passenger waiting area that can sufficiently accommodate dwelling passenger without impeding the adjacent sidewalk. Bus stop enhancements shall be developed in consultation with Unitrans staff.

2. IMPACTS RELATED TO CONSTRUCTION VEHICLE TRAFFIC (EIR IMPACT 4.6-7).

- (a) Potential Impact. The potential for the proposed project to result in transportation and circulation impacts due to construction vehicle traffic is discussed on pages 4.6-59 through 4.6-60 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-59). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to construction vehicle traffic will be mitigated to a less-than-significant level. Project construction activities would disrupt vehicle, pedestrian, bicycle, and emergency vehicle access to and from on-site and adjacent uses active during construction, particularly Trader Joe's and the ARCO gas station. In addition, project construction activities would disrupt pedestrian, bicycle, and transit stop access on highly-utilized facilities on the east side of Sycamore Lane and the west side of Anderson Road. As such, implementation of Mitigation Measure 4.6-7 requires preparation of a Traffic Control Plan that would ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. Any remaining impacts related to construction vehicle traffic after implementation of Mitigation Measure 4.6-7 would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

- 4.6-7 Before commencement of any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Unitrans, Yolobus, and local emergency

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service providers for their input before approving the Plan. The Plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. At a minimum, the Plan shall include:

- The number of truck trips, time, and day of street closures;
- Time of day of arrival and departure of trucks;
- Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;
- Provision of a truck circulation pattern;
- Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);
- Maintain safe and efficient access routes for emergency vehicles;
- Manual traffic control when necessary;
- Proper advance warning and posted signage concerning street closures; and
- Provisions for bicycle, pedestrian, and transit access and safety.

A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.

3. SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT) (EIR IMPACT 4.6-8).
- (a) Potential Impact. The potential for the proposed project to substantially increase hazards due to geometric design features or incompatible uses under Existing Plus Project conditions is discussed on pages 4.6-60 through 4.6-63 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-63). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to a substantial increase in hazards due to a geometric design feature or incompatible uses under Existing Plus Project conditions will be mitigated to a less-than-significant level. Potential hazards related to vehicle queuing and site

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access/circulation, including pedestrian conflicts and bicycle, pedestrian, and transit access, were addressed. Per the Transportation Impact Study prepared for the proposed project, under Existing Plus Project conditions, peak hour maximum queues for the eastbound left-turn at the Russell Boulevard/Sycamore Lane intersection would spill back to a distance of 325 feet, 25 feet (one car length) beyond the 300 feet of available left-turn pocket storage capacity, and block of the adjacent eastbound through travel lane on Russell Boulevard. In addition, the maximum outbound queues during the PM peak hour would exceed the driveway throat depth at several locations on the project site under Existing Plus Project conditions. Queue spillback would be particularly problematic at the southern Sycamore Lane driveway and the western Russell Boulevard driveway, because both driveways serve highly desirable parking stalls in close proximity to the Trader Joe's entrance. Thus, the proposed project could result in detrimental effects related to vehicle queuing at the Russell Boulevard/Sycamore Lane intersection, as well as spillback of vehicle queues at the site access points. However, Mitigation Measures 4.6-8(a) and 4.6-8(b) require improvements sufficient to ensure queues and spillback do not result in any hazards by eliminating delays and conflicts from vehicles backing out of parking spaces near the driveway entrances and expediting circulation in the parking lot. Any remaining impacts related to hazards due to geometric design features or incompatible uses under Existing Plus Project after implementation of Mitigation Measures 4.6-8(a) and 4.6-8(b) would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

- 4.6-8(a) Prior to the issuance of demolition permits, the project applicant shall extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park Drive intersection. The extension will enable the eastbound left-turn pocket to accommodate the maximum queue of 325 feet under Existing Plus Project conditions. The timing of this modification is necessary to accommodate the considerable number of truck trips related to the project's demolition and construction.
- 4.6-8(b) Prior to issuance of grading plans, the project improvement plans shall reflect the modifications listed below, or equivalent measures, based on the final site design, to reduce vehicle queuing spillback at the project driveways, to the satisfaction of the City Engineer. The modifications may include, but are not limited to, the following:
 - Southern Sycamore Lane Driveway
 - Parking stalls along the Retail 6 frontage shall be eliminated; and

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- Exclusive outbound left-turn and right-turn lanes shall be provided.
 - Southern Anderson Road Driveway
 - Parking stalls along the Retail 1, 2, and 3 frontages shall be angled.
 - Western Russell Boulevard Driveway
 - The drive aisle shall be aligned north into the parking garage, shifted further east into the project site to provide additional throat depth for the southern Sycamore Lane driveway, and access for the southernmost east-west drive aisle shall be closed off to/from the west (opposite the Trader Joe's loading dock).
- 4. SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT) (EIR IMPACT 4.6-11).
 - (a) Potential Impact. The potential for the proposed project to substantially increase hazards due to geometric design features or incompatible uses under Cumulative Plus Project conditions is discussed on pages 4.6-72 through 4.6-73 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-73). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to a substantial increase in hazards due to a geometric design feature or incompatible uses under Cumulative Plus Project conditions will be mitigated to a less-than-significant level. Implementation of the proposed project would increase AM and PM peak hour vehicle traffic at local intersections throughout the study area under Cumulative Plus Project conditions. Consequently, as noted in the Transportation Impact Study, the proposed project would increase vehicle demand for the eastbound left-turn at the Russell Boulevard/Sycamore Lane intersection. Under Cumulative Plus Project conditions, peak hour maximum queues for this movement would spill back to a distance of 350 feet and 375 feet during the AM and PM peak hours, respectively, beyond the 300 feet of available left-turn pocket storage capacity, and block the adjacent eastbound through travel lane on Russell Boulevard. However, according to the Transportation Impact Study prepared for the proposed project, implementation of Mitigation Measure 4.6-11, which would extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection to a length of 375 feet, would sufficiently avoid design hazards. Any remaining impacts related to hazards due to geometric design features or incompatible uses under

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Cumulative Plus Project conditions after implementation of Mitigation Measure 4.6-11 would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

4.6-11 Implement Mitigation Measure 4.6-8.

Mitigation Measure 4.6-8 is presented again below for reference:

- 4.6-8(a) Prior to the issuance of demolition permits, the project applicant shall extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park Drive intersection. The extension will enable the eastbound left-turn pocket to accommodate the maximum queue of 325 feet under Existing Plus Project conditions. The timing of this modification is necessary to accommodate the considerable number of truck trips related to the project's demolition and construction.
- 4.6-8(b) Prior to issuance of grading plans, the project improvement plans shall reflect the modifications listed below, or equivalent measures, based on the final site design, to reduce vehicle queuing spillback at the project driveways, to the satisfaction of the City Engineer. The modifications may include, but are not limited to, the following:
- Southern Sycamore Lane Driveway
 - Parking stalls along the Retail 6 frontage shall be eliminated; and
 - Exclusive outbound left-turn and right-turn lanes shall be provided.
 - Southern Anderson Road Driveway
 - Parking stalls along the Retail 1, 2, and 3 frontages shall be angled.
 - Western Russell Boulevard Driveway
 - The drive aisle shall be aligned north into the parking garage, shifted further east into the project site to provide additional throat depth for the southern Sycamore Lane driveway, and access for the southernmost east-west drive aisle shall be closed off to/from the west (opposite the Trader Joe's loading dock).

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E. INITIAL STUDY

An initial study checklist can be used to focus the content of the EIR onto those environmental topics upon which the project could have a significant impact and require additional evaluation in the EIR. At the time of preparing the Initial Study for the proposed project (Appendix C to the Draft EIR), it was determined that certain environmental topics could be significantly impacted by the project, but sufficient information was then available to enable the City to make the determination that the impacts could be successfully mitigated to a less-than-significant level. These impacts were fully evaluated in the Initial Study and not addressed further in the EIR. This category of impacts is presented below.

1. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON A SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE (IS IMPACT IV.A).
 - (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect on a species identified as a candidate, sensitive, or special-status species is discussed on pages 22 through 25 of the IS.
 - (b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 23). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the IS and the entire record before this City Council, this City Council finds that implementation of the mitigation measures set forth in the IS would mitigate impacts to a less-than-significant level. Because the project site is currently fully developed, the potential for any special-status plant or wildlife species to be present on the site is low. While the project site does not provide significant value as wildlife foraging habitat, the mature trees located along the Russell Boulevard street frontage, as well as the mature trees along the site's perimeter and within the parking lot area could provide suitable nesting habitat for Swainson's hawk, as well as other migratory birds afforded protection under the federal Migratory Bird Treaty Act (MBTA). The mitigation measures below set forth procedures to ensure that adverse effects to the species would not occur, should any of the above species be found on the project site. Any remaining impacts related to having a substantial adverse effect on a species identified as a candidate, sensitive, or special status species in local or regional plans or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS) after implementation of Mitigation Measure IV-1 and IV-2 would not be significant.

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Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

Swainson's Hawk

- IV-1 The project proponent shall retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership shall be surveyed only if access is granted or if the parcels are visible from authorized areas.

If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) within 1,320 feet, the project proponent shall retain a qualified biologist to conduct a preconstruction survey for active nests consistent with the recommended methodology of the Swainson's Hawk Technical Advisory Committee (2000), between March 20 and July 30, within 15 days prior to the beginning of the construction activity. The results of the survey shall be submitted to the Conservancy and CDFW. If active nests are found during the preconstruction survey, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist shall monitor the nest and shall, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities, including tree pruning or removal, are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks.

If this project involves pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent shall conduct a preconstruction survey that is consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during the preconstruction survey, no tree pruning or removal of the nest tree shall occur during the period between March 1 and August 30, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

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Raptors and Nesting Migratory Birds

IV-2 The project applicant shall implement the following measures to avoid or minimize impacts to raptors and federally-protected nesting migratory birds:

- If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, a preconstruction survey for active nests shall not be required.
- If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior to site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 100-foot radius for MBTA birds, and a 500-foot radius for birds of prey. If an active nest of a bird of prey, MBTA bird, or other protected bird is not found, then further mitigation measures are not necessary. The preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review.
- If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction or an injured or killed bird is found, the project applicant shall immediately:
 - Stop all work within a 100-foot radius of the discovery.
 - Notify the City of Davis Department of Community Development and Sustainability.
 - Do not resume work within the 100-foot radius until authorized by the biologist.
 - The biologist shall establish a minimum 500-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active.

2. CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE (IS IMPACT IV.E)

- (a) Potential Impact. The potential for the proposed project to conflict with local policies or ordinances protecting biological resources is discussed on pages 25 through 29 of the IS.
- (b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 27). Changes or alterations have been required in, or incorporated into, the proposed project which avoid

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or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Based upon the IS and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure IV-3 would mitigate impacts to a less-than-significant level. According to the Arborist Report prepared for the proposed project, the project site contains 98 trees of significance. The proposed project would result in the removal of 82 on-site trees, and the remaining 16 on-site trees would be preserved. Considering the tree removal activity anticipated for the proposed project, the project applicant would be required to comply with the City's Municipal Code, including obtaining a tree removal permit and providing for (1) on-site replacement, (2) off-site replacement, and/or (3) payment of in-lieu fees. In addition, Mitigation Measure IV-3 requires the project applicant to implement tree preservation measures for the trees being preserved on-site consistent with the measures set forth in Article 37.05 of the City's Municipal Code.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

- IV-3 The project applicant shall implement the following tree preservation measures prior to and during construction for the 16 on-site and eight off-site trees to be preserved.
- Tree Protection Zones (TPZs): The surveyed trunk locations and TPZs/ tree protection fencing shall be indicated on all construction plans for trees to be preserved;
 - Modified TPZs: Modified TPZs are areas where proposed infrastructure is located within protection zones. These Modified TPZs and fencing shall be indicated as close to infrastructure as possible (minimize overbuild);
 - The Consulting Arborist shall revise development impact assessment (as needed) for trees to be preserved once construction plans are drafted;
 - Grading, compaction, trenching, rototilling, vehicle traffic, material storage, spoil, waste, or washout, or any other disturbance within TPZs shall be avoided to the maximum extent feasible;
 - Any work that is to occur within the TPZs shall be monitored by the Consulting Arborist;
 - A meeting shall be conducted to discuss tree preservation guidelines with the Consulting Arborist and all contractors, subcontractors, and project managers prior to the initiation of demolition and construction activities;
 - Prior to any demolition activity on-site, tree protection fencing shall be installed in a circle centered at the tree trunk with a radius equal to the defined TPZ as indicated in the Arborist Report;

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- Tree protection fences should be made of chain-link with posts sunk into the ground, and shall not be removed or moved until construction is complete;
- Any pruning shall be performed per recommendations in the Arborist Report by an ISA Certified Arborist or Tree Worker. Pruning for necessary clearance should be the minimum required to build the project and performed prior to demolition by an ISA Certified Arborist;
- If roots larger than 2 inches or limbs larger than 3 inches in diameter are cut or damaged during construction, the Consulting Arborist shall be contacted immediately to inspect and recommend appropriate remedial treatments; and
- All trees to be preserved shall be irrigated once every two weeks, spring through fall, to uniformly wet the soil to a depth of at least 18 inches under and beyond the canopies of the trees.

The tree preservation measures shall be included in the notes on construction drawings.

3. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A UNIQUE ARCHAEOLOGICAL RESOURCE PURSUANT TO SECTION 15064.5 (IS IMPACT V.B).

DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE ON SITE OR UNIQUE GEOLOGIC FEATURES (IS IMPACT V.C).

DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES (IS IMPACT V.D).

- (a) Potential Impact. The potential for the proposed project to cause a substantial adverse change in the significance of a unique archaeological resource, directly or indirectly destroy a unique paleontological resource or geological feature, or disturb any human remains is discussed on pages 33 through 35 of the IS.
- (b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 33). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the IS and the entire record before this City Council, this City Council finds that the impacts related to an adverse change in the significance of a unique archaeological resource, destruction of a unique paleontological resource or geological feature, or disturbance of any human remains will be mitigated to a less-than-significant level with implementation of Mitigation Measures V-1, V-2, and V-3. Due to the disturbed

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nature of the site and the surrounding area, the discovery of underlying archeological, paleontological, and/or tribal resources is not expected. However, given the prehistoric and historic activity that has occurred over time in the project area, unknown archaeological resources, including human bone, or unique geological features have the potential to be uncovered during ground-disturbing construction activities at the proposed project site. Mitigation Measures V-1, V-2, and V-3 set forth the necessary procedures should any such resource(s) be uncovered during construction sufficient to ensure that a substantial adverse change in the significance of or destruction of the resource(s) does not occur. Any remaining impacts related to unique archaeological resources, paleontological resources, geologic features, or human remains after implementation of Mitigation Measures V-1, V-2, and V-3 would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

V-1 If any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). The archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgement. If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and landowner.

The archaeologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), the City shall consult on a finding of eligibility and implement appropriate treatment measures. Further measures might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the

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resource(s), to collect enough information to exhaust the data potential of those resources.

Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory.

Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in PRC Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the find(s) either: 1) is not eligible for the National or California Register; or 2) that treatment measure have been completed to the City's satisfaction.

The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the development of the proposed project site.

- V-2 If any vertebrate bones or teeth are found by the construction crew, the City of Davis Department of Community Development and Sustainability shall be notified and the contractor shall cease all work within 100 feet of the discovery until an archaeologist meeting the Secretary of the Interior's Professional

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Qualifications Standards in prehistoric or historical archaeology, as appropriate, inspects the discovery. If deemed significant with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., the University of California Museum of Paleontology), where it shall be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved for the proposed project site, where excavation work would be required.

V-3 If human remains are discovered during project construction, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Yolo County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 7050.5) Further, pursuant to California PRC Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Yolo County Coroner determines the remains to be Native American and not the result of a crime scene, the Coroner shall notify the Native American Heritage Commission (NAHC) and the Yocha Dehe Wintun Nation within 24 hours. The NAHC and Yocha Dehe Wintun Nation must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD. The MLD shall make recommendations concerning the treatment of the remains within 48 hours, as provided in PRC 5097.98. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (PRC 5097.94). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (PRC 5097.98). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the County in which the property is located (AB 2641). Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.

4. CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE LIKELY RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT (IS IMPACT VIII.B).
 - (a) Potential Impact. The potential for the proposed project to create a significant hazard to the public or the environment through release of hazardous materials into the environment is discussed on pages 41 through 44 of the IS.
 - (b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 43). Changes or alterations have been required in, or incorporated into, the proposed project which avoid

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or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Based upon the IS and the entire record before this City Council, this City Council finds that the impacts related to the release of hazardous materials into the environment will be mitigated to a less-than-significant level with implementation of Mitigation Measures VIII-1 and VIII-2. Based on the age of the existing on-site building, asbestos containing materials (ACM) and lead-based paints (LBP) are presumed to be present. The proposed project would include demolition of the structure. Without implementation of the appropriate safety measures, the proposed project could potentially expose construction workers during structure demolition to ACM and LBP. Mitigation Measures VIII-1 and VIII-2 require the proposed project applicant to provide a site assessment that determines whether the structure contains ACM and LBP. If either material is found, proper procedures are set forth sufficient to ensure that a significant hazard to the public or the environment does not occur. Any remaining impacts related to the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment after implementation of Mitigation Measures VIII-1 and VIII-2 would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact:

- VIII-1 Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains asbestos. If the structure does not contain asbestos, further mitigation is not required. If asbestos-containing materials are detected, the applicant shall prepare and implement an asbestos abatement plan consistent with federal, State, and local standards, subject to approval by the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.

Implementation of the asbestos abatement plan shall include the removal and disposal of the asbestos-containing materials by a licensed and certified asbestos removal contractor, in accordance with local, State, and federal regulations. In addition, the demolition contractor shall be informed that all building materials shall be considered as containing asbestos. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing asbestos in accordance with local, State, and federal regulations subject to approval by the

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City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.

VIII-2 Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains lead-based paint. If the structure does not contain lead-based paint, further mitigation is not required. If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Engineer.

5. VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS (IS IMPACT IX.A).

CREATE OR CONTRIBUTE TO RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF (IS IMPACT IX.E).

OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY (IS IMPACT IX.F).

(a) Potential Impact. The potential for the proposed project to violate any water quality standards or waste discharge requirements, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality is discussed on pages 46 through 48 of the IS.

(b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 47). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the IS and the entire record before this City Council, this City Council finds that the proposed project's impacts related to water quality, waste discharge, and runoff that could exceed the capacity of existing stormwater drainage systems will be

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mitigated to a less-than-significant level with implementation of Mitigation Measure IX-1. In accordance with the State's Construction General Permit National Pollutant Discharge Elimination System (NPDES) regulations, the project applicant is required to have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer for review and approval by the City Engineer prior to soil disturbance. With respect to water quality effects from operation of the proposed project, permanent stormwater quality treatment control measures (TCMs) for development in the City of Davis must be designed in accordance with the State's Phase II Small MS4 General Permit, the development standards of which have been adopted by reference in Chapter 30 of the City's Municipal Code. The City requires preliminary Stormwater Quality Plans at the discretionary phase to ensure that Drainage Management Areas (DMAs), TCMs and hydromodification measures are adequately designed into the conceptual development plan, demonstrating full compliance of the proposed project's drainage system with the Phase II Small MS4 General Permit. Treatment and retention and/or detention of site stormwater flows prior to flowing to existing public stormwater conveyance facilities, consistent with the State's Phase II Small MS4 General Permit, would ensure that the proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. As such, implementation of Mitigation Measure IX-1 requires permanent stormwater control, treatment, and attenuation features, subject to review and approval by the City. Any remaining impacts related to water quality, waste discharge, and runoff that could exceed the capacity of existing stormwater drainage systems after implementation of Mitigation Measure IX-1 would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

- IX-1 Prior to issuance of grading permits, the applicant shall submit to the City a plan, identifying permanent stormwater TCMs, SDMs, and Hydromodification Measures, for each DMA to be implemented on the project, as well as a copy of a stormwater maintenance agreement and corresponding maintenance plan signed and recorded by the County of Yolo Clerk's Office. The plan shall include LID measures consistent with the Preliminary Utility Study prepared for the project and shall be subject to review and approval by the Public Works Department.
6. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE SECTION 21074 AS EITHER A SITE, FEATURE, PLACE, CULTURAL LANDSCAPE THAT IS GEOGRAPHICALLY DEFINED IN TERMS OF THE SIZE AND SCOPE OF THE LANDSCAPE, SACRED PLACE, OR OBJECT WITH CULTURAL VALUE TO A CALIFORNIA NATIVE AMERICAN TRIBE, AND THAT IS:

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- A. LISTED OR ELIGIBLE FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES OR IN A LOCAL REGISTER OF HISTORICAL RESOURCES DEFINED IN PUBLIC RESOURCES CODE SECTION 5020.1(K) (IS IMPACT XVII.A).
- B. A RESOURCE DETERMINED BY THE LEAD AGENCY, IN ITS DISCRETION AND SUPPORTED BY SUBSTANTIAL EVIDENCE, TO BE SIGNIFICANT PURSUANT TO CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE SECTION 5024.1? IN APPLYING THE CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE SECTION 5024.1, THE LEAD AGENCY SHALL CONSIDER THE SIGNIFICANCE OF THE RESOURCE TO A CALIFORNIA NATIVE AMERICAN TRIBE (IS IMPACT XVII.B).
 - (a) Potential Impact. The potential for the proposed project to cause a substantial adverse change in the significance of a tribal cultural resource is discussed on pages 62 and 63 of the IS.
 - (b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 62). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the IS and the entire record before this City Council, this City Council finds that the impacts related to the proposed project causing a substantial adverse change in the significance of a Tribal Cultural Resource will be mitigated to a less-than-significant level with implementation of Mitigation Measure XVII-1. In compliance with Assembly Bill (AB) 52 (PRC Section 21080.3.1) and Senate Bill (SB) 18, project notification letters were distributed to the Lone Band of Miwok Indians and the Yocha Dehe Wintun Nation on June 5, 2018. Requests for consultation were not received prior to closure of the mandatory AB 52 30-day response period for consultation. However, the Yocha Dehe Wintun Nation subsequently provided a letter to the City stating that they were not aware of any known Tribal Cultural Resources near the project site, but suggested that cultural sensitivity training for personnel be conducted. Further comments were not received during the NOP or Draft EIR public comment period. The potential for unrecorded Tribal Cultural Resources to exist within the project site is relatively low based on existing developed site conditions, and Tribal Cultural Resources have not been identified within the vicinity of the project site. Nevertheless, the possibility exists that future development occurring on the proposed project site could result in a substantial adverse change in the significance of a Tribal Cultural Resource if previously unknown resources are uncovered during grading or other ground-disturbing activities. Mitigation Measure XVII-1, which requires implementation of Mitigation Measures V-1, V-2, and V-3, sets forth the necessary procedures should any Tribal Cultural Resources be uncovered on the site during project construction sufficient to ensure that a substantial adverse change in the significance of or

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destruction of the resource(s) does not occur. Any remaining impacts associated with Tribal Cultural Resources after implementation of Mitigation Measure XVII-1 would not be significant.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact:

XVII-1. Implement Mitigation Measures V-1, V-2, and V-3.

Mitigation Measures V-1, V-2, and V-3 are presented again below for reference:

V-1 If any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). The archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgement. If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and landowner.

The archaeologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), the City shall consult on a finding of eligibility and implement appropriate treatment measures. Further measures might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.

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Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory.

Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in PRC Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the find(s) either: 1) is not eligible for the National or California Register; or 2) that treatment measure have been completed to the City's satisfaction.

The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the development of the proposed project site.

- V-2 If any vertebrate bones or teeth are found by the construction crew, the City of Davis Department of Community Development and Sustainability shall be notified and the contractor shall cease all work within 100 feet of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, inspects the discovery. If deemed significant with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be

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salvaged and deposited in an accredited and permanent scientific institution (e.g., the University of California Museum of Paleontology), where it shall be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved for the proposed project site, where excavation work would be required.

- V-3 If human remains are discovered during project construction, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Yolo County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 7050.5) Further, pursuant to California PRC Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Yolo County Coroner determines the remains to be Native American and not the result of a crime scene, the Coroner shall notify the Native American Heritage Commission (NAHC) and the Yocha Dehe Wintun Nation within 24 hours. The NAHC and Yocha Dehe Wintun Nation must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD. The MLD shall make recommendations concerning the treatment of the remains within 48 hours, as provided in PRC 5097.98. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (PRC 5097.94). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (PRC 5097.98). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the County in which the property is located (AB 2641). Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE ENVIRONMENTAL EFFECTS WHICH ARE FOUND TO HAVE NO IMPACT OR IMPACTS THAT ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

The following categories of environmental effects were found to have no impact as set forth in more detail in the IS.

Aesthetics: The following environmental effects were found to have no impact in the IS: I.a and I.b.

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Agriculture and Forest Resources: The following environmental effects were found to have no impact in the IS: II.a through II.e.

Biological Resources: The following environmental effects were found to have no impact in the IS: IV.b and IV.c.

Geology and Soils: The following environmental effect was found to have no impact in the IS: VI.e.

Hazards and Hazardous Materials: The following environmental effects were found to have no impact in the IS: VIII.c and VIII.h.

Hydrology and Water Quality: The following environmental effect was found to have no impact in the IS: IX.j.

Mineral Resources: The following environmental effects were found to have no impact in the IS: XI.a and XI.b.

Population and Housing: The following environmental effects were found to have no impact in the IS: XIII.b and XIII.c.

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

Aesthetics: The following specific impacts were found to be less than significant in the IS: I.c and I.d.

Air Quality: The following specific impacts were found to be less than significant in the Draft EIR: 4.1-1 and 4.1-2. The following impact was found to be less than significant in the IS: III.e.

Biological Resources: The following specific impacts were found to be less than significant in the IS: IV.d and IV.f.

Cultural Resources: The following impact was found to be less than significant in the IS: V.a

Geology and Soils: The following impacts were found to be less than significant in the IS: VI.a through VI.d.

Greenhouse Gas Emissions and Energy: The following specific impacts were found to be less than significant in the Draft EIR: 4.2-1 and 4.2-2.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant in the IS: VIII.a, VIII.d, VIII.e, and VIII.f and VIII.g.

Hydrology and Water Quality: The following specific impacts were found to be less than significant in the IS: IX.b, IX.c, IX.d, IX.g, IX.h, IX.i.

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Land Use and Planning: The following specific impact was found to be less than significant in the Draft EIR: 4.3-1. The following specific impacts were found to be less than significant in the IS: X.a and X.c.

Noise: The following specific impact was found to be less than significant in the Draft EIR: 4.4-3. The following specific impacts were found to be less than significant in the IS: XII.e and XII.f.

Population and Housing: The following specific impact was found to be less than significant in the IS: XIII.a.

Public Services and Utilities: The following specific impacts were found to be less than significant in the Draft EIR: 4.5-1, 4.5-2, 4.5-3, 4.5-4, 4.5-5, and 4.5-6. The following specific impacts were found to be less than significant in the IS: XIV.c, XIV.d, XIV.e, and XVIII.c.

Recreation: The following specific impacts were found to be less than significant in the IS: XV.a and XV.b.

Transportation and Circulation: The following specific impacts were found to be less than significant in the Draft EIR: 4.6-1, 4.6-5, and 4.6-6. The following specific impact was found to be less than significant in the IS: XVI.c.

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

Air Quality: The following specific impacts were found to be less than cumulatively considerable: 4.1-4 and 4.1-5.

Greenhouse Gas Emissions and Energy: The following specific impact was found to be less than cumulatively considerable: 4.2-4.

Land Use and Planning: The following specific impact was found to be less than significant: 4.3-2.

Noise: The following specific impact was found to be less than significant: 4.4-4.

Public Services and Utilities: The following specific impacts were found to be less than cumulatively considerable: 4.5-7 and 4.5-8.

Transportation and Circulation: The following specific impact was found to be less than significant: 4.6-10.

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

- The EIR determined that the impact is less than significant for the proposed project.

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

VI. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Pursuant to Section 15126.2(c) of the CEQA Guidelines, an EIR must identify any significant irreversible environmental outcomes that could result from the implementation of a proposed project. These may include current or future uses of nonrenewable resources. CEQA requires that irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified. The proposed project's significant irreversible environmental changes are addressed in Section 5.3 of Chapter 5, Statutorily Required Sections, of the Draft EIR.

As discussed in the Draft EIR, for the purposes of the EIR analysis, the required evaluation of this topic is addressed from three perspectives:

1. Use of nonrenewable resources that would commit future generations;
2. Irreversible damage from environmental accidents; and
3. Irretrievable commitments of nonrenewable resources to justify current consumption.

Each of the perspectives was discussed in the EIR as provided below:

1. USE OF NONRENEWABLE RESOURCES THAT WOULD COMMIT FUTURE GENERATIONS

The proposed project constitutes an infill development in an urban area. The proposed project would include a mixed-use development consisting of retail and residential components and, thus, would result in a commitment of energy resources associated with maintaining the proposed development over the lifetime of the buildings. A portion of the energy demand required of the proposed project would be supplied by non-renewable resources such as fossil fuels. Energy demands associated with operation of the proposed project are discussed in greater detail in Section 4.2, Greenhouse Gas Emissions and Energy, of this EIR. Section 4.2 of the EIR concludes that, although the proposed project operations would involve an increase in energy consumption, the proposed project would comply with all applicable standards and regulations regarding energy conservation and fuel efficiency, which would ensure that the future uses would be designed to be energy efficient. In addition, Mitigation Measures 4.2-3(a) and 4.2-3(b) would ensure that the proposed project would achieve carbon neutrality (zero MTCO₂e/yr) by the year 2040. Accordingly, the proposed project would not be considered to result in a wasteful, inefficient, or unnecessary usage of energy. Therefore, while the proposed

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project would involve the use of nonrenewable resources, the proposed project's use of nonrenewable resources would not place an unreasonable burden on future generations.

2 IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS

The proposed project would not involve uses in which irreversible damage could result from potential environmental accidents. As discussed in the Initial Study prepared for the proposed project, the proposed project could potentially expose construction workers during demolition of the existing on-site structure to ACM and LBP due to the age of the structure. However, mitigation measures required would ensure that the appropriate safety measures are implemented to reduce any potential risks. Because the proposed project consists of a mixed-use residential and retail development, which is not typically associated with environmental hazards, the occurrence of environmental accidents following completion of construction activities and operation of the proposed project is not anticipated.

3 IRRETRIEVABLE COMMITMENTS OF NONRENEWABLE RESOURCES

Construction of the proposed project would involve consumption of building materials and energy, some of which are nonrenewable or locally limited natural resources (e.g., fossil fuels). Nonrenewable resources used for the proposed project could no longer be used for other purposes. Consumption of building materials and energy is common to most other development in the region, and commitments of resources are not unique or unusual to the proposed project. The main resource consumption of the proposed project would be of energy, fuel, and wood and metal building materials that would be used for construction of the buildings. Development would not be expected to involve an unusual commitment of nonrenewable resources, nor be expected to consume any resources in a wasteful manner.

VII. FINDINGS REGARDING GROWTH-INDUCING IMPACTS

State CEQA Guidelines Section 15126.2(d) requires an EIR to evaluate the potential growth-inducing impacts of a proposed project. Specifically, an EIR must discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth can be induced in a number of ways, including the elimination of obstacles to growth, or by encouraging and/or facilitating other activities that could induce growth. Examples of projects likely to have growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or office complexes in areas that are currently only sparsely developed or are undeveloped.

As discussed throughout the EIR, the proposed project would be consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG). One benefit of the CEQA streamlining process is that projects that are consistent with SACOG's MTP/SCS are granted CEQA streamlining benefits, including that the EIR is not required to reference, describe, or discuss growth-inducing impacts (Public Resources Code, § 21159.28,

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subd. [a]). Therefore, in accordance with Public Resources Code 21159.28, the EIR did not include an analysis of growth-inducing impacts.

VIII. FINDINGS REGARDING ENERGY CONSUMPTION

In order to ensure energy implications are considered in project decisions, Public Resources Code Section 21100(b)(3) and CEQA Guidelines Appendix F require a discussion of the potential energy impacts of project, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. Pursuant to Public Resources Code Section 21100(b)(3) and CEQA Guidelines Appendix F, the Draft EIR addressed energy impacts in Section 4.2, Greenhouse Gas Emissions and Energy, specifically under Impact 4.2-4 beginning on page 4.2-39 of the Draft EIR.

Appendix F identifies several potential sources of energy conservation impacts, which are listed as follows and discussed in detail in the Draft EIR:

- The proposed project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the proposed project including construction, operation, maintenance and/or removal.
- The effects of the proposed project on local and regional energy supplies and on requirements for additional capacity.
- The effects of the proposed project on peak and base period demands for electricity and other forms of energy.
- The degree to which the proposed project complies with existing energy standards.
- The effects of the proposed project on energy resources.
- The proposed project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

As discussed in the Draft EIR, the proposed project operations would involve an increase in energy consumption. However, the proposed project would comply with all applicable standards and regulations regarding energy conservation and fuel efficiency, which would ensure that the future uses would be designed to be energy efficient to the maximum extent practicable. Accordingly, the proposed project would not be considered to result in a wasteful, inefficient, or unnecessary usage of energy, and impacts related to operational energy would be considered less than significant. The City finds that the analysis within the Draft EIR is consistent with and meets the requirements of Appendix F of the State CEQA Guidelines regarding energy conservation.

IX. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

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

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Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts but whether project alternatives can address potentially significant impacts. Where all significant impacts can be substantially lessened, particularly to a less-than-significant level, solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that project alternatives might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed project, as mitigated (Public Resources Code Section 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 730-733; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403).

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

As explained below, these findings describe and reject, for reasons documented in the EIR and summarized below, each one of the proposed project alternatives, and the City finds that approval and implementation of the proposed University Commons Project is appropriate. The evidence supporting these findings is presented in Chapter 6.0 of the Draft EIR.

A. IDENTIFICATION OF PROJECT OBJECTIVES

As described above, an EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” Chapter 3.0 of the Draft EIR identifies the proposed project’s goals and objectives. The proposed project objectives include:

1. Develop a vibrant mixed-use center that maintains and enhances the community and neighborhood retail uses and services and incorporates complementary residential uses.
2. Increase the supply and variety of housing options close to employment centers and convenient for daily needs.
3. Create a diverse community that utilizes the site's proximity to the UC Davis campus and provides housing for students, employees, and university-related personnel.
4. Foster a sustainable community that addresses building efficiency, transportation, efficient use of land, and reduces the community's carbon footprint and vehicle miles travelled.
5. Redevelop and revitalize an aged, existing shopping center with a financially feasible, vertical mixed-use project consistent with SACOG's sustainable community strategies.
6. Increase the variety of retail providers and uses in the City.
7. Increase the capture of local sales tax through increased retail activity within City limits.
8. Increase the opportunity for vehicle trip reduction through the provision of additional housing within close proximity to the UC Davis campus, additional employment and new retail uses.
9. Develop a vertical mixed-use infill project that balances adequate parking needs between commercial and residential uses.

B. ALTERNATIVES CONSIDERED BUT DISMISSED

As discussed throughout the EIR, the proposed project would be consistent with the MTP/SCS adopted by the SACOG. One benefit of the CEQA streamlining process is that projects that are consistent with the SACOG's MTP/SCS requirements for Transportation Priority Projects (TPPs) are granted CEQA streamlining benefits. Per CEQA streamlining benefits, the EIR is not required to reference, describe, or discuss project-specific or cumulative impacts from cars and light-duty truck trips generated by the proposed project on global warming or the regional transportation network (Pub. Resources Code, §21159.28, subd. (a).); alternative locations, densities, and building intensities to the proposed project need not be considered (Pub. Resources Code, § 21159.28, subd. (b) and 21155.2, subd. (c)(2).); nor is the EIR required to consider potential impacts related to aesthetics or parking issues (Pub. Resources Code, § 21099, subd. (d)(1)).

Consistent with CEQA, primary consideration was given to alternatives that could reduce significant impacts, while still meeting most of the basic project objectives.

As stated in Guidelines Section 15126.6(c), among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are:

- Failure to meet most of the basic project objectives;
- Infeasibility; or
- Inability to avoid significant environmental impacts.

Regarding infeasibility, among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). Not one of these factors establishes a fixed limit on the scope of reasonable alternatives.

Two alternatives were considered but dismissed from detailed analysis in the EIR. The two alternatives are discussed below, along with the reason(s) for dismissal, within the context of the three above-outlined permissible reasons.

Off-Site Alternative

An Off-Site Alternative was initially considered for CEQA alternatives analysis. A parcel located in the City of Davis at the northwest corner of Alhambra Drive and Mace Boulevard was identified. The 6.0-acre site is slightly smaller than the University Mall parcel. It was vacant at the time and could accommodate a similar type of development under its land use and zoning designations for retail uses with residential uses above the first floor. The site has since been rezoned and developed with office and light industrial buildings.

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As noted previously, the proposed project is consistent with SACOG's MTP/SCS. As such, a detailed analysis of alternative locations to the project site is not required (Pub. Resources Code, § 21159.28, subd. (b) and 21155.2, subd. (c)(2)). Development of the proposed project at an off-site location would be capable of meeting the majority of project objectives. However, a number of the proposed project objectives are specific to the existing University Mall operations and/or site. For example, Objective 3 directly relates to the site's proximity to the UC Davis campus and the availability of the site to provide housing for students, employees, and university-related personnel. Objective 5 relates to redevelopment of the project site and revitalization of an aged, existing shopping center. Furthermore, the City of Davis includes relatively few properties that are capable of accommodating multi-story mixed-use development close to existing employment centers. Thus, an off-site alternative likely would not meet Objectives 1 or 2. Overall, an environmentally feasible off-site location that would meet the requirements of CEQA, as well as meet the basic objectives of the proposed project, does not exist.

Conventional Apartments Alternative

Development of the project site with conventional apartments, as opposed to the mixed-use development currently proposed, was briefly considered by the City. The site would be redeveloped with residential uses only, which would not necessarily be intended for student residents. Apartment units would primarily consist of 1, 2, and 3-bedroom units and shared bathrooms and would be rented by the unit instead of by the bed. There would be a similar number of bedrooms but fewer bedrooms per unit and greater number of units than the proposed project. This Alternative would not reduce any significant impacts identified in the EIR, and would not meet Objectives 1, 4, 5, 6, or 7, and would only partially meet Objective 8. Per Section 15126.6(f) of CEQA Guidelines, the Conventional Apartments Alternative was dismissed from detailed analysis within the EIR because the alternative would not avoid or substantially lessen any of the significant effects of the proposed project or attain most of the proposed project objectives.

C. ALTERNATIVES ANALYSIS IN EIR

Pursuant to Section 15126.6 of the CEQA Guidelines, the EIR considered four alternatives to the proposed project. The potential alternatives were screened against a set of criteria. The criteria addressed two primary topics: the ability of the alternative to meet the proposed project objectives and purpose, and the feasibility and reasonableness of the alternative. The four alternatives were analyzed in Chapter 6 of the Draft EIR and consist of the following:

1. No Project Alternative;
2. Retail Project Only Alternative;
3. Existing Zoning Mixed Use Build Out Alternative; and
4. Low Parking Alternative.

Based on impacts identified in the EIR, and other reasons documented below, the City Council finds that the University Commons Project, as proposed, is the most desirable, feasible, and appropriate action and rejects the other alternatives as infeasible based on consideration of the relevant factors identified

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herein. A summary of each alternative, its relative characteristics, and documentation of the City Council's findings in support of rejecting the alternative as infeasible are provided below.

D. GENERAL FINDINGS FOR PROJECT ALTERNATIVES

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

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

E. FINDINGS FOR REJECTION OF ALTERNATIVES

1. NO PROJECT ALTERNATIVE:

The No Project Alternative is discussed on pages 6-8 through 6-10 of the Draft EIR. The No Project Alternative assumes that the project site would remain in its existing state and additional development would not occur. The current condition of the project site consists of a 90,653-square foot (sf) portion of a community shopping center (University Mall) that includes a variety of commercial uses and restaurants. Current tenants of the University Mall include Cost Plus World Market, Starbucks, Forever 21, Fluffy Donuts, and smaller shops and services. Professional offices are located on a partial second floor. For the purpose of this analysis, the portion of the existing University Mall to be analyzed in the No Project Alternative does not include the existing 13,200-sf Trader Joe's. Under the No Project Alternative, the project site would remain in the current condition, and the existing on-site commercial uses would remain in operation.

- (a) Findings: The No Project Alternative is rejected as an alternative because it would not achieve any of the nine identified objectives.
- (b) Explanation: All of the significant impacts identified for the proposed project would not occur under the No Project Alternative. However, the No Project Alternative would not realize the benefits of the proposed project nor achieve any of the proposed project objectives. The City of Davis has identified the need for an updated, mixed-use center that provides housing options in close proximity to the UC Davis campus. The No Project Alternative would not result in redevelopment of the site and, thus, would not involve development of new housing opportunities or revitalized commercial uses. The existing demand for such uses would be satisfied by developing commercial centers and residential

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projects on other sites in the City or by the conversion of agricultural land to increase land zoned for commercial and residential units within the City limits. Vacancy would persist and the economic viability of University Mall would be uncertain because the mall concept is outdated with respect to market preferences.

2. RETAIL PROJECT ONLY ALTERNATIVE:

The Retail Project Only Alternative is discussed on pages 6-10 through 6-14 of the Draft EIR. Under the Retail Project Only Alternative, only the retail portion of the proposed project would be developed, and does not include residential uses. The Alternative assumes demolition of 90,563 sf of the existing shopping center and redevelopment of the site with a total of 136,800 sf of retail uses, an increase of approximately 46,237 sf relative to the existing shopping center. The site would continue to operate as community retail center, albeit with additional square footage and possibly a smaller parking structure for additional required parking. Given that the Retail Project Only would not include residential uses, the Alternative would not qualify as a Transit Priority Project and, therefore, streamlining benefits would not apply to the Alternative. The Retail Project Only Alternative would result in a floor-to-area ratio (FAR) of 0.38, which is permitted under the project site's existing zoning and land use designations. In addition, because the Alternative would not include multiple stories of residential uses, the overall height of the proposed buildings would be substantially reduced compared to the proposed project. Therefore, unlike the proposed project, the Retail Project Only Alternative would not require a General Plan Amendment nor an amendment of the site's current PD #2-97B zoning designation.

- (a) Findings: The Retail Project Only Alternative is rejected because it would not meet any of the objectives related to residential uses (Objectives 1, 2, 3, 5 and 8) and would not avoid the significant and unavoidable impacts identified for the proposed project.
- (b) Explanation: Due to the reduced scale of the Retail Project Only Alternative, fewer impacts related to air quality, GHG emissions and energy, and transportation and circulation would occur. Implementation of the Retail Project Only Alternative would result in a reduction in on-site energy demand relative to existing conditions, and Mitigation Measures 4.2-3(a) and 4.2-3(b) would not be required. As a result, the Retail Project Only Alternative would be considered the environmentally superior alternative to the proposed project. Demolition and renovation of on-site retail uses would still be required under the Retail Project Only Alternative. As such, impacts related to noise would remain similar to those resulting from the proposed project. Although the Alternative would result in reduced pedestrian, bicycle, transit, and vehicle trips during operations, it would still add pedestrian and bicycle trips and degrade the already busy facilities, as well as add vehicle trips to impacted study intersections, and the significant and unavoidable impacts related to transportation and circulation would remain. In addition, because the Alternative would not include any residential uses, the Alternative would not achieve the primary objective of the proposed project of developing new housing opportunities. Without the inclusion of residential uses, multi-family residential units would not be added to the City's supply, housing for students, young professionals, and families would be accommodated elsewhere, the synergy created by a vertical mixed-use project with residential and commercial uses would not occur, and

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fewer benefits to VMT would occur, as all customers of the commercial uses would travel to the site from elsewhere in the City. Furthermore, compared to the proposed project, the Retail Project Only Alternative is 63 percent less expensive to construct, but would result in a 74 percent reduction in revenue, as compared to the proposed project. Economic benefits to offset the projected reduction in revenue do not exist. Additional parking would be needed to accommodate the addition of 46,237 sf in the Alternative. The cost of the parking structure could not be supported by commercial uses alone. For the aforementioned reasons, the Retail Project Only Alternative would be considered economically infeasible.

3. EXISTING ZONING MIXED USE BUILD OUT ALTERNATIVE:

The Existing Zoning Mixed Use Build Out Alternative is discussed on pages 6-14 through 6-17 of the Draft EIR. Under the Existing Zoning Mixed Use Build Out Alternative, the majority of existing on-site retail uses would be demolished. The site would be redeveloped and the mixed uses, building heights, and floor area would be per the property's current Community Retail land use designation and PD 2-97B zoning district. The Alternative assumes that the same amount of retail proposed for the proposed project (136,800 sf) is included on-site, with the remaining allowable space comprising residential uses (83,590 sf) resulting in a total of 220,360 sf of retail and residential space. The total number of residential units included in the Alternative is assumed to be 53, with the mixed-use buildings anticipated to be between two and three stories. Similar to the proposed project, the Alternative would include a parking structure; however, the overall size of the structure would be reduced to accommodate the reduction in residential units.

- (a) Findings: The Existing Zoning Mixed Use Build Out Alternative is rejected because Objective 4 would only be partially met, the Alternative would result in a less efficient use of land compared to the proposed project, and the significant and unavoidable impacts identified for the proposed project would not be avoided.
- (b) Explanation: Due to the reduction in scale, the Existing Zoning Mixed Use Build Out Alternative would result in reduced impacts related to air quality, GHG emissions and energy, and transportation and circulation. Impacts related to noise would remain similar to those resulting from the proposed project. However, the significant and unavoidable impacts related to transportation and circulation would remain. In addition, Objective 4 would only be partially met as the Alternative would include a reduced amount of development compared to the proposed project, but would include a similar building footprint, thereby resulting in a less efficient use of land compared to the proposed project and an increased per capita carbon footprint. The reduction in scale would reduce and/or eliminate economies of scale necessary to support retailers and project improvements, including the parking structure. Compared to the proposed project, the Alternative would be 45 percent less expensive to construct, but results in a 60 percent reduction in revenue. Economic benefits to offset the projected reduction in revenue do not exist. For the aforementioned reasons, the Existing Zoning Mixed Use Build Out Alternative would be considered economically infeasible.

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4. LOW PARKING ALTERNATIVE:

The Low Parking Alternative is discussed on pages 6-17 through 6-19 of the Draft EIR. Under the Low Parking Alternative, the project site would be redeveloped as a mixed-use center of similar scale and intensity as the proposed project. However, the Alternative would include aggressive transportation demand strategies and parking demand management measures with incentives to encourage alternative transportation and disincentives to discourage car ownership by residents and vehicle trips by customers. A maximum of 50 resident permit parking spaces would be provided on-site under the Low Parking Alternative, compared to 264 under the proposed project. The full retail parking requirement of 429 spaces would continue to be provided under this Alternative. The Low Parking Alternative could also include advanced bicycle and pedestrian facilities, connections, and improvements, bicycle- and car-sharing programs, shuttle services, monetary incentives, parking charges, and other similar measures. Similar to the proposed project, the Alternative would include a parking structure; however, the overall size of the structure would be reduced to accommodate the reduction in resident permit parking spaces.

- (a) Findings: The Low Parking Alternative is rejected because Objective 9 would only partially be met and the significant and unavoidable impacts identified for the proposed project would not be avoided.
- (b) Explanation: Due to the reduction in residential parking and smaller parking structure, the Low Parking Alternative would result in fewer impacts related to air quality, GHG emissions and energy. Because the Low Parking Alternative would involve demolition of the existing on-site structure and a similar overall area of disturbance as the proposed project, impacts related to noise would remain similar to those resulting from the proposed project. Reductions in vehicle traffic impacts would generally be offset by increased impacts related to alternative transportation modes. Thus, overall, the Low Parking Alternative would result in similar impacts related to transportation and circulation compared to the proposed project, including the significant and unavoidable impacts. While the majority of project objectives would generally be met, Objective 9, which aims to provide adequate parking, would only be partially met, as the Alternative would include substantially reduced residential parking relative to the City's standard requirements. The reduction in parking could hinder some renters, and, compared to other apartment projects in the City, would be a competitive disadvantage. In addition, reducing the amount of parking could result in residents illegally parking in spaces designated for commercial customers or parking off-site on nearby public streets or in nearby apartment communities. Thus, burdensome operational controls to patrol parking would be necessary. For the aforementioned reasons, the Low Parking Alternative is deemed operationally infeasible due to the burdens created by the parking restriction on residents, commercial tenants, and adjacent uses.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be designated and states, "If the environmentally superior alternative is the 'no project' alternative, the EIR

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shall also identify an environmentally superior alternative among the other alternatives.” CEQA does not require the City to choose the environmentally superior alternative.

Designating a superior alternative depends in large part on what environmental effects one considers most important. Generally, the environmentally superior alternative is the one that would result in the fewest environmental impacts as a result of project implementation. However, it should be noted that the environmental considerations are one portion of the factors that must be considered. Other factors of importance include urban design, economics, social factors, and fiscal considerations. In addition, the superior alternative would, ideally, still provide opportunities to achieve the proposed project objectives.

As stated in the EIR, the No Project Alternative would not meet any of the proposed project objectives. The Retail Project Only Alternative would not meet Objectives 1, 2, 3, 5, or 8, and would only partially meet Objective 4. The Existing Zoning Mixed Use Build Out Alternative and the Low Parking Alternative would generally meet all of the proposed project objectives, with the exception of Objectives 4 and 9, respectively, which would be only partially met.

The environmentally superior alternative to the proposed project was discussed in Section 6.5 of Chapter 6, Alternatives Analysis, of the Draft EIR. All of the significant impacts identified for the proposed project would not occur or would be fewer under the No Project Alternative. Compared to the proposed project, both the Retail Project Only Alternative and the Existing Zoning Build Out Alternative would both result in fewer impacts related to Air Quality, GHG Emissions and Energy, and Transportation and Circulation, with similar impacts related to noise. The Low Parking Alternative would result in fewer impacts related to Air Quality and GHG Emissions and Energy and similar impacts related to Noise and Transportation and Circulation. Of the alternatives considered, only the No Project Alternative would avoid the significant and unavoidable impacts identified for Transportation and Circulation issues and would be considered the environmentally superior alternative. However, as stated above, when it is the No Project Alternative, the environmentally superior alternative shall be identified among the other alternatives.

Both the Retail Project Only Alternative and the Existing Zoning Mixed Use Build Out Alternative result in fewer impacts than the proposed project for three resource areas, as opposed to only two resource areas under the Low Parking Alternative. However, the Retail Project Only Alternative would result in a reduced number of pedestrian, bicycle, transit, and vehicle trips during operations relative to the Existing Zoning Mixed Use Build Out Alternative, thereby resulting in fewer traffic impacts. In addition, the Retail Project Only Alternative would not require implementation of Mitigation Measures 4.2-3(a) and 4.2-3(b) related to GHG emissions. As a result, the Retail Project Only Alternative was determined to be the environmentally superior alternative to the proposed project.

Nonetheless, the Retail Project Only Alternative would still add pedestrian and bicycle trips and degrade the already busy facilities, as well as add vehicle trips to impacted study intersections, and, as discussed above, the significant and unavoidable impacts identified in the EIR for bicycle and pedestrian facilities and to intersections under Cumulative Plus Project conditions would remain under the Retail Project Only Alternative. In addition, given that the Retail Project Only Alternative would not include residential

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uses, the Alternative would not qualify as a mixed-use project consistent with the SCS and, therefore, would not benefit from CEQA streamlining. Furthermore, the Retail Project Only Alternative would only be capable of meeting three of the nine project objectives, and would only partially achieve Objective 4. For these reasons, the proposed project is deemed superior to the Retail Project Only Alternative. As noted above, CEQA does not require the City to choose the environmentally superior alternative.

X. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE UNIVERSITY COMMONS PROJECT FINDINGS

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

- Project implementation may result in a significant impact to bicycle facilities under Existing Plus Project Conditions (EIR Impact 4.6-2).
- Project implementation may result in a significant impact to pedestrian facilities under Existing Plus Project Conditions (EIR Impact 4.6-3).
- Project implementation may result in a significant impact to study intersections under Cumulative Plus Project Conditions (EIR Impact 4.6-9).

The adverse effects identified above are substantive issues of concern to the City of Davis. General Plan Policy UD 2.4 aims to create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers, and transit stops. General Plan Policy TRANSPORTION 1.3 aims to locate higher intensity residential development near existing centers and along corridors well served by non-motorized transportation infrastructure and public transportation. The proposed project meets this policy as described.

The following reasons demonstrate that the benefits of the proposed project outweigh its unavoidable adverse environmental effect, thereby justifying approval of the proposed project. There is substantial evidence that these public benefits outweigh the significant impact of the proposed project and therefore is acceptable to the City of Davis. The proposed project will provide for the following benefits:

1. Provision of rental housing opportunities;
2. Reduction of long-term GHG emissions by updating building design features and utilizing mixed-use strategies;
3. Provision of economic benefits through project fees and income tax;
4. Creation of jobs through construction of residences;
5. Beneficial use of an infill site; and
6. Redevelopment of an outdated commercial site.

Regarding Item 1, the demand for rental housing in Davis is well documented. The 2017 Apartment Vacancy and Rental Rate Survey prepared for UC Davis indicates a vacancy rate of just 0.2 percent.

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While several apartment projects are currently proposed or recently approved, in a Housing Workshop presentation to the Davis City Council on July 11, 2017, City staff noted that 816 to 1,059 new apartment units would be required to meet existing student housing needs. As such, the need for rental housing throughout the City persists. The proposed project would contribute an additional 264 multi-family residential units to increase the City's housing supply, which will help the City satisfy its RHNA goals, and variety of housing options available for students, employees, and university-related personnel.

With respect to Item 2, the overall development of the proposed project would address efficiency and sustainable site design in order to benefit the City as a whole. The existing retail buildings would be redeveloped with more energy-efficient design features. The proposed project would be designed to be consistent with SACOG's sustainable community strategies, and would provide convenient alternatives to auto travel by incorporating safe and convenient bicycle and pedestrian access within the site and facilitating access to on-site retail and the nearby UC Davis campus. The mixed-use design and proximity to the UC Davis campus would foster an efficient use of land and help reduce VMT, thereby reducing the community's carbon footprint.

With respect to Item 3, redevelopment of the project site would generate significantly more property tax revenue for the City than the current shopping center. It would increase the amount of retail square footage at the center with a proportionate increase in sales and property value with the redeveloped retail building and substantially increase the property's value with the new residential development. The proposed project would be anticipated to generate forms of revenue including City impact fees, franchise fees, local sales tax, and business license fees. Other revenue sources that would be generated through future property transfer tax revenue and sales tax revenue generated by the proposed project residents. Specifically, the proposed project is anticipated to result in an estimated \$200 million investment in capital improvements, and, at stabilization, approximately \$65 million in total sales annually. Thus, the City and its residents will benefit from the positive economic and social benefits of the proposed project.

With regard to Item 4, the proposed project would create jobs by increasing the number of construction workers in the project area. Considering the nature and size of the proposed project, a significant amount of construction workers would likely be needed in demolition of the existing buildings and construction of the proposed commercial and residential uses and other proposed improvements. Specifically, the proposed project is anticipated to generate approximately 2,000 direct and indirect short-term construction jobs. Additionally, building materials would most likely be purchased in the area, stimulating the local economy and businesses. During operations, the proposed project is anticipated to employ 300 people.

Regarding Item 5, as an infill, vertical mixed-use project, the proposed project will increase commercial square footage and introduce multi-family residential uses to the existing University Mall site. The proposed project reduces growth pressures with uses being proposed on an infill site within the City limits rather than converting agricultural land to create developable parcels outside of the existing City limits. The proposed project is consistent with the MTP/SCS, being an infill project with a mix of

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residential and commercial uses proximate to transit opportunities. The proposed project would provide housing opportunities near commercial services and UC Davis, a designated employment center in the SCS, with densities that support transit, cycling, and walking. The MTP/SCS identifies the proposed project as a Transit Priority Project because more than half of the residential uses will be denser than 20 units per acre and within a half-mile of the Russell Boulevard transit corridor. Infill projects such as the proposed project that are consistent with the MTP/SCS are eligible for regulatory streamlining. These benefits inure projects where the combination of land uses, design features, and proximity to transit will significantly reduce GHG emissions and promote the attainment of the SCS goals.

With regard to Item 6, the current University Mall is a nearly vacant and antiquated commercial center built in the 1960s. University Mall is outdated and requires redevelopment to become more responsive to the retail and service demands of Davis residents. The proposed project will demolish the University Mall structures and redevelop the site with a contemporary mix of commercial and residential uses in a concept that is responsive to modern market demands. Redevelopment of the site will improve the vitality of the site, contribute to the Russell Boulevard corridor, and improve the interface with the UC Davis campus.

Based on the above, despite the significant environmental effects, the City Council, in accordance with Public Resources Code Sections 21001, 21002.1(c), 21081(b) and CEQA Guidelines Section 15093, chooses to approve the proposed project because, in its judgment, the economic, social, and other benefits that the proposed project will produce will render the significant effect acceptable.

XI. CONCLUSION

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

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

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

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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

XII. LIST OF ACRONYMS AND ABBREVIATIONS

The following is a list of the acronyms and abbreviations used in this document:

A

ACM Asbestos Containing Materials

C

CAMUTCD California Manual on Uniform Traffic Control Devices

CARB California Air Resources Board

CBSC California Building Standards Code

CDFW California Department of Fish and Wildlife

CEQA California Environmental Quality Act

City City of Davis

Council City Council

D

dB Decibel

DMA Drainage Management Area

E

EIR Environmental Impact Report

ESA Environmentally Sensitive Area

F

Findings Findings of Fact

G

GHG Greenhouse Gas

I

IS Initial Study

L

LBP Lead-Based Paints

LED Light-Emitting diode

LID Low Impact Development

M

MBTA Migratory Bird Treaty Act

MLD Most Likely Descendant(s)

MTP/SCS Metropolitan Transportation Plan/Sustainable Communities Strategy

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

N

NAHC	Native American Heritage Commission
NOA	Notice of Availability
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System

P

PERP	Portable Equipment Registration Program
Proposed project	University Commons Project
PTO	Permit to Operate

S

SACOG	Sacramento Area Council of Governments
SCH	State Clearinghouse
SDMs	Site Design Measures
sf	Square Feet
SWPPP	Stormwater Pollution Prevention Plan

T

TCMs	Treatment Control Measures
TMC	Technical Memorandum of Compliance
TPPs	Transportation Priority Projects
TPZs	Tree Protection Zones

U

USFWS	United States Fish and Wildlife Service
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Y

YSAQMD	Yolo Solano Air Quality Management District
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4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to an EIR.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the University Commons Project. The intent of the MMRP is to ensure implementation of the mitigation measures identified within the EIR for the University Commons Project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the project applicant.

4.2 COMPLIANCE CHECKLIST

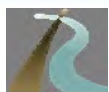
The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the University Commons Project prepared by the City of Davis. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR that was prepared for the proposed project.

The University Commons Project EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

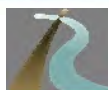
The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Davis. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.



4.3 MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Air Quality					
4.1-3	Expose sensitive receptors to substantial pollutant concentrations.	<p>4.1-3 Prior to approval of any grading or demolition plans, the project applicant shall show on the plans via notation that the contractor shall ensure that all off-road diesel-powered equipment over 25 horsepower to be used in the construction of the project (including owned, leased, and subcontractor equipment) shall meet California Air Resources Board (CARB) Tier 4 emissions standards or cleaner. The plans shall be submitted for review and approval to the Department of Community Development and Sustainability. In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to 5 minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB.</p> <p>Portable equipment over 50 horsepower must have either a valid District Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.</p> <p>Idling shall be limited to five minutes or less for all on-road related and/or delivery trucks in accordance with CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation.</p>	City of Davis Department of Community Development and Sustainability	Prior to approval of any grading or demolition plans	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>Clear Signage regarding idling restrictions should be placed at the entrances to the construction site.</i>			
4.2 Greenhouse Gas Emissions and Energy					
4.2-3	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	<p>4.2-3(a) <i>The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to the issuance of a building permit for the proposed project the project proponent shall implement the following steps:</i></p> <ol style="list-style-type: none"> <i>Model net non-mobile operational GHG emissions using CalEEMod, or another method accepted for the purpose of modeling GHG emissions for the proposed project, taking into account applicable building standards and other regulatory requirements, as well as building design, use of renewable energy, etc. The updated modeling shall take into account any updated project design measures incorporated in compliance with this mitigation measure or as proposed in future project design details.</i> <i>Based on the construction and operational schedules proposed at the time of building permitting, the</i> 	City of Davis Department of Community Development and Sustainability	<p>Prior to the issuance of a building permit</p> <p>On-going as needed</p>	



MITIGATION MONITORING AND REPORTING PROGRAM
University Commons Project

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off																																																									
		<p><i>modeled emissions shall be compared to the maximum permitted emissions for the first year of occupancy, based on the Table below:</i></p> <table><tr><th>Year</th><th>Maximum Permitted Net Project Emissions (MTCO₂e)</th><th>Emissions Reductions Achieved (MTCO₂e)</th></tr><tr><td>2024</td><td>326.69</td><td>0.00</td></tr><tr><td>2025</td><td>306.27</td><td>20.42</td></tr><tr><td>2026</td><td>285.85</td><td>40.84</td></tr><tr><td>2027</td><td>265.44</td><td>61.25</td></tr><tr><td>2028</td><td>245.02</td><td>81.67</td></tr><tr><td>2029</td><td>224.60</td><td>102.09</td></tr><tr><td>2030</td><td>204.18</td><td>122.51</td></tr><tr><td>2031</td><td>183.76</td><td>142.93</td></tr><tr><td>2032</td><td>163.35</td><td>163.35</td></tr><tr><td>2033</td><td>142.93</td><td>183.76</td></tr><tr><td>2034</td><td>122.51</td><td>204.18</td></tr><tr><td>2035</td><td>102.09</td><td>224.60</td></tr><tr><td>2036</td><td>81.67</td><td>245.02</td></tr><tr><td>2037</td><td>61.25</td><td>265.44</td></tr><tr><td>2038</td><td>40.84</td><td>285.85</td></tr><tr><td>2039</td><td>20.42</td><td>306.27</td></tr><tr><td>2040</td><td>0</td><td>326.69</td></tr><tr><td colspan="2">Total Emissions Reductions</td><td>2,776.87</td></tr></table> <p>3. Should net operational emissions be shown to exceed the maximum</p>	Year	Maximum Permitted Net Project Emissions (MTCO ₂ e)	Emissions Reductions Achieved (MTCO ₂ e)	2024	326.69	0.00	2025	306.27	20.42	2026	285.85	40.84	2027	265.44	61.25	2028	245.02	81.67	2029	224.60	102.09	2030	204.18	122.51	2031	183.76	142.93	2032	163.35	163.35	2033	142.93	183.76	2034	122.51	204.18	2035	102.09	224.60	2036	81.67	245.02	2037	61.25	265.44	2038	40.84	285.85	2039	20.42	306.27	2040	0	326.69	Total Emissions Reductions		2,776.87			
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MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>emissions levels presented in the table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:</i></p> <ul style="list-style-type: none"> • <i>Design of all or portions of the project without infrastructure to support natural gas appliances;</i> • <i>Installation of only all-electric, energy-star large appliances (i.e. ranges, ovens, water heating, and/or space heating equipment) in all or part of the project;</i> • <i>Require future refrigeration systems to only use low GWP potential gases;</i> • <i>Include electric outlets in outdoor areas sufficient to allow for the use of electric-powered landscaping equipment;</i> • <i>Construct all proposed loading docks with electric outlets sufficient to provide adequate electrical power for docking trucks;</i> • <i>Installation of on-site photovoltaic systems in</i> 			



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>excess of the City's standards in place at the time of this environmental analysis;</p> <ul style="list-style-type: none"> • Use of LED lights in proposed parking areas and other outdoor areas; • Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects); • Implement a Transportation Demand Management Program in accordance with Section 22.15 of the City of Davis Municipal Code; • Provide electric vehicle charging infrastructure in excess of existing CBSC requirements; and/or • Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis. <p>4. The emissions reductions resulting from implementation of the above measures shall be calculated, using</p>			



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>methods acceptable to the City.</i></p> <p>5. <i>Proof of compliance with the maximum annual net emissions targets and the steps above shall be verified through the submittal of a Technical Memorandum of Compliance (TMC) to the City of Davis Department of Community Development and Sustainability. The TMC shall document the following minimum items: modeling (step 1); comparison of modeled emissions to maximum emissions levels identified in step 2; chosen feasible actions to achieve required reductions (step 3); and measurable GHG reduction value of each action (step 4). TMCs prepared in compliance with the foregoing steps may cover individual operational years or multiple operational years. Should a TMC be prepared for multiple operational years, the TMC shall demonstrate compliance with the maximum emissions levels for each year included in the TMC.</i></p> <p>6. <i>Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development and Sustainability. Purchase of any carbon credits shall be completed prior to certificate of occupancy. The</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>City upon review and acceptance of implementation, shall issue the certificate of occupancy.</i></p> <p>4.2-3(b) <i>The owner of the project shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the project to demonstrate the project's compliance with the GHG emissions targets established by Mitigation Measure 4.2-3(a). The Report shall be submitted prior to the issuance of a certificate of occupancy for the first residential unit leased. The Report shall identify the following minimum items. Other documentation requirements may be added by the City if found to be necessary to satisfy this mitigation measure.</i></p> <ol style="list-style-type: none"> <i>1. Projected annual net GHG emissions from the initial date of operations through the year 2040.</i> <i>2. Running total of project emissions reductions and reduction credits.</i> <i>3. Comprehensive database and summary of implemented reduction actions.</i> <p><i>Should the initial Report demonstrate that measures have been incorporated into the project sufficient to achieve the GHG emissions targets established by Mitigation Measure 4.2-3(a), further Reports are not required.</i></p>	City of Davis Department of Community Development and Sustainability	Prior to the issuance of a certificate of occupancy for the first residential unit leased and every five years until such time that demonstration is made that the project has achieved the required emissions reductions	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>If the initial Report does not demonstrate that measures have been incorporated into the project sufficient to achieve the aforementioned emissions targets at the time of initial occupancy, the owner shall be required to submit subsequent Reports every five years until such time that demonstration is made that the project has achieved the required emissions reductions. Subsequent Reports shall contain the same content as required of the initial Report, and demonstrate the implementation of additional measures sufficient to reduce project GHG emissions in compliance with Mitigation Measure 4.2-3(a). Upon demonstration that the project has achieved the required emissions reductions, further Reports are not required.</i>			
4.4 Noise					
4.4-1	Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	<p>4.4-1 <i>Prior to issuance of any grading permit, the applicant shall submit a construction noise management plan, identifying proposed noise-reduction practices for review and approval by the Department of Community Development and Sustainability. The following measures shall be utilized to reduce the impact of construction noise:</i></p> <ul style="list-style-type: none"> <i>Comply with the hours of operations between 7:00 AM and 7:00 PM on Mondays through Fridays, and between the hours of 8:00 AM and</i> 	City of Davis Department of Community Development and Sustainability	Prior to issuance of any grading permit	



MITIGATION MONITORING AND REPORTING PROGRAM
University Commons Project

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>8:00 PM on Saturdays and Sundays;</p> <ul style="list-style-type: none"> All equipment shall not exceed 86 dBA outside of the property line. Based upon Table 4.4-7, compactors, dozers and excavators shall maintain a distance of 50-feet from the north property line. Concrete saws and jackhammers shall maintain a distance of 100-feet from the nearest property line. If equipment such as compactors, dozers and excavators need to be within 50 feet of the north property line, temporary barriers such as "Noise Soaker" curtains may be applied at the construction site fence. The barriers shall be eight feet in height along the north property line. In accordance with City Code Section 24.02.040(b)(3), certain exceptions to these standards may be granted for impact tools and equipment providing either a housing or muffler, or other type of noise suppression equipment recommended by the manufacturer and approved by the Director of Public Works as best accomplishing maximum noise attenuation. 			
4.4-2	Generation of a substantial permanent increase in ambient noise levels in the vicinity of the	4.4-2(a) Prior to building permit issuance, the construction drawings shall include a noise barrier located along the north property line of the project site where trucks circulate for the	City of Davis Department of Community Development	Delivery hours and sound wall height prior to approval of the Final Planned	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	<p><i>loading docks. The partial loading dock walls may be eliminated, if desired. Based upon the Environmental Noise Assessment (October 2, 2019) prepared for this EIR, the noise barrier height requirements would be different depending upon the delivery hours, as follows:</i></p> <ul style="list-style-type: none"> <i>Daytime deliveries only (7:00 AM to 9:00 PM): An eight-foot wall shall be required along the north property line of the project site to meet the City's 55 dB Leq daytime noise standard.</i> <i>Daytime (7:00 AM to 9:00 PM) AND Nighttime (9:00 PM to 7:00 AM): A 10-foot wall shall be required along the north property line of the project site to meet the City's daytime (55 dB Leq) and nighttime 50 dB Leq noise standards.</i> <p><i>The delivery truck hours and sound wall height shall be finalized prior to City approval of the Final Planned Development for the project. In the event that an opening in the barrier is included to provide access to the pedestrian/bicycle pathway on the adjacent property, the opening shall be designed by an acoustical consultant to ensure that the City's above-specified daytime and nighttime standards can still be met at the nearest sensitive receptors. Final design and height of the barrier shall be incorporated in the</i></p>	and Sustainability	<p>Development.</p> <p>Final design and height of the wall prior to issuance of any building permit</p>	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>construction drawings for approval by the City of Davis Department of Community Development and Sustainability.</i></p> <p>4.4-2(b) <i>Alternatively, the applicant may submit a subsequent acoustical report in conjunction with the submittal of the Final Planned Development to the City. The subsequent acoustical report, using additional design-level details developed during the Final Planned Development process, shall estimate the delivery truck/loading dock noise levels at the nearest sensitive receptors to verify the height of the wall needed to meet the City's stationary noise level standards (55 dB Leq daytime and 50 dB Leq nighttime). If the report determines that a reduced sound wall height, compared to the heights identified in MM 4.4-2(a), could achieve the City's noise standards at the nearest sensitive receptors, then the reduced height should be considered acceptable.</i></p> <p><i>The subsequent acoustical report could also consider the feasibility of relocating or eliminating the loading dock. Any proposed relocation would require analysis within the acoustical report to ensure that those sensitive receptors located closest to the relocated loading dock would not be subject to noise levels in excess of the City's noise level standards. Final loading dock design and barrier height shall be approved by the</i></p>	City of Davis Department of Community Development and Sustainability	In conjunction with the submittal of the Final Planned Development	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>City of Davis Department of Community Development and Sustainability.</i>			
4.6 Transportation and Circulation					
4.6-2	Impacts to bicycle facilities under Existing Plus Project conditions.	<p>4.6-2(a) <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Sycamore Lane intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Improvements shall either physically separate bicyclists and vehicles, or more clearly demarcate the existing bicycle-vehicle mixing zone if the City is unable to physically separate bicyclists and vehicles. Potential improvement alternatives include (but shall not be limited to):</i></p> <ol style="list-style-type: none"> 1. <i>Switch the placement of the southbound right-turn lane and the bike lane. Consistent with CAMUTCD standards (for a bicycle facility adjacent to a right-turn lane), such a configuration would place a Class IV separated bikeway immediately against the curb, enabling bicyclists to queue against the curb prior to crossing during the exclusive bicycle crossing signal phase (during which southbound right-turns for vehicles are prohibited). This configuration would eliminate the need for</i> 	City Engineer	Prior to issuance of certificates of occupancy	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>southbound bicyclists to weave across vehicular traffic at the intersection approach. The configuration shall include vertical separation between the bikeway and the right-turn lane, consistent with standard Class IV separated bikeway design.</p> <p>2. Highlight the existing bicycle-vehicle mixing zone with additional pavement markings (e.g., green skip pavement markings) and warning signage.</p> <p>4.6-2(b) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Improvements shall more clearly demarcate the existing bicycle-vehicle mixing zone. Potential improvement alternatives include highlighting the existing bicycle-vehicle mixing zone with additional pavement markings (e.g., green skip pavement markings) and warning signage. Implementation of such improvements, or an improvement of equal effectiveness, would enhance the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection and reduce the potential for conflicts between bicyclists and</p>	City Engineer	Prior to issuance of certificates of occupancy	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>vehicles.</p> <p>4.6-2(c) The project applicant shall implement one of the following options prior to issuance of certificates of occupancy, with the bicycle facility and final design to be determined by the City Engineer and the City Traffic Engineer as follows:</p> <p><u>Option A: Off-Street Shared-use Path.</u> Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall construct an off-street shared-use path on the north side of Russell Boulevard between Sycamore Lane and Anderson Road along the project site frontage, generally along the alignment of the existing sidewalk. The path may need to be widened into the existing roadway (i.e., into the parking lane) due to right-of-way constraints such as existing trees and driveways (e.g., along the ARCO gas station frontage). The new path shall be sufficiently sized to prevent crowding and minimize the potential for conflicts between bicyclists and pedestrians. The City of Davis 2016 Street Design Standards specifies a shared-use path width of 12 feet for arterial roadways, with two-foot wide all-weather shoulders on either side of the path where sufficient space exists to accommodate the standard. The City may determine that a narrower shared path, split path, combination, or alternative path design</p>	<p>City Engineer</p> <p>City Traffic Engineer</p>	<p>Prior to issuance of certificates of occupancy</p>	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>is acceptable in instances where right-of-way or design constraints, preservation of existing trees, or other considerations would limit the ability to implement the standard path width and design.</i></p> <p><u>Option B: Protected Bike Lane/Cycle Track.</u> Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall construct a protected bike lane on the north side of Russell Boulevard, between Sycamore Lane and Anderson Road along the project site frontage.</p> <p>4.6-2(d) Consistent with cumulative Mitigation Measure 4.6-9, prior to the occupancy of the project, the project applicant shall contribute funding to cover their proportionate cost of bicycle improvements to the Russell Boulevard/Anderson Road/La Rue Road intersection as determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. Given the multi-modal nature of the intersection and future improvements, fair share calculations should consider all modes of transportation utilizing the intersection.</p> <p>Modifications to improve crossings at the Russell Boulevard/Anderson Road/La Rue Road intersection shall be implemented to reduce the potential for bicycle-bicycle,</p>	<p>City of Davis Department of Community Development and Sustainability City Engineer</p>	<p>Prior to issuance of certificates of occupancy</p>	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>bicycle-pedestrian, pedestrian-vehicle, and bicycle-vehicle conflicts. Because intersection modifications would affect right-of-way on the UC Davis campus, the City shall coordinate with UC Davis to identify the ultimate modifications. Improvements shall, to the extent feasible, physically separate bicyclists, pedestrians, and vehicles and reduce bicycle crossing distances and exposure time. Potential improvement alternatives include (but are not limited to):</i></p> <ol style="list-style-type: none"> <i>1. For all intersection crosswalks, widen crosswalks to increase the capacity for crossing bicyclists and pedestrians and reduce the frequency of meeting and passing events that diminish the performance of the crosswalks.</i> <i>2. Reconfigure the intersection into a protected intersection with corner refuge islands, setback crossings, and exclusive bicycle and pedestrian crossing phases (i.e., vehicles would not be permitted to turn on red during this phase). For all intersection crosswalks, physically separate bicyclists and pedestrians by installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle crossing zones, increase the capacity for crossing bicyclists and pedestrians,</i> 			



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>and reduce the frequency of meeting and passing events that diminish the performance of the crossings. This alternative would also include the removal of the eastbound and northbound channelized right-turn lanes.</i></p> <p><i>4.6-2(e) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Sycamore Lane and the UC Davis softball field; the project's proportionate cost shall be determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements shall reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):</i></p> <p><i>1. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement treatment or striping to clearly</i></p>	<p>City of Davis Department of Community Development and Sustainability City Engineer</p>	<p>Prior to issuance of certificates of occupancy</p>	



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		<p><i>demarcate pedestrian and bicycle zones.</i></p> <p><i>2. Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.</i></p> <p><i>3. Install pedestrian-scale lighting to improve visibility.</i></p> <p><i>4.6-2(f) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Anderson Road and the bicycle roundabout near Primero Grove; the project's proportionate cost shall be determined by the City Engineer in an amount that considers the project's impact on the intersection. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements should reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):</i></p> <p><i>1. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement</i></p>	<p>City of Davis Department of Community Development and Sustainability City Engineer</p>	<p>Prior to issuance of certificates of occupancy</p>	



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		<p><i>treatment or striping to clearly demarcate pedestrian and bicycle zones.</i></p> <p>2. <i>Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.</i></p> <p>3. <i>Install pedestrian-scale lighting to improve visibility.</i></p>			
4.6-3	Impacts to pedestrian facilities under Existing Plus Project conditions.	4.6-3 <i>Implement Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f).</i>	See Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f)	See Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f)	
4.6-4	Impacts to transit facilities and services under Existing Plus Project conditions.	4.6-4 <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall enhance the existing bus stop on southbound Anderson Road north of Russell Boulevard, to the satisfaction of the City Engineer. Bus stop enhancements shall include the addition of a shelter, seating, waste receptacle, as well as an expanded dedicated passenger waiting area that can sufficiently accommodate dwelling passenger without impeding the adjacent sidewalk. Bus stop enhancements shall be developed in consultation with Unitrans staff.</i>	City Engineer	Prior to issuance of certificates of occupancy	
4.6-7	Impacts related to construction vehicle traffic.	4.6-7 <i>Before commencement of any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Unitrans,</i>	City of Davis Department of Public Works	Prior to commencement of any construction activities	



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		<p><i>Yolobus, and local emergency service providers for their input before approving the Plan. The Plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. At a minimum, the Plan shall include:</i></p> <ul style="list-style-type: none"> <i>• The number of truck trips, time, and day of street closures;</i> <i>• Time of day of arrival and departure of trucks;</i> <i>• Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;</i> <i>• Provision of a truck circulation pattern;</i> <i>• Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);</i> <i>• Maintain safe and efficient access routes for emergency vehicles;</i> <i>• Manual traffic control when necessary;</i> <i>• Proper advance warning and posted signage concerning street closures; and</i> 			



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		<ul style="list-style-type: none"> Provisions for bicycle, pedestrian, and transit access and safety. <p>A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.</p>			
4.6-8	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	4.6-8(a) Prior to the issuance of demolition permits, the project applicant shall extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park Drive intersection. The extension will enable the eastbound left-turn pocket to accommodate the maximum queue of 325 feet under Existing Plus Project conditions. The timing of this modification is necessary to accommodate the considerable number of truck trips related to the project's demolition and construction.	City Engineer	Prior to the issuance of demolition permits	
		4.6-8(b) Prior to issuance of grading plans, the project improvement plans shall reflect the modifications listed below, or equivalent measures based on the final site design, to reduce vehicle queuing spillback at the project driveways, to the satisfaction of the City Engineer. The modifications may	City Engineer	Prior to the issuance of grading plans	



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		<p><i>include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • Southern Sycamore Lane Driveway <ul style="list-style-type: none"> ◦ Parking stalls along the Retail 6 frontage shall be eliminated; and ◦ Exclusive outbound left-turn and right-turn lanes shall be provided. • Southern Anderson Road Driveway <ul style="list-style-type: none"> ◦ Parking stalls along the Retail 1, 2, and 3 frontages shall be angled. • Western Russell Boulevard Driveway <ul style="list-style-type: none"> ◦ The drive aisle shall be aligned north into the parking garage, shifted further east into the project site to provide additional throat depth for the southern Sycamore Lane driveway, and access for the southernmost east-west drive aisle shall be closed off to/from the west (opposite the Trader Joe's loading dock). 			
4.6-9	Impacts to study intersections under Cumulative Plus Project conditions.	<p>4.6-9 Modifications to Russell Boulevard shall be implemented to reduce peak hour vehicle delay at the Russell Boulevard/Orchard Park Drive, Russell Boulevard/Anderson Road/La Rue Road, and Russell Boulevard/California Avenue intersections:</p> <ul style="list-style-type: none"> • Prior to issuance of certificates of 	City Engineer	Prior to issuance of	



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		<p><i>occupancy, the project applicant shall construct the pedestrian bulbouts at Russell Boulevard/Sycamore Lane, to the satisfaction of the City Engineer, as follows:</i></p> <ul style="list-style-type: none"> ○ <i>At the Russell Boulevard/Sycamore Lane intersection, construct pedestrian bulbouts at the northwest and northeast corners of the intersection to reduce pedestrian crossing distances. The resulting excess green time shall be reallocated to the major east-west through movements to improve overall corridor operations. The pedestrian bulbouts shall be integrated with the design of the bike lane modification described in Mitigation Measure 4.6-2(a) (at the northwest corner) and the shared-use path described in Mitigation Measure 4.6-2(c) (at the northeast corner).</i> <ul style="list-style-type: none"> • <i>Implement Mitigation Measure 4.6-8.</i> • <i>Prior to issuance of certificates of occupancy, the project applicant shall contribute funding, to the satisfaction</i> 	<p>See Mitigation Measure 4.6-8</p> <p>City Engineer</p>	<p>certificates of occupancy</p> <p>See Mitigation Measure 4.6-8</p> <p>Prior to issuance of certificates of occupancy</p>	



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		<p>of the City Engineer, to cover the proportionate cost of improvements described in Alternatives 1, 4, 5, 6, and 7 above, the requirements of which are listed below.¹ The funding shall be submitted to the City of Davis:</p> <ul style="list-style-type: none"> ○ At the Russell Boulevard/Orchard Park Drive intersection, either: <ul style="list-style-type: none"> a. Prohibit northbound left-turns, or b. Prohibit northbound left-turns and westbound left-turns (i.e., right-in/right-out only). ○ At the Russell Boulevard/Anderson Road/La Rue Road intersection, either <ul style="list-style-type: none"> a. Install five-section traffic signal for the northbound right-turn lane and an accompanying bicycle/pedestrian signal to control crossing movements across the northbound 			

¹ Consistent with *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, contribution of mitigation funds is not feasible for impacts where the City does not have full jurisdiction, nor a plan in place to ensure implementation of mitigation measures. Nevertheless, the applicant has agreed to contribute mitigation funds to the City for Alternatives 1, 4, 5, 6, and 7.



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		<p><i>channelized right-turn lane, or</i></p> <p><i>b. Implement Alternative 2 described in Mitigation Measure 4.6-2(d) (conversion of the Russell Boulevard/Anderson Road/La Rue Road intersection to a protected intersection).</i></p> <ul style="list-style-type: none"> <i>o At the Russell Boulevard/Oak Avenue intersection, prohibit eastbound U-turn movements and convert the eastbound left-turn movement from a permitted to a protected left-turn signal phase.</i> <i>o At the Russell Boulevard/College Park/Howard Way intersection, convert the northbound and southbound approaches to split phase operations and eliminate the west leg crossing.</i> <i>o At all signalized intersections on Russell Boulevard, increase the PM peak hour cycle length from 90 to 100 seconds to match the existing AM peak hour cycle length. The signal timing adjustment</i> 			



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		<p><i>shall be applied to all coordinated signals along the corridor between and inclusive of Sycamore Lane and G Street.</i></p> <p><i>The ultimate modifications constructed along Russell Boulevard shall be consistent with the preferred improvements identified in the Russell Boulevard Corridor Plan currently being prepared by the City.</i></p>			
4.6-11	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	4.6-11 <i>Implement Mitigation Measure 4.6-8.</i>	See Mitigation Measure 4.6-8	See Mitigation Measure 4.6-8	
Initial Study					
IVa.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	<p><i>Swainson's Hawk</i></p> <p>IV-1 <i>The project proponent shall retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership shall be surveyed only if access is granted or if the parcels are visible from authorized areas.</i></p> <p><i>If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) within 1,320 feet, the</i></p>	<p>City of Davis Department of Community Development and Sustainability</p> <p>CDFW</p>	If construction cannot avoid potential nest trees within 1,320 feet, then between March 20 and July 30, within 15 days prior to the beginning of the construction activity	



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		<p><i>project proponent shall retain a qualified biologist to conduct a preconstruction survey for active nests consistent with the recommended methodology of the Swainson's Hawk Technical Advisory Committee (2000), between March 20 and July 30, within 15 days prior to the beginning of the construction activity. The results of the survey shall be submitted to the Conservancy and CDFW. If active nests are found during the preconstruction survey, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist shall monitor the nest and shall, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities, including tree pruning or removal, are taking place within the 1,320-foot buffer and shall have the authority to stop work if</i></p>			



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		<p><i>raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks.</i></p> <p><i>If this project involves pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent shall conduct a preconstruction survey that is consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during the preconstruction survey, no tree pruning or removal of the nest tree shall occur during the period between March 1 and August 30, unless a qualified biologist determines that the young have fledged and the nest is no longer active.</i></p> <p><i>Raptors and Nesting Migratory Birds</i></p> <p><i>IV-2 The project applicant shall implement the following measures to avoid or minimize impacts to raptors and federally-protected nesting migratory birds:</i></p> <ul style="list-style-type: none"> <i>• If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, a preconstruction survey for active</i> 			
			City of Davis Department of Community Development and Sustainability	If any site disturbance or construction activity is scheduled to begin between February 1 and August 31, then within 14 days prior to site disturbance or construction	



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		<p><i>nests shall not be required.</i></p> <ul style="list-style-type: none"> <i>If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior to site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 100-foot radius for MBTA birds, and a 500-foot radius for birds of prey. If an active nest of a bird of prey, MBTA bird, or other protected bird is not found, then further mitigation measures are not necessary. The preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review.</i> <i>If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction or an injured or killed bird is found, the project applicant shall immediately:</i> <ul style="list-style-type: none"> <i>Stop all work within a 100-foot</i> 		activity	



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		<p><i>radius of the discovery.</i></p> <ul style="list-style-type: none"> o <i>Notify the City of Davis Department of Community Development and Sustainability.</i> o <i>Do not resume work within the 100-foot radius until authorized by the biologist.</i> o <i>The biologist shall establish a minimum 500-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active.</i> 			
IVe.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<p>IV-3 <i>The project applicant shall implement the following tree preservation measures prior to and during construction for the 16 on-site and eight off-site trees to be preserved.</i></p> <ul style="list-style-type: none"> • <i>Tree Protection Zones (TPZs): The surveyed trunk locations and TPZs / tree protection fencing shall be</i> 	City of Davis Department of Community Development and Sustainability	Prior to and during construction and demolition activities	



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		<p><i>indicated on all construction plans for trees to be preserved;</i></p> <ul style="list-style-type: none"> • <i>Modified TPZs: Modified TPZs are areas where proposed infrastructure is located within protection zones. These Modified TPZs and fencing shall be indicated as close to infrastructure as possible (minimize overbuild);</i> • <i>The Consulting Arborist shall revise development impact assessment (as needed) for trees to be preserved once construction plans are drafted;</i> • <i>Grading, compaction, trenching, rototilling, vehicle traffic, material storage, spoil, waste, or washout, or any other disturbance within TPZs shall be avoided to the maximum extent feasible;</i> • <i>Any work that is to occur within the TPZs shall be monitored by the Consulting Arborist;</i> • <i>A meeting shall be conducted to discuss tree preservation guidelines with the Consulting Arborist and all contractors, subcontractors, and project managers prior to the initiation of demolition and construction activities;</i> • <i>Prior to any demolition activity on-site, tree protection fencing shall be installed in a circle centered at the</i> 			



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		<p><i>tree trunk with a radius equal to the defined TPZ as indicated in the Arborist Report;</i></p> <ul style="list-style-type: none"> <i>• Tree protection fences should be made of chain-link with posts sunk into the ground, and shall not be removed or moved until construction is complete;</i> <i>• Any pruning shall be performed per recommendations in the Arborist Report by an ISA Certified Arborist or Tree Worker. Pruning for necessary clearance should be the minimum required to build the project and performed prior to demolition by an ISA Certified Arborist;</i> <i>• If roots larger than 2 inches or limbs larger than 3 inches in diameter are cut or damaged during construction, the Consulting Arborist shall be contacted immediately to inspect and recommend appropriate remedial treatments; and</i> <i>• All trees to be preserved shall be irrigated once every two weeks, spring through fall, to uniformly wet the soil to a depth of at least 18 inches under and beyond the canopies of the trees.</i> <p><i>The tree preservation measures shall be included in the notes on construction drawings.</i></p>			



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Vb-d.	<p>Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.</p> <p>Directly or indirectly destroy a unique paleontological resource on site or unique geologic features.</p> <p>Disturb any human remains, including those interred outside of formal cemeteries.</p>	<p>V-1 <i>If any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the significance of the find(s). The archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgement. If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and landowner.</i></p> <p><i>The archaeologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the National Register of Historic Places or California Register of Historical Resources. The formal</i></p>	<p>City of Davis Department of Community Development and Sustainability</p> <p>Yocha Dehe Wintun Nation</p>	<p>If any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities</p>	



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		<p><i>evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the National or California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), the City shall consult on a finding of eligibility and implement appropriate treatment measures. Further measures might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.</i></p> <p><i>Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical</i></p>			



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		<p><i>nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory.</i></p> <p><i>Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in PRC Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.</i></p>			



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		<p><i>Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the find(s) either: 1) is not eligible for the National or California Register; or 2) that treatment measures have been completed to the City's satisfaction.</i></p> <p><i>The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the development of the proposed project site.</i></p> <p>V-2 <i>If any vertebrate bones or teeth are found by the construction crew, the City of Davis Department of Community Development and Sustainability shall be notified and the contractor shall cease all work within 100 feet of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, inspects the discovery. If deemed significant with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., the University of California Museum of Paleontology), where it shall be properly curated and preserved for the benefit of current and future generations. The language</i></p>	City of Davis Department of Community Development and Sustainability	If any vertebrate bones or teeth are found during construction	



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		<p><i>of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved for the proposed project site, where excavation work would be required.</i></p> <p>V-3 <i>If human remains are discovered during project construction, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Yolo County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 7050.5) Further, pursuant to California PRC Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Yolo County Coroner determines the remains to be Native American and not the result of a crime scene, the Coroner shall notify the Native American Heritage Commission (NAHC) and the Yocha Dehe Wintun Nation within 24 hours. The NAHC and Yocha Dehe Wintun Nation must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD. The MLD shall make recommendations concerning the treatment of the remains within 48 hours, as provided in PRC 5097.98. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (PRC 5097.94). If no agreement is reached, the landowner must reburial the remains where</i></p>	<p>City of Davis Department of Community Development and Sustainability</p> <p>Yolo County Coroner</p> <p>NAHC</p> <p>Yocha Dehe Wintun Nation</p>	If human remains are discovered during project construction	



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		<i>they will not be further disturbed (PRC 5097.98). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the County in which the property is located (AB 2641). Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.</i>			
VIIIb.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	<p><i>VIII-1 Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains asbestos. If the structure does not contain asbestos, further mitigation is not required. If asbestos-containing materials are detected, the applicant shall prepare and implement an asbestos abatement plan consistent with federal, State, and local standards, subject to approval by the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.</i></p> <p><i>Implementation of the asbestos abatement plan shall include the removal and disposal of the asbestos-containing materials by a licensed and certified asbestos removal contractor, in accordance with local, State, and federal regulations. In addition, the</i></p>	<p>City Engineer</p> <p>City Building Official</p> <p>YSAQMD</p>	Prior to issuance of a demolition permit	



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		<p><i>demolition contractor shall be informed that all building materials shall be considered as containing asbestos. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing asbestos in accordance with local, State, and federal regulations subject to approval by the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.</i></p> <p>VIII-2 <i>Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains lead-based paint. If the structure does not contain lead-based paint, further mitigation is not required. If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Engineer.</i></p>	City Engineer	Prior to issuance of a demolition permit	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
IXa,e,f.	<p>Violate any water quality standards or waste discharge requirements.</p> <p>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p> <p>Otherwise substantially degrade water quality.</p>	<p><i>IX-1 Prior to issuance of grading permits, the applicant shall submit to the City a plan, identifying permanent stormwater TCMs, SDMs, and Hydromodification Measures, for each DMA to be implemented on the project, as well as a copy of a stormwater maintenance agreement and corresponding maintenance plan signed and recorded by the County of Yolo Clerk's Office. The plan shall include LID measures consistent with the Preliminary Utility Study prepared for the project and shall be subject to review and approval by the Public Works Department.</i></p>	<p>City of Davis Public Works Department</p> <p>Yolo County Clerk</p>	Prior to issuance of grading permits	
XVIIa-b.	<p>Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:</p>	<p><i>XVII-1. Implement Mitigation Measures V-1, V-2, and V-3.</i></p>	See Mitigation Measures V-1, V-2, and V-3	See Mitigation Measures V-1, V-2, and V-3	



MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	<p>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).</p> <p>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>				



ATTACHMENT 3

RESOLUTION NO. _____ 2020 SERIES

RESOLUTION OF THE CITY OF DAVIS STATING ITS INTENT TO AMEND THE CITY OF DAVIS GENERAL PLAN LAND USE ELEMENT TO ADD THE LAND USE CATEGORY “MIXED USE” AND TO AMEND THE CITY OF DAVIS LAND USE MAP TO REDESIGNATE THE PARCEL LOCATED AT 737-885 RUSSELL BOULEVARD FROM COMMUNITY RETAIL TO MIXED USE (GPA 2-18)

WHEREAS, the Davis General Plan contains several goals and policies expressing a desire to encourage infill development and discourage urban sprawl; and

WHEREAS, amending the General Plan Land Use Element to create a new designation of Mixed Use provides for a combination of residential and non-residential uses in the same zone, provided it has been determined that those uses are compatible; and

WHEREAS, the Mixed Use designation will provide the city with another tool to encourage infill development in the areas deemed suitable; and

WHEREAS, a General Plan Amendment shall be required on any parcel for a change to the new designation of Mixed Use; and

WHEREAS, the General Plan Amendment is appropriate in that it is compatible and consistent with existing infill development policies in the General Plan; and

WHEREAS, the General Plan Amendment will not adversely impact the health, safety or general welfare of the city of Davis; and

WHEREAS, the property located at 737-885 Russell Boulevard (APN 034-253-007), consisting of approximately 8.25 acres is currently designated “Community Retail”; and

WHEREAS, amending the General Plan designation of the property to “Mixed Use” enables a project that reflects General Plan policies that contribute to infill housing within the City limits, contributes to a mix of uses in the neighborhood, and promotes transit use; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 27, 2020, to receive comments and consider the amendment of the General Plan related to the property at 737-885 Russell Boulevard (APN 034-253-007), and the Planning Commission rejected approval of the project; and

WHEREAS, the City Council held a duly noticed public hearing on ____, 2020 to receive comments, review all the information pertaining to the project, including the Planning Commission hearing minutes or comments, reports, and all evidence received by the Planning Commission, consider the amendment of the General Plan related to the property, and adopted the amendment based on the findings that:

1. The development is consistent with the General Plan Land policy LU 2.1 in that it provides needed infill development within the city limits by providing mixed uses and transit oriented development in established neighborhoods.
2. The proposed development contributes to the broad range of housing types and configurations.
3. The proposed project provides residential uses which is an appropriate means of meeting the city's housing needs.
4. The proposed project provides for the opportunity to reduce vehicle miles travelled by placing residential units near the job producing non-residential uses and the surrounding commercial uses in the neighborhood; and

WHEREAS, based on oral testimony and documentary evidence reviewed during the public hearing, the City Council certified that the Environmental Impact Report (SCH: 2018112044) prepared for the project and determined that the potential environmental impacts of the project are adequately addressed and the appropriate findings were made.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Davis that the General Plan Land Use Element shall be amended to add a Mixed Use designation as shown on Exhibit A, and the General Plan Land Use Map shall be amended as shown on the map attached as Exhibit B of this resolution.

PASSED AND ADOPTED by the City Council of the City of Davis on this _____ day of _____, 2020 by the following vote.

AYES:

NOES:

ABSENT:

Brett Lee, Mayor

ATTEST:

Zoe Mirabile, CMC
City Clerk

GPA 2-18
EXHIBIT A

U. Mixed Use

Intent: To provide sustainable and transit oriented opportunities for medium and large-scale multi-story, mixed use development that integrates retail uses and/or office and research and development related uses with higher density multifamily residential uses. The Mixed Use designation is intended to create housing opportunities; retain and encourage healthy, active retail centers for the community; promote innovative design by integrating residential and non-residential uses; facilitate neighborhood connections and convenient transportation alternatives in the vicinity of the project.

Allowable uses:

1. Retail uses.
2. Offices.
3. Personal services (i.e. dry cleaners, salons, yoga studios,)
4. Restaurants
5. Research and development space, including laboratories.
6. Residential uses, including home occupations and live/work uses.
7. Light manufacturing and assembly with limits on the sizes of factories.
8. Open Space, including green belts, squares and plazas.

The specific types, maximum amounts and densities of allowable uses shall be established in the site's zoning regulations. The zoning is anticipated to be a Planned Development district or an equivalent zone. The Mixed Use land use must be found to be compatible with the existing surrounding land uses and the surrounding planned land uses.

Prohibited Uses

1. Major manufacturing.
2. Warehouse and distribution.
3. Outdoor storage.
4. Agricultural Uses, including but not limited to crop production and animal husbandry.

Special Considerations for Mixed Use Developments.

The following special considerations shall be applied:

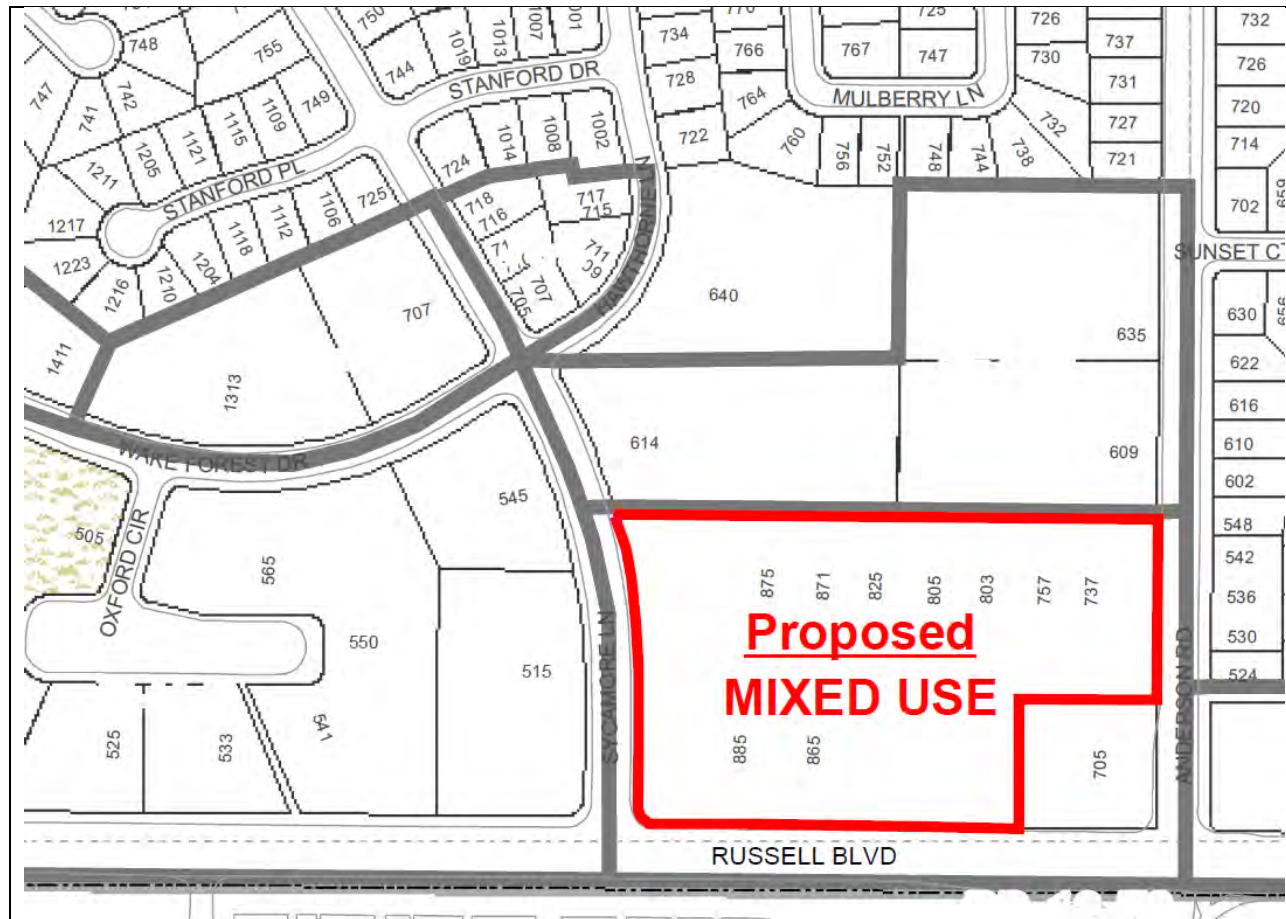
1. Include a mix of high density residential uses with convenient retail and services for the daily needs of residents or with space for job-generating office uses and/or research and development (laboratory) uses.
2. Provide site amenities and outdoor gathering spaces for employees, customers and residents.
3. Incorporate measures to reduce the reliance on vehicle ownership and use.
4. Provide on site improvements, access and facilities, designed to encourage and facilitate pedestrian, bicycle, transit, and other alternative transportation options as well as emerging mobility technologies.
5. The determination for whether residential or non-residential shall be permitted on the first floor and what is permitted on the floors above the first floor shall be included within the commensurate Planned Development or its equivalent applicable zone.
6. Support high-density developments that provide high quality design in an appropriate urban scale and enhances the City's character.
7. Provide site improvements, access, and on-site facilities and design that encourage and facilitate pedestrians, bicycles, transit, other alternative transportation options, and emerging mobility technologies.

Policies

Policy LU U.1 Promote compact development patterns, mixed-uses, and higher-development intensities that use land efficiently; reduce greenhouse gas emissions and auto dependence and the expenditure of energy and other resources; and that promote walking bicycling, and transit use, consistent with SACOG's strategies to facilitate and streamline the development of residential mixed-use projects and Transit Priority Projects.

GPA 2-18
EXHIBIT B

**General Plan Land Use Map Amendment to redesignate
737-885 Russell Boulevard (APN: 034-253-007)
from “Community Retail” to “Mixed Use”**



ATTACHMENT 4

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 40 OF THE CITY OF DAVIS
MUNICIPAL CODE REZONING THE PARCEL LOCATED AT
737-885 RUSSELL BOULEVARD (APN: 034-253-007) FROM PD 2-97B TO
PRELIMINARY PLANNED DEVELOPMENT (PD) #03-18 (UNIVERSITY COMMONS)**

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

SECTION 1. PROPERTY AREA

Planned Development (PD) #03-18 (University Commons) includes approximately 8.25 acres located at 737-885 Russell Boulevard (APN 034-253-007) north of Russell Boulevard, east of Sycamore Lane, and west of Anderson Road, as shown in Exhibit A.

SECTION 2. ZONING MAP CHANGE

Section 40.01.090 (Zoning Map) of Chapter 40 of the Municipal Code of the City of Davis, as amended, is hereby amended by changing the land use designation of the parcel located at 737-885 Russell Boulevard (APN: 034-253-007) as shown in Exhibit A, to Planned Development (PD) #03-18 (University Commons).

SECTION 3. PURPOSE

The purpose of this planned development is to provide a mixed use district combining high density multifamily residential with retail uses and businesses that:

- A. Optimize an underutilized infill location within the City of Davis;
- B. Contribute to the overall character and livability of the surrounding neighborhood and UC Davis by redeveloping an existing retail center;
- C. Provide a flexible mixed-use project with residential uses, neighborhood and community-serving retail and services, offices, business services, employment;
- D. Provide additional housing adjacent to the University of California Davis, near existing mobility infrastructure (e.g. pedestrian, bicycle facilities and transit) to reduce vehicle trips, vehicle miles traveled, and parking demand;
- E. Provide housing density proximate to UC Davis and the downtown area of the City of Davis; and
- F. Provide energy efficient building design that incorporates sustainable design elements.

SECTION 4. LAND USE DEVELOPMENT

Land use areas for PD #03-18 along with residential square footage/bed count and retail square footage allocations are as follows.

Use	Square Footage
Mixed Use – Residential	412,500 square feet
Residential Bed Count	894 beds in a unit/bedroom configuration that does not exceed the impacts identified in the

	Environmental Impact Report associated with the University Commons Project (2020)
Residential Unit Mix	4-bedroom units shall comprise to no more than 45% of the total number of units. No units shall contain more than 4 bedrooms.
Mixed Use – Retail, Offices	150,000 square feet
Parking Structure	246,000 square feet
Total Square Feet:	808,500 square feet

Final allocations shall be determined in the Final Planned Development consistent with the above allocations and Section 7.

SECTION 5. USES

Permitted, accessory, and conditional uses are as follows.

- A. Permitted Uses. Permitted uses shall be as established in Section 40.18A.015 (C-R Zoning District, Permitted Uses), as amended, except as modified herein. In addition, the following uses shall be permitted:

1. Residential dwelling units above the ground floor.
2. Retail and service uses including, but not limited to, general merchandise, food, alcohol, beer and wine retail sales, home goods, clothing, drug stores, pharmacies, electronics, technology, business and mailing services, postal substation, fitness, indoor recreation, entertainment, financial and education services, spa, salons, day care, medical, health and educational services. Retail and service uses to allow for local distribution, pick up and drop off services.
3. Sit-down and fast casual restaurants, cafes, bakeries, breweries, and pubs may include sale and service of alcohol, beer and wine for on-site consumption.
4. Office, administrative, entertainment, service, medical, research/development and associated laboratory space, and recreational uses shall be allowed on the first floor and second floor.
5. Outdoor seating areas are permitted and do not count against maximum square footages of the center or required parking.
6. Other uses as determined by the Director of Community Development and Sustainability to be of the same general character as the permitted uses.

- B. Accessory Uses. Accessory uses shall be as established in Section 40.18A.020 (C-R Zoning District, Accessory Uses), as amended, except as modified herein. In addition, the following uses shall be considered accessory uses:

1. Property management office, clubhouse, pool, recreation and fitness areas and other amenities associated with residential uses.
2. Required parking may be provided via on-grade and/or above grade structures.
3. Bicycle storage, bicycle rental, bicycle, pickup/drop-off, package lockers and other transportation share facilities.
4. Seasonal/Special events.

5. Other uses as determined by the Director of Community Development and Sustainability to be of the same general character as the accessory uses.

C. Conditional Uses. Conditional uses shall be as established in Section 40.18A.030 (C-R Zoning District, Conditional Uses), as amended, except as modified herein. In addition, the following uses shall be conditionally permitted:

1. Nightclubs.
2. Other uses as determined by the Director of Community Development and Sustainability to be of the same general character as the conditional uses.

SECTION 6. DEVELOPMENT STANDARDS

Development standards shall be specified herein or as further established in the Final Planned Development, provided that the requirements of Section 40.18A.050 and 40.18A.060 of the Davis Municipal Code as they relate to the C-R district shall be used as requirements in the absence of specific standards.

Maximum building height	No building shall exceed eighty (80') feet in height or more than seven stories in height. Tower elements not to exceed eighty-five (85') feet.
Front setback	Zero (0') feet
Interior and street side yard setback	Zero (0') feet
Rear setback	Minimum zero (0') feet; except when abutting an R district, then minimum twenty (20') feet.
Landscaping	In addition to parking lot shading and screening, landscaping shall cover a minimum of five (5%) percent of the site and must be provided consistent with provisions of landscaping and screening for commercial districts (Section 40.26.250(b) and (c)).
Parking – Non-Residential	Off-street parking for non-residential uses shall be provided in the ratio of 1.0 space per 350 square feet of gross floor area. This ratio may be reduced through the Minor Modification process.
Parking – Residential Uses	Off-street parking for residential uses shall be provided in the ratio of 1.0 space per residential unit. This ratio may be reduced through the Minor Modification process.
Bicycle Parking	Bicycle parking shall be provided for all uses in accordance with Section 40.25A.
Signage	Subject to the provisions of Section 40.26.20, except as modified by the adopted site-specific program for University Commons.

SECTION 7. FINAL PLANNED DEVELOPMENT

Consistent with Section 40.22, a Final Planned Development (FPD) approval shall be required before the development of the site. The FPD shall be consistent with the University Commons

Planned Development #03-18. Development standards for the University Commons project shall be contained in the FPD and may include design guidelines.

SECTION 8. CONFLICTS

For provisions not covered by this ordinance or the final planned development, the provisions of Chapter 40 of the Davis Municipal Code, as amended, shall apply. Where there is a conflict between the provisions of Chapter 40 and this ordinance, the provisions of this ordinance shall apply.

SECTION 9. MITIGATION MEASURES

The Planned Development District is subject to the mitigation measures in the Environmental Impact Report #4-18 (SCH#2018112044) prepared for this project.

SECTION 10. SPECIAL CONDITIONS

The following special conditions shall apply.

- A. Site plan and architectural approval are required for any new construction, as provided in Section 40.31 (Site Plan and Architectural Approval).
- B. All signage shall be reviewed, subject to Section 40.26.020 and City-wide Sign Design Guidelines and/or a specific master sign program for University Commons as applicable.
- C. Each use shall be conducted wholly within a completely enclosed building, except specialty grocery store, restaurants, or those uses which front on outdoor plaza areas. Merchandise displayed on plaza areas shall not disrupt pedestrian movement.

SECTION 11. FINDINGS

The City Council of the City of Davis hereby finds:

- 1. The proposed project is in conformance with the General Plan, as amended, and the project would be consistent with the amendments to the General Plan that is designating the site Mixed Use with related text amendments. This allows for a consistent land use designation and zoning for the parcels, which would facilitate the development of the proposed project.
- 2. The property is suitable for the proposed development and the proposed project constitutes a mixed use development of sustained desirability and stability in harmony with the character of the surrounding neighborhood.
- 3. Public necessity, convenience and general welfare require the adoption of the proposed amendment, given that the PD 3-18 zoning provides for areas to meet City retail and housing needs.
- 4. The proposed project with the adoption of the rezone will be consistent with the Zoning Ordinance, as the purpose of the PD District is to provide a suitable residential environment for a mix of housing types and cost including multi-family residential and student-oriented housing, and to promote creative approach and variety in the physical development pattern of the city. The planned development district provides for 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 development with surrounding uses.

5. The proposed project includes multi-bedroom units, which may be leased by the bed or bedroom, but is not limited to student residents and is consistent as a multiple family dwelling unit.
6. The proposed project incorporates sustainability features consistent with General Plan and city policies to ensure long-term stability of the project, reduce energy consumption, and promote reduction in automobile trips.
7. The Planning Commission held a public hearing on May 27, 2020 to receive comments and consider the rezone and voted to reject adoption of the rezone.
8. The City Council held a duly noticed public hearing on July 21, 2020 and based on oral testimony and documentary evidence reviewed during the public hearing, including Planning Commission minutes or comments, report and evidence reviewed by the Planning Commission, certified the Environmental Impact Report (SCH#2018112044) prepared for the project and adopted a Mitigation Monitoring Plan. A Draft EIR was prepared and circulated for public review in accordance with CEQA requirements and addressed CEQA streamlining in regards to project consistency with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The EIR adequately analyzed the significant and potentially significant environmental impacts of the project, identified appropriate mitigation, project alternatives, and significant and unavoidable cumulative impacts related to transportation. Public comments were received and a response to comments was included in the Final EIR. Additional text and information was provided to clarify discussion but the modifications did not alter the conclusions of the EIR. A statement of overriding considerations for significant and unavoidable impacts was adopted. The EIR represents the independent judgment of the lead agency.

SECTION 12. CONTINGENCIES AND EFFECTIVE DATE

The ordinance shall become effective on and after the thirtieth (30th) day following its adoption and only upon approval of General Plan Amendment #02-18.

INTRODUCED on the _____ day of _____, 2020, and PASSED AND ADOPTED at a regular meeting of the City Council of the City of Davis this _____ day of _____, 2020 by the following vote:

AYES:

NOES:

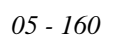
ABSENT:

Gloria Partida, Mayor

ATTEST:

Zoe Mirabile, CMC
City Clerk

Parcel to be Rezoned to PD 3-18 (University Commons)
737-885 Russell Boulevard (APN: 034-253-007)



ATTACHMENT 5

FINDINGS & CONDITIONS OF APPROVAL **University Commons Project – 737-885 Russell Boulevard** **Planning Application (PA) #18-17 for Demolition #11-18**

FINDINGS:

1. **Demolition.** The proposed demolition is consistent with and supportive of identified goals and policies of the General Plan and the proposed action will not have a significant effect on the goals and purposes of zoning provisions addressing historical resources and historic districts, in that the existing site has been adequately evaluated pursuant to CEQA and the City's Demolition and Historical Resources Management Ordinance and it has been determined that the site is not a historical resource for the purposes of CEQA or the City's Historical Resources Management Ordinance.
2. **CEQA.** An Environmental Impact Report (SCH#2018112044) evaluating the environmental impacts was prepared for the project and circulated for public review in accordance with CEQA requirements. The EIR adequately analyzed the potential environmental impacts of the project and identified significant and unavoidable impacts related to transportation, which requires adoption of a statement of overriding considerations, but determined that all other impacts would be less than significant or less than significant with mitigation. Potentially significant impacts were identified, but impacts were reduced to a less-than-significant level through the implementation of mitigation measures. Public comments on the EIR were received, but did not alter the analysis or conclusions of the EIR. Based on the whole record, including oral testimony and documentary evidence reviewed during the public hearing and the Final EIR with public comments received, the City Council certified the EIR and adopted of CEQA Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring or Reporting Plan. The EIR represents the independent judgment of the lead agency.

CONDITIONS OF APPROVAL:

1. The University Commons Mixed Use Redevelopment Project (PA#18-17) for Demolition #11-18 is hereby approved by the City Council, subject to the conditions listed below. Approval of this project is contingent upon the approval of the associated General Plan Amendment and PD Rezone.
2. 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 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.
3. Prior to issuance of a demolition permit for the University Commons Project, approval of a Final Planned Development and Design Review is required and will include updated studies as determined necessary, including but not limited to an updated arborist report and tree removal plan.

ATTACHMENT 6

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS APPROVING THE DEVELOPMENT AGREEMENT FOR THE UNIVERSITY COMMONS PROJECT

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

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;

WHEREAS, the Developer of the site desires to carry out the development for the University Commons Project ("Project") on the approximately 8.25-acre property located at 737-885 Russell Boulevard (APN: 034-253-007) as described in the Development Agreement (the "Property") consistent with the General Plan, as amended, and the Development Agreement (the "Development Agreement"), and the vested entitlements referenced therein;

WHEREAS, the City Council of Davis adopted project entitlements for the University Commons Project, including the General Plan Amendment, Rezoning and Preliminary Planned Development Permit;

WHEREAS, the City Council certified the Environmental Impact Report (SCH 2018112044) and the Mitigation Monitoring and Reporting Program adopted therewith for the University Commons Project;

WHEREAS, the Development Agreement will assure both the City and the Developer 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;

WHEREAS, the Planning Commission held a duly noticed public hearing on May 27, 2020 on the Project entitlements, including the Development Agreement, during which public hearing the Planning Commission received comments from the Developer, City staff, and members of the general public and rejected approval of the project; and

WHEREAS, the City Council held a duly noticed public hearing on July 21, 2020 on the Project entitlements, including the Development Agreement, during which public hearing the City Council received comments from the Developer, City staff, and members of the general public,

and reviewed all the information pertaining to the project including the Planning Commission hearing minutes or comments, reports, and all evidence received by the Planning Commission.

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 University Commons 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
- F. The Development Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5.

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 _____, 2020 certifying the University Commons Project EIR (SCH#2018112044) and Mitigation Monitoring and Reporting Program, 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. All City staff reports (and all other public reports and documents) prepared for the Planning Commission and City Council, relating to the Development Agreement and other actions and entitlements relating to the Property, including all attachments hereto;
- F. All documentary and oral evidence received at public hearings or submitted to the City during the comment period relating to the Amendment to the Development Agreement, and other actions relating to the Property; and
- G. 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 7.

Upon the effective date of this Ordinance, the Mayor and City Clerk are hereby authorized and directed to execute the Development Agreement on behalf of the City of Davis

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 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 be in full force and effect thirty (30) days after its passage and 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 _____ 2020 and PASSED AND ADOPTED at a regular meeting of the City Council of the City of Davis this _____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

Gloria Partida
Mayor

ATTEST:

Zoe Mirabile, CMC
City Clerk

EXHIBIT A

University Commons Development Agreement

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 BRIXMOR

Relating to the Development of the Property Commonly Known as University Commons

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into this ____ day of _____, 2020, by and between the CITY OF DAVIS, a municipal corporation (herein the "City"), and California Property Owner I, LLC (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 property as described in Exhibit A attached hereto and incorporated herein by this reference. Developer seeks to develop the property as a retail commercial and residential vertical mixed use development project (the “Project”). The Project will consist of approximately 136,800 square feet of new retail commercial space, 13,200 square feet of existing retail commercial for a total of approximately 150,000 square feet, and residential units with 894 beds. The Project will include structured parking, signage, landscaping, site amenities, and other improvements outlined in the project entitlements.

C. 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 8.25± acre property located on the north side of Russell Boulevard and bordered by Anderson Road and Sycamore Lane (APN 034-253-007) (“the Property”), and further detailed in Recital D 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.

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

- (1) Certification of the EIR and adoption of the Mitigation Monitoring Plan for the Project.
- (2) General Plan Amendment #2-18;
- (3) Rezone and Preliminary Planned Development #3-18;

(3) Development Agreement #2-19.

E. This Agreement will provide certainty with respect to planning and orderly development of the Project and will enable the Developer to make significant investments in public infrastructure and other improvements, assure the timely and progressive installation of necessary improvements and public services, build-out the Project consistent with the desires of the City to develop at a pace that will assure integration of the Project into the existing community, and provide significant public benefits to the City that the City would not be entitled to receive without this Agreement.

F. In exchange for the benefits to the City, the Developer will be assured 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 106 hereof. Following the expiration of said Term, this Agreement shall be deemed terminated and of no further force and effect, except as noted in 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, after all appeals have been exhausted, upon entry of a final judgment or issuance of a final judicial 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 any retail or residential tenant within the 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. Except as to an assignment by Developer to an affiliate or entity in which Developer is a member or holds an ownership interest, 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 development experience and financial ability to meet the obligations proposed to be assigned and to undertake and complete the obligations of this Agreement affected by the assignment.

(b) 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 to the Developer at the address set forth in Section 900, or as alternatively described in Section 104,

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, and 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, or an entity in which Developer is a member or holds an ownership interest; and (ii) any change in Developer entity form, such as a transfer from a corporation to a limited liability company or partnership, that does not affect or change beneficial ownership of the Project Site; provided, however, in such event, Developer shall provide to City written notice, together with such backup materials or information reasonably requested by City, within thirty (30) days following the date of such reorganization or City's request for backup information, as applicable.

E. [Sec. 104] Notices. Formal written notices, demands, correspondence and communications between the City and the Developer shall be sufficiently given if dispatched by certified mail, postage prepaid, to the principal offices of the City and the Developer, as set forth in Article 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 in writing 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] 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 for public use or purposes; (d) provisions regarding Developer's fulfillment of its obligations to make fair share financial contributions to off-site road and bike and pedestrian improvements as set forth in this Agreement; (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) other 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 106(2) below. The City Manager or his or her delegee shall have the authority to determine if an amendment is a Major Amendment subject to this Section 106(1) or a Minor Amendment subject to Section 106(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 106(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 or his or her designee. 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, but not the affirmative obligation to proceed with the development of, 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 106(2), *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 _ through _ 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. Affordable Housing Requirements. The Developer shall meet affordable housing requirements as set forth in Exhibit D.

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

4. Environmental Sustainability Implementation Plan. 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

5. Residential Occupancy Management Plan. Developer shall implement the Residential Occupancy Management Plan set forth in Exhibit G.

6. Parking Management Plan. Developer shall implement the Parking Management Plan set forth in Exhibit H.

7. Construction of or Fair Share Contributions to Off-Site Road, Bike and Pedestrian Improvements. The Developer shall make its fair share financial contributions to off-site road and bike and pedestrian improvements as set forth in Exhibit I entitled “Developer Fair Share Contributions to “Construction of or Off-Site Road, Bike and Pedestrian Improvements”.

8. 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.

9. Residential Unit Mix. The maximum number of bedrooms in any Project unit shall not exceed four (4) bedrooms. A minimum of fifty five percent (55%) of the total units in the Project shall be comprised of studios, one (1), two (2) and three (3) bedroom units. In no event shall the total Project four (4) bedroom units exceed forty five percent (45%) of the total unit count.

10. Unit Distribution. The Developer shall design the residential portion of the Project in a manner that allocates a portion of the studio, one (1), two (2), and three (3) bedroom units into one area of the Project.

11. Residential Floors. Residential housing shall be limited to four (4) stories over a

retail podium.

C. [Sec. 202] Subsequent Approvals and Subsequent Actions.

1. Subsequent Approvals. The Developer has the vested right to develop Project pursuant to and consistent with this Agreement and the Project Approvals and is subject only to subsequent discretionary approvals for the Project or portions of the Project, including approval of a Final Planned Development and Design Review. In reviewing and acting upon these subsequent discretionary approvals, and except as set forth in this Agreement, the City shall not impose any conditions that preclude the development of the Project for the uses or the density and intensity of use set forth in this Agreement. Any subsequent discretionary approvals, except conditional use permits, shall become part of the Project Approvals once approved and after all appeal periods have expired or, if an appeal is filed, if the appeal is decided in favor of the approval.

Conditional use permits may be reviewed and approved by the City during the term of this Agreement but shall not “vest” under this Agreement and will terminate if not used as set forth in the City’s Municipal Code, including its Zoning Ordinance. The term of any conditional use permit shall be determined by the City’s Zoning Regulations or conditions of approval of the conditional use permit and shall not be extended by reason of this Agreement.

2. Subsequent Actions. 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.

D. [Sec. 203] Development Timing. In developing the Project, 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. 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, including 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 sound business judgment and taking into consideration market conditions and other economic factors, in whether or not 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.

E. [Sec. 204] 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, consistent with this Development Agreement and with Project Approvals, shall, to the extent applicable, 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 106 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 only to the degree 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 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 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.

F. [Sec. 205]. Fees, Exactions, Conditions and Dedications.

1. Except as provided herein, the Developer shall be obligated to pay only those fees, in the amounts with applicable future adjustments as set forth in this Agreement, 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 existing development on the Property.

2. Except as otherwise provided by this Agreement, the Developer shall, for a period of five (5) years following the Effective Date of this Agreement, pay the fee amount in effect at the time of the Project Approvals. The City retains discretion thereafter to revise such fees as the City deems appropriate, in accordance with applicable law. After the five (5) year period referenced in this Sub-Section 205 (2), 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 city-wide 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 subject Major Amendment and shall be delineated in the Major Amendment.

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 plant 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 as set forth in Exhibit C. The Developer acknowledges that connection charges may increase substantially over time and that the cost to comply with the City's new National Pollution Discharge Elimination System ("NPDES") permit, as may be approved from time to time during the term of this Agreement, may be substantial.

G. [Sec. 206] 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 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 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 General Plan, Final Planned Development and/or amendments, zoning, special permits, development permits, or other entitlements for use of the Property in accordance with 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 the notice specified above and expiration of the thirty (30) day period, if such default has not been cured or Developer has failed to reasonably prosecute and/or implement a cure 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, 106, 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 pandemic resulting in a declared state

of emergency, 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 the Parties 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 and not otherwise invalidated by a court; nor shall it affect any other covenants of the Developer specified in this Agreement to continue after the termination of this Agreement, provided such covenants have not been invalidated by a court.

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 attorneys' 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., Developer agrees to fully comply with such Prevailing Wage Laws.

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:

Andrew Gracey
Brixmor Property Group
Vice President Re/Development, West
1525 Faraday Avenue, Suite 350
Carlsbad, CA 92008
E-mail: andrew.gracey@brixmor.com

With a copies to:

Brixmor General Counsel
Steve Siegel
Brixmor Property Group
EVP, General Counsel & Secretary
450 Lexington Avenue, Floor 13
New York, NY 10017
steven.siegel@brixmor.com

George Phillips
Phillips Land Law, Inc.
5301 Montserrat Lane
Loomis, CA 95650
E-mail: gphillips@phillipslandlaw.com

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 shall be deemed approval by Developer of the estoppel certificate (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) 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 shall be deemed approval by City of the estoppel certificate (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) 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 entitled to develop the Project and 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 has 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 _____ () pages and _____ () exhibits which constitute the entire understanding and agreement of the Parties. Unless specifically stated to the contrary, the reference to an exhibit by designated letter or number shall mean that the exhibit is made a part of this Agreement. Said exhibits are identified as follows:

- Exhibit A: Legal Description of the Property
- Exhibit B: Project Approvals
- Exhibit C: Development Impact Fees, Connection Fees and Community Enhancement Funds
- Exhibit D: Affordable Housing Requirements
- Exhibit E: Local Hiring Program
- Exhibit F: Environmental Sustainability Implementation Plan
- Exhibit G: Residential Occupancy Management Plan
- Exhibit H: Parking Management Plan
- Exhibit I: Construction of or Fair Share Contributions to Off-Site Road, Bike and Pedestrian Improvements

[Signatures on following page]

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

“CITY”

CITY OF DAVIS

By: _____
Gloria Partida
Mayor

Attest: _____
Zoe S. Mirabile, CMC,
City Clerk

“DEVELOPER”

California Property Owner I, LLC, a Delaware
limited liability company

By: _____
Matthew Berger
Title: Executive Vice President – West Region

By: _____
Name:

Title:

APPROVED AS TO FORM:

Inder Khalsa
City Attorney

EXHIBIT A

Legal Description

APN 034-253-007

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF DAVIS, COUNTY OF YOLO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 273, University Farms Unit No. 7, according to the official Plat thereof, filed for record in the Office of the Recorder of Yolo County, California on April 22, 1963 in Book 6 of Official Maps, at Pages 4 and 5.

Excepting therefrom all oil, gas, petroleum and other hydrocarbon substances and all other minerals within and underlying and which may be produced from said property together with certain subsurface rights incidental thereto but not the right to drill and/or tunnel into, under or through said property above a depth of 500 feet measured from the surface as reserved on the map hereinabove referred to.

EXHIBIT B

Project Approvals

- (1) Certification to the EIR for the Project
- (2) General Plan Amendment #2-18;
- (3) Rezone and Preliminary Planned Development PD 3-18 (University Commons);
- (4) Development Agreement #2-19.

EXHIBIT C

Development Impact Fees, Connection Fees and Community Enhancement Funds

I. General Provisions

Notwithstanding any other provisions of this Agreement and the Municipal Code, the development impact fees (“Development Impact Fees”) and connection fees (“Connection Fees”) set forth in this Exhibit C shall be paid by the Project as modified in this Exhibit C. All other fees, connection fees, and payments shall be subject to the general provisions of Article 2, Section H of this Agreement and the Municipal Code. All other fees, connection fees, and payments shall be subject to the general provisions of the Municipal Code. All development impact fees, connection fees and community enhancement funds paid by Developer shall be calculated consistent with the terms of this Development Agreement and this Exhibit C using the final square footage and unit count contained in the approved Final Planned Development.

The Developer and the City hereby agree to apply for and fully support funding under the Statewide Community Infrastructure Program (“SCIP”) or similar mutually agreeable program, provided that the Project meets the requirements for the financing. The application shall be at Developer’s option, and following Developer’s written notification to City of its intention to apply.

II. Development Impact Fees

Development Impact Fees shall be paid by the Developer in accordance with AB 1600 and are based on the impacts of the Project and must be reasonably related to the cost of the service provided by the local agency as set forth in the tables below. To the extent that Developer or its predecessor(s) in interest paid Development Impact Fees for commercial square footage that is being demolished to accommodate the Project, such previous fee payments shall be credited against the Development Impact Fees owed to City by Developer for the Project, meaning Developer or its predecessor(s) in interest shall pay Development Impact Fees on net new square footage.

Unless provided otherwise in this Development Agreement or this Exhibit C, payment of Development Impact Fees for the Project shall be payable prior to the Certificate of Occupancy being issued for the Project.

The Developer shall have the option to defer Development Impact Fees for the applicable phase of the Project being constructed which shall be payable 24-months from the first residential unit Certificate of Occupancy being issued for the applicable phase of the Project, provided the Developer provides security for the payment agreement acceptable to the City Manager and City Attorney. Security for the payment shall be in the form of a performance bond or letter of credit, in a form and from a surety acceptable to City, issued to the City securing the outstanding amount of the Development Impact Fees. If the amount due to the City is not paid in full upon the day of the expiration of the 24-month period, a 10% penalty will be assessed. The surety amount shall include the 10% penalty on the outstanding amount of the Development Impact Fees deferred. If the Developer does not pay the entire amount due by 45 days after the date of

the expiration of the 24-month period, the City may call on the surety or letter of credit to pay the entire amount then due, including the 10% penalty. The City Manager and City Attorney have the sole discretion to consider entering into an agreement in lieu of a performance bond or letter of credit regarding the payment of Development Impact Fees provided that the agreement provides adequate leverage in favor of the City relative to collection of the deferred Development Impact Fees.

Developer has the right to pay any Development Impact Fees associated with the Project at any given time to avoid upcoming increases.

If Development Impact Fees are not paid by the fifth (5th) year following the Effective Date of this Agreement, the Development Impact Fees shall be recalculated in accordance with rates applicable at the time.

Development Impact Fees Tables

Commercial Development Impact fees	Commercial Rate per 1,000 sf
Roadways	\$20,239.00
Parks	\$730.00
Open Space	\$126.00
Public Safety	\$1,078.00
Drainage	\$118.00
General Facilities	\$928.00
Total	\$23,219.00

Residential Development Impact Fee's	Multi-Family Rate 1-Bedroom	Multi-Family Rate 2 Plus Bedrooms
Roadways	\$3,047.00	\$4,942.00
Parks	\$3,277.00	\$3,827.00
Open Space	\$564.00	\$659.00
Public Safety	\$700.00	\$757.00
Drainage	\$85.00	\$85.00
General Facilities	\$1,249.00	\$1,823.00
Total	\$8,922.00	\$12,093.00

III. Connection Fees

Connection fees are due at building permit and the Public Works Director, can, in his or her sole discretion agree to a postponement to Certificate of Occupancy. To the extent that Developer or its predecessor(s) in interest paid Connection Fees, such previous fee payments shall be credited against the Connection Fees owed to City by Developer for the Project.

Water Connection Fees. Water connection fees paid by the Developer shall not exceed the existing City water connection fee for the first five (5) years from the Effective Date of this Agreement. If the water connection fees decrease during the five-year period, then the Project shall be subject to the lower fee. Thereafter, if the water connection fee has increased, the Developer shall pay the then current water connection fee. Water connection fees will be determined at the time of Utility plan check.

Water Meter Connection Fees

Meter Size	Charge
3/4"	\$ 10,362.00
1"	17,271.00
1-1/2"	34,541.00
2"	55,254.00
3"	103,612.00
4"	172,682.00
6"	345,376.00
8"	552,311.00

Sewer Connection Fees. Sewer connection fees paid by the Developer shall not exceed the existing City sewer connection fee for the first five (5) years from the Effective Date of this Agreement. If the sewer connection fees decrease during the five-year period, then the Project shall be subject to the lower fee. Thereafter, if the sewer connection fee has increased, the developer shall pay the then current sewer connection fee. Sewer connection fees will be determined at the time of Utility plan check.

Sewer Connection Fees

Residential (per dwelling unit)	Connection charges
<i>Multi-family 5 or more units</i>	<i>\$3,320.00</i>
Commercial (based on flow and quality of discharge to the wastewater facility)	Connection Charge
Flow (ccf/day) winter water usage from November – February	<i>\$14,346 ccf/day</i>
Biological oxygen demand impact to wastewater facility (lbs/day)	<i>1,556 lbs/day</i>
Total suspended solids impact to wastewater facility (lbs/day)	<i>853 lbs/day</i>

IV. Community Enhancement Funds

Community Enhancement Fund Multiplier for Units in Excess of Three Bedrooms

For any units in the Project that contain more than three bedrooms, additional Community Enhancement Funds shall be paid as follows: A multiplier shall be determined by dividing the total number of bedrooms by the total number of units to determine the average number of persons per unit. The average number of persons per unit shall be divided by the Development Impact Fee occupants per multi-family unit assumption in place at the time of building permit for each building which will result in the Bedroom Count Basis Multiplier that would be applied to the following Development Impact Fee categories: Roadways, Drainage, Parks, Open Space, Public Safety, and General Facilities. Rates are subject to change if any of the multipliers change such as total bed or unit counts.

Applicable to units in excess of 3 bedrooms. The final Community Enhancement Funds Rate will be determined based upon final unit mix.

Community Enhancement Table

Community Enhancement Funds Rate	
Roadways	\$2,805.87
Drainage	\$ 48.25
Parks	\$ 2,172.82
Open Space	\$ 374.15
Public Safety	\$ 429.79
General Facilities	\$ 1035.02
Total Per Unit in excess of 3 bdrms	\$6,865.93

The Developer shall have the option to defer Community Enhancement Funds for the applicable phase of the Project being constructed which shall be payable 24-months from the first residential unit Certificate of Occupancy being issued for the applicable phase of the Project, provided the Developer provides security for the payment agreement acceptable to the City Manager and City Attorney. Security for the payment shall be in the form of a performance bond or letter of credit, in a form and from a surety acceptable to City, issued to the City securing the outstanding amount of the Community Enhancement Funds. If the amount due to the City is not paid in full upon the day of the expiration of the 24-month period, a 10% penalty will be assessed. The surety amount shall include the 10% penalty on the outstanding amount of the Community Enhancement Fund deferred. If the Developer does not pay the entire amount due by 45 days after the date of the expiration of the 24-month period, the City may call on the surety or letter of credit to pay the entire amount then due, including the 10% penalty. The City Manager and City Attorney have the sole discretion to consider entering into an agreement in lieu of a performance bond or letter of credit regarding the payment of Community Enhancement Funds provided that the agreement provides adequate leverage in favor of the City relative to collection of the deferred Community Enhancement Funds.

Exhibit D

Affordable Housing Requirements

The application for the Project was submitted to the City on March 13, 2018, at which time the City's affordable housing ordinance provided for an exemption from the affordable housing requirements for vertical mixed use projects. Reasons for the exemptions included the City's interest in encouraging vertical mixed use in infill locations, recognizing the unusually high costs of such development, and the loss of previously available funding for affordable housing. The Project is a vertical mixed use project.

The City's affordable housing ordinance was subsequently amended by the City Council on January 8, 2019. The amended ordinance eliminated the exemption in the previous ordinance for vertical mixed use projects and established the requirement of providing units' equivalent to five percent of the total units being developed. The staff report accompanying the affordable housing ordinance to the City Council on December 18, 2018, included the following statement "Third, the proposed amendment will not impact applications currently under review. Rather the amendments will only apply to applications submitted after the ordinance takes effect, which will be 30 days following the ordinance's second reading". As such, the Project is exempt from the requirements of the City's Affordable Housing Ordinance.

Even though the vertical mixed use exemption is still applicable to the Project, the Developer shall nonetheless meet the Vertical Mixed-Use Development requirement as defined in Municipal Code 18.05.060(a)(4), which specifies that a number equivalent to five percent of the total units, bedrooms, or beds being developed including the affordable units, bedrooms, or beds, shall be developed and made affordable to low income households, households with gross incomes at or below eighty percent of area median income for Yolo County. Accordingly, the Project affordable housing program shall provide five percent (5%) of the onsite beds allocated to residents with incomes at eighty percent (80%) of area median income (AMI).

Prior to issuance of building permits issued for the Project, the Developer shall record a covenant on the Property, making the affordable requirements described in this exhibit binding upon all successors and assigns during the life of the project, surviving the termination or expiration of this Agreement. The details of the management of the affordable housing program shall be provided to the City prior to approval of the Final Planned Development, and said program shall be subject to review and approval by the City Attorney and City Manager. .

EXHIBIT E

Local Hiring Program

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), to the extent practical given the type of construction required to build the Project.

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 or 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. As part of Developer's larger outreach and hiring program to hire the skilled workers required to construct the Project, and 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 Developer and Prime contractor shall determine in their respective subjective business judgement whether any particular Targeted Job Applicant is qualified to perform the On-Site Job and whether or not to hire the Targeted Job Applicant for which such Targeted Job Applicant has applied.

7. Term. The Local Hiring Policy shall 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

The City and the Developer have agreed that environmental concerns and energy efficiency are critical issues for new developments. The sustainability and primary energy efficiency standards of the State of California, through CALGreen (California Green Building Standards Code Part 11 of Title 24, California Code of Regulations) and the California Energy Code (Part 6 of Title 24) shall be the basis for compliance of the Project. The base CALGreen requirements meet all of the LEED prerequisites and also earn points towards certification, if desired. The City is currently requiring CALGreen Tier 1 compliance. The Project will be required to meet CALGreen and Energy Code compliance that will be essentially equivalent to LEEDv4 Gold. Project compliance with this commitment shall be satisfactorily demonstrated to the Director of Community Development and Sustainability. As such, formal LEED certification of the Project by the U.S. Green Building Council is not required.

1. The project shall comply with the City of Davis Reach Code. The current Reach Code requires a minimum 10% compliance margin above the 2019 California Building Energy Efficiency Standards (Title 24, Part 6 of the California Code of Regulations) and the buildings and landscaping will be designed to achieve Tier 1 domestic water usage and comply with the Model Water Efficient Landscape Ordinance (MWELo). The analysis necessary for compliance shall be submitted prior to the issuance of Building Permits. The measures could include, but not be limited to, a combination of the following:

- LED lighting with lighting power densities in common spaces, offices, and corridors at least 10% lower than Title 24 prescriptive requirements.
- High-efficacy LED lighting with lighting controls and natural day lighting/ventilation throughout the project.
- Roof-top photo-voltaic electrical panels sized to offset a portion of the total building energy use. Size is the lesser of 80% offset of the building's annual electric load or 15 DC watts per sq. ft. of solar zone. Solar zone is available roof space after required setbacks from parapets and equipment. High efficiency glazing for both manufactured and site-built storefront products that includes low-E coating and either non-metal framing or thermally broken metal framing with U-factors ≤ 0.35 and solar heat gain coefficients ≤ 0.25 .
- Envelope insulation that meets or exceed 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-28 cavity insulation and R-12 continual insulation.
- High efficiency cooling equipment with SEER values ≥ 16 ; high efficiency heating equipment with AFUE values ≥ 90 for gas equipment and HSPF values ≥ 9 for electric equipment; high efficiency ventilation systems with fan efficacy ≤ 0.35 Watts/cfm².

2. Electric Vehicle (EV) charging: As per Davis Electric Vehicle Charging Plan requirements, approved by City Council by resolution on February 23, 2017, this Project is required to provide Nine (9) EV Chargers for its commercial square footage and,

Sixteen (16) for its residential units, an additional:

- Level 1 charging at 5% of all spaces (min 2 spaces): 5% of Two Hundred and Sixty Four (264) total required parking spaces = Thirteen Spaces (13) spaces at Level 1 (multiple spaces can be served by a single charger).
- Level 2 charging at 1% of all spaces (min 1 parking space): minimum = 1% of Two Hundred and Sixty Four (264) total required parking spaces = Three (3) spaces at Level 2
- Conduit adequate for 25% Level 2 spaces: 25% of Two Hundred and Sixty-Four (264) spaces = Sixty Six (66) total spaces minus three above = minimum Level 2 conduit to Sixty Three (63) additional spaces.
- Room in panels and capacity to serve 20% of all spaces with Level 1 (Two Hundred and Sixty-Four (264) spaces total) = Fifty Three (53) spaces total in panels.
- Room in panels and capacity to serve 5% of all spaces with Level 2 (Two Hundred and Sixty-Four (264) spaces total) = Thirteen (13) spaces total in panels.

3. Parking

- Cost to Park Management Programs will be implemented to discourage vehicle use.
- All parking for the residential units shall be charged separately from base rent charges.

- Dedicated surface level parking stalls for ride/car share program will be provided.

4. Bicycle Parking

- A minimum of six hundred and eighty three (683) long-term and three hundred thirty five (335) short-term bicycle parking spaces shall be provided on-site, subject to recalculation based on the approved Final Planned Development.
- The long-term secured bicycle parking shall be designed to allow adequate maneuvering and access to the satisfaction of the City's bike/ped coordinator.
- Five (5) spaces shall be provided within the long-term secured bicycle parking area to accommodate, longer, non-traditional bicycles.

5. Water

- Efficient irrigation through the use of drip irrigation and moisture sensors;
- Drought tolerant plantings;
- Low-water use compliant;
- Solar hot-water preheat and central boiler system.

6. Electric Cooking Appliances for Residential Units

All residential units shall have electrical cooking appliances. No natural gas cooktops shall be allowed for residential units.

7. Utility Metering

- a. Each residential and retail suite will contain a water sub-meter to measure actual use.
- b. Each residential and retail suite will contain an electrical meter to measure actual use.

8. Water Usage Fee for Residential Units

Developer shall charge a water usage fee on units with “excessive” monthly usage above a baseline amount, which shall be established as an appropriate average amount for units of similar size and occupancy. The baseline water amount and fee shall be reviewed annually in consultation with the City to determine whether any adjustments are needed.

Adjustments are subject to review and approval by the Director of Community Development and Sustainability.

Notices. Each unit will receive a monthly summary of that unit’s water usage (with comparison information).

9. During construction developer will divert solid waste from landfill to a minimum of 65%

10. Common Area Lighting a. Parking and common area lighting will equipped with solar powered LED lights.

11. Commitment to collaborate with tenants to jointly reduce environmental footprint through provision of newsletter and/or other equivalent educational materials focused on sustainability.

12. Prior to issuance of building permits, the Developer shall record a covenant on the property, making the parking requirements described in this exhibit binding upon all successors and assigns during the life of the project, even after the expiration of this Agreement.

EXHIBIT G

Residential Occupancy Management Plan

University Commons will implement and maintain the residential occupancy management plan set forth in this Exhibit G.

1. The maximum number of residents permitted within the Project is 894.
2. As part of determining the maximum project residential occupancy, Developer/Operating Manager shall determine the number of residents allowed within each floor plan within the Project (Allowed Occupancy).
3. The Allowed Occupancy will be strictly limited to one resident per bedroom unless otherwise designated to accommodate double occupancy for specific unit types. An additional minor child being twelve (12) months of age or less who occupies the same bedroom with the child's parent or legal guardian, will be permitted in addition to the Allowed Occupancy.
4. Developer/Operating Manager will use leasing software to monitor the Allowed Occupancy and compliance through leasing agreements with residents.
5. Developer/Operating Manager shall perform quarterly unit inspections for purposes of monitoring compliance with lease terms and the applicable Allowed Occupancy for each unit.
6. Developer/Operating Manager shall limit the issuance of unit keys to residents legally occupying units within the Project under the then current lease.
7. Entrances to residential buildings within the Project will be secure, with an electronic "key" required for entry.

8. A fee will be charged for replacement of lost keys to prevent duplication.

Developer/Operating Manager will inventory the controlled access system, to ensure that missing or lost keys are deleted from the access system.

9. Developer/Operating Manager shall enforce lease terms regarding maximum unit occupancy, including initiating eviction proceedings for residents sharing their units with non-permitted occupants following receipt of a notice to comply by Developer.

10. Developer/Operating Manager shall issue temporary parking passes for guest parking spaces in the Project, which will be clearly marked with the time period for which the guest pass is valid. Cars with missing or expired guest passes will be towed.

11. Developer/Operating Manager shall regularly monitor guest parking within the Project to ensure that guest parking spaces are not regularly used by non-residents.

12. Prior to issuance of building permits, the Developer shall record a covenant on the property, making the requirements described in this exhibit binding upon all successors and assigns during the life of the project and surviving the termination or expiration of this Agreement.

EXHIBIT H

Parking Management Plan

Parking Requirements. The Project will include 693 parking spaces, 429 spaces for retail customers and 264 for residents, subject to recalculation based upon the approved Final Planned Development.

Parking Management. Parking for the structured and surface level parking will be actively supervised by on-site property management and regulated by access control technology. The 429 retail parking spaces will include 249 parking spaces on the first and second floors of the parking structure and 200 surface level parking spaces, subject to recalculation based upon the approved Final Planned Development.

Parking Enforcement. On-site property management will enforce all retail and residential parking rules and regulations. For the retail spaces, non-customer cars parked on-site for over one hour will be towed. Signs informing the public of this policy will be posted throughout the retail parking areas and a guard will be on duty from 8 am to 4 pm seven (7) days a week to tag vehicles and cause them to be towed when the policy is violated.

Employee Parking. Developer will include language in all retail leases designating locations for employee parking. The leases will also provide for enforcement of employee parking requirements, including legal enforcement of such requirements.

Controlled Access – Structured Parking. The entrance to the structured parking will be controlled to restrict retail parking to floors one (1) and two (2), and residential parking to floor three (3). There will be no cost to retail customers for parking either surface or structure

parking. Residential parking spaces will be billed to residential tenants on a monthly basis in addition to their monthly rent. A time-limited visitors parking area will be provided for guests visiting residents. Limited overnight resident guest parking will be allowed by permit only. Parking permits for guest parking will be monitored and enforced by on-site management.

Neighborhood Permit Parking. Residential neighborhoods surrounding the Project are located in preferential parking permit required areas H, P, Q, S & U. These required parking permit areas restrict on-street parking to residents holding a valid city permit. Vehicles parked without a permit are subject to being fined by the City of Davis Parking Patrol. The Project will inform tenants of these permit enforcement programs through tenant education materials and on-site signage detailing the adjacent neighborhood parking restrictions.

Residential Structured Parking Fee. Vehicle parking fees for residents choosing to have vehicles will be an additional charge to base rental rates. The additional cost is intended to discourage vehicle possession by project residents.

Bicycle Parking. Bicycle parking areas are provided on the first level of the residential building and each floor of the structured parking. 894 residential bicycle parking spaces are planned (one per residential bed), with an additional 124 bicycle parking spaces planned to serve the retail uses, subject to recalculation based upon the approved Final Planned Development.

Ride Share/Shared Parking. Final project plans will include designated areas for ride share pick-up and drop-off for users such as Uber, Lyft and GrubHub. The Developer will provide at least one parking space to be used by shared vehicles such as ZipCar as an additional public amenity to further assist in the reduced need for individual vehicle use.

Prior to issuance of building permits, the Developer shall record a covenant on the property, making the parking requirements described in this exhibit binding upon all successors and assigns during the life of the project, surviving the termination or expiration of this Agreement.

EXHIBIT I

Construction of or Fair Share Contributions to Off-Site Road, Bike and Pedestrian Improvements

Transportation and Circulation Improvements

The following transportation and circulation improvements for the Project shall be built by the developer and completed prior to issuance of temporary or final certificate of occupancy for the retail or residential portions of the project, whichever comes first.

- 1) Bicycle impact
 - a. Mitigation measure 4.6-2(a): Russell Boulevard/Sycamore Lane intersection: Highlight existing mixing zone with green pavement markings and warning signage.
 - b. 4.6-2(b) Russell Boulevard/Anderson Road intersection: Highlight existing mixing zone with green pavement markings and warning signage.
 - c. 4.6-(c.) Russell Boulevard between Sycamore Lane and Anderson Road: Construct shared use path on north side of Russell Boulevard between Sycamore Lane and Anderson Road.
- 2) Transit Impact
 - a. 4.6-4 Southbound Anderson Road bus stop on project site frontage: Enhance bus stop amenities and waiting area capacity.
- 3) Vehicle queue storage
 - a. 4.6-8(a) Russell Boulevard/Sycamore Lane intersection: Extend eastbound left-turn pocket storage.
- 4) Vehicle LOS impact
 - a. 4.6-9 Russell Boulevard/Sycamore Lane intersection: Construct pedestrian “bulbouts” to reduce crossing distance and reallocate green time to major street vehicular movements. - NORTH SIDE ONLY.

The following future transportation and circulation improvements for the Project shall be contributed to as a proportionate share of total project cost by the developer in the amount of Two Hundred and Seventy Thousand Four Hundred Dollars (\$270,400). The amount is to be paid in full prior to issuance of temporary or final certificate of occupancy for the retail or residential portions of the project, whichever comes first.

- 1) Bicycle impact, pedestrian impact
 - a. Mitigation measure 4.6-2(d): Russell Boulevard/Anderson Road intersection: Reconfigure intersection to protected intersection for bike and ped movements; Proportionate share \$173,900.
 - b. Mitigation measure 4.6-2(f): South of Russell Blvd between Anderson Road & Segundo bike roundabout: Increase shared use path capacity and reduce the potential for bicycle-pedestrian conflicts: Proportionate share \$14,800.
- 2) Vehicle LOS impact
 - a. Mitigation measure 4.6-9: Russell Boulevard/Orchard Park Drive intersection: Reduce worst-case movement delay to LOS E or better: Prohibit northbound left-turn movements OR Prohibit northbound and westbound left-turn movements (right-in/right-out only). Proportionate share \$10,450.
 - b. Mitigation measure 4.6-9: Russell Boulevard/Anderson Road intersection: Reduce overall intersection delay by 15 seconds or more during the PM peak hour. Install a five-section traffic signal for northbound right-turn lane or reconfigure intersection to protected intersection for bike and ped movements. Proportionate share \$57,750.
 - c. Mitigation measure 4.6-9: Russell Boulevard/College Park/Howard Way: Convert northbound and southbound approaches to split phase. Proportionate share \$13,500.

ATTACHMENT 7

Planning Commission

- **May 27, 2020 Planning Commission Staff Report**
- **Public Comments submitted for Planning Commission**

STAFF REPORT

DATE: May 27, 2020

TO: Planning Commission

FROM: Sherri Metzker, Principal Planner
Eric Lee, Planner

SUBJECT: **University Commons Mixed Use Redevelopment Project at 737-885 Russell Boulevard:** Planning Application #18-17 for General Planned Amendment #02-18, Planned Development Rezone #03-18, Demolition #11-18, Development Agreement #02-19, EIR #04-18

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing and recommend that:

1. City Council adopt the Resolution certifying the Environmental Impact Report for the University Commons Project and adopting CEQA Findings of Facts, a Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program and (Attachments 1 and 2);
2. City Council adopt the Resolution of Intent to Amend the City of Davis General Plan to create a new Mixed Use land use category and to change the land use designation of 737-885 Russell Boulevard from Community Retail to Mixed Use (Attachment 3);
3. City Council adopt the Ordinance rezoning 737-885 Russell Boulevard from PD 2-97B to Preliminary Planned Development (PD #3-18) (Attachment 4);
4. Approve Planning Application #18-17 for Demolition #11-18 for the University Commons Project, subject to the attached Findings and Conditions of Approval (Attachment 5); and
5. Adopt the Ordinance approving a Development Agreement for the University Commons Project (Attachment 6);

Project Description

The applicant is requesting land use approvals to redevelop the existing University Mall site located at 737-885 Russell Boulevard with a new multi-story, mixed use project (University Commons). The proposed University Commons project includes demolition of the existing 90,563 square-foot University Mall building. The new mixed use development would include new multi-family residential units with up to 894 beds and 150,000 square feet of retail space, consisting of 136,800 square feet of new redeveloped space and the existing 13,200 square feet Trader Joe's building, which will remain at its current location. A three-level, 246,000-sq. ft. parking structure with 533 parking spaces would be situated on the western portion of the site

with an additional 160 surface parking spaces provided. The main structure (the mixed use portion) would consist of five to seven levels approximately 80 feet in height. Two smaller pad buildings are also proposed. See Figure 1 and 2 for the conceptual retail and residential plans.

The 136,800 square feet of new retail space would accommodate shops, restaurants, offices, and other associated uses on the ground floor and second floor areas. There would be approximately 103,800 square feet of retail space constructed generally within the footprint of the existing University Mall and underneath the proposed residential units and an additional 33,000 retail square feet in two new, free-standing, two-story retail buildings.

The residential units up to 894 beds in a mix of unit types. The residential portion of the project would consist of four residential levels over the three-level parking garage towards Sycamore Lane and three residential levels over two retail levels towards Anderson Road. The residential units would be arranged around three separate courtyards. The project also includes tree removal and improvements for circulation, vehicle and bicycle parking, landscaping, and other site improvements.

Conceptual project plans and exhibits and supplemental project information are available on the project webpage (<https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/university-commons>) and are included in Attachments 7 and 8.

Planning entitlements include:

- General Plan Amendment to create a new Mixed Use land use category and to change the designation of the project site from Community Retail to Mixed Use;
- Rezone of the site to a Planned Development (PD) for the uses and development standards; and
- Demolition to allow for removal of the existing structure.

The project also includes a Development Agreement that addresses issues outside the typical project review scope and includes impact fees, connection fees, sustainability commitments and an Environmental Impact Report.

Future planning entitlements are required prior to construction and include the Final Planned Development and Design Review, which would provide details on the site layout, landscaping, building, and architectural design. The final mix of unit types will be determined with the final project plans. These entitlements will subject to additional review by the Planning Commission.

Site Plan Adjustments

Although the project entitlements do not include final planned development or architectural review, a site plan (presented by the applicant) has been analyzed so as to evaluate the impacts of the project. Adjustments to the site plan were made and are reflected in the current site plans or exhibits. They primarily address changes to facilitate vehicle circulation on-site and near the project driveways. They include:

- The proposed parking stalls along the drive aisle to the north of the Trader Joe's building have been eliminated.
- Exclusive outbound left-turn and right-turn lanes are now proposed at the southern Sycamore Lane driveway.
- The parking stalls in front of the proposed retail development within the eastern portion of the site have been angled in order to limit parking to vehicles travelling east to west only;
- Both Russell Boulevard driveways have been aligned with the proposed parking garage entry, and the drive aisle has been adjusted to allow for more vehicle stacking at the driveway entrances to reduce vehicle backup issues.
- Related parking adjustments – The total amount of parking provided remains the same, with 693 parking spaces consisting of 429 retail spaces and 264 residential spaces. The 264 residential spaces would still be located in the third garage level. The 429 retail spaces would include 269 garage spaces and 160 surface spaces.
- The residential levels extend farther east across the two retail levels towards Anderson Road and would maintain a building parapet height of 80 feet.
- Dispersal and redistribution of bicycle parking throughout the site in more numerous locations and closer to the retail sites.

Staff Report Sections

This staff report is organized in the following sections:

- A. PROJECT INFORMATION AND BACKGROUND
- B. COMMISSION REVIEW AND PUBLIC COMMENTS
- C. ENVIRONMENTAL REVIEW
- D. PROJECT ENTITLEMENTS AND ANALYSIS
- E. CONCLUSION
- F. ATTACHMENTS



Figure 1. Conceptual Retail Site Plan



Figure 2. Conceptual Residential Level Plan

A. PROJECT INFORMATION AND BACKGROUND

Project Setting

The existing 8.25-acre University Mall site is a neighborhood and community retail shopping center that includes a variety of commercial uses and restaurants. Surrounding uses include: an ARCO service station with a mini-mart, located adjacent to the southeast border of the site, at the northwest corner of the intersection of Russell Boulevard and Anderson Road. The ARCO station is not part of the proposed project and no changes are proposed to it.

The Davis Chinese Christian Church and Rite Aid pharmacy are located east of the site across Anderson Road. The UC Davis campus is located to the south of the site across Russell Boulevard. Uses on the UC Davis campus in the project vicinity include a softball field and student housing. A three-story apartment complex (University Court) is located west of the project site, across Sycamore Lane. The site is bounded to the north by the two-story Sycamore Lane Apartments complex. See Figure 3 for the Aerial Vicinity Map. Zoning and Land Uses are summarized in Table 1.



Figure 3. Project Area Vicinity Map

Table 1. Adjacent Land Uses and Zoning

Direction	Uses	General Plan	Zoning
<i>Project Site</i> <i>Existing:</i> <i>(Proposed)</i>	University Mall; <i>(University Commons)</i>	Community Retail; <i>(Mixed Use)</i>	PD 2-97B; <i>(PD 3-18)</i>
<i>North:</i>	Sycamore Lane Apartments	Residential – Medium High Density	R-3-M

<i>South:</i>	UC Davis	UCD/County	UCD/County
<i>East:</i>	Rite Aid & Davis Chinese Christian Church	Community Retail; Public-Semipublic	PD 12-78; PD 4-19
<i>West:</i>	University Court Apartments	Residential – Medium High Density	R-H-D

Existing University Mall Background

The existing University Mall was constructed and opened in 1966 and served as the City's first major shopping mall. Over the years, it was added onto and evolved to accommodate new tenants and changing retail tastes. In 1970, 20,000 square feet was added to the mall for Lawrence's, a department store. In the 1970s, The Graduate restaurant and sports bar was built and became the anchor restaurant for the center. In 1984, the west portion of the mall building was added to house Safeway and in 1999, the mall was renovated and some tenants relocated within the site. In 2010, Trader Joe's market was constructed. In 2004, the University Mall was acquired by the (Centro Watt Operating Partnership LLC) Brixmor Property Group, Inc., the second-largest owner of community and neighborhood shopping centers in the United States.

Over the years, many tenants have occupied spaces in the mall including Pay n' Save, Payless, Rite Aid, Gottschalk's department store, Harvest Market, The Wherehouse, and several restaurants. The University Mall was one of the first retail centers in Davis to serve the community. However, the current state of the property no longer meets today's rapidly changing retail environment. The proposed University Commons Project would redevelop and revitalize the center with contemporary and energy-efficient buildings to accommodate a mix of both residential and commercial uses.

University Commons Project Information

A planning application for entitlements to redevelop the site for the University Commons Project was submitted in March 2018 for City review and processing. Planning entitlements include:

- General Plan Amendment to create a new Mixed Use land use category and to change the designation of the project site from Community Retail to Mixed Use;
- Rezone of the site to a Planned Development (PD) for the uses and development standards; and
- Demolition to allow for removal of the existing structure.

Project data are summarized in Table 2 and building height sections shown in Figure 3. This data was used to provide environmental analysis and to assist in the creation of project development standards.

Table 2. General Site Project Data

	Proposed	Detailed Information
Building Square Footage (sf)		
Mixed Use – Residential (3 to 4 floors)	412,500 sf	264 units 622 bedrooms 894 beds

		<i>Final unit mix and composition to be determined in the final project plans.</i>
Mixed Use – Retail, Offices (1 to 2 floors)	150,000 sf	90,563 sf demolished 13,200 sf remaining 136,800 sf constructed
Parking Structure (3 levels)	246,000 sf	
Total Square Feet:	808,500 sf	
Vehicle Parking		
Residential	264 spaces	264 garage spaces
Retail	429 spaces	269 garage spaces 160 surface spaces
Total Parking	693 spaces	
Bicycle Parking		
Residential	838 spaces	
Retail	180 spaces	
Total Parking	1,018 spaces	



Figure 3. Building Heights Sections Exhibit

Other Background Information

Student Housing Issues and Project Benefits

While the University Commons Project is not restricted to students, given its location directly across from the UC Davis campus, it is expected that the preponderance of its residents would be students and others who work at the university or within the shopping center. The surrounding

area already contains numerous apartment buildings, which includes older developments, UC Davis dormitories, and new or redeveloped apartment sites. Recently approved student-oriented apartment projects in the City, which are currently under construction, include Davis Live at 525 Oxford Circle, Sterling Apartments at 2100 5th Street, and Lincoln40 on East Olive Drive. Although these projects were approved, there was concern about these projects from a portion of the community over general housing issues, UC Davis' responsibility for providing housing, parking, density and scale, and various associated student impacts.

While the concerns expressed are understandable, if approved, the University Commons Project would provide numerous benefits related to infill development, housing, economic development, sustainability, and smart growth. They include:

- Implementation of SACOG Smart Growth principles.
- Creation of needed housing.
- Infill development to reduce peripheral growth.
- Redevelopment and revitalization of the aging shopping center, in order to adapt to changing retail conditions and future challenges.
- Creation of mixed use development with proximity of housing to services, shopping, transit, employment, and UC Davis and associated reductions in vehicle use, VMT, and GHG emissions.
- The project is anticipated to result in an estimated \$200 million investment in capital improvements and to generate 2,000 direct and indirect short-term construction jobs. At stabilization, the project is expected to generate approximately \$65 million in total sales annually and employ 300 people.
- A goal of the reinvestment in the property is to create new attractive commercial space and create a greater sense of place, two key ingredients in an increasingly challenging retail environment.
- The property would also be reassessed providing additional property tax revenues to the City based upon the new valuation.

Russell Boulevard Corridor Plan and Path Improvements

The EIR for the project identifies a number of transportation-related mitigation measures for Russell Boulevard and cites the need for a Russell Boulevard Corridor Plan before certain measures and improvements can be finalized and constructed. The City has been in contact with UC Davis about a Russell Boulevard Corridor Plan and initial discussions have been conducted.

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

The Russell Boulevard Corridor Plan will evaluate the entire corridor from the western City limits to A Street, and down A Street to First Street. The Plan will evaluate transportation operational efficiencies and safety for all modes. It will also identify improvements for the

corridor and would include the impacted facilities identified in the University Commons Project EIR. The first step would be a Request for Proposal in Spring/Summer 2020 to retain a consultant team, with data collection to take place in late Summer/Fall 2020. It is envisioned that community outreach and public meetings to share information with the community would occur during FY 2020/21.

Russell Boulevard UCD Mixed Use Path

City staff has also met with UC Davis staff about scheduled improvements by the University to the mixed use path on the south side of Russell Boulevard between Arthur Street and La Rue Road. The path widening is one of the mitigation measures identified in the 2018 LRDP EIR for West Village Expansion to accommodate the additional bicycle and pedestrian trips traveling to central campus. It would add a 5 to 6-foot concrete walkway adjacent to the existing asphalt to better accommodate bicycle and pedestrian traffic and reduce conflicts. Path lighting between UCD softball field and La Rue Road would also be installed. The widening was scheduled to begin in this summer. However, there has been no update since the COVID-19 crisis and it is unclear if that will affect construction.

B. COMMISSION REVIEW AND PUBLIC COMMENTS

Public Review Process and Meetings

Opportunities for public comment have been provided during the City environmental review process and the proposed project and included the following public meetings.

Public Scoping Meeting

On December 5, 2018, a public scoping meeting was held to solicit input and comments from public agencies and the general public prior to preparation of the Draft EIR. Comments received at the scoping meeting and during the initial review period were included in the Draft EIR.

Historic Resources Management Commission (HRMC).

On November 26, 2018 and May 20, 2019, the Historical Resources Management Commission reviewed the cultural resources report prepared for the project. The HRMC identified corrections and requested additional information, which was added to the final report. The HRMC accepted the conclusions of the report, which determined that the site does not meet eligibility criteria for designation as a historical resource and there are not significant cultural resource issues related to the project.

BTSSC Review

On November 14, 2019, the Bicycle, Transportation, and Street Safety Commission reviewed the Draft EIR Transportation and Circulation Section. Comments and questions related to the CEQA alternatives, vehicle use and GHG emissions, parking, bike facilities, and concern about the significant and unavoidable project impacts. The Commission comments and response to comments are included in the Final EIR.

Planning Commission.

On December 11, 2019, the Planning Commission reviewed the Draft EIR and provided comments. Public comments and Planning Commission comments from the meeting and response to comments are included in the Final EIR.

Finance and Budget Commission Upcoming Meeting

On June 8, 2020, the Finance and Budget Commission is scheduled to review and provide input to the City Council on the project prior to the City Council hearing.

Public Comments

This hearing for the project was publicly noticed in the Davis Enterprise and notices mailed out to surrounding properties in accordance with City noticing requirements. Public comments received on the project at the time this staff report was prepared are included as Attachment 10. Any additional comments received will be provided.

Comments express concerns about the project related safety and traffic congestion, loss of access to the bike/ped path at Sycamore Lane Apartments, lack of affordable housing, the mix of units and design for students, master leasing by UCD, RHNA implications, and EIR-related comments.

C. ENVIRONMENTAL REVIEW

Environmental Impact Report

An Environmental Impact Report (SCH#2018112044) evaluating the environmental impacts was prepared for the project pursuant to CEQA requirements. The EIR identified significant and unavoidable impacts related to transportation, which requires adoption of a statement of overriding considerations. Potentially significant impacts related to air quality, biological, cultural, GHG emissions, hazardous materials, hydrology, noise, and transportation were identified, but impacts were reduced to a less-than-significant level through the implementation of mitigation measures. All other impacts were determined to be less than significant. The Final EIR is available online with other project documents at the project website below.

The Draft EIR was released for a 45-day public comment that included review by the Bicycle, Transportation, and Street Safety Commission, and the Planning Commission. Comments received from the public and city commissions on the Draft EIR are included in the Final EIR, which consists of the Draft EIR, responses to comments, edits, clarifying information, and mitigation monitoring and reporting plan.

The Final EIR contains the comments received on the Draft EIR, responses to comments, and clarifying edits to the EIR text. The comments and edits do not identify any new information or new impacts that would require recirculation of the EIR. The resolution certifying the Final EIR and adopting a Mitigation Monitoring and Reporting Plan, CEQA Findings of Fact and a Statement of Overriding Considerations for the Project is included as Attachment 2.

Additional edits and clarifications are provided in the Final EIR, but do not affect the adequacy of the EIR analysis. The complete EIR sections and appendices are available online at: <https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/university-commons/environmental-review>. Links to the EIR are provided in Attachment 1.

Significant and Unavoidable Transportation and Circulation Impacts

The significant and unavoidable impacts to Transportation and Circulation are discussed in the following DEIR sections and include:

- Section 4.6-2. Impacts to bicycle facilities under Existing Plus Project conditions remain significant and unavoidable because implementation of the mitigation measure would require UC Davis approval, which the City of Davis cannot guarantee. In addition, the preferred improvements cannot be determined at this time, as they will be determined through the City's Corridor Plan process. For these reasons, the impact remains significant and unavoidable.
- Section 4.6-3. Impacts to pedestrian facilities under Existing Plus Project conditions because implementation of the mitigation measure would require UC Davis approval, which the City of Davis cannot guarantee. In addition, the preferred improvements cannot be determined at this time, as they will be determined through the City's Corridor Plan process. For these reasons, the impact remains significant and unavoidable.

- Section 4.6-9. Impacts to study intersections under Cumulative Plus Project conditions. Mitigation measure would reduce peak hour delay for select vehicular movements at intersections along the Russell Boulevard under Cumulative Plus Project conditions. However, overall Russell Boulevard corridor vehicle demand would remain high under Cumulative Plus Project conditions, which would limit the effectiveness of potential mitigation actions with regards to reducing peak hour vehicle delay at study intersections. Overall, the delay reductions would not be sufficient to restore acceptable intersection operating conditions at impacted study intersections, or to reduce the project's cumulatively considerable contribution to unacceptable operating conditions. Furthermore, elements of the mitigation measure would be located on UCD property and would be subject to final approval and actions by UC Davis. Moreover, because the remaining fair share contributions needed for the construction of some of the alternative improvements have not been identified by the City of Davis, fair share payment by the project applicant would not ensure construction. In addition, the preferred improvements cannot be determined at this time, as they will be determined through the City's Corridor Plan process. Therefore, full implementation of mitigation measure cannot be guaranteed. Thus, the project's incremental contribution to the cumulative impact would remain cumulatively considerable and significant and unavoidable.

Significant and Unavoidable Bicycle and Pedestrian Impacts

It should be noted that the significant and unavoidable impacts to bicycle and pedestrian facilities results from the project's proximity to the UC Davis campus, the expected student residents, and their travel characteristics. City policies seek to achieve a high trip rate for bicycles and pedestrians. The University Commons Project at this location supports that objective. However, it results in impacts and a need to upgrade affected bicycle and pedestrian facilities, which are already heavily used.

The significant and unavoidable impact determination stems from the complexity of the Russell Boulevard corridor, which requires a holistic approach and coordination with UC Davis. The City's Transportation Element identifies Russell Boulevard for a corridor plan and the City has held an initial meeting on the topic with UC Davis planning staff. The Draft EIR identifies mitigation measures that address the bicycle and pedestrian impacts. However, implementation of certain of the improvements currently cannot be guaranteed absent their identification in the corridor plan and approval by the university.

Significant and Unavoidable Intersection Impacts

It should also be noted that the significant and unavoidable impacts identified in the Draft EIR to several intersections along Russell Boulevard is a cumulative impact which occurs with or without the proposed University Commons Project. The cumulative impact exists without the proposed project and is created from expected city and UC Davis growth and foreseeable future development. While the University Commons Project contribution to the impact is cumulatively considerable and therefore considered significant, the identified intersections would still experience significant impacts without the Project. The significant and unavoidable determination related to the corridor plan, UC Davis jurisdiction, and funding for the necessary improvements are described above.

Mitigation Measures

As described in the EIR, project impacts were found to be less than significant or less than significant with mitigation in all of the topic areas, except for certain impacts related to Transportation and Circulation. The mitigation measures are compiled in the Mitigation Monitoring and Reporting Program, which is included in the Final EIR, and is provided in Attachment 2.

Alternatives Analysis

The California Environmental Quality Act (CEQA) requires that an EIR analyze a reasonable range of feasible alternatives that meet most or all project objectives while reducing or avoiding one or more significant environmental effects of the project. The following project alternatives were considered in the DEIR:

- No Project Alternative;
- Retail Only Alternative;
- Existing Zoning Mixed Use Build Out Alternative;
- Low Parking Alternative;

CEQA requires that an environmentally superior alternative be identified. As required by CEQA, when the No Project Alternative is the environmentally superior alternative, the environmentally superior alternative among the other ones must be identified. Among the alternatives analyzed in this EIR, the Retail Only Alternative was determined to be the environmentally superior alternative. Due to the nature of the project and impacts, the Retail Only Alternative would result in a reduced number of pedestrian, bicycle, transit, and vehicle trips during operations compared to the other alternatives, thereby resulting in fewer traffic impacts. However, as provided in the Final EIR and in the attached CEQA Findings of Fact, the project alternatives including the Retail Only Alternative were rejected as not feasible or insufficient in meeting the Project's objectives.

D. PROJECT ENTITLEMENTS AND ANALYSIS

General Plan Amendment

The project requires a General Plan Amendment for a text change to create a new “Mixed Use” land use category and a map change to redesignate the University Commons project site from the existing designation of “Community Retail” to “Mixed Use”.

The intent of the Community Retail land use designation is to provide opportunities for moderate-sized retail stores in existing retail clusters selling retail goods such as, appliances, electronics, furniture, clothing, soft goods, and similar types of products. Allowable uses include retail shopping centers and freestanding buildings selling the goods listed above, as well as ancillary retail uses and restaurants. Community Retail-designated areas may include some neighborhood-serving uses such as food stores. Residential uses are conditionally allowable. The maximum allowable FAR is 50 percent, with an additional 10 percent allowed for development of shared parking facilities with neighboring uses. An additional 15 percent is allowed for the housing component of a mixed-use project.

While current commercial land uses allow for residential use, the amount of residential is limited. The new Mixed Use designation would allow for a mix of various non-residential uses with higher intensity residential uses. Specific amounts and uses would be specified in the zoning. The new Mixed Use land use designation addresses the need for a land use that has become more common in many communities and that would help the City achieve its goals for infill development, transit-oriented projects, and VMT reduction.

The initial approach for the General Plan Amendment designation related to the University Commons Project involved uses and description more specific to the proposal. However, staff determined that the more general Mixed Use land use was more appropriate and more applicable to other potential mixed-use projects within the City.

Proposed Mixed Use Land Use Category

The specific language for the proposed Mixed Use category is provided in Attachment 3 as part of the Resolution to amend the General Plan and is summarized here.

The intent of the category would be:

To provide sustainable and transit oriented opportunities for medium and large-scale multi-story, mixed use development that integrates retail uses and/or office and research and development related uses with higher density multifamily residential uses. The Mixed Use designation is intended to create housing opportunities; retain and encourage healthy, active retail centers for the community; promote innovative design by integrating residential and non-residential uses; facilitate neighborhood connections and convenient transportation alternatives in the vicinity of the project.

Permitted uses include: retail, offices, personal services, restaurants, research and development space, including laboratories, residential uses, light manufacturing and assembly, and open space. Specific amounts and types would be established in the zoning.

Prohibited uses include: major manufacturing, warehouse and distribution, outdoor storage, and agricultural uses.

The Mixed Use category would include the following special considerations:

1. Include a mix of high density residential uses with convenient retail and services for the daily needs of residents or with space for job-generating office uses and/or research and development (laboratory) uses.
2. Provide site amenities and outdoor gathering spaces for employees, customers and residents.
3. Incorporate measures to reduce the reliance on vehicle ownership and use.
4. Provide on site improvements, access and facilities, designed to encourage and facilitate pedestrian, bicycle, transit, and other alternative transportation options as well as emerging mobility technologies.
5. The determination for whether residential or non-residential shall be permitted on the first floor and what is permitted on the floors above the first floor shall be included within the commensurate Planned Development or its equivalent applicable zone.
6. Support high-density developments that provide high quality design in an appropriate urban scale and enhances the City's character.
7. Provide site improvements, access, and on-site facilities and design that encourage and facilitate pedestrians, bicycles, transit, other alternative transportation options, and emerging mobility technologies.

The amendment also adds the following associated policy:

Policy LU U.1 Promote compact development patterns, mixed-uses, and higher-development intensities that use land efficiently; reduce greenhouse gas emissions and auto dependence and the expenditure of energy and other resources; and that promote walking bicycling, and transit use, consistent with SACOG's strategies to facilitate and streamline the development of residential mixed-use projects and Transit Priority Projects.

If approved, the Mixed Use designation would currently only apply to the University Commons Project site. It could be applied to other sites, but would require a separate General Plan Amendment which would be subject to environmental review and discretionary approval.

Consistency with General Plan Policies

The University Commons Project would be consistent with the Mixed Use land use category and provisions as described above. Additionally, the project meets numerous General Plan policies with the following specific policies particularly applicable.

- Housing 1.1. Encourage a variety of housing types that meet the housing needs of an economically and socially diverse Davis.
- Housing 1.2. Strive to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students.

- Land Use Infill 2.1.a2. New mixed use, transit oriented development in/near established neighborhoods.
- Urban Design 1.1g. Designs that are urban in character are encouraged around the core area and at neighborhood activity nodes. Such designs include, but are not limited to, buildings that extend to the front and side property lines, buildings which provide a feeling of permanence and durability, and buildings with outdoor cafes and plazas.
- Urban Design 2.4. Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers.
- Transportation 1.3. (Goals 1, 2, 3, 4). Encourage higher intensity residential, commercial, and mixed-use development near existing activity centers and along corridors well served by non-motorized transportation infrastructure and public transportation.

Specific policies with some conflict or inconsistency include:

- Urban Design 2.3a. There should be a scale transition between intensified land uses and adjoining lower intensity land uses.
- Urban Design 2.4d. Multifamily housing complexes should be designed, constructed and managed in projects of no more than 150 units, not including any density bonus.

Urban Design Standard 2.3a addresses scale transition between land uses. The University Commons Project would have up to 7 levels (3 garage levels and 4 residential floors) at 80 feet high, which would be a change to the site and taller than adjacent developments, which are generally two stories. However, staff believes that it is reasonable for the location and general setting. The project site is separated from other land uses by arterial streets on three sides, which include UC Davis, apartment complexes, retail, and public/semipublic uses. It adjoins another property (not including the ARCO station) only on the north side where the Sycamore Lane Apartments, a large apartment development, is located. Buildings on the two sites would be separated by drive aisles on both sides and parking. Furthermore, the area already has intensified land uses and redevelopment of apartment sites in the area has increased the building heights.

Urban Design Standard 2.4d states that multifamily projects should not exceed 150 units, not including density bonus. This policy provides guidance for general intent and is not an absolute standard. Staff believes that the intent of this policy is to avoid excessively large-scale apartment complexes of buildings and surface parking that can be found in other cities and to promote architectural diversity. Most multifamily sites in the Davis appear to be under or within this 150-unit range. Examples of several exceptions include:

- 3820 Chiles Road Apartments (224 market-rate units) at 3820 Chiles Road;
- Sterling Apartments (160 market-rate units & 38 affordable units);
- Anderson Place Apartments (240 units) on 1850 Hanover Drive;
- University Retirement Community (238 units) at 1515 Shasta Drive;
- Cranbrook Apartments (216 units) at 955 Cranbrook Court;
- Tanglewood Apartments (216 units) at 1880-2020 Cowell Boulevard;
- Parkside Apartments (200 units) at 1420 F Street;

Conformity with every General Plan policy is not a requirement as they are statements of policy and direction, rather than strict standards. Additional considerations should include city housing needs, changing economic and development conditions, and the relatively large University Commons site. Staff feels this project is consistent with the intent of this policy.

Infill Development.

The City's vision for infill development is to encourage and maximize opportunities for infill development projects that are beneficial to the community, protective of existing neighborhoods, and well designed. The benefits of infill include resource conservation, efficiency of facilities and services, promotion of alternative modes of transportation, and opportunities for diverse housing and mixed use options.

The General Plan defines infill as, "urban development or redevelopment on vacant or "underutilized" urban-designated land within a city's boundaries, as an alternative to accommodating growth through expansions of city boundaries." It also defines underutilized designated land as, "developed or partially developed urban-designated land which could be developed in other uses or more dense and intense use consistent with City policies, surrounding uses and potential impact issues."

The critical need for rental housing is evidenced by apartment vacancy rates in the City. The recent UC Davis *2019 Apartment Vacancy and Rental Rate Survey* states that the blended vacancy rate (i.e., apartments leased by the unit and by the bed) is estimated to be 0.6 percent, essentially unchanged from 0.4 percent in 2018 and 0.2 percent in 2017.

Staff believes that the proposed project would provide benefits consistent with the General Plan policies for infill development and the Interim Infill Guidelines that include:

- The project contributes to the variety of housing types, densities, prices and rents, and designs in the neighborhood and provided needed student rental housing;
- Efficient use of the underutilized site;
- Well-served by facilities and services, especially given its proximity to the UC Davis campus;
- Compatible with surrounding mix of uses, and given its ideal location for student housing;
- Strengthens an important neighborhood and community shopping center.
- The site is safe and convenient for pedestrians, cyclists and transit users.
- The site, building and landscape design promote energy efficiency including an overall green building, water conservation measures; energy efficient lighting, heating, and cooling systems, and supports alternative transportation.

City Growth Policies and Housing Issues (1% Growth Cap).

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

growth guideline of 1%. As a vertical mixed use project, University Commons is exempt from the growth cap. However, the following is provided for information.

A Residential Development Status Report for 2019 is being prepared and will be scheduled for presentation to City Council. Initial analysis and updated data are described here and provided in Table 3. Staff estimates that building permits may be issued for a total of approximately 2,233 potential residential units in the next five calendar years of 2020, 2021, 2022, 2023, and 2024. Some of these units are in proposed planned developments (*noted*) that may / may not be approved. Staff has estimated the potential number of units over five years because it is less speculative about how many units will be issued building permits in individual years. It is also worth noting that some larger projects may take longer to fully build out. Staff has attempted to make reasonable assumptions for those projects.

Table 3. Potential Units 2020 through 2024 (5 Calendar Years)

Site	Total potential units (net)	Units subject to 1% cap *	Types of units
Chiles Ranch	96	90	Single family (market and affordable)
Davis Live, Oxford Circle	71	71	Apartments (student oriented)
Trackside Center	27	-	Apartments (vertical mixed-use)
Nishi	700	-	Apartments (student oriented) (<i>Presumed exempt as infill housing meeting particular needs with extraordinary community benefit</i>)
Bretton Woods (West Davis Active Adult Community)	280	205	Single-family, affordable apartments. Assumes 50% buildout by 2023
3820 Chiles Apartments	225	225	Apartments (workforce)
Plaza 2555	200	168	Apartments (in Planning review)
University Mall Redevelopment	264	-	Apartments (vertical mixed-use) (in Planning review)
Aggie Research Campus Phase 1	270	198	Single family attached and mixed-use apartments (workforce) (in Planning Review)
Other zoned sites: Scattered single family; ADUs; and downtown infill	100	80	Single family, apartments, condominiums (projected)
Total units	2,233 (447 av/yr)	1,037 (207 av/yr)	--

**Explanation of "Units subject to 1% cap" column above. These units are subject to the 1% growth cap resolution #08-019. Exempt are: (1) permanently affordable units; (2) units in vertical mixed use buildings; and (3) accessory dwelling units. Council has the flexibility 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. In addition, Council may allow an infill project which provides for particular community needs with extraordinary community benefits, even if it would cause an exceedance of the annual growth guideline of 1%.*

The current estimate of 2,233 potential units over the next five calendar years is equal to an annual average of 447 units. This calculation shows potential growth if everything in planning review is approved and all approved units are built within five years, which may not, and in all likelihood will not, be the case. After excluding units that are specifically exempted by the growth cap resolution (that is, affordable units, units in vertical mixed-use buildings, extraordinary infill, and accessory dwelling units), the estimate is reduced to 1,037 units over the five calendar years which is equal to an annual average of 207 units or an annual average of approximately 0.8 percent growth. This amount of growth is within the 1% growth cap resolution of 2008.

As noted, the University Commons Project is exempt as a vertical mixed use project. However, if its 264 units were added to the 1,037 non-exempt units, the 5-year average would be 260 units, consistent with the 1% growth cap.

Phased Allocation.

This project is exempt from phased allocation requirements pursuant to Municipal Code Section 18.01.030(b) under items: (2) as nonresidential development; and (3) as a multifamily rental residential development.

Mix of Housing Types.

In addition to policies in the General Plan promoting a mix of housing, Housing Resolution 11-077 adopted by Council (in June 2011, amending an original resolution in 2008), contains “Direction #2, Strive for general targets for the mix of housing types.” The intent of the general housing types’ targets is to provide for the varied housing needs in the community. It is worth noting that the ratios of different types of housing can vary from year to year, particularly when a major project receives building permits, but over the course of several years, the ratios can change. Table 3 provides a comparison of the housing type targets and the actual housing produced over the eleven years from 2009 through 2019.

Table 4. Comparison of Housing Type Targets with Actual Housing Produced (2009-2019).

Targeted types and actual types	Single family detached and attached types	Multi-family ownership (condominium) types	Multi-family rental types (ADUs are included here)
General housing type targets in Resolution 11-077	40% to 60%	10% to 25%	30% to 40%
Actual housing types from 2009 through 2018	38%	9%	53%

As shown in the table, the percentage of multi-family rental projects is 53% and exceeds the targeted range. It is the result of several recently approved project that are currently under construction, including Creekside Apartments, Sterling Apartments, Lincoln40 Apartments, and Davis Live. The University Commons Project would further increase the share of multi-family units. It represents the uneven nature of housing construction and pent up demand. For the 9-year

period (2008-2107) prior to these projects, the multi-family rental share of development was 33%. Staff will continue to monitor and report on the percentage breakdown.

Regional Housing Needs Allocation (RHNA).

The Regional Housing Needs Allocation (RHNA) from the Sacramento Area Council of Governments (SACOG) establishes the total number of housing units that each city and county must plan for within an eight-year planning period. Based on the adopted RHNA, each city and county must update the housing element of its general plan to demonstrate how the jurisdiction will meet the expected growth in housing need over the period.

The City's Housing Element for the 2013-2021 period was adopted in 2015 and certified as adequate by the state Department of Housing and Community Development (HCD). The land inventory was based upon underutilized properties, vacant sites, and units that had received certificates of occupancy after January 31, 2013. Based upon current statute, staff anticipates the next Housing Element to cover the period from August 1, 2021 through July 31, 2029. HCD explains that the calculation of units receiving RHNA credit will be based on underutilized properties, vacant sites, and units that are under construction, but have not received certificates of occupancy as of June 30, 2021.

Per the now approved Regional Housing Needs Plan, the City of Davis will be responsible to provide adequate land for the development of 2,075 housing units during the RHNA planning period. The City's current RHNA allocation calls for the development of 1,066 units, including 124 Extremely Low, 124 Very Low, 174 Low, 198 Moderate, and 446 Above Moderate Income Units. It is worth noting that the total RHNA allocation represents a nearly 95% increase in housing production for the next Housing Element cycle. The new RHNA allocation also indicates that 44.8% of new housing units built during the RHNA planning period should be affordable to very-low and low-income households, which translates to multi-family housing.

The City has already met its requirements for moderate and above-moderate affordability of the current cycle. However, the University Commons Project would not be expected to begin construction until sometime in the next housing cycle after 2021. As the City's next RHNA allocation is expected to be significantly higher, the University Commons Project will contribute to meeting the City's RHNA allocation

Preliminary Planned Development/Rezone

The project site is currently zoned Planned Development (PD) 2-97B, which was approved by the City in 2006. It establishes a building height limitation of 50 feet and allows a variety of neighborhood and community retail uses, offices, and residential uses above the ground floor. The proposed project would rezone the site from PD 2-97B to a new Preliminary Planned Development (PD) 3-18 (University Commons) for the mixed use retail and multi-family residential project.

The purpose of a planned development is to allow for flexibility from the rigid standards of conventional zoning and to encourage a variety of developments. It also provides greater certainty and higher quality project for the City. Base zoning for PD 3-18 is the Community Retail (C-R) District (Zoning Code Section 40.18A). The Planned Development identifies

permitted uses and development standards for the project which are incorporated in PD 3-18 zoning document and provided below in Table 5. The ordinance amending the Planned Development is included as Attachment 4.

Permitted Uses

Permitted uses in PD 3-18 would be consistent with Community Retail District (Zoning Code Section 40.18A), which would serve as the base zone, with adjustments as specified in the PD zoning document. It allows for a wider range of uses and includes lab and R&D-type, which are employment-generating, knowledge-based, and compatible with the primary retail and office uses. A larger proportion of residential uses than allowed in the existing zoning is proposed by the project and permitted in the PD.

Bed/Bedroom/Unit Numbers

The analyzed project includes a total of 894 beds and 622 bedrooms. However, the final unit mix is to be determined in the final project plans through the Final Planned Development. The Final Planned Development permits 894 beds with a requirement to demonstrate that the final configuration of beds in units meets the same or less than the impacts identified in the University Commons EIR.

Development Standards

The following development standards are proposed for PD 3-18 and address general development requirements. The Final PD for the project will comply with these standards.

Table 5. Development Standards

Maximum building height	No building shall exceed eighty (80') feet in height or more than seven stories in height. Tower elements not to exceed eighty-five (85') feet.
Front setback	Zero (0') feet
Interior and street side yard setback	Zero (0') feet
Rear setback	Minimum zero (0') feet; except when abutting an R district, then minimum twenty (20') feet.
Landscaping	In addition to parking lot shading and screening, landscaping shall cover a minimum of five (5%) percent of the site and must be provided consistent with provisions of landscaping and screening for commercial districts (Section 40.26.250(b) and (c)).
Parking – Non-Residential	Off-street parking for non-residential uses shall be provided in the ratio of 1.0 space per 350 square feet of gross floor area. This ratio may be reduced through the Minor Modification process.
Parking – Residential Uses	Off-street parking for residential uses shall be provided in the ratio of 1.0 space per residential unit. This ratio may be reduced through the Minor Modification process.
Bicycle Parking	Bicycle parking shall be provided for all uses in accordance with Section 40.25A.

Signage	Subject to the provisions of Section 40.26.20, except as modified by the adopted site-specific program for University Commons.
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Building Height

The project proposes a maximum building height of 80 feet and seven stories where 50 feet is the maximum allowed under the current zoning. Surrounding properties generally consist of two and three-story apartment buildings. The nearby Davis Live project, which is under construction, is a seven-story apartment building of similar height. While it is a substantial increase in building height for the site, it allows for needed redevelopment of the shopping center with a mix of uses to support the retail center and benefit the community by providing housing.

Building Setbacks

The setback standards are consistent with the existing PD 2-97B standards, which allows zero feet on all sides except if the rear setback abuts a residential district, then the setback shall be 20 feet. Staff finds that that proposed setbacks are appropriate with three street sides to the site, which provides a buffer between properties, and the multi-family apartment development (Sycamore Lane Apartments) to the rear, with driveways and parking further separating the buildings from each other.

Vehicular Parking

Parking for the proposed project totals 693 parking spaces, which would consist of 429 spaces designated for retail use and 264 spaces designated for residential use. It is a parking standard of 1 space per residential unit and 1 space per 350 square feet for the non-residential uses, which are incorporated in the PD zoning. The standards are consistent with the parking standard for a community shopping center (Section 40.25.090.w) which requires one space for each three hundred fifty square feet of gross area of nonresidential use, plus one for each dwelling unit.

The 264 residential spaces would be located on the third level of the parking structure. The retail spaces would include 269 spaces in the parking structure and 160 spaces in the surface-level parking lot. In the parking garage, the first and second levels would be dedicated to retail parking. The third garage level would have parking spaces dedicated to the residential units. Entrance to the structured parking would be regulated by access controls to restrict retail parking to the first and second levels and residential parking to the third level. Garage parking for retail customers would be free, while residential parking stalls would be billed to residential tenants on a monthly basis. Parking would include on-site electric vehicle and car-sharing spaces. An electric vehicle charging parking plan to accommodate future growth for additional electric vehicles is also proposed. Parking management for the structured parking and surface level parking would be actively supervised by on-site property management and regulated by access control technology.

The project is constructed within an MTP/SCS transit priority area, within walking distance to the UC Davis campus and the Downtown Core. The project frontages are served by Unitrans bus lines B, C, G, J, K, P, Q providing easy access to UC Davis campus and Yolo bus lines 42A, 42B, and 220. It is also adjacent to the high-quality transit corridor on Russell Boulevard. Existing

Zipcar carsharing spaces are located on Russell Boulevard in front of the project site and are also available nearby on campus and further help to reduce the need for private vehicles.

The project as proposed balances the need to provide adequate parking and the benefits of reducing automobile travel, considering factors that include: other portions of the Davis Municipal Code where parking requirements are reduced for residential uses in close proximity to transit and other uses; data from the UC Davis Campus Travel Survey that demonstrates a high percentage of UC Davis students and employees commute to campus by non-vehicle modes within the City and even higher for those living closer to campus; car share availability; project design; and other recently constructed residential projects. Additionally, Table 6 below shows that the proposed project is in line with other recently approved student-oriented apartment projects. Staff finds the proposed parking is appropriate for the project.

Table 6. Comparison with Recent Student-Oriented Residential Parking Ratios

Apartment Complex	Units	Parking Spaces	Parking/Unit	Parking/Bedroom
<i>Proposed Residential University Commons</i>	264	264	1.0	0.42
<u>Sterling Apts.</u> 2100 5 th Street	160	348	2.2	0.64
<u>Lincoln 40</u> East Olive Drive	130	240	1.8	0.5
<u>Davis Live</u> 525 Oxford Circle	71	71	1.0	0.25

Bicycle Parking and Facilities

A total of 1,018 bicycle parking spaces would be provided and would exceed the 802 total spaces required for residential and retail bicycle parking. Bicycle parking provided would consist of 335 short-term spaces (32 percent of total) and 683 long-term spaces (68 percent of total). The majority of long-term bicycle parking (583 spaces) would be provided on various levels within the proposed parking structure, with access provided via elevator. These spaces would be primarily utilized by project residents. An enclosed short-term bicycle storage area on the first floor of the parking structure would include benches and lockers and would be ideally suited for project employees. The remaining short-term bicycle parking would be scattered throughout the site near driveways or retail entry/exit points. These would include some covered parking spaces. Separate bicycle and vehicle entrances would be provided on the north elevation of the parking garage. Figure 4 shows bicycle circulation and access.

Project improvements will include a bicycle facility along the project frontage on the north side of Russell Boulevard for off-street shared use path/bike lane or a protected bike lane with the final design to be determined by the City Engineer. Staff's preference is the off-street shared path, but with the recognition that further engineering details to examine the available width, design standards, and tree preservation would be necessary.

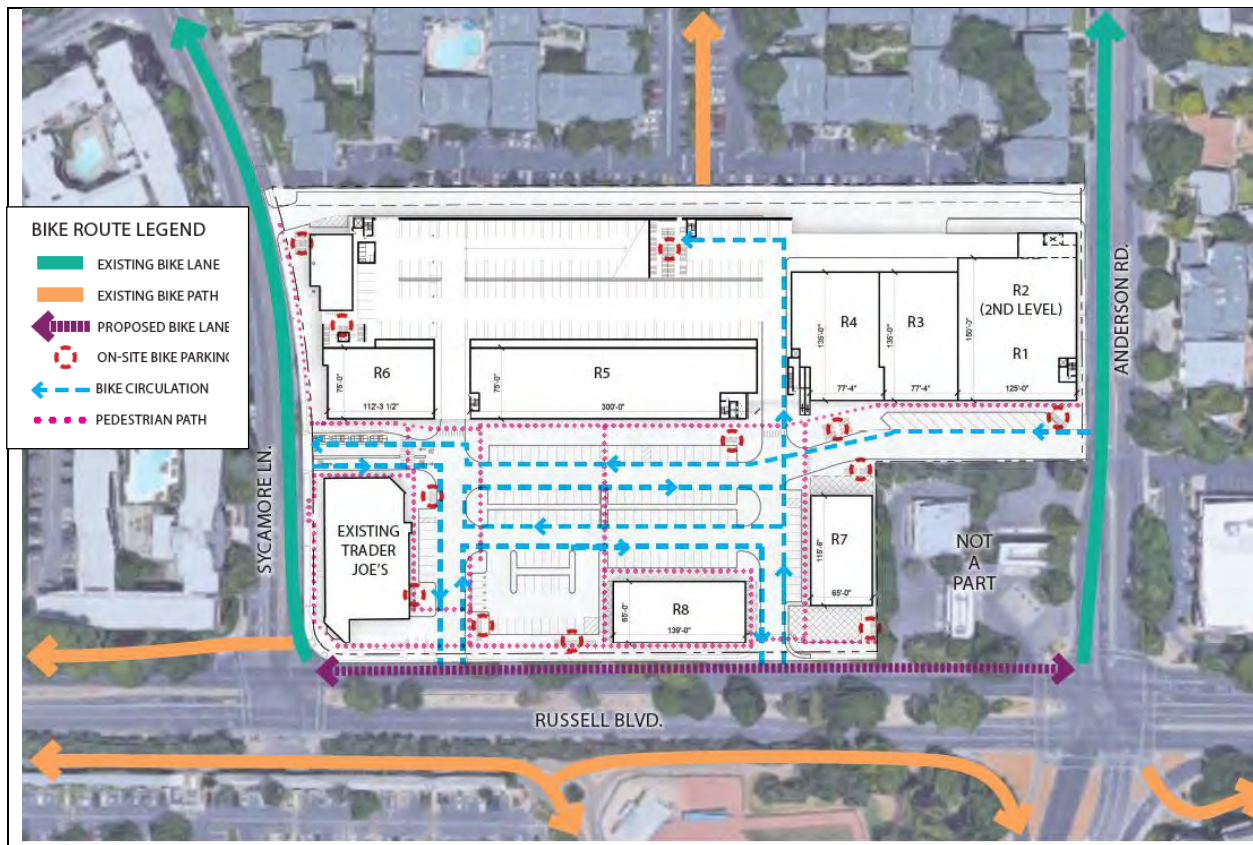


Figure 4. Bicycle Circulation and Access and On-Site Bicycle Parking

Demolition

The project includes Demolition Review which was conducted pursuant to the City's Demolition Ordinance, which requires review of the demolition of structures 50 years or older to determine whether the structure should be considered for historic designation. Section 40.23.050(d) and 40.23.050(m) of the Zoning Ordinance authorize the Historic Resources Management Commission (HRMC) to consider the designation of historical resources and to comment on environmental documents relative to historical resources. As previously summarized, the HRMC reviewed the cultural resources report prepared for the project, provided comments, and accepted the report's conclusions that the site did not meet the eligibility criteria for historical designation. Thus, no substantial cultural resource issues were identified related to the proposed demolition. Finding and conditions related to the Demolition are included as Attachment 5.

Other Project Issues

Affordable Housing.

Throughout the public process for the project, comments were raised about a desire to for the project to provide housing on site or contribute to affordable housing. The City determined that the University Commons Project qualifies for the Vertical Mixed Use Exemption pursuant to Section 18.05.080 of the City's Municipal Code that was in effect for this project at the time of the application submittal in March 2018. The exemption applied to the residential component of a vertical mixed-use development, which was defined as mixed-use structures that vertically

integrate residential dwelling units above the ground floor with unrelated non-residential uses on the ground floor, including office, restaurant, retail, and other non-residential uses. The exemption was created in response to a number of changes affecting the development of housing including the dissolution of the redevelopment agency, reduction in federal housing subsidy funds, changes in development patterns from large peripheral subdivisions to compact infill projects, and fiscal challenges to develop vertical mixed-use projects. Although the City's Affordable Housing Ordinance was amended in January 2019 with current requirements which included revisions to the exemptions, the proposed project was submitted prior to the amendments. As such, the proposed project would be exempt from the affordable housing standards established by Article 18.05, Affordable Housing, of the Municipal Code.

The project was originally underwritten, planned and submitted with an understanding that there was an affordable housing exemption. The project construction type, a vertical mixed use podium type of construction is very expensive construction build. Gruen Gruen + Associates hired by the City to provide an economic analysis of this construction type concluded that without any affordable housing requirements and without any contributions for additional community enhancements or infrastructure improvements, their estimate of the rate of return for the project is below feasibility financing hurdles.

However, as part of the Development Agreement negotiations, the applicant agreed to contribute \$600,000 to the City to facilitate development of affordable housing within the City. This sum shall be paid to the City in five (5) equal annual installments upon issuance of the first certificate of occupancy for the residential portion of the Project. By reason of example only, this amount is equal to three percent (3%) of the Project's total units planned multiplied by the City's per unit affordable housing in-lieu fee of \$75,000 ($264 \times .03 \times \$75,000 = \$600,000$). The requirement for this contribution is included as part of the Development Agreement in Attachment 6.

Mulberry Lane Bike/Ped Path Access

An opening in the fencing on the north property line of the project site currently provides access to a pedestrian and bicycle path that runs north-south from Mulberry Lane. The path is 10-foot easement that runs from Mulberry Lane south along the western border of the Davis Medical Center site, through Sycamore Lane Apartments, and terminates at the northern property line of the University Mall site. There is no existing easement across the property line into the University Mall site.

As part the University Commons Project, the EIR evaluated the need for a sound wall for noise mitigation to meet the City's noise standards from noise impacts from the loading dock and driveway to the adjoining residential areas to the north. To provide effective mitigation, the sound wall would close off the access from the project site to the bike/ped path. An opening in the sound wall to maintain access would render the wall ineffective and the noise standards would not be met. Design options for an opening or door that would still provide the necessary noise mitigation are limited or potentially not feasible. The path from Mulberry Lane has been a long time access point to University Mall and the loss of access would have some negative consequences and would be a change to the site. While the amount of usage for access is unknown, one of the public comments received from a nearby resident indicated that people in

her neighborhood used the path and expressed concerns about the loss of access. At the same time, it should be recognized that:

- Currently there is no legal access from the path across the University Mall northern property line, driveway and no access easement onto University Mall from the access point.
- The path serves a limited area and pedestrian and bicycle access to the project is readily available.
- After construction, the sound wall will limit visibility and there would be safety issue, if permitted, as persons come out from behind the wall, that would be the first time a driver would have the chance to see them. Furthermore, it is expected that the delivery and truck traffic in the rear of the center will increase as new businesses open. Mixing pedestrian and bicycle traffic with delivery vehicles is not good planning.
- The location where the path accesses the property does not provide good access to the shopping center. Currently, persons using the path are required to circumnavigate the backside of the shopping center to get to the businesses on the front side. It is expected the same would hold true in the new design.
- Driveways at the Sycamore Lane Apartments on the immediate north side of the sound wall can still provide access from the path to Anderson Road or Sycamore Lane.

Staff recommends that the path be closed off to the delivery corridor.

Tree Removal

The project proposes to remove approximately 82 of the 98 trees on site. The project arborist recommended removal of 42 trees due to poor condition or suitability for preservation. An additional 40 trees would be removed due to conflicts with the proposed site layout. The remaining 16 healthy on-site trees would be preserved. It is important to emphasize the difficulties associated with tree avoidance when considering redevelopment projects.

The University Commons site is constrained in many ways, not least of which is the existence of on-site buildings, some of which will remain with the proposed development (e.g., Trader Joe's), and the need to remove existing asphalt and related site features. Such limitations make it more difficult to make efficient use of the site for redevelopment purposes and avoid on-site resources. Due to site constraints, the City has determined that preservation of additional healthy trees is not feasible. However, the applicant is required to comply with the City's Tree Ordinance, which requires the applicant to either replace trees on-site or off-site, or pay an in-lieu fee. The Arborist Report is available at: [Arborist Report](#). Furthermore, the city could require the applicant to use more modern techniques in parking lot tree installation to ensure a better chance at long term health and survival.

Additional Required Entitlements

A Final Planned Development and Design Review are also required for the project prior to construction. These entitlements will include details of the site layout, building design, floor plan, elevations, landscaping, development standards and will require review and approval by the Planning Commission.

Development Agreement

A Development Agreement between the Developer and the City establishes applicable impact fees, connection fees, and other commitments and requires approval by the City Council. Generally, the City Council takes the lead regarding appropriate public benefits and other DA provisions. The main topics of the Development Agreement are identified below.

- Development Impact Fees, Connection Fees and Community Enhancement Funds (Exhibit C). This exhibit identifies the fees and funds the applicant will pay and timing of payment.
- Affordable Housing In-Lieu Fee Program (Exhibit D). This exhibit identifies the contribution that the applicant will pay to the City to support affordable housing development.
- Local Hiring Program (Exhibit E). This exhibit identifies a construction hiring policy that will facilitate the employment of residents of Davis, particularly low-income residents.
- Environmental Sustainability (Exhibit F). This exhibit identifies sustainability features of the project and sustainability commitments of the applicant. Some specific areas of sustainability proposal that the proposed project will incorporate include:
 - Energy Efficiency. Compliance to meet or exceed the city's Reach Code requirements and solar PV.
 - Transportation. EV charging facilities, bicycle parking and facilities, parking management to discourage additional vehicles.
 - Site/Landscape. Sustainable landscape management and stormwater best management strategies.
 - Energy/Water. Individual unit metering, additional charges for “excessive” water usage, electric cooking appliances.
 - Solid Waste. Services and programs to minimize waste and maximize recycling.
- Residential Occupancy Management Plan (Exhibit G). This exhibit identifies occupancy management measures that the applicant will implement to control total residential occupancy.
- Parking Management Plan (Exhibit H). This exhibit identifies parking management measures that the applicant will implement to control on-site parking, discourage vehicle ownership, and reduce off-site impacts.
- Construction of or Fair Share Contributions to Off-Site Road, Bike, and Pedestrian Improvements (Exhibit I). This exhibit identifies the applicant’s commitments related to construction or contributions to off-site transportation-related improvements.

The Development Agreement and the related exhibits are included as Attachment 6.

Enforcement of Project Conditions and Mitigation

Information is provided here on the question about the penalties and mechanisms to enforce project requirements which was raised by the Planning Commission at their December meeting on the DEIR. As part of a project approval, an applicant is required to comply with the approved conditions, mitigation measures, and other project requirements. The City enforces project requirements as part of their normal development review and building permit process.

Additionally, adoption of an EIR or Initial Study includes a Mitigation Monitoring and Reporting Program for enforcement and tracking of mitigation measures. The City also addresses violations

of city code and nuisance issues when they are identified. Applicable Municipal Code Sections include:

- Davis Municipal Code Chapter 1, Article 1.02 outlines the administrative citation process;
- DMC Section 1.01.110, “Except as otherwise specified in this Code, every day any violation of this Code or any other ordinance of the city or any such rule or regulation shall continue shall constitute a separate offense.” Thus, it is likely that most any continuing violations could be subject to daily administrative citations and a quick escalation up to \$500.00 per day per violation.(DMC Sec. 1.02.040(a).) These fines are in addition to “any recovery of costs outlined in Chapter 23 of this Code.” (DMC Sec. 1.02.040(c).);
- DMC Section 23.01.030 (b)(3), “[a]ny condition that is in violation of any duly enacted ordinance of the Davis Municipal Code, or resolution or lawful order promulgated by authorized city officials” ; and,
- DMC Section 23.01.030(b)(4) “Any conditions in violation of Chapter 40, Zoning, of this Code, including any conditions in violation of any written design finding, including design standard, design guideline, or development standard that may be adopted by resolution or ordinance from time to time by the city council or the planning commission, or any condition imposed on any entitlement, permit, contract, or environmental document issued or approved by the city.”

It may be possible as part of a project condition or negotiated agreement that a security or penalties be identified in event of non-compliance with a mitigation measure or other requirement. As already stated, the project will require additional planning entitlements which will include review by the Planning Commission and provides an opportunity for specific conditions related to the project and site design.

E. CONCLUSION

Staff supports approval of the proposed project and planning entitlements, as described in this report, and recommends that the Planning Commission recommend approval of the project to City Council.

F. ATTACHMENTS

1. University Commons Project EIR (<https://www.cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/university-commons/environmental-review>)
2. Resolution Certifying the University Commons Project EIR and adopting:
 - A. Findings of Fact and Statement of Overriding Considerations
 - B. Mitigation Monitoring and Reporting Plan
3. Resolution of Intent to Amend the City of Davis General Plan for the University Commons Project
4. Ordinance Rezoning 737-885 Russell Boulevard to Preliminary Planned Development (PD) #03-18 (University Commons)
5. Findings and Conditions of Approval of Demolition #11-18 for the University Commons Project
6. Ordinance Approving the Development Agreement for the University Commons Project
7. Applicant Project Description and Conceptual Project Plans
 - A. [Project Description](#)
 - B. [Site Plan - Ground Retail Level](#)
 - C. [Site Plan - Upper Residential Levels](#)
 - D. [Parking Exhibit](#)
 - E. [Building Height Exhibit](#)
 - F. [Building Renderings and Design Concept](#)
 - G. [Loading Dock Area and North Elevation Concept](#)
 - H. [Bicycle Parking & Circulation Exhibit](#)
 - I. [Bicycle Path Design Options](#)
 - J. [Plaza Spaces Exhibit](#)
 - K. [Tree Removal Exhibit](#)
 - L. [Shadow Study](#)
8. Supplemental Project Information:
 - A. [Sustainability Summary](#)
 - B. [Parking Management Program](#)
 - C. [Occupancy Management Program](#)
9. [Arborist Report](#)
10. Public Comments

**Written Public Comments
Submitted for May 27, 2020
Planning Commission Hearing**

From: Catherine Keller <catherinekeller13@gmail.com>
Sent: Monday, January 13, 2020 1:57 PM
To: Sherri Metzker <SMetzker@cityofdavis.org>
Subject: University Mall

Good afternoon City Planners, I am very concerned about the idea of adding a high density apartment building in the place of the University Mall. Here are my concerns:

1. Safety - the University Mall is at a critical junction with UCD and TWO elementary schools. Russel Blvd is already congested with cars in an area that is also well used by bikes and pedestrians. Sycamore Lane and Anderson Road have elementary-age children using bikes and walking each morning and afternoon for school. The amount of traffic has already increased on Eighth Street as a result of the growing congestion on Covell Blvd. That traffic is being rerouted via apps like Waze through residential streets near both elementary schools. Our neighbor had both his cars totaled on Cornell Drive by a driver going an estimated 50 mph on Cornell and crashing into the two parked cars.
2. Congestion and further inability for people to park and shop at Trader Joes. And we have no other store like World Market. Why would you drive more shoppers out of the area?
3. This is a residential area surrounding the University Mall. A seven story dorm (and yes, it will be a draw for college students) is not in keeping with the use and flavor of this neighborhood. The concept that there will be less people with cars living in this mega apartment building cannot be secured with facts or even legal restrictions. As with most apartment buildings in Davis, they are largely occupied by students who come with cars. Even if you argue the apartments will be occupied by mostly families, they too have cars. At least one per apartment or more.
4. Safety. This is first and foremost. Yes, I know I am repeating Number 1. Your responsibility should be with the residents of Davis. Not adding more living space to UCD students. This huge complex is out of character for our town as well as our neighborhood. We were able to let our children walk to school and feel safe about it years ago. This mega building and the traffic it will create will cause hazards to everyone who uses the area currently. This includes the children crossing Sycamore to go over the bike pass to Emerson. And the opposite route to the High School.
5. Covell Blvd is in terrible shape. Between the torn up road surface and the congestion caused by the Cannery, more and more traffic is already being syphoned to our residential street. Having unsafe roadways is not a Davis value.
6. If you are trying to encourage commerce in Davis, look to Woodland and Winters and see how they are revitalizing their downtown areas. We no longer go out to eat in Davis. Go to Woodland or Winters and see why.

Please stop this project!! It is short sighted and seems born of greed rather than design. Thank you for your time.

Catherine Keller
1411 Cornell Drive
Davis, CA 95616

530-758-4509

From: Lorraine Schexnayder <lorlee5148@gmail.com>
Sent: Tuesday, February 18, 2020 8:10 PM
To: City Council Members <CityCouncilMembers@cityofdavis.org>; Planning Commission
<PlanningCommission@cityofdavis.org>
Subject: University Mall Project

Dear Council and Commission Members,
Reading about your expansion to the City of Davis is very distributing. I moved to Davis to get away from big city congestion. I am very concerned as this expansion of the University Mall will make getting around our beautiful town much more difficult if not impossible unless we do some drastic changes. Davis is a small city and it should stay as such. Let cities like Sacramento, Berkeley and San Francisco continue to destroy the convenience of space. Davis was meant to be a small beautiful town with a university.

I am 87 years old and have lived in many cities large and small and have experienced what happens when a small city tries to be like the big cities. We do not want small living spaces plus our roads and highways cannot handle this type of influx.

We citizens enjoy living here as the city of Davis was meant to be. A beautiful small town. Let's not try to become like our big sisters. Please give some thought and also think about the removal of 85 trees. What in the world are you thinking? Certainly not climate change.

Lorraine Schexnayder
928 Acacia Lane Davis

From: kathy.m.ormiston@gmail.com <kathy.m.ormiston@gmail.com>
Sent: Sunday, May 17, 2020 3:28 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: RE: University Commons Planning Commission Hearing - May 27, 2020

Hi Eric,

Not sure if there is a way to post additional comments on this project. I don't see any indication that there is a plan to accommodate the current walkway that dead ends at back of College Mall. When I look at their drawings it looks like there is a solid line of trees behind the building. A lot of people in my neighborhood use this path to get to Trader Joes and the UC Campus. I wish there was some way to walk from the path through the shopping mall to the front of the mall. It doesn't look like there is any pedestrian path right now to the front of the building – just walls, a parking garage and a road. It will be a shame if pedestrians are pushed out to Anderson, which is a busy, unpleasant street.

Best,

Kathy Ormiston



Google Maps Davis, California



Image capture: Apr 2019 © 2020 Google

Google

Street View

MEMO

TO: Eric Lee, Planner – City of Davis Department of Community Development and Sustainability
COPY: Cheryl Essex, Chair – Davis Planning Commission
FROM: Greg Rowe, Planning Commissioner
DATE: May 18, 2020
SUBJECT: **COMMENTS ON FINAL EIR – UNIVERSITY COMMONS PROJECT**

This memo transmits my comments on the FEIR for the proposed University Commons Project. The focus of the comments is on the FEIR. I intend to submit separate comments on the project itself.

#	Section or Page	Subject	Comments and Recommendations
1	2-31, 2-43, 2-178	General – Dismissive Attitude of FEIR Responses	<p>The FEIR rejected a number of comments on the basis that the commenter did not provide data or conclusive supporting evidence. This is particularly true with respect to predicted traffic and congestion conditions that would result from implementation of the project. The assertive manner in which some comments are rejected in FEIRs is no doubt intended to discourage potential legal challenges. Such verbiage also means, however, that an FEIR can unintentionally convey a dismissive and condescending attitude toward genuine apprehensions expressed by residents and others concerned about the potential impacts of a project. The following phrase is an example repeated on several pages. “The commenter does not present any data, analyses, or other objective evaluations that would support an assertion that the DEIR was deficient in its evaluation of potential transportation system impacts that would be caused by the proposed project.”</p> <ul style="list-style-type: none">• Concern: Although the cited statement is standard “boilerplate” FEIR verbiage, it conveys an attitude that could be troubling to some readers. I’ve dealt with transportation and circulation models in EIRs for many years, and to some extent find such models to be an inscrutable “black box” that often produces projections at odds with the “real world” experience of those who live near a proposed project and who must contend with difficult traffic conditions on a daily basis. <u>Just because a commenter does not have access to the same complex computer models used by an EIR preparer does not necessarily mean their concerns are inconsequential or invalid.</u>• Observation: Neither the EIR preparers nor the developer will have to live with the consequences of this project if it is approved. A gentler tone in the responses to commenters may therefore be advisable. Verbiage such as that cited above can make residents assume that the City has already made a decision and does not care about the opinions and concerns conveyed in a sincere manner by residents.

No.	Section or Page	Subject	Comments and Recommendations
2	2-7	Parking Control - Enforcement	<p>This section pronounces that in terms of parking enforcement, the “...proposed project MAY include the following.” It then has short paragraphs describing On-Site Property Management actions and provisions for enforcing Retail Employee Parking provisions.</p> <ul style="list-style-type: none"> • Recommendation: This provision is weakened by “may.” It would be more meaningful to firmly commit the Owner to these actions by replacing “may” with “shall.” The word “may” provides no guarantee that the Owner will actually follow through with these actions. This could end up being another example of a developer telling the City it “may” do something and then not doing it; i.e., “bait and switch.”
3	2-7, 2-8 2-46, 2-112	Neighborhood Permit Parking and Parking Enforcement	<p>This section asserts that because the neighborhoods surrounding the project are located in preferential permit required areas H, P, Q, S and U, Davis Parking Patrol would ensure that students don’t park in these neighborhoods. Under the heading of Retail Employee Parking, the FEIR proclaims that “The project applicant (Brixmor) has substantial experience enforcing retail employee parking to ensure preferred parking locations are available for retail customers.”</p> <ul style="list-style-type: none"> • Inadequacy of Davis Parking Patrol: The assertion that Davis Parking Patrol will control off-site student parking is regarded as a fallacy by some observers. As pointed out in neighborhood comment letters for the Davis Live project, Davis Parking Patrol typically follows the same daily route. As a result, students quickly learn when the Patrol will be in the areas where they have illegally parked. The students temporarily move their cars before the Patrol arrives, then repark after the Patrol has left. It is logical to assume the same thing will happen in the neighborhoods surrounding University Commons. Davis lacks the resources or apparent ingenuity to better patrol and control illegal parking by students (i.e., to reduce predictability by varying patrol routes and timing). As pointed out by Commenter #12 (p. 2-46), inventive students will find a way to park that won’t incur citations. This problem could become more prevalent if the fiscal impacts of COVID-19 require the City to reduce services such as the Parking Patrol. • Enforcement Experience: The applicant may possess considerable experience enforcing retail parking, but this project is a completely different situation that may overwhelm management’s capabilities. Providing only 264 parking spaces for 894 student residents with highly variable schedules will create a situation in which many students will be constantly searching for a place to park their car, and may resort to moving it as often as necessary to “stay one step ahead” of enforcement personnel. In addition, I have observed that some students already temporarily park at University Mall while they attend classes. After students begin living onsite, management will then have to contend with two sources of student parking. And what will happen if the Owner decides to sell the project to an owner that has limited enforcement expertise? • Lack of Empirical Evidence: The Owner offers no conclusive empirical evidence that a parking ratio of 0.2953 parking spaces per resident is realistic and sustainable over an extended period. Where else has a similar parking ratio been successfully accomplished? The FEIR should have provided this documentation.

No.	Section or Page	Subject	Comments and Recommendations
			<ul style="list-style-type: none"> • <u>Low Parking Ratio is an Experiment:</u> As Comment 26-2 (p. 2-112) points out, the Davis Live apartment complex is essentially an experiment that will determine empirically the efficacy of a residential concept of 1 parking space per unit (in this case, 71 spaces for 440 occupants, or a parking ratio of 0.16).
4	2-8	Location	<p>This section asserts that it will be sufficient to provide only one parking space per unit (264 spaces for 894 residents) on the basis that proximity of the project to UCD, "... with the convenience of on-site retail and services providers, is the greatest deterrent to vehicle ownership and use."</p> <ul style="list-style-type: none"> • <u>Comment – Lack of Empirical Evidence:</u> This is the same type of speculative pronouncement that the FEIR contends has been made by DEIR commenters. The FEIR offers no proof or data to substantiate this declaration. Even the Davis Live developer realized that more than one parking space per unit would be desirable to accommodate the need for students to store or "warehouse" vehicles off-site when not in use. He informed me that he approached UCD with an offer to lease vacant university land to accommodate the need for such off-site vehicle storage, but was rebuffed.¹ • <u>Comment:</u> This FEIR assertion also belies the applicant's contention that people other than students could reside at University Commons, because it implies that the on-site retail and services would be almost entirely geared to students.
5	2-8, 2-54, 2-149, 2-164, 2-204, and 2-205	Occupancy Management	<p>It is indicated on numerous pages that the Owner declines to disclose how many units would be in each bedroom classification and the number of occupants that will allowed per bedroom. Item 2 under the heading of "Occupancy Management" (p. 2-8) reveals that the "...Owner will determine the number of residents allowed within each floor plan within the project." Similar declarations appear on later pages; "The final mix of unit types will be determined with the final project plans and would be consistent with this analysis" (p. 2-149) and "...the unit mix has not been finalized at this time (response 43-44, p. 2-205). In other words, the Owner refuses to divulge how 894 beds will be allocated among 264 units comprised of 622 bedrooms. The only fact divulged is that with 622 bedrooms for 894 beds, 272 bedrooms would be double occupancy (pgs. 2-164 and 2-204). It would be helpful if the FEIR described how the 272 double occupancy bedrooms would be distributed among the various unit capacities; i.e., one, two, three, four- and five-bedroom units.</p> <p><u>Concern/Comment:</u></p> <ul style="list-style-type: none"> • This is not strictly an EIR-related comment, but it is concerning that the FEIR reveals that the Owner does not want to divulge important details about unit layout and occupancy, yet seemingly expects the Planning Commission to recommend approval of project entitlements. <u>This lack of transparency is concerning.</u> Other similar large student-oriented housing projects reviewed and approved by the City of Davis have

¹ Personal communication, Dan Weinstein – Managing Partner, College Town International.

3 – Comments on Final EIR for University Commons Project, May 2020

No.	Section or Page	Subject	Comments and Recommendations
			fully disclosed this information during the project approval and entitlement process, including in the EIRs for those projects (Sterling 5 th Street Apartments, Nishi 2, Lincoln40, Davis Live). For consistency purposes, this project should be required to do the same in the EIR. The public may be uncomfortable with the implication that the Planning Commission should accept an assurance of “trust me” by the Owner.
6	2-43	Comment 10-3, Traffic	<p>The commenter expressed concern about diversion of traffic from Russell Blvd to neighborhood side streets, including Oak Avenue, Oeste Drive and South Campus Way. In response, the FEIR expresses that the proposed project could cause some additional diversion of traffic from Russell onto side streets, but that “...the extent to which such diversion would occur is difficult to quantify given the variety of factors that influence driver behavior and route selection.” The response then goes on to contend that an increase in traffic volume on such side streets would not constitute a significant environmental impact.</p> <ul style="list-style-type: none"> • Comment: This statement in the FEIR appears to be contradictory and convoluted in its logic. If the potential diversion is <i>difficult to quantify</i>, how can the FEIR then say with any degree of certitude that the impact would be insignificant? The assertion that traffic diversion to side streets would be insignificant is not proven by the Owner nor by the EIR preparer. Frustration with the current level of traffic and student parking on side streets has been expressed by residents of those streets, and should not be dismissed.
7	2-51, 2-114, 3-30, 3-32, 3-33, 3-34, 4-14, 4-15, 4-20, 4-21, 4-24	Comment 14-3 Response (Conflicts Between Bikes and Vehicles) and Comment 26-1	<p>The FEIR states that several proposed improvements [Mitigation Measures 4.6-2(a) and 4.6-8(a)] at the Russell Blvd/Sycamore Lane intersection would be for the purpose of reducing the potential for conflicts between bicyclists and vehicles. The design of such improvements would have to meet with the satisfaction of the City Engineer.</p> <p>Concerns/Comments:</p> <ul style="list-style-type: none"> • Having the <i>potential</i> to reduce bike-vehicle conflicts is not the same as <i>actually</i> reducing or preventing conflicts. Response to Comment 26-1 also references “potential improvement alternatives” but there is no assurance such improvements would ever be implemented, nor how effective they would be. • Given the largely negative public reaction to the bicycle transportation improvements the City installed last year on Mace Blvd., some observers may be skeptical of conditioning the design of such improvements upon the “satisfaction” of the same City Engineer who approved the changes to Mace Blvd.
8	2-58	Parking and Circulation (Bicycle Transportation)	<p>Comment 17-2 suggests that there should be an opportunity for the City to review traffic and parking problems in the first or second year following project completion and every 5 years thereafter. This condition would enable the addition of parking fees or other measures if traffic problems occur.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Although the FEIR dismisses this commenter’s suggestion, I recommend that it be added as a mitigation measure. Doing so would enable the City to mandate adjustments to the project if the Owner’s contention

No.	Section or Page	Subject	Comments and Recommendations
			that the proposed number of resident parking spaces is adequate proves to be unfounded, and if the specified mitigation measures in the FEIR prove to be insufficient.
9	2-82, 2-96, 2-152, 2-203, 2-206, 4-1, 4-8, 4-9, 4-10	Mitigation Measure Monitoring and Reporting Program (MMRP)	<p>Comment 21-15 mentions that there is no mechanism for the public to review implementation of various mitigation measures to determine if the measures are in fact being implemented, and if success criteria is being met. The FEIR response on p. 2-96 says that "...the City is legally bound to ensure the full implementation of all measures," but concedes in response 31-15 (p. 2-152) that "Mitigation measures that relate to ongoing operation of the project may be more difficult to enforce." FEIR comment Responses 43-28 (p. 2-203) and 43-51 (p. 2-206) likewise assert that mitigation measure enforcement is a legal requirement of the City, but provide no detail on how the City would actually <i>meet</i> this legal requirement.</p> <p>Mitigation Measure 4.2-3(a)(5) specifies that proof of compliance with the annual net emissions targets and the enumerated compliance steps shall be "...verified through the submittal of a Technical Memorandum of Compliance (TMC) to the ... "City's Department of Community Development and Sustainability" [p. 4-8]. In a similar fashion, Measure 4.2-3(b) [p. 4-9] specifies that the project owner shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the project, and shall not be required to submit further reports unless the initial Report fails to demonstrate that sufficient measures have been incorporated into the project to achieve the GHG emissions targets. But, if subsequent reports are necessary, what confidence would an objective observer have that the City will ensure the submittal of such reports every five years, as specified on p. 4-10? The Department of Community Development and Sustainability appears to have been understaffed during much of my tenure on the Planning Commission, so it is reasonable to doubt the Department's ability to proactively guarantee enforcement of MMRPs.</p> <p><u>Comments/Concerns:</u> Questionable enforceability of the MMRP is a valid concern, which the FEIR dismisses by merely citing legal requirements. Being <i>legally bound</i> to ensure full implementation of mitigation measures and actually <i>doing it</i> are two entirely separate matters. The City of Davis apparently may not have systematic procedures for monitoring and determining whether mitigation measures are being implemented and maintained over time. I am also unconvinced that the City has sufficient capacity to adequately conduct long-term effective mitigation monitoring and enforcement, including detailed review and analysis of annual TMC reports.</p> <p>As Alan Hirsch has made evident at numerous commission and City Council meetings, the City has consistently failed to enforce tree mitigation requirements at various projects such as the Target shopping center. This evidence provides no confidence, especially with a shrinking budget in the aftermath of COVID-19, that the City will possess the resources to effectively monitor and enforce the mitigation measures required for the lifetime</p>

No.	Section or Page	Subject	Comments and Recommendations
			<p>of the University Commons project. Typically, mitigation monitoring during project construction is easily accomplished on-site by building inspectors. Ongoing operational compliance with mitigation measures over many years, however, is much more difficult to monitor and enforce. As noted in comment #11 below, ensuring consistent compliance with TDM programs is particularly difficult.</p> <p>My experience working for the County of Sacramento (County) is an example of how mitigation monitoring can quickly erode or disappear when fiscal resources decline. The County for many years had an excellent Department of Environmental Review and Assessment (DERA), which included a very effective EIR Mitigation Monitoring section. When the 2008 fiscal emergency occurred, the County disbanded DERA and merged it with the County Planning Department, at which time effective mitigation monitoring essentially ceased.</p> <p><u>RECOMMENDATION:</u></p> <ul style="list-style-type: none"> I acknowledge the specification (p. 4-1) that the cost of implementing the mitigation measures prescribed by the MMRP shall be funded by the project applicant. Going further, however, I suggest modifying the FEIR to require the Owner to pay the City for the cost to <i>monitor and enforce</i> the provisions of the project's Mitigation Monitoring and Reporting Program (MMRP) for a period no less than the FEIR's projected 25-year lifetime of the project. The Owner shall remit payment to the City prior to the time the project's building permit is issued. This provision shall also be included in the Development Agreement. This suggestion is intended to ensure that City has the resources to implement the necessary monitoring and enforcement functions. The City shall designate appropriate staff to monitor and enforce implementation of the MMRP, or shall employ a CEQA contractor or consultant to do so.
10	2-100, 2-102, 2-131, 2-151,	Comments 22-2 and 30-1, Congestion And Russell Blvd. Corridor Plan	<p>The response on p. 2-102 to a commenter's concerns about congestion and peak hour delay at the Russell/Anderson intersection clarifies that "...the preferred improvements cannot be determined at this time, as they will be determined through the City's Corridor Plan process."</p> <p><u>COMMENTS/CONCERNS:</u></p> <ul style="list-style-type: none"> <u>Speculative Infrastructure Improvements:</u> This response does not induce confidence that improvements necessary to adequately address congestion and bicycle/vehicle interaction at this intersection will be actually implemented within a reasonable timeframe. This is because at present there is no way to determine when the Russell Blvd. Corridor Plan will be completed, and how soon the City will be in a fiscal position to implement the improvements. As such, <u>potential improvements to the intersection are purely speculative at this time.</u>

No.	Section or Page	Subject	Comments and Recommendations
			<ul style="list-style-type: none"> • Unenforceable Mitigation Measures: As noted in Responses 26-1 and 31-13, “Until a Corridor Plan is adopted, implementation of Mitigation Measures 4.6-2(d) through (f) cannot be guaranteed, and the impact remains significant and unavoidable.” <ul style="list-style-type: none"> ○ In that case, perhaps the University Commons project should be deferred until implementation of these mitigation measures can be guaranteed. • As further stated in the FEIR, “...the transportation impact remains significant and unavoidable due in part to the mitigation measures not being enforceable” (in reference to Mitigation Measures 4.6-2(a) through 4.6-2(f).
11	2-123 2-132	TDM Programs	Comment 30-5 (p. 2-123) summarizes my professional experience with TDM programs. The FEIR response on page 2-132 describes the City’s minimum requirements for reporting on transportation demand management. To reiterate, it has been my observation that over time project developers gradually devote fewer resources to TDM efforts, especially when confronted with difficult fiscal imperatives that dictate reducing resource allocations to activities not directly related to “the bottom line.” Staff turnover among those assigned to TDM implementation, coupled with other higher priority assignments, leads to gradually declining attention devoted to TDM programs. In addition, public entities, such as the City of Davis, lose track of required mitigation measure compliance over time. Even if compliance reports are submitted by developers, it is highly likely that the public entity (in this case, the City) will simply file the reports without analyzing them or following up to ensure that the mitigation requirements are being met.
12	3-3	Fig 3-1, Site Plan	<p>This figure shows residential building levels, but the scale is too small to determine the layout, configuration and number of bedrooms and beds in each unit.</p> <p>Comment: A larger scale exhibit is needed to determine this information.</p>
13	3-9 thru 3-12; and 3-15 thru 3-17	General Plan Land Use Amendment – Mixed Use	<p>I am in general agreement with the proposed change; i.e., to change the previously proposed land use designation of “Mixed Use Urban Retail” to simply “Mixed Use.”</p> <p>Question: Would it be possible for the Planning Commission to recommend adoption of the Mixed-Use land use designation but simultaneously recommend that the City Council NOT approve the proposed University Commons Project?</p>
14	3-9 thru 3-12	General Plan Mixed Use Designation	Although the text does not contain any references to reinstating the “Vertical Mixed Use” Exemption to the Affordable Housing Ordinance, I urge the Department of Community Development and Sustainability and the City Council to not entertain any thoughts of using the proposed Mixed Use designation as a mechanism for

No.	Section or Page	Subject	Comments and Recommendations
			reinstating the unfortunate Vertical Mixed Use “loophole” that allowed the University Commons Project to be proposed in its current format.
15	3-11	Allowable Uses	<p>The paragraph below the heading of “Allowable Uses” describes zoning considerations.</p> <p>Question: How would the proposed Land Use Designation and “Allowable Uses” comport with Form Based Codes? I ask this question because it was disclosed by Planning staff during discussion of the draft downtown plan that Form Based Codes will be expanded to other parts of the City (which I support). I would be hesitant to support the proposed General Plan Mixed Use Designation if it would not correlate well with Form Based Codes.</p>
16	3-13	GHG Emissions	<p>I don’t object to the proposed new paragraph that describes rollbacks in federal regulatory emission and air quality requirements. I would hope, however, that if a new presidential administration takes office in January 2021 that the prior regulations pertaining to GHG emissions and fuel economy standards would be reinstated. Likewise, I suggest that if the lawsuit filed on September 19, 2019 by 22 states, the District of Columbia and two cities is successful, the paragraph below the heading “AB 1493” would take full effect with respect to this project.</p> <p>Question: Would it be worthwhile inserting a sentence at the end of the proposed new paragraph stipulating that if the injunctive relief lawsuit is successful and/or a future administration reinstates the 2013 waiver, this paragraph would no longer be applicable?</p>
17	3-13 3-14, 3-25 thru 27	Mitigation Measure 4.2-3(a)	I fully support the new verbiage added to Mitigation Measure 4.2-3 (pages 4-6 through 4-7) related to eliminating use of natural gas devices and emphasizing the use of electricity, solar and the like, as listed on these two pages. A research study released April 2020 by the UCLA School of Public Health describes the potential negative human health effects of using natural gas fixtures and appliances in the home. This report alone justifies the proposed changes in the project’s mitigation measures. As noted in comment #11 above, I do not have any realistic expectation that TDM programs will make a significant and long-lasting contribution toward reducing GHG emissions.
18	3-14	Step 6 of Measure 4.2-3(a)	I fully support the requirement for purchase of carbon credits to be completed to issuance of a certificate of occupancy.

C:\Users\Greg Rowe\Documents\Planning Commission\University Mall Redev\EIR\U-Commons_FEIR Comments(1)05-18-2020.docx

MEMO

TO: Eric Lee, Planner – City of Davis Department of Community Development and Sustainability

COPY: Cheryl Essex, Chair – Davis Planning Commission

FROM: Greg Rowe, Planning Commissioner

DATE: May 19, 2020

SUBJECT: COMMENTS ON UNIVERSITY COMMONS PROJECT

This memo conveys my comments on the proposed University Commons Project, as described in the Final EIR (FEIR), the Draft EIR (DEIR) and project documents posted on the City website since February 2020. Separate comments on the FEIR were submitted in a memo dated May 18, 2020.

#	Section or Page	Subject	Comments and Recommendations
1	2-115, 2-121, 2-153	Affordable Housing Ordinance And the former Vertical Mixed Use Exemption	<p>Background: The FEIR specifies in its Response to Comment 26-5 that ... “the City has determined that the project qualifies for the Vertical Mixed Use Exemption pursuant to Section 18.05.080 of the City’s Municipal Code that was in effect for this project at the time of the application submittal. As such, the proposed project would be exempt from the affordable housing standards established by Article 18.05.” The FEIR adds (p. 2-121) that the University Commons application was submitted in March 2018. It further denotes that the City’s Affordable Housing Ordinance (Ordinance) was amended by in January 2019 (ten months later), at which time the Vertical Mixed Use Exemption was deleted from the Ordinance. The revised Ordinance was introduced December 18, 2018 and unanimously enacted by City Council as Ordinance No. 2545 on January 8, 2019.</p> <p>Council’s action was taken on the recommendation of the Planning Commission on November 14, 2018.¹ The amended Ordinance specifies that “...in projects comprised of vertical mixed-use units, a number equivalent to five percent of the total units, bedrooms or beds being developed including the affordable units, bedrooms or beds, shall be developed and made affordable to low income households, households with gross incomes at or below eighty percent of area median income for Yolo County.”² If this standard were applied to the University Commons project, it would mean that one of the following affordable housing requirements would apply, based on the 5 percent criteria:</p>

¹ The Planning Commission vote was 6 ayes, 1 abstention, and none opposed.

² Pursuant to Municipal Code Section 18.05.080 the only automatic exemption to the affordable housing requirements are residential developments of fewer than five units.

No.	Section or Page	Subject	Comments and Recommendations
		The Project Owner Should Voluntarily Provide Affordable Rental Housing	<ul style="list-style-type: none"> • 45 of the 894 beds; or • 31 of the 622 bedrooms; or • 13 of the 264 units. <p>Although the Vertical Mixed Use Exemption was added to the Ordinance some years ago to ostensibly address factors felt to be affecting housing development, it became evident over time that developers were using the exemption to circumvent any form of affordable housing. An example is the first Nishi proposal (“Nishi Gateway Project”) proposed in 2015, which would have been comprised of commercial functions on the first floor of each building with residential uses on the upper floors. The Nishi project proponent used the Vertical Mixed Use “loophole” to evade commitment to the City’s affordable housing goals. Some observers are of the opinion that the lack of affordable housing is one of the primary reasons why the Nishi Gateway Project failed to obtain a favorable Measure R ballot vote in 2016.</p> <p><u>COMMENT/RECOMMENDATION:</u></p> <p>The University Commons Owner (Applicant) displays a cynical attitude toward the goal of affordable housing that has been integral to the heritage of citizen-based neighborhood planning in Davis. In the spirit of community collaboration and goodwill, the Owner could have by now voluntarily offered to meet the City’s affordable housing requirements. There has been more than an ample opportunity to do so, given the following timeline: (1) application submitted March 2018; (2) NOP circulated November 16, 2018; (3) EIR public scoping meeting December 5, 2018; (4) Planning Commission public hearing, December 11, 2019. Now, more than two years after initiating the application process, the Owner continues a sustained effort to take advantage of the former Vertical Mixed Use “loophole.”</p> <p>It is strongly recommended that the City encourage the Owner to voluntarily develop and submit a good faith affordable housing proposal to the City for consideration.</p>
2	FEIR pages 2-8, 2-54, 2-149, 2-164, 2-204, 2-205	Unit Floor Plans and The Number of Units in Each Category Must Be Revealed Before Project Approval	<p><u>Background:</u> The pertinent facts about the residential component of the project are: 264 units, 622 bedrooms, and 894 beds, “...with the final mix of unit types to be determined with the final project plans” (FEIR p. 2-54). It is further indicated throughout the FEIR that the Owner has thus far declined to disclose how many units would be in each bedroom classification and the number of occupants assigned to each bedroom. The “Occupancy Management” section (p. 2-8) divulges that the “...Owner will determine the number of residents allowed within each floor plan within the project.” Similar disclosures appear on later pages; “The final mix of unit types will be determined with the final project plans and would be consistent with this analysis” (p. 2-149) and “...the unit mix has not been finalized at this time (Response 43-44, p. 2-205).</p>

No.	Section or Page	Subject	Comments and Recommendations
			<p>In other words, the Owner is pursuing a strategy of “hide the ball” by refusing to reveal how 894 beds will be allocated among 264 units comprised of 622 bedrooms. The only fact divulged is that with 622 bedrooms for 894 beds, 272 bedrooms would be double occupancy (FEIR pgs. 2-164 and 2-204). It would be helpful if the FEIR or project documents on the City website described how the 272 double occupancy bedrooms would be distributed among the various unit capacities; i.e., one, two, three, four- and five-bedroom units, as I requested on pages 3-4 of my comments dated December 16, 2019.</p> <p>It is important to note that the <i>2019 Apartment Vacancy and Rental Rate Survey</i>³ for Davis reveals the following distribution of unit-leased apartments, with the majority of reported units (91%) between one and three bedrooms (with one and two-bedroom units comprising 76%):</p> <ul style="list-style-type: none"> • one-bedroom units, 31% • two-bedroom units, 45% • three-bedroom units, 15% • four-bedroom units, 6% • studio units, 3% • five-bedrooms, just 18 units (0.25%) <p>The Owner has also not revealed whether the floor plans would include a dedicated bathroom for each bedroom. If this is the case, the project would therefore be similar in many respects to the large student-oriented housing projects previously approved in Davis (Sterling 5th Street Apartments, Nishi Student Housing Project [“Nishi2”], Lincoln40, and Davis Live.) My memo distributed to the Planning Commission during its meeting of December 11, 2019 suggested that the number of bathrooms be added to the project plans and description to facilitate Commission analysis; at the present time this has not yet been done.</p> <p><u>Original Project:</u> It is also interesting that in the original iteration of the project submitted to SACOG for a determination of consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy for 2036 (MTP/SCS), the project was defined as 174 apartment units and in increase of 11,861 square feet in the commercial space.⁴ SACOG determined that the proposed University Mall redevelopment at that time “...qualifies as a Transit Priority Project because it is greater than fifty percent residential, has a minimum net density of 20 units per acre, and is located within a half-mile of high quality transit...and is consistent with the land use, density, intensity and applicable policies of the MTP/SCS.” There is no explanation as to why, after</p>

³ BAE Urban Economics on behalf of UCD Student Housing and Dining Services, based on a 2018 survey of 109 apartment complexes representing 8,658 rental units, of which 7,207 are rented under unit lease arrangements.

⁴ SACOG MTO/SCS consistency letter dated June 19, 2018; Appendix A, University Commons DEIR, November 2019.

3 – Comments on University Commons Project, May 19, 2020

No.	Section or Page	Subject	Comments and Recommendations																																										
			<p>June 2018, the project morphed into 264 residential units (increase of 90 units or almost 52%). If the project reverted to the original residential component, it would retain consistency with the MTP/SCS.</p> <p><u>Residential Square Footage and Location of 894 Beds:</u> During the Planning Commission public hearing on December 11, 2019, I distributed a list of questions about the DEIR analysis. That document included the following discussion regarding the unit mix, which to date remains unaddressed by the Owner:</p> <p>FEIR Table 3-1 and p. 3-8 show that the 264 units would comprise 412,500 square feet (SF) and a density of 32 DU/acre, but I have not found any indication of the SF per type of unit; i.e., for example, what is the square footage of a 4-bed unit? I was able to find the bedroom/unit allocation by looking at Brixmor’s Design Concept (p. 14 of December 11, 2019 staff report). By assuming one bed/bedroom, I created Table 1 below. It shows that the total number of beds would be 622, which corresponds to the project description and data in DEIR. But the project assumes a total of 894 beds. What assumptions has the applicant therefore made about where the additional 272 beds would be located; i.e., in which units would they be allocated? [As of six months later in May 2020, this question still has not been answered.)</p> <p style="text-align: center;">Table 1 – Potential Allocation of Unit Types and Beds</p> <table><tr><th>a Unit Type (Bedrooms)</th><th>b Number</th><th>c Percent</th><th>d Beds (a x b)</th><th>e</th><th>f Difference (e – d)</th></tr><tr><td>1</td><td>66</td><td>25%</td><td>66</td><td></td><td></td></tr><tr><td>2</td><td>104</td><td>40%</td><td>208</td><td></td><td></td></tr><tr><td>3</td><td>28</td><td>10%</td><td>84</td><td></td><td></td></tr><tr><td>4</td><td>66</td><td>25%</td><td>264</td><td></td><td></td></tr><tr><td>Totals</td><td>264</td><td>100</td><td>622</td><td></td><td></td></tr><tr><td>Total Project Beds</td><td></td><td></td><td></td><td>894</td><td>272</td></tr></table> <p>• <u>It is Apparent that the Project is Oriented Toward Students:</u> Knowing the unit mix and floor plans of the University Commons project is of critical importance in considering whether the project should be approved as currently proposed. Although the Owner has on occasion proclaimed that the on-site housing could ostensibly be occupied by residents other than students, floor plans that would accommodate a large number of residents—especially those having a bathroom for each bedroom—are by their very nature geared almost exclusively to university students willing to live in a dormitory style arrangement. Such floor plans will seldom be attractive to working families, especially those with children.</p> <p>○ <u>Furnished Units:</u> If the units are furnished, this will even further reveal that the target rental market is entirely limited to university students.</p>	a Unit Type (Bedrooms)	b Number	c Percent	d Beds (a x b)	e	f Difference (e – d)	1	66	25%	66			2	104	40%	208			3	28	10%	84			4	66	25%	264			Totals	264	100	622			Total Project Beds				894	272
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No.	Section or Page	Subject	Comments and Recommendations
			<ul style="list-style-type: none"> • <u>Davis Has Already Approved Enough Large Student-Oriented Housing Projects:</u> As indicated above and in my previous written comments,⁵ since 2017 the Davis Planning Commission and City Council have approved five such projects comprised of 1,061 units accommodating 3,888 beds. Thus far, only one of those projects (Sterling) is nearing completion. As a result, the City really has no documentable operating experience with this type of housing, which is largely an experiment for the City of Davis. The actual impacts such projects will have on City services, infrastructure and resources remains unknown and won't be fully realized for a number of years. <u>The City should therefore decline to approve any more such projects until experience is gained with the currently approved projects.</u> • <u>The Area Near University Commons Does Not Need More Student Housing:</u> As noted in my memo of December 5, 2019, the area west of University Mall will soon see completion of the following large student housing projects, totaling 1,600 student beds (in addition to existing nearby low-rise apartment complexes such as the three-story University Court⁶ located across Sycamore Lane from University Mall and the two-story Sycamore Lane Apartments complex north of the mall): <ul style="list-style-type: none"> ○ Shasta Hall, 800 students (net increase of 300 over the former Emerson Hall) ○ Webster Hall, 400 students (net increase of 140 beds) ○ Davis Live, 400 beds. • <u>Floor Plans and Unit Mix Should Be Similar to Other Davis Rental Housing:</u> As noted above, the vast majority of rental housing units in Davis (76%) are comprised of one and two-bedroom units, and 91% are comprised of 3 bedrooms or less. These are the unit configurations most conducive to attracting working adults and families, as compared to the unit and bathroom arrangements typical of the other recently approved large student-oriented housing projects. • <u>University Commons Residential Housing Should be Designed for Workers and Families:</u> There is a precarious shortage in Davis of rental housing oriented toward working adults and families. Of crucial importance is the fact that UCD's 2018 Long Range Development Plan (LRDP) anticipates that more than 2,100 faculty and staff will be added by the 2030-31 academic year, yet the LRDP has no provisions for where those new employees will reside. The University Commons site would be a perfect location for rental housing geared toward UCD employees because the site would enable them to walk or bike to work. The commercial and retail aspects of the proposed project could be redesigned to accommodate functions desired by families, including day care services and a play area instead of restaurants and other services oriented toward students.

⁵ Comment memo dated December 5, 2019 (see Table 1, p. 7) and comment memo dated December 16, 2019 (see Table 3, p. 10).

⁶ I believe the University Court apartment complex is owned by UCD (or more technically correct, the Regents of the University of California).

5 – Comments on University Commons Project, May 19, 2020

No.	Section or Page	Subject	Comments and Recommendations
3	DEIR p. 3-17	Leasing Commercial Space to UCD	<p>Background: The project description in the DEIR states that the retail component of the proposed project could include "...compatible knowledge-based employment spaces..." and that "Commercial and office uses may also be located above the ground floor" (DEIR p. 3-17).</p> <p>Concern: Based on past experience, UC Davis may attempt to lease space at University Commons for office functions and "knowledge-based" endeavors. When space is leased by UCD and other tax-exempt entities, the property owner typically files an application with the County of Yolo for an exemption from property tax obligations. When this occurs the City and County receive less property tax revenue.</p> <p>Recommendation: If the project is approved by the City, the Development Agreement should include the standard clause providing that the property owner will reimburse the City for the foregone property tax revenue. This clause is below.</p> <p><u>Reimbursement for Property Taxes.</u> Prior to issuance of building permits, the property owner shall record a covenant on the title to the project site regarding tax payments. The covenant shall include a permanent obligation for the property owner to make payments to the City of Davis in lieu of the City's share of otherwise-required property taxes in the event the property is acquired or leased by an entity that is exempt from payment of property taxes. Wording of the covenant is subject to review and approval of the City Attorney.</p>
4		Master Leasing Apartments to UCD	<p>Background: In the past UCD has accommodated its rapidly growing enrollment by executing Master Leases with the owners of local apartment complexes. This practice reserves most or all of the units in the complex for UCD students, thereby reducing the inventory of rental units available to non-student renters such as families and working adults. Although UCD has pledged to discontinue this practice, it would be a wise practice for the City to continue efforts to discourage its use.</p> <p>Recommendation: To discourage master leasing, the City should impose the following requirement on the Owner, through insertion of the following verbiage in the Development Agreement and/or other documents as applicable.</p> <p><u>Reimbursement for Property Taxes.</u> Prior to issuance of building permits, the property owner shall record a covenant on the title to the project site regarding tax payments. The covenant shall include a permanent obligation for the property owner to make payments to the City of Davis in lieu of the City's share of otherwise-required property taxes in the event the property is acquired or leased by an entity that is exempt from payment of property taxes. Wording of the covenant is subject to review and approval of the City Attorney.</p>

No.	Section or Page	Subject	Comments and Recommendations
5	DEIR p. 2-4 thru 2-6	Environmentally Superior Alternative	<p>Background: The Draft EIR (DEIR) identifies the “Retail Only Alternative” as the Environmentally Superior Alternative because it would have the fewest impacts and would require the fewest mitigation measures. The “Existing Zoning Mixed Use Build Out Alternative” would also result in fewer impacts than the proposed project. This alternative would enable construction of 53 residential units comprising 53,905 square feet under the existing zoning (an average of 1,017 square feet per unit), with the mixed use buildings anticipated to be between two and three stories.</p> <p>Recommendation:</p> <ul style="list-style-type: none"> • To reiterate the recommendation on page 6 of my DEIR memo of December 5, 2019, the Planning Commission should recommend that City Council approve the Environmentally Superior Alternative identified in the DEIR. • Alternatively, if the Council desired a redeveloped retail shopping center that would accommodate a modest number of residential rental units suitable to the constraints of the site and surrounding area, it could approve the “Existing Zoning Mixed Use Build Out Alternative” that would include 53 new residential units. <ul style="list-style-type: none"> ○ The Planning Commission and Council could further designate that the rental units be comprised solely of a mix of studio rental units combined with one and-two-bedroom apartments. If any three-bedroom units were to be authorized, they should be limited in number to a percentage similar to the overall Davis residential rental market (no more than 15%, or 8 units).
6	DEIR	Significant and Unavoidable Impacts	<p>Background: The staff report for the Planning Commission public hearing on December 11, 2019 summarized three categories of significant and unavoidable impacts to transportation and circulation that were identified in the DEIR. These effects include impacts to bicycle facilities, pedestrian facilities and intersections that were studied under the “Cumulative Plus Project” conditions.</p> <p>Recommendation: Consideration should be given to rejecting the proposed project on the basis of these significant and unavoidable impacts.</p>
7	NA	Chancellor’s Report	<p>Report of the UCD Chancellor’s Housing Task Force, “Turning the Curve on Affordable Student Housing.” On September 15, 2019, I sent a memo regarding this report to Mayor Brett Lee, Councilmember Lucas Frerichs and City Manager Mike Webb. The memo summarized a number of important findings and recommendations of the task force, which included the short-to-medium priority of designing student housing for affordability. It emphasized offering students essential features while avoiding extra amenities that drive up prices. This issue was likewise referenced in my comment memo dated December 16, 2019.</p> <p>Concern: Quite the opposite of this recommendation, literature and exhibits produced by the Owner display students lounging at the on-site pool with drinks and the planned availability of a work-out room, when such</p>

No.	Section or Page	Subject	Comments and Recommendations
			facilities are readily available to students on campus. If the Council ultimately decides to approve the proposed University Commons project, it should be suggested to the Owner that greater affordability could be achieved by minimizing unnecessary and costly amenities. This concern was also conveyed in my DEIR comment memo dated December 5, 2019.
8	FEIR 2-113, 2-153	Regional Housing Needs Allocation	<p>The following text reiterates concerns expressed on p. 7 of my comment memo of December 16, 2019. I am not satisfied with the FEIR's response to this concern (FEIR pages 2-113 and 2-153). Those concerns remain relevant and important, so are reiterated below. <u>These concerns warrant a serious and detailed examination by the City of Davis, preferably any consideration is given to approved the University Commons project.</u></p> <p><u>RHNA Implications and Recommendation:</u> SACOG has determined the number of housing units and affordable units the City of Davis must accommodate through its General Plan and Zoning for the next 8-year cycle of the Regional Housing Needs Allocation (RHNA) that begins October 2021. The RHNA for Davis will be 2,075 units with 930 units to be in the lower-income category. This is much greater than the current 1,066 units for the January 2013 – October 2021 cycle. Meanwhile, in response to questions posed by the City of Davis, the State Department of Housing and Community Development (HCD) determined that 4 and 5-bedroom multi-family units fall into the category of "Group Accommodations," meaning that Davis receives no additional "RHNA credit" when it authorizes construction of units with a greater than typical number of bedrooms. In other words, in the view of HCD, "a unit is a unit" regardless of the number of bedrooms, beds, and occupants residing in each unit.</p> <ol style="list-style-type: none"> <u>Question:</u> Given the data in sections A.2. (Residential Square Footage and Location of 894 beds) and A.3. (Where Will Occupants Reside) cited in my memo of December 16, 2019, what implications does the project's undisclosed but probably high number of units with 3 or more bedrooms have for achieving the City's RHNA allocation? <u>Recommendation:</u> The DEIR and FEIR failed to address the RHNA implications of the large unit sizes and allocations with respect to the City's RHNA obligations.

C:\Users\Greg Rowe\Documents\Planning Commission\University Mall Redev\Project Comments_U-Commons(1)05-19-2020.docx

From: Jerry Johnson <jjohnson2732@mac.com>
Sent: Tuesday, May 26, 2020 9:29 AM
To: Sherri Metzker <SMetzker@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>
Cc: Lucas Frerichs <lucasf@cityofdavis.org>; Dan Carson <DCarson@cityofdavis.org>
Subject: Fwd: University Commons Redevelopment Project Draft EIR

FYI,

Also, can we trust that there would only be 1 person per bedroom? That would compound the parking problem that would undoubtedly move onto city streets. Drive down Alvarado (between Anderson & Sycamore) sometime and try to find a parking space.

Thank you,

Jerry Johnson

Begin forwarded message:

From: Jerry Johnson <jjohnson2732@mac.com>
Subject: Fwd: University Commons Redevelopment Project Draft EIR
Date: May 25, 2020 at 10:08:38 PM PDT
To: PlanningCommission@cityofdavis.org

Hello Commissioners,

I'm forwarding to the concerns/questions I submitted for the EIR review and would like to know how this project makes any sense. As you can see below, my main concern is parking and how there can Realistically be enough parking. Does anyone really believe that there will be enough parking spaces to serve that many beds plus retail for both the residents of the area but also for the entire city (at least I would hope the retail would serve the entire city).

Please consider this project very carefully.

Thank you,

Jerry Johnson

Begin forwarded message:

From: Jerry Johnson <jjohnson2732@mac.com>

Subject: University Commons Redevelopment Project Draft EIR

Date: December 19, 2019 at 9:06:57 PM PST

To: elee@cityofdavis.org

Hello,

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

Parking:

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

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

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

Retail:

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

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

Thank you,
Jerry Johnson

From: Lynelle Johnson <lrjohnson@ucdavis.edu>
Sent: Tuesday, May 26, 2020 7:36 AM
To: Sherri Metzker <SMetzker@cityofdavis.org>
Cc: Eric Lee <ELee@cityofdavis.org>
Subject: University Mall

I am VERY concerned and opposed to the creation of such a high density of student apartments at the University Mall re-design. The area already has severe parking problems and the proposed garage will do nothing to alleviate this when so many students will be recruited into the area. Please reconsider allowing 900 student units to invade this place. This is not a useful way for the City of Davis to allow planned growth and infill. Respectfully submitted, Lynelle Johnson

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

From: Ann Privateer <annprivateer@gmail.com>

Sent: Sunday, May 24, 2020 3:58 PM

To: Eric Lee <ELee@cityofdavis.org>

Subject: Re Too Big

The proposed University Mall is too big for Davis. Situated outside of town, perhaps. Russell is at the heart of town with many beautiful older homes. Why is it developers always want to go big? Because that's where the money is.

I once had a realtor friend that I was conferring with after moving back into my home as a single person. She explained how it costs more to build small, less to build big, and to stay in my home. These days of confinement, I'm happy that I took her advise.

My son lives in Paris, France where no building is taller than 4 stories. There is an aesthetic geared to a cities plan. This is an ugly plan, will create too much traffic, not for families with young children (a group that needs affordable housing), not for people who work at UCD and live in Sac. and other more affordable cites creating huge traffic jams on i80, duplicates what UCD is building for students, and in general is not a good plan.

Ann Privateer

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

From: Melissa Hasson-Snell <mhassonsnell@gmail.com>

Sent: Saturday, May 23, 2020 10:37 AM

To: Eric Lee <ELee@cityofdavis.org>

Subject: University Mall Proposal

As a long time citizen of Davis for over 30 years I would like to say that making one of our main shopping malls into a monolithic dorm for student housing does not seem appropriate and will have a lot of environmental impacts. UC Davis has more land than all the other UC campuses and should have in their planning code housing requirements for their growing student population. Having this housing spilling over into our community means less revenue for the city, less options for retail and more congestion.

Please reconsider this plan. Perhaps Brixco should be talking to UC Davis about doing this project on their campus. We need more retail in our town. Shops are closing all over town due to extremely high rents and we need a plan that will help our community with more usable shops and restaurants/cafes without turning the University Mall into another high rise dormitory with underground parking.

Even a mixed use plan is better than this monolithic proposal. I can see one or two apartments on top of usable retail (for the community and not just fast food for the students) on the street level.

Please reconsider before this changes our town for the worse.

Sincerely,
Melissa Hasson-Snell
Antony Hasson-Snell

From: Eileen Samitz <emsamitz@dcn.org>
Sent: Tuesday, May 26, 2020 11:28 PM
To: Planning Commission <PlanningCommission@cityofdavis.org>; Sherri Metzker <SMetzker@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>
Subject: The University Commons proposal needs to be rejected

Dear Chair Essex and Planning Commissioners,

The University Commons project is an over-sized , monolithic proposal which completely out-of-scale from its surroundings, creates overwhelming impacts, has grossly inadequate parking, as well as significant traffic and circulation problems. Please see the attached document covering some of the many concerns and problems regarding this proposal.

I urge the Commission to completely reject the University Commons proposal, as well as find its Draft and Final EIR's inadequate for a number of reasons. Instead, the developers need be directed to come back with a new plan for one of the two environmentally superior alternatives in the Draft EIR of either a) the retail only alternative, or b) the existing zoning mixed use alternatives (assuming the 53 apartments are only studios, 1-, 2- and perhaps a few 3-bedroom apartments, but no 4- or 5- bedroom "group housing" apartments and that the parking, traffic and circulation is worked out).

It is critical that the primary function of this community shopping center needs to continue to be primarily a community shopping center, not another mega-dorm.

Please feel free to contact me to further discuss this issue by email or my home phone is (530) 756-5165.

Thank you for your time and consideration,

Eileen M. Samitz

Comments and major issues regarding the "University Commons" proposal

1) To begin with, the U-Mall developers are asking for an enormous "ask" of:

a) a General Plan amendment for its land use designation to change from Community Retail, to be "Mixed-Use". The problem is that the "Mixed use" category allows far too much of a "crap-shoot" of uses for a site which has always been intended to be a major retail shopping center for the Davis community. There is no way that high-tech uses such as research and laboratories (which the developers want to be allowable uses) belong in this community retail center. It would not make any sense because there would be a predominance of restaurants and other food uses focused almost entirely on serving students. As a result, it would cease to be a community retail center.

The U-Mall property must not be an extension of the university for research and laboratories. This site's primary purpose and function needs to focus on continuing to provide community retail and services for Davis residents, not only to avoid commuting to other cities for these needs, but to provide the City with much needed sales tax revenue. Driving retail community-serving retail services out of Davis in order to serve the desires of transitory students does not serve the best interests of our small town in the long run.

b) a rezoning to "Planned Development" which can include virtually any kind of uses to be "allowed" or "conditional", but would be defined (i.e. such as laboratories).

Proposing a project, like "University Commons," would bring far more impacts than benefits to Davis due to the many environmental impacts as well as economic impacts. This enormous mega-dorm will impose significant costs and impacts on our infrastructure including water, waste water treatment and other City services such as fire and police. In contrast, the original purpose of this retail site has been, and should continue to be, providing community shopping needs so customers do not need to commute to other cities for merchandise and services, while also providing much needed sales tax revenue to our City.

Therefore, the City needs to use its leverage to simply not grant any approvals or entitlements until the project has a design which the community wants and will benefit from. Instead, University Commons proposes a detrimental project which loses the mall's main purpose of being a community shopping center, while also bringing enormous impacts and costs, and instead focusing primarily on student housing needs.

2) At the very least the project needs to downsize significantly, such as utilizing one of the two environmentally superior alternatives proposed of:

a) the "retail only" alternative in the Draft EIR would be to expand the mall to 136,800 sq. ft. of retail since Davis needs more retail and the sales tax it yields. Since Davis has so few retail options, there is less competition and more opportunity for retail to be successful within the City. This is 46,237 more s. ft. than the 90,563 sq. ft. at U-Mall now

b) the "existing zoning mixed-use build out" alternative included in the Draft EIR allowed for up to 179,685 sq. ft. of retail uses. It would be important that the retail uses be community-oriented, and not only student-oriented retail uses in order to serve the entire community as this site was intended to do. This proposal would allow a 53-apartment unit mixed use project, which could work if there were

adequate parking that could be controlled, and, importantly, if the design was primarily studios, 1- and 2- bedroom apartments with a few 3-bedroom apts, but no 4- and 5- bedroom group housing apartments. 4- and 5- bedroom group housing is clearly targeted for students and is exclusionary by design since it is a format for students, not workers or families.

Further, due to COVID-19, students are not likely to want to group house with 3 or more other students in a mega-dorm apartment, yet that is the objective of the University Commons proposal. The City has already approved 3,888 new student beds to be built within the City. However, due to COVID-19 outbreak, UCD will not be bringing back nearly as many students to the campus in the fall, therefore this U-Mall project is a completely inappropriate proposal that would be detrimental to our City since we already have a glut of student-oriented housing approved that will be located within the City.

Finally, Mayor Lee and the Council majority publicly committed to not approving any more mega-dorms last year. Therefore, this University Commons proposal needs to be a) retail only, or b) the significantly scaled-down existing zoning mixed-use alternative as long as the traffic, circulation and parking can be worked out. The rationale for selecting either of these alternatives is because they would be far more compatible with the surroundings and both are the two environmentally superior alternatives, as documented in the University Commons Draft EIR.

There are a plethora of problems with the University Commons proposal including, but limited to the following issues:

3) The size and scale of the enormous "University Commons" project including 7-story buildings, is completely out of proportion to the site. In addition, the functional use of the project is completely changed from being primarily a community retail center, to becoming primarily yet another mega-dorm. Over 70% of the square footage would be for housing targeting students with expensive, luxury apartments including at least 25% of the apartments being 4- and 5- bedroom "group housing" apartments. One important issue is why is the apartment mix not completely defined now by the developers? It seems clear that the developers are "hiding the ball" to get their entitlements first in order to do whatever they want later. This is an example of the kind of "bait and switch" approach to development that has been all too common in Davis. It needs to stop now.

4) There is grossly inadequate parking for the retail functions, and particularly for the 894 beds proposed for the project, yielding only a net of 2 parking spaces for adding 46,237 sq. ft. of retail. There is not enough retail parking at the mall as it is with the current retail of 103,763 sq. ft. (including Trader Joe's). There would clearly be over-spill parking resulting in the adjacent Medical Center at 635 Anderson Road and into the nearby neighborhoods.

5) The proposed "parking management plan" lacks necessary detail. The University Mall already has retail parking problems, but the proposed plan provides no assurance that the situation will improve. How can the free retail parking possibly be managed to prevent residential parking needs from raiding the retail parking spaces? Retail businesses rely heavily upon free and abundant parking to make it convenient for customers and to draw them to their stores. There is no effective system to control the free retail parking from being used by non-shoppers, particularly when there is such a shortage of parking for the 894 beds proposed for this project. Basically, there is no way that only 2 additional parking spaces can be added (totaling 429 parking spaces) to adequately serve the 150,000 sq. ft. of retail, because there is not enough parking now. Furthermore, it is fairy tale to think that only 264

residential parking spaces would be adequate for 894 beds. This is one of the inherent shortcomings of the City's minimum requirement for just one parking space per residential rental unit.

6) The enormous traffic and circulation impacts from this project would cause significant safety issues for pedestrians and particularly bicyclists. The circulation in and out of the parking garage would especially be hazardous for bicyclists in the Sycamore near Russell vicinity.

7) The environmental impacts would be overwhelming, including the traffic and circulation impacts. This will cause air quality deterioration as well due to idling cars trying to access the parking structure as well as simply getting past the project at the already seriously congested Russell and Anderson and Russell and Sycamore intersections.

8) The lack of the inclusion of any affordable housing is outrageous. This project happened to "luck out" in filing its application just prior to the City finally eliminating the ridiculous affordable housing loophole for "vertical mixed use" projects. The token offer to donate some "in-lieu" fees is no substitute for actually including affordable housing units in this enormous mixed-use project. The City has an obligation of approximately 45% of its SACOG RHNA units to be affordable, yet the City keeps "kicking the can down the road" regarding the fulfillment of that need. This project is a continuation of the production of exclusionary and luxury student mega-dorm housing, which has no effective affordable housing.

9) This project wants to allow 25% of the residential units to be 4- and 5- bedroom apartments. All 4- and 5-bedroom units need to be eliminated because they fall into the category of "group housing." Such "group housing" is inherently exclusionary by design. Such group housing floor plans are neither practical nor desirable for workers and families. Worse yet, SACOG and HCD allow NO RHNA housing unit credit towards fair share requirements for this type of mega-dorm group housing, which the City has approved a glut of 3,888 beds already. As mentioned earlier, the COVID-19 outbreak has undoubtedly made this type of "group housing" undesirable to students as well at this point.

The City needs to focus on providing housing for our workforce and families and stop enabling UCD to stall and back-slide on building adequate on-campus housing for its students like the other UCs are. UCD is the largest UC with over 5,300 acres and a core campus of 900-acres, yet it is the only UC campus not providing at least 50% on campus housing.

10) Why are there no solar panels over the parking lot? This is a huge deficit in this project, which could be providing a significant amount of energy but also serve to shade the cars from the intense summer sun. Is this due to shading from this long wall of 7-story buildings? If so, this is another reason why this project must not be this tall since not only does it create a "wall" effect but because it prevents solar from being used in the parking lot.

11) The 1% growth rate table appears to be under-counting the number of units approved or in the planning process and therefore the five-year average seems to be exceeded particularly if University Commons is added. Projects not appearing on the table include: Sterling Apts., Lincoln40, Cannery, Grande, Cassel Lane Subdivision all of which are in some stage of construction and not completed yet. The other problem is that 4- and 5-bedroom "units" are being counted as one "unit," which is not reflective of the actual cumulative impacts of a significantly higher number of residents.

12) Finally, the project needs to focus on updating and expanding the retail options in the project, focusing on community retail needs such as for merchandise, (which improves retail sales tax for our City) and community services needed. Instead this project proposal is clearly headed towards focus on creating another mega-dorm for UCD's student housing needs which would, instead, focus on fast food, coffee houses, bars, and other student-oriented retail, rather than prioritizing community needs which would yield more sales tax because it focuses on merchandise and general community services. As the name of the project, "University Commons" suggests, it essentially is an extension of UCD, such as Memorial Union, to the City, rather than U-Mall's more appropriate and vital need, which is functioning as a major community-oriented retail center which is needed for City sales tax.

From: Linda Magill <lkakgrm@yahoo.com>
Sent: Wednesday, May 27, 2020 2:49 AM
To: Planning Commission <PlanningCommission@cityofdavis.org>; Sherri Metzker <SMetzker@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>
Subject: University Mall Project

I found this definition: "A planning commission is a group of appointed officials which oversees city planning. *These officials are charged with controlling growth, promoting economic health and improving the quality of life for all citizens.*"

Using the above as a means of addressing the issue of the University Mall Project, certainly would indicate that the commission is not fulfilling its duties if the project proceeds as is.

No where in all of Davis is there anything to match what is being proposed. The closest example of building size would be the Genome and Bio-Medical Facility on campus, which is a massive structure occupying a significant amount of space on the UCD campus. The footprint of what is being proposed in the new project would be the equivalent of stringing together a series of the Genome Facility buildings. This would not only be just ugly, but would severely overcrowd the area with potentially an additional 900 people and the transportation and parking impact and ensuing congestion would be a nightmare. This will be particularly true when the current construction taking place across Sycamore and around Oxford Circle is filled with tenants. It will also negatively impact access for area residents.

Economically, the area certainly could benefit from an updated and expanded University Mall shopping experience, however, a crowded dorm is not needed. Because, no one knows exactly how the new construction currently underway will affect the present situation, it is hardly prudent and is certainly counterproductive to green light any change which would cram in more housing.

Please consider at least setting a decision aside on this version of the Mall project until the impact of *any and all* present construction can be evaluated in real time.

Sincerely,

Linda Magill
(530) 759-8699

Davis City Planning Commission

May 27, 2020

RE: University Commons Redevelopment Project

Dear Commission Members,

While I support redevelopment of the University Mall (University Commons) I strongly urge you reject addition of residential units to the commercial retail mall complex. Further, I urge you to not approve the construction of the two free standing buildings to be located within the existing parking areas as described in the proposal.

My reasoning for requesting rejection of these aspects of the proposal as put forward by Brixmor, Inc are given below.

Although along with other residents of Davis, I have long enjoyed the shopping conveniences provided by the University Mall. However, the Mall has not been well maintained for many years. As a resident living quite near, I have noted with some perplexity the steady decline in the maintenance of the structure over the years and have wondered why the corporation owning the property continued to allow its deterioration with the concomitant loss of tenants. Recently, I was informed that Brixmor, Inc has been the owner of the property since 2004. Although redevelopment of the shopping mall serving the diverse needs of the Davis community would be most welcome, to allow inclusion of a huge 7 story apartment complex housing almost 900 students would be a great disservice to the Davis public use of the Mall's services, to the residents in the adjacent community as well as the Davis public who depend on relatively easy access to the University or Russell Blvd by bike or car via Sycamore or Anderson roads.

Such a development would compound the already incredibly high population density in the area served by the Mall. Although I do not know the exact figures, I believe that the area has the one of highest, if not, the highest student population densities in Davis. The area referred to includes: the apartments on Sycamore, between Sycamore and Anderson, and those bordering both sides of Wake Forest and Oxford Circle. This area also includes the apartments currently under construction along Wake Forest as well as the 12 large apartment complexes in the Wake Forest – Oxford Circle area (Davis Live, Sycamore Lane Apts., Cuarto Living Area, University Court, Emerson Hall, Pinion Apts., La Casa Flores, Oxford Parkside, Wake Forest Apts., University Commons, Forest Arms Apts., and the 8th and Wake Forest Apts.) I do not know the total number of residents housed in these apartments, but I am certain that members of the Planning Commission know or have access to those numbers which I would guess run into the thousands.

The proposed addition of an additional 900 persons to the already high resident area would be a major injustice to both students and long term residents now living in the area. The many who use and presumably would continue to use the University Mall (University Commons) complex on a regular basis as well as those who daily travel via Sycamore and/or Anderson would be significantly and adversely impacted by the substantial additional traffic generated by residents of the proposed University Commons apartment complex.

I understand that an agreement has been reached between the University of California and City of Davis in which both parties acknowledge the need for further student housing within the bounds of the City of Davis and on the campus of the University which notes that the city has agreed to allow the construction of additional student housing within the city domain while the University continues to expand housing development. Consistent with this and according to the University-City of Davis Joint Annual Housing Report (Fall, 2019) the City of Davis has listed housing under development for approximately 3000 students as per Tables 9, 10 and 11. I would argue that the City of Davis approval of a number of housing developments which are in progress or have been completed or directed together with those of the University strongly mitigate against the need for construction of a 900 student housing complex at the University Mall.

Relevant to the University Mall housing proposal is a need to recognize the important role that the University continues to play with the development of a very large student housing project on the central campus at West Village. It is also important to consider the impact of the University housing activities on the consideration of the proposed University Mall redevelopment. Again, according to the 2019 Joint Report, University housing provides for 29% of student housing needs and is planning to provide for 43% by 2030.

Another planned housing development which further argues against the development of student housing at the University Mall is the University's planned development of Orchard Park located on Russell Blvd at Orchard Park. This complex will generate housing for an estimated 1400 persons in a mixed married student – graduate student complex of buildings. Being in close proximity to the Mall, these residents will undoubtedly rely on the services provided by University Mall retail stores further increasing the existing "user" population density.

Another issue which needs to be addressed is the proposed elimination of parking spaces due to the construction of two separate retail buildings in space current available for parking. In addition, other parking spaces are eliminated by the extension of the retail space into the present parking area on the East end of the complex. Thus, availability of customer parking in the proposed surface parking areas would be grossly inadequate under the proposed plan. Residents shopping at the Mall prior to the closing of shops found parking a challenge. A review of an online Brixmor, Inc site revealed an impressive number of shopping malls comprised of attractive one-story retail stores and fronted by large open areas for parking. The proposed "internal" parking is inadequate with insufficient parking spaces allotted to customers. The parking proposed for residents is equally inadequate. To suppose that a good percentage of students will forgo their cars is not at all reasonable.

Recently I counted the number of cars per rental house in our area and found it to be on average 4-5 per house occupied by 5 persons. Although interest in reducing the number of cars which students bring to Davis is laudable the fact remains that cars continue to be considered as essential by most students not living on campus.

Given of the above considerations I urge the Planning Commission:

approve the plans to replace the current University Mall retail space with a new one as described in the planning documents.

not approve the construction of the 900-student housing unit;

not approve the two additional retail space buildings which are to be located within the present automobile parking area.

Thank you for your consideration of my suggestions.

Sincerely,

JaRue Manning
726 Mulberry Lane
Davis, CA 95616
Ph 530 758 1829

From: Stephen M Wheeler <smwheeler@ucdavis.edu>
Sent: Wednesday, May 27, 2020 9:49 AM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Comments on University Commons Proposal

Dear Members of the Planning Commission:

In general I'd like to support the proposed development. It is of a general size and mix of uses that is appropriate for Russell Boulevard, which is becoming a more urban corridor between Anderson and 113. Maximising housing on this well-located site is desirable.

Three quick comments though:

1. For a project that calls itself a "Commons," it is ironic that surface parking on the site currently will be replaced by....surface parking. The developers are missing an opportunity to create a great plaza/park/public space. The City should make them do this on much of the space between Retail 5 and Retail 8.
2. The amount of parking in this proposal (693 spaces) is excessive for such an accessible location. The City should waive parking minimums for the site, and perhaps establish a maximum well below the proposed level. This is a great site for car-free housing, and at least some of the units should be designated as such. Parking should be de-bundled from units, and market charges applied for parking, probably in the \$200/mo range. Adding a Zip Car pod could help reduce parking need as well.
3. As I understand it the City is not requiring an affordable housing component (perhaps I'm mistaken; my time to review documents is very limited). That would be a major mistake. Reducing parking would be one way to lower development costs and make affordable units possible.

Thank you very much for your attention.

— Steve Wheeler

Professor Stephen M Wheeler
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Davis CA 95616
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(He/him/his)

Chair, Community Development Graduate Group

Author, Planning for Sustainability, The Sustainable Urban Development Reader, Climate Change and Social Ecology, Radical Questions about Sustainable Communities (forthcoming)

From: Don Gibson <don@dongibson.org>
Sent: Tuesday, May 26, 2020 12:23 PM
To: Planning Commission <PlanningCommission@cityofdavis.org>
Cc: Sherri Metzker <SMetzker@cityofdavis.org>
Subject: Letter of Support for Univeristy Commons Project

Dear Planning Commission,

I am Don Gibson, former chair of the Joint ASUCD-GSA Housing Task Force and am writing in support of the University Commons project.

I submitted a commentary in support of the redevelopment project here on the Davis Vanguard, here is a link and attached PDF. <https://www.davisvanguard.org/2020/05/guest-commentary-housing-demand-is-still-high-and-university-commons-would-provide-relief-in-a-superb-location/>

In summary, this project is the right one moving forward for multiple reasons. First, Davis has not solved the housing shortage yet. Although the commission and council have been supportive of new projects in general, the demand for housing is still very high. Here are a few key numbers on the private market in the City of Davis:

- 35% increase in people per bedroom from 2001 to 2018. Davis jump from 2.17 people/unit to 2.94 people/unit over that period
- 1,716, is the approximate number of Mini dorms in Davis, defined as a house or apartment with 2 people or more per bedroom
- 4.6% of undergraduates live more than 2 people per bedroom.
- 3,000 additional commuters drive to UC Davis since 2007.
- 5.5% rent increase last year with a 1% vacancy rate.
- 18% of students are housing insecure or faced some form of homelessness

This overcrowding exists not because students want to live in packed houses, its just supply has not kept up with demand. Providing additional housing for the student population is the best way to reduce the issues around crowding, mini-dorms, and increasing traffic.

Secondly, University Commons being adjacent to campus is perfect to reduce dependence on a car. Those living 1 mile from campus will bike to campus 71% of the time. Compared to those who live 5 to 9 miles away will drive 78% of the time. And building up and not out, respects Davis' preference for infill versus peripheral growth.

Lastly, a push to have new housing friendly to students exclusively on campus can have some drawbacks. Primarily property tax revenue from on-campus development does not go to the City of Davis, which before the recession was facing a structural deficit. Now it is estimated that the upcoming deficit will be between \$10 million and \$22 million due to a loss in sales tax revenue.

Thank you for the consideration to support additional infill projects,

--

Don Gibson, Ph.D.
UC Davis 2019, Integrative Genetics and Genomics
925-872-0570

Title: Housing Demand is Still High, and University Commons Would Provide Relief in a Superb Location

By: Don Gibson, Ph.D., UC Davis 2019, former Chair of Joint ASUCD-GSA Housing Task Force 2017-2019

Davis has not solved the housing shortage. The best way to address this shortage, given the community demands for limiting peripheral growth, is to densify the urban corridors such as Russell Boulevard with projects like University Commons.

The city has approved new apartment complexes in the last few years, yet none have tenants. Worst yet, multiple projects have been held up for years in lawsuits delaying the production and ultimately increasing the costs which get passed along to renters.

The demand for housing in Davis and throughout California has hit breaking points. People experiencing homelessness has risen throughout the state, while rents and housing prices have only continued to go up. The pressure is so high that last year California instituted its first statewide just cause eviction law and rent increase cap (5% + CPI).

Here, I wanted to put numbers using data found on why the issues are so stark here in Davis and are often lost to the non-student members of the community.

Overcrowding, Increasing Rates of Density, and Numbers of Mini-Dorms for Students.

Published a year ago, the "UC Davis Student Housing Affordability and Insecurity Report for 2017-18" by Dr. Robert M. Saper, which I collaborated on, found stunning results. We performed a comprehensive scientific survey of UC Davis undergrad and graduate students accessing their housing issues, such as their rental rates, overcrowding, and student homelessness.

We found that the majority of undergraduates are more likely to live 2 people per bedroom than in a room for themselves. Dr. Saper found that undergraduates in Davis live 1.62 people per bedroom, and these are often older units not designed for two people. Worse, about 4.6 % of students live more than 2 people per bedroom. To put it in comparison, the non-undergraduate renter is approximately 1.22 people per bedroom.

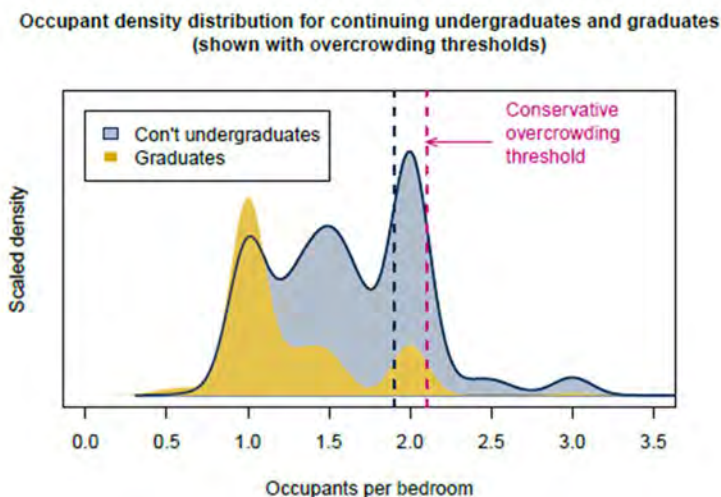


Figure 1) Distribution of occupant densities in the private Davis rental market: Continuing undergraduates and graduates in all unit types (with overcrowding thresholds).

The rise in population in Davis, without following up with rental units, led the per-unit density to increase radically. Using census data, I found that in 2001, renters lived an average of 2.17 people per rental unit. In 2018 that has since expanded to 2.94 people per unit or a 35% increases.

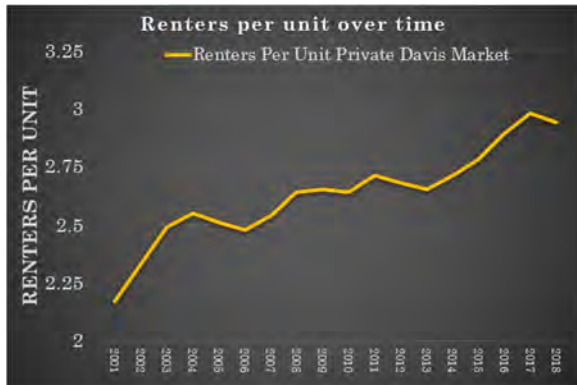


Figure 2) The number of renters per unit in the private Davis market has risen steadily since 2001.

Often called "Mini-dorms" these overly packed homes and apartments are rightfully a source of concern for long term residents and are, responsible for problems from trash, noise, and many more cars parked on the street.

Dr. Saper was able to quantify the number of Mini-dorms in Davis. The survey found that there were 1,716 Mini-dorms, or apartments and homes with at least 2 or more people living per bedroom. Additionally, he found that there were approximately, 199 Mini-dorms with more than 2 people per bedroom living in the unit.

These overcrowded homes are directly a result of a lack of supply. Undergraduates do not want to live in overly dense apartments and houses. Its simply that there are not enough places for people to live, and forcing many to cram into space not designed for high density. The best way to reduce the number of Mini-dorms is to provide additional housing for the student community.

Just recently, the Vacancy Survey found that Davis vacancy rate is 1% the highest since 2014 but came with a 5.5% increase in rent. The average increase was just 2% below the new statewide mandated rent cap. Demand remains incredibly high, and the increased vacancy rate is likely from people now commuting by car to Davis.

Dense Development Close to Campus

Another study from Dr. Saper in 2018, "Turning the Curve on Affordable Student Housing" quantified the increase in the growth of commuters to UC Davis. From 2008 to 2017, an additional 3,000 people, staff and students, lived outside of Davis and commuted daily to UC Davis. The vast majority of these drive single-occupancy vehicles. If those new commuters were able to live, attend school, and work in Davis, they could have been saved longer commutes, which likely added tons of CO2 emissions over that time.

Generation Z and UC Davis students are far less likely to own cars. According to the UC Davis transportation survey in 2017-2018, 71% of those living within 1 mile of campus use their bike to commute to campus. Compared to those living 5 to 9 miles away, it jumps to only 10% using a bike and 78% drove a car.

Distance group	Physically traveling	Of those physically traveling to campus						Weighted sample	Projected population
		Bike	Walk or skate	Drive alone	Carpool or ride	Bus	Train		
Within 1 mile	90.8%	71.2%	17.1%	2.6%	3.1%	5.8%	0.2%	827	11,520
1 to 2.9 miles	95.7%	46.7%	2.0%	16.3%	3.3%	31.6%	0.1%	1,704	23,742
3 to 4.9 miles	93.5%	32.3%	2.4%	33.2%	8.5%	23.5%	0.0%	180	2,504
5 to 9.9 miles	100.0%	10.2%	5.9%	78.4%	5.5%	0.0%	0.0%	60	830
10 to 19.9 miles	94.5%	0.2%	0.0%	81.2%	8.5%	7.9%	2.2%	403	5,607
20 miles or more	94.4%	0.0%	0.0%	82.6%	9.2%	0.9%	7.3%	309	4,301
Overall	94.2%	41.4%	5.1%	28.6%	4.7%	19.3%	1.0%	3,482	48,505

The closer someone lives to campus, the more likely they will walk or use a bike. Source: UC Davis Transportation Survey, 2017-2018

Although lowered parking requirements have been called an experiment, reducing the incentive to drive is a move in the right direction to minimize carbon dependence and reducing car traffic. Mixed used development would allow those living there to access amenities without having to jump into a car and drive across town.

University Commons is one of the best locations for dense growth. The densification of the Russell Boulevard corridor allows residents to have access to multiple bus lanes and live across the street from campus, lowering an individual's traffic impacts.

On-Campus vs Off-Campus Student Housing

Lastly, a significant concern brought up by many, is to place the growing student population housing on campus as opposed to in the city. UC Davis does need to play a role in helping provide housing; however, this does come with some downsides.

From the student perspective, one of the appealing features of coming to Davis is to live in a college town, and not just on-campus. The incorporation of the student community across all of Davis has been a relative success in promoting positive community integration. Contrast this with Isla Vista next to UC Santa Barbara, the segregation of the student community led to many problems such as rundown services, graffiti, and the safety of their residents.

Additionally, property tax revenue from the UC Davis campus does not go to the City of Davis, even though those living on campus still use many city services like roads and trails. The student population causes less of an impact than permanent residents primarily for the fact that a majority of students leave town for 3 months of the year. Thus, student residents may be more likely to be revenue positive for the city through the property tax revenue their rent supports.

Now due to the recession, Davis is estimated to be facing anywhere between \$10 million and \$22 million deficit this fiscal year. The deficit will be hard on local government and should put greater scrutiny on the longer-term tax implications of pushing student housing to be an exclusive campus issue.

Finally, the Davis community made the responsible decision to be cautious of outward sprawl. Yet 20 years of no new apartment complexes has caused a housing crisis, hurt DJUSD enrollment and city budgets, and led to thousands of more commuters.

University Commons development is the right type of project moving forward for Davis. Providing new student friendly apartments will open up space for other renters and potential buyers. The project is right next to campus; those living there would not need to drive a car. And building up and not out, respects Davis' preference for infill verses peripheral growth.



1415 L Street,
Suite 300
Sacramento, CA
95814

916.321.9000
sacog.org

May 22, 2020

Michael Webb, City Manager
City of Davis
23 Russell Blvd., Suite 1
Davis, CA 95616

Re: Comments on the University Commons Project

Dear Mr. Webb,

This letter is in response to the City's request for review of the proposed University Commons project in Davis. Thank you for inviting SACOG to comment on this project as it relates to the Preferred Blueprint Scenario map and principles. This letter is submitted in addition to our letter on January 13, 2020, which stated SACOG's concurrence with the City's determination that the proposed University Commons project is consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

The proposed project is the redevelopment of a commercial strip mall into a 5-story mixed used building made up of 264 units and 150,000 square feet of commercial, new shops, restaurants, and other services. The existing site includes a single-story neighborhood shopping center and professional offices on a partial second floor. The proposed project represents the culmination of years of planning. This site was first identified as appropriate for housing in the 2008 Housing Element steering committee and is included in the 2013-2021 Davis Housing Element sites inventory as an appropriate place for meeting the City's regional housing needs allocation.

The proposed redevelopment of this site was compared to the Preferred Blueprint Scenario. The Preferred Blueprint Scenario is a conceptual map based on the principles of smart growth. This Preferred Scenario is not intended to direct how a specific parcel should or should not be developed in a particular manner, but rather give some direction on how the region needs to develop generally to reap the benefits of the Preferred Scenario. For this reason, it is not possible to apply them at a parcel level. With that caveat, the proposed project is consistent with the Preferred Blueprint Scenario.

Findings and Evaluation:

- Infill development and redevelopment is a strategy essential to the success of the Blueprint and the MTP/SCS. The Blueprint Preferred Scenario and the currently adopted MTP/SCS achieve transportation, air quality, and other quality of life benefits by relying in part on infill and redevelopment projects such as this one. This is also key to another Blueprint principle: use existing assets. The SACOG region has

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

many aging and underutilized commercial corridors where local governments are looking to make more efficient use of existing public infrastructure. Redeveloping large, underutilized parking lots with housing is critical to the economic revitalization of these corridors and can provide the proximate customer base needed to sustain commercial uses in our changing retail climate. The University Commons project would be one of the first such projects in the region and could act as a proof a concept for future commercial corridor revitalization in the region.

- The project furthermore supports the principle of transportation choice. The project location is an existing high-quality transit corridor and is directly across the street from the university. Being in this neighborhood of Davis also provides access to a very comprehensive and connected bicycle and pedestrian network. Adding more housing to this location means that the residents of the proposed project will have the option to travel to and from their home by transit, walking, or biking. While the housing in the proposed project is not exclusive to university students and staff, those students and university employees who do live at University Commons would have an opportunity to live conveniently close to the university campus than many of the university housing units currently under construction. This proximity would promote walking and biking and may relieve congestion elsewhere in the City. For non-work/school trips, which make up the majority of all trips, the project's location efficiency would allow for its residents to satisfy the many other needs of daily life in a central location.
- Compact development and a variety of housing options are critical Blueprint planning principles. Furthermore, the Blueprint, as well as every MTP/SCS update since then, has identified the need for more attached housing in the region in order to meet the needs of current and future residents. The proposed project supports both principles by locating housing near existing jobs and services and providing attached housing. The Blueprint assumes a significant portion of the housing growth in Davis, roughly two-thirds, is attached housing including apartments, townhomes, condominiums, and mixed-use projects such as the proposed project. The project includes a variety of housing options, including one, two, four, and five-bedroom units. These units will be marketed to students, young professionals, and families. Marketing at least some of the units to students as well as those who work at the university is appropriate given the project's proximity to campus across the street. Providing housing to students and staff near the university can help to mitigate pressure on housing elsewhere throughout the City.
- The conserve natural resources Blueprint principle is based in part on compact development and reusing existing developed land. With its prime location, the proposed project is in line with what is envisioned in the Blueprint and is necessary for accommodating housing need in Davis. Redeveloping this lot to more compact residential and commercial uses will help to conserve natural resources and improve quality of life by providing cleaner air and outdoor experiences.

- Mixed-use development is a Blueprint principle that can be used to describe the importance of area-wide balancing of housing and employment. The Blueprint study revealed the need to aggressively utilize existing infill and/or redevelopment opportunities to create a better jobs/housing balance in the UC Davis and City of Davis area, which is currently jobs rich. The Blueprint shows that adding more housing in Davis will allow for more people to live near their work, which reduces the demand on the regional transportation system by allowing for shorter trips and encouraging alternative-mode trips such as walking, biking, and transit. At the neighborhood scale, a mixed-use building in a central setting near the university, such as the project is proposing, adds amenities not only for the building's residents but for the entire city and university. These types of projects can function as local activity centers and contribute to the sense of community, where people tend to walk or bike to destinations and interact more with each other.
- Quality design is one of the seven Blueprint principles that is important as new development is added to neighborhoods. It's clear that the City's design review process is working to ensure this project it integrates well with the surrounding area.

In summary, the proposed University Commons project exemplifies all of the Blueprint principles and helps implement the Blueprint and the MTP/SCS. As a means of implementing the Blueprint and the MTP/SCS, the SACOG board created the 2020 Commercial Corridors Task Force. The Commercial Corridor Task Force is a unique public-private forum to discuss opportunities, challenges, and recommendations, relating to commercial corridor revitalization in the Greater Sacramento Region. The University Commons project embodies many of the recommendations that are currently being discussed as a part of the 2020 SACOG Commercial Corridors Task Force, including providing multifamily housing directly on the corridor through parking lot redevelopment.

Again, thank you for inviting SACOG's input on this project. If you have further questions or need further assistance, please don't hesitate to contact me.

Sincerely,



James Corless
Executive Director

CC: Lucas Frerichs, City Councilmember
Ashley Feeney, Assistant City Manager
Sherri Metzker, Principal Planner

May 27, 2020

Cheryl Essex, Chair
City of Davis Planning Commission
23 Russell Blvd
Davis, CA 95616

RE: University Mall Site Project - Support

Dear Members of the Davis Planning Commission,

The Davis Chamber of Commerce wishes to express its support for University Commons, the proposed mixed-use redevelopment of University Mall site.

The Chamber is impressed by the thoughtfulness of this project's site design as well as its commitment to a significant reinvestment in the City of Davis. The Chamber is most enthusiastic about the economic benefits and excitement we believe this development will bring to the City including:

- **Housing for our Community:** Purpose built housing supply is critical to our ability to attract talented people to locate and grow within the City of Davis. The University Commons project will provide desperately needed residential quarters, adjacent to the University. This new development will provide students, staff and faculty at the University of Davis a great housing option in a culturally unique and vibrant environment with offering of an assortment of amenities and gathering spaces. With its proximity to campus, the project should also relieve pressure on traditional student "micro dorms" scattered throughout the residential neighborhoods in Davis.
- **Retail for the City:** The project will stimulate economic activity replacing a facility no longer conducive to the current demands of a productive retail environment with 136,500 square feet of new retail space supported daily by 894 on site residents.
- **Short Term Economic Benefit:** Construction of the mixed-use building is estimated to cost \$200 Million with an expected 2 year construction duration. With \$200 Million invested in capital improvements, extensive economic benefits will be injected into the local economy. In addition to the construction jobs, multipliers such as procurements from local businesses, and construction employees spending their earnings on goods and services will result in the direct injection of new revenue to local businesses within the City.

BOARD OF DIRECTORS

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Chamber Staff

Cory Koehler
Executive Director
Kristin Hannell
Director of Events & Marketing
Esmeralda Andrade
Front Office Administrator

- **Long Term Economic Benefit:** Approval of the project will yield substantial, immediate and quantifiable impact fee benefits. Additionally, forecasting models indicate that the retail portion of the project will generate critically needed sales tax revenues to the City. Further, it is anticipated that the new retail will generate approximately one new job per 350 square feet of rentable retail space, which equates approximately 300-400 new jobs.
- **University Commons Vision is The Chambers Vision for Progressive Smart Growth:** The University Commons project creates a vertically integrated mixed-use infill residential and retail offering unlike any in the City of Davis. This project will transform an outdated mall into a vibrant, thoughtful, sustainable, amenity-rich, model of urban re-investment.

The Chamber urges the Planning Commission to approve the University Commons project.

Sincerely,



Cory Koehler
Executive Director

ATTACHMENT 8

Finance and Budget Commission

- **June 8, 2020 Staff Report**
- **Public Comments submitted to FBC**
- **July 13, 2020 Update Memo and Supplemental Attachments**
 - **FBC Subcommittee Memo**
 - **Applicant Response Memo**
 - **Fiscal Model**

STAFF REPORT

DATE: June 8, 2020

TO: Finance and Budget Commission

FROM: Ashley Feeney, Assistant City Manager Community Development and Sustainability Director
Kellie Bruton, Management Analyst II

SUBJECT: University Commons

Recommendation

Staff recommends the Finance and Budget Commission review the fiscal feasibility results of the University Commons project and provide feedback to City Council.

Current Proposal

University Commons Project Description

The applicant is requesting approvals to change the land use and zoning of the existing University Mall property located at 737-885 Russell Boulevard in order to redevelop it as a new multi-story, mixed-use development, called University Commons. Additional planning entitlements for the final site plan and detailed building and architectural design is required and a subsequent application with those detailed plans would be submitted for review by the Planning Commission.

The proposed project includes demolition of approximately 90,563 sq. ft. of the existing University Mall building. The proposed mixed-use development would include approximately 136,800 sq. ft. of new retail commercial space, not including the existing 13,200-sq. ft. Trader Joe's building which will remain at its current location, and up to 264 new multi-family residential units. A three-level, 246,000-sq. ft. parking structure containing a total of 533 parking spaces would be situated on the western portion of the site. The main structure would range from seven levels approximately 80 feet in height. Two smaller pad buildings with two-stories each are also proposed.

The 136,800 sq. ft. of commercial space would accommodate shops, restaurants, and other associated uses on the ground floor and second floor areas. There are a total of eight retail areas, identified as Retail 1 through Retail 8 in the conceptual site plan. Retail 1 through Retail 6 would be constructed generally within the footprint of the existing University Mall and underneath the proposed residential units, while Retail 7 and Retail 8 would be new, freestanding buildings.

The 264 residential units would consist of up to 622 bedrooms in a mix of unit types with a maximum of 894 beds. There would be four residential levels over the three-level parking garage and three residential levels over the two-stories of commercial uses on the eastern portion of the site. The residential levels would be arranged around three separate courtyard area. Other

residential amenities include a fitness room, bicycle storage, a bike repair station, and a rooftop terrace. The project includes tree removal, surface parking, and other site improvements.

Background

The fiscal model attempts to create a reasonable representation of the General Fund impacts of new development. There is no way for a model to completely predict the future and it is therefore important to understand that the results are merely an additional tool to be used in evaluating a plausible expectation of future income and expenditure flows. This model also does not take in account the true marginal costs associated with new development but works primarily on a per capita cost basis. There may be additional capacity available within a program or department that would not necessarily require an incremental increase in spending to cover the additional burden created by the development.

Supplemental revenues are not part of the fiscal model and they play no role in the fiscal feasibility of the project. New development generates additional onetime revenues to the City in a number of different ways. One supplementary revenue source is development impact fees. These are paid with each new development and are meant to mitigate additional infrastructure needs resulting from the project. Construction Tax is a discretionary revenue source paid on the square footage of structures included in the development. These payments are available to be used in any way deemed appropriate by the City. Other revenue sources that are often associated with new development are contained within the development agreement. The form of these exactions can vary from particular environmental mitigations to payments for specific infrastructure and/or community enhancements. The fiscal model consequently is only a portion of the financial picture.

Fiscal Model Review

The fiscal model compares the estimated revenue generated by the project to the estimated cost of providing public services to the project. The analysis focuses on the general fund revenue and expenditures. The project is estimated to have a net fiscal surplus. Staff and applicant are requesting Commission comments on the fiscal feasibility of the project.

Financial assumptions:

1. Tax rate area is 21.1282%.
2. Current assessed property tax valuation on the structure is \$20 million, which was reduces the property tax valuation.
3. Sales tax is based on a dwelling unit equivalent of 1.56 persons per household per unit for residential. Assumed annual taxable expenditures are \$7,406 per person.
4. Sales tax was reduced by \$35,174 for sales tax that was collected by the current occupants in 2019 excluding Trader Joes.
5. Commercial gross retail sales is \$42 million on average annually. Which the City would receive approximately \$149,568 of sales tax.
6. The percentage of general fund expenditures estimated to be impacted by the project is 75%.

7. Net present value is at the 2% inflation rate.

Project assumptions:

1. 3.385 persons per household on multi-family units; (2.16 persons per household is the bases for the dwelling unit equivalent for multi-family, which was decided with the FBC sub-committee, and it's the same as the dwelling unit equivalent for development impact fees)
2. The commercial retail will bring in 274 new employees
3. 264-unit Multi-family apartment complex
 - a. Absorption schedule is buildout in 1 year
 - b. Assessed valuation \$305,985 per unit
4. 136,800 square feet of the retail commercial
 - a. Absorption schedule is built out in year 2
 - b. Assessed valuation \$375 per square foot

Finance Summary

Today's retail environment University Mall is currently is an underperforming asset. The University Common project is anticipated to be revenue positive according to the fiscal model analysis. The project will contribute property taxes to the City's General Fund based on the value of the property. The property tax revenue for this project would be \$4.2 million over 15-years with a valuation of \$133 million and a tax rate share of 21.1282%. Sales tax revenue collected by the City over 15-years is \$ 4.7 million. Over a 15-year period, the project will contribute \$15.6 million in revenue projections while expensing \$11.8 million in expenditures. Revenues climb at an average rate of 4%, whereas expenditures climb at 2.94%.

One-time Fees

At current rates, the project would generate a one-time fiscal benefit to the City

1. Construction Tax \$1.7 million
2. Permitting cost \$1.9 million
3. Development Impact fees, total fees \$4 million
 - a. Roadways \$2.1 million
 - b. Storm Sewer \$27,904
 - c. Parks \$1 million
 - d. Open Space \$173,540
 - e. Public Safety \$246,003
 - f. General Facilities \$486,359
 - g. Sewer fees to be determined by Public Works
 - h. Water connection fees to be determined by Public Works
 - i. Community Enhancement of \$665,000

The project will also contribute one-time fiscal benefits to other agencies.

1. Davis Joint Unified School District \$1.2 million
2. Yolo County development impact fees \$862,673

Attachments:

1. Fiscal Summary
2. One-time fees

Table 20: Summary of Fiscal Impacts for City of Davis															
Project: University Common															
	Cumulative Absorption (Year)														
Revenues	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Property Taxes	\$183,885	\$247,721	\$253,552	\$259,501	\$265,568	\$271,757	\$278,069	\$284,508	\$291,076	\$297,775	\$304,607	\$311,577	\$318,686	\$325,937	\$333,333
Property Transfer Tax	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sales and Use Taxes	\$185,620	\$272,248	\$284,145	\$296,503	\$304,397	\$312,512	\$303,472	\$316,713	\$330,472	\$344,806	\$354,039	\$363,536	\$373,264	\$362,849	\$378,611
Prop. 172 Public Safety Sales Tax	\$7,463	\$20,234	\$21,118	\$22,036	\$22,623	\$23,226	\$22,554	\$23,538	\$24,561	\$25,626	\$26,313	\$27,018	\$27,741	\$26,967	\$28,139
Municipal Service Tax	\$31,854	\$23,728	\$42,415	\$43,687	\$44,998	\$46,348	\$47,738	\$49,171	\$50,646	\$52,165	\$53,730	\$55,342	\$57,002	\$58,712	\$60,474
Parks Maintenance Tax	\$15,195	\$15,499	\$15,809	\$16,125	\$16,447	\$16,776	\$17,112	\$17,454	\$17,803	\$18,159	\$18,522	\$18,893	\$19,271	\$19,656	\$20,049
Public Safety Tax	\$30,181	\$41,913	\$43,171	\$44,466	\$45,800	\$47,174	\$48,589	\$50,047	\$51,548	\$53,094	\$54,687	\$56,328	\$58,018	\$59,758	\$61,551
Transient Occupancy Tax	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Business License Tax	\$9,249	\$17,908	\$18,372	\$18,719	\$19,072	\$18,712	\$18,623	\$19,107	\$19,604	\$20,114	\$20,496	\$20,885	\$21,282	\$21,181	\$21,583
Franchise Fees	\$16,691	\$18,926	\$19,304	\$19,690	\$20,084	\$20,486	\$20,895	\$21,313	\$21,740	\$22,174	\$22,618	\$23,070	\$23,532	\$24,002	\$24,482
Property Tax In-Lieu of Vehicle License Fees	\$65,534	\$88,284	\$90,363	\$92,483	\$94,645	\$96,851	\$99,100	\$101,395	\$103,736	\$106,123	\$108,558	\$111,042	\$113,576	\$116,160	\$118,796
Gas Tax Revenues	\$46,176	\$47,099	\$48,041	\$49,002	\$49,982	\$50,982	\$52,002	\$53,042	\$54,102	\$55,185	\$56,288	\$57,414	\$58,562	\$59,734	\$60,928
Community Services Revenues	\$31,292	\$35,482	\$36,191	\$36,915	\$37,653	\$38,406	\$39,175	\$39,958	\$40,757	\$41,572	\$42,404	\$43,252	\$44,117	\$44,999	\$45,899
Other Charges for Service Revenues	\$47,750	\$54,143	\$55,225	\$56,330	\$57,457	\$58,606	\$59,778	\$60,973	\$62,193	\$63,437	\$64,705	\$66,000	\$67,320	\$68,666	\$70,039
Fines and Forfeitures	\$8,977	\$10,179	\$10,383	\$10,591	\$10,802	\$11,018	\$11,239	\$11,464	\$11,693	\$11,927	\$12,165	\$12,409	\$12,657	\$12,910	\$13,168
Sub-Total Revenues	\$679,867	\$893,364	\$938,090	\$966,047	\$989,529	\$1,012,854	\$1,018,347	\$1,048,683	\$1,079,930	\$1,112,157	\$1,139,133	\$1,166,765	\$1,195,026	\$1,201,531	\$1,237,052
Percentage change from prior year		23.90%	4.77%	2.89%	2.37%	2.30%	0.54%	2.89%	2.89%	2.90%	2.37%	2.37%	2.36%	0.54%	2.87%
Expenditures	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Public Works	\$51,518	\$61,279	\$65,017	\$68,203	\$71,341	\$74,480	\$77,310	\$80,170	\$82,174	\$85,051	\$87,347	\$90,317	\$93,478	\$96,469	\$98,881
Community Development	\$32,962	\$38,087	\$39,546	\$41,043	\$42,485	\$43,657	\$45,261	\$46,494	\$45,444	\$46,705	\$47,946	\$47,527	\$48,475	\$49,443	\$50,430
Community Services	\$66,088	\$71,460	\$73,995	\$76,597	\$79,114	\$81,193	\$83,979	\$86,164	\$84,642	\$86,880	\$89,091	\$88,605	\$90,348	\$92,125	\$93,937
Parks and General Services	\$81,778	\$87,711	\$90,131	\$92,613	\$95,047	\$97,192	\$99,841	\$102,084	\$101,755	\$104,064	\$106,372	\$106,810	\$108,823	\$110,873	\$112,962
Police	\$155,493	\$188,375	\$195,720	\$203,260	\$210,520	\$216,392	\$224,472	\$230,652	\$225,167	\$231,487	\$237,704	\$235,433	\$240,148	\$244,958	\$249,864
Fire	\$116,583	\$134,921	\$140,291	\$145,803	\$151,106	\$155,375	\$161,283	\$165,779	\$161,608	\$166,204	\$170,721	\$168,932	\$172,329	\$175,794	\$179,329
General Government	\$87,972	\$94,056	\$96,362	\$98,724	\$101,059	\$103,188	\$105,706	\$107,926	\$108,220	\$110,512	\$112,816	\$113,721	\$115,825	\$117,969	\$120,153
Sub-Total Expenditures	\$592,395	\$675,890	\$701,061	\$726,245	\$750,672	\$771,475	\$797,851	\$819,268	\$809,010	\$830,903	\$851,997	\$851,345	\$869,426	\$887,631	\$905,556
Percentage change from prior year		12.35%	3.59%	3.47%	3.25%	2.70%	3.31%	2.61%	-1.27%	2.63%	2.48%	-0.08%	2.08%	2.05%	1.98%
NET GENERAL FUND BALANCE	\$87,472	\$217,474	\$237,029	\$239,802	\$238,857	\$241,379	\$220,496	\$229,415	\$270,921	\$281,254	\$287,136	\$315,420	\$325,601	\$313,900	\$331,497
Present Value		\$213,210	\$227,824	\$225,971	\$220,667	\$218,624	\$195,794	\$199,719	\$231,228	\$235,341	\$235,551	\$253,681	\$256,734	\$242,655	\$251,233
Cumulative Total		\$304,946	\$541,975	\$781,777	\$1,020,634	\$1,262,013	\$1,482,509	\$1,711,924	\$1,982,844	\$2,264,098	\$2,551,234	\$2,866,654	\$3,192,254	\$3,506,155	\$3,837,652
Cumulative Total	\$3,837,652														
Net Present Value	\$3,295,705														

Source: City of Davis; Leland Model assumes a 2% inflation
Net Present Value is based on the Leland model of 2% inflation rate

Table 19: Summary of Fiscal Impacts for City of Davis**Project: University Common**

Type	Development Impact Fees									
	Roadways	Storm Sewer	Open Space	Parks	Public Safety	General Facilities	Total			
Multi-family	\$ 1,179,618	\$ 22,440	\$ 167,706	\$ 974,028	\$ 196,086	\$ 443,388	\$ 2,983,266			
Commercial	\$ 937,167	\$ 5,464	\$ 5,834	\$ 33,803	\$ 49,917	\$ 42,971	\$ 1,075,156			
	\$ 2,116,785	\$ 27,904	\$ 173,540	\$ 1,007,831	\$ 246,003	\$ 486,359	\$ 4,058,422			

Permitting Fees and Construction Tax

Type	Building Permits	Public Works Permits	Construction Tax	Community Enhancement	Total
Multi-family	\$ 932,332	\$ 64,512	\$ 1,555,125	\$ 665,000	\$ 3,216,969
Commercial	\$ 937,167	\$ 5,464	\$ 183,561	\$	\$ 1,126,192
	\$ 1,869,499	\$ 69,976	\$ 1,738,686	\$ 665,000	\$ 4,343,161

Charges from other Agencies

School Impact Fee	\$ 1,246,888
FSA (County Fees)	\$ 862,673

**Written Public Comments
Submitted for June 8, 2020
Finance and Budget Commission Meeting**

From: Daniel Berman <danmberman@gmail.com>
Sent: Monday, June 8, 2020 6:32 PM
To: Finance and Budget Commission <FBC@cityofdavis.org>
Subject: RE: NO TO THE GIANT 7-Story Project which Brix-mor (aka MORE/BRICKS) is promoting for UNIVERSITY MALL

My wife and I live on Maple Lane, about a 15-minute walk and 5-minute bicycle ride from the University Mall. We probably shop a TRADER JOE'S 5X A WEEK!! This MORE/BRICKS (aka MORE/BRICKS) project will ruin the University Mall.

WHAT THE UNIVERSITY SHOULD DO IS BUILD ON UNIVERSITY LAND AND ALLOW STORES AND INCLUDE CAFETERIAS AND BICYCLE PARKING SPACES FOR THE STUDENTS.

PROBLEMS with the BRICKS-MORE/Bricsmor project?

1. The rationale for the project doesn't contain a serious financial analysis...a laughable 3pp document
2. The proposed 7-story building is just too damned high
3. The idea is to stuff 894 students into the 254 apartments will jam up the whole area with cars and swarm it with

students who will park everywhere in the neighborhood, unless they are PROHIBITED

owning cars, a prohibition which they would share with the PRINCETON UNIVERSITY OF the early 1960s.LET

THESE HEALTH YOUNG STUDENTS WALK OR RIDE BICYCLES!!!!

4. BRICKS-MORE/MORE-BRICKS should be required to cut the size to three stories and make sure the bottom

stories are reserved for coffee shops and restaurants and charming new clothing stores.

Best wishes, Daniel M. Berman,

Maple Lane

From: Lorna Berman <lornaberman@gmail.com>
Sent: Monday, June 8, 2020 6:28 PM
To: Finance and Budget Commission <FBC@cityofdavis.org>
Subject: U-Mall University Commons mixed use project

Dear Finance and Budget Commission members,

I am writing to oppose the University Commons project. I am a long time Davis homeowner who lives on Maple Lane, a 10 minute walk from University Mall. From reading articles, looking at reports and talking to neighbors, I am convinced that not enough research or documentation has been done to justify the current construction plans. Given that it is such a big project that would have a huge impact on our community, I think it is inadequate to have only 3 pages of narrative and 2 pages of tables. I am especially concerned about the congestion of so many people, few parking places, and its impact on parking and traffic in the neighborhood. Also this is not the appropriate location for more UCD dorms. More student housing should be built by UCD and on the UCD campus. U-Mall should be focused mainly on tax generating businesses with only some housing units, not a 7 story building with a huge adjacent parking structure. Such a design is not in keeping with our residential neighborhood and is a lose lose proposition.

I urge you to reconsider the proposed University Commons project and listen to the neighborhood residents like me that will be the most affected.

Thank you,

Lorna Enero Berman

From: Jarue Manning <jsmanning@ucdavis.edu>
Sent: Monday, June 8, 2020 5:56 PM
To: Finance and Budget Commission <FBC@cityofdavis.org>
Subject: University Commons

Finance and Budget Committee
City of Davis

Members of the Budget and Finance Committee
RE: University Commons

Dear Members of the Budget and Finance Committee:

I urge you to not approve the document before you regarding the reconstruction of the present University Mall, replacing it with a mixed residential-commercial retail mall complex and to ask for a reconsideration of the original proposal calling for the reconstruction of the commercial retail mall only. The call, to include a massive student housing complex to be located essentially on top retail shops, would be counterproductive to the retail mission of a shopping center resulting in significant loss of revenue.

The reasons for a loss in revenue is related to the dramatic loss of street level parking which is inadequately compensated for by the proposed construction of multitiered parking located above the proposed shops and the apartment complex above. The loss of street level parking and the shopping convince factor will have a dramatic negative effect on the consumer. A review of Brixmor, Inc of the numerous shopping complexes shows that they have no housing associated with them and all have an large parking spaces conveniently located in front of the stores.

Brixmor Inc has owned the University Mall for Many years and over that time has let the physical plant deteriorate with the concomitant loss of tenants and the loss of city tax revenue. The construction of a mall with stacked residential housing is not appropriate to the needs of the residents including students living in Davis. I urge that you reject the proposal as inappropriate for all Davis residents and inappropriate for the City of Davis.

Thank you,

JaRue S. Manning
726 Mulberry Lane
Davis, CA 95616

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

From: Ellen Cohen <ellenruthcohen@gmail.com>

Sent: Monday, June 8, 2020 5:14 PM

To: Finance and Budget Commission <FBC@cityofdavis.org>

Subject: University Commons

I am writing this email following a letter to the Editor at the Enterprise in which I asked for a sensible decision regarding the proposed University Mall project.

As I stated in my letter, this seven floor dormitory monstrosity does not at all belong in a city this size. It is appropriate for a large urban area such as New York City, or Houston, but Davis is not a metropolitan city such as these. People that bought homes and settled here long ago have by and large expressed this sentiment.

The reason it's even being considered is that the city anticipates further student enrollment.

How about instead dealing directly with the University about its Regents' greed, which admits exponentially more and more students every year. Their money hunger is boundless, monstrous itself. Are we going to turn this town into High-rise Heaven in an effort to keep up with their avarice? It seems that that is exactly where we're headed.

Stop this eyesore now!

Sincerely,

Ellen Cohen

From: Nancy Price <nancytprice39@gmail.com>
Sent: Monday, June 8, 2020 5:08 PM
To: Finance and Budget Commission <FBC@cityofdavis.org>
Subject: June 8, 2020 Meeting: Regular Item 6A

Dear Commission Members,

I have been following with great interest discussions of the University Commons redevelopment and, in particular, of the Financial Model Review.

I am persuaded that there are serious questions about the Staff Report and the "fiscal analysis." I request that you request of Staff for a much more detailed analysis of the fiscal impacts before endorsing this project.

At this time of serious economic downturn, we can not AFFORD unforeseen or fail to calculate extra costs to the city of this project nor lose income because of the amount of "mega-dorm" designed student housing. This type of project will not yield as much sales tax from student spending which is documented as lower than the general population of families and general population, regardless of location.

Nor can we afford costs to the City in regard to public services and infrastructure costs.

Furthermore, there are the environmental, traffic and safety concerns that certainly will be taken up by other commissions.

Thank you,

Nancy Price

1223 Sequoia Place

Davis, CA95616

530-758-0726

From: Eileen Samitz <emsamitz@dcn.org>
Sent: Monday, June 8, 2020 3:56 PM
To: Finance and Budget Commission <FBC@cityofdavis.org>
Subject: University Commons

June 8, 2020

Dear Chair Weiss and Finance and Budget Commissioners,

I am writing in regard to the University Commons proposal and the "fiscal analysis" that is before the commission tonight. This fiscal analysis is inadequate and has serious flaws including making a number of unwarranted assumptions to arrive at unrealistic and incredibly over-optimistic fiscal conclusions regarding the project.

Background on University Commons:

Before I focus on the fiscal issues, I would like to give a bit of background of why the Planning Commission unanimously rejected the project proposal. To begin with, the massive 7-story project is far too large and would impose serious impacts including safety issues due to the traffic and circulation, which simply does not work for that vicinity when adding 894 additional residents.

The parking is grossly inadequate with the addition of only two net additional parking spaces for adding approximately 46,000 additional square feet of retail, when the current parking is already inadequate. The garage access and egress will only present conflicts for bicyclists and pedestrians particularly due to the fact that the entire vicinity of Russel and Sycamore as well as Anderson Road are already incredibly impacted with traffic and circulation problems.

In addition, the proposal of adding exclusionary, luxury student-oriented apartments with 894 rent-by-the-bed arrangements makes no sense when the City has already approved 3,888 of these mega-dorm beds and UCD is building 1,000 more beds plus building and building several hundred more beds in residence halls in the Russell Blvd. vicinity. The fact that COVID-19 pandemic will significantly decrease the number of UCD students which will return to the campus is another very relevant factor. UCD has already clarified that they will be continuing to teach in-line in the coming academic year. So, proposing the building of almost 900 more exclusionary student beds is absurd at this point, particularly since we have a glut of these group housing student beds already being built. Even students are not going to want to live in these 4- and 5-bedroom mega-dorm group housing situations given the risk of COVID-19 transmission.

It is relevant that City Council majority has made clear publicly that they are not encouraging any more mega-dorm proposals. Any future mufti-family housing needs to be traditional

apartments in design to provide housing for anyone including our workforce and families. However, the monolithic size of this project is far too large regardless, since the parking, traffic and circulation simply does not work adding this many residents at this site since it creates serious safety issues for bicycles and pedestrians in this already traffic impacted vicinity. Furthermore, what is disappointing is that the University Commons developers were given this input 2 years ago at the EIR scoping meeting and asked to modify it, yet all of that input was ignored.

It is important to understand that the University Commons proposal is the environmentally inferior option compared to its alternatives. The Draft EIR for the University Common's project admits that the environmentally superior project alternatives include: a) Retail-only project, and b) the Existing Zoning Mixed-use which allows 53 apartments. The caveat is that this would be that it needs to only be studios, 1-, 2- and perhaps a few 3- bedroom apartment, but no 4- and 5- bedroom group housing (which SACOG will not allow Faro Share credit for anyway since they are exclusionary, not designed for workers for families.) Further, it would be critical to make certain that adequate parking was provided and that traffic and circulation worked for this downsized mixed-use project which would provide housing for UCD workers or students due to having a traditional design.

Furthermore, these two alternatives would be financially superior also since there would be more net revenue from the retail and fewer, or no additional costs to the City to pay for the City services (i.e. fire, police, etc.) and infrastructure support that the residential would cost the City into the future.

This University Commons project clearly would be detrimental to Davis in so many ways in terms of it continuing to enable UCD to avoid building the on campus that it has the ability to create on its 5,300-acre campus with a 900-acre core campus. But the loss of this community shopping mall from being a community serving retail center to simply become an extension of the UCD campus serving the students primarily, would be tragic. The loss of sale tax is another serious detriment to the City as well since students generate far less sales tax compared to workers and families. It is notable that UCD is the largest UC campus in the UC system, yet the only UC resisting the provision of at least 50% on-campus housing, which is inexcusable.

The University Mall's zoning is very clear in that it is intended to provide community-oriented retail, not focusing entirely on providing UCD student retail which is likely to be coffee houses, tea houses and fast food, which do not provide nearly as much sales tax revenue as merchandise retail.

While "brick and mortar" stores are having difficulty, Davis has the advantage of having a "captive audience" of shoppers who would otherwise have to travel 10+ miles for merchandise that is needed sooner than later, rather than waiting days from an Amazon delivery.

In short, the current University Commons project proposal does not work in any way for the community in that site due to its size and impacts and that it changed the entire focus and usage of a community-oriented retail center to basically an extension of UCD into the City serving only the needs of UCD students. Davis will become more of an “Isla Vista” community than a community desirable for workers and families. Losing our grade schools will be another casualty of this type of continued mega-dorm development as Davis would be continuing to push our workforce and families out of the community.

Fiscal Analysis issues:

Regarding the Staff report and its “fiscal analysis” presented, there are numerous issues including but not limited to the following summary:

- 1) The Staff “fiscal analysis” is inadequate and clearly is making seriously un-warranted and overgenerous assumptions for the clearly inaccurate optimistic fiscal conclusions.
- 2) The University Commons project proposes changing a primarily revenue generating community-oriented retail center, into a primarily student housing project with secondary retail. The City would lose sales tax revenue of this mega-dorm focused project was proved relative, to a retail only project at the University Mall site. The zoning allows more community-oriented retail space, which would generate more revenue, than the student-focused residential proposal which would generate more far costs and other impacts on the Davis community long-term.
- 3) It is common knowledge that sales tax generated by students is far less than sales tax-generated by Davis workers and families. Since the focus of this “University Commons” project would yield far less retail sales tax as proposed than if it was a traditional retail project focus entirely on retail, rather than the 894-bed student bed “mixed-use” proposal.
- 4) The University Commons project proposes another mega-dorm with secondary retail which would logically will focus on student retail desires, not community-oriented retail needs. Student-oriented retail like coffee houses, tea houses, and fast food do not generate nearly as much sales tax per square foot, as merchandise retail, which is community-oriented as well.
- 5) In summary, the University Commons project is a detrimental project to the Davis community in terms of traffic, safety and other environmental impacts as well as in terms of fiscal impacts on Davis. It seems rather apparent that University Commons would be a fiscal loser with time due to the costs imposed onto the City for so much mega-dorm housing with the associated City services infrastructure impacts, and in addition, does not yield nearly as much sales tax from student spending as it would from workers and families.

I urge the Finance and Budget Commission to reject the inadequate and faulty “fiscal analysis” in the Staff report with its unwarranted assumptions and its inaccurate conclusions supporting the project proposal.

From: Jean Walraven <Jean@multiwareinc.com>
Sent: Monday, June 8, 2020 3:49 PM
To: Finance and Budget Commission <FBC@cityofdavis.org>
Subject: Proposed University Mall apartment project

We are strongly against this mega-building, which looks considerably of proportion to the surrounding area. Another concern is the lack of adequate parking, with only one space allotted to each apartment, while apartments will be rented by the room. Inadequate parking for the primarily student renters will mean overflow of cars onto the adjacent streets, which already have a problem. Cars could easily end up in the Church of St. Martin parking lot of the one next to the medical center offices. Further, the effects on traffic on Russell Boulevard, Sycamore Lane, and Anderson Road will be substantial, impacting streets passing by two primary schools.

Finally, what will become of stores like Cost Plus and the others that will be displaced by the apartment construction? I doubt that they will return, leaving Davis without needed retail on the side of town where very little already exists.

Please put a stop to this misbegotten project.

Jean and Robert Walraven

From: Catherine Keller <catherinekeller13@gmail.com>
Sent: Monday, June 8, 2020 12:44 PM
To: Finance and Budget Commission <FBC@cityofdavis.org>
Subject: University Mall

June 8, 2020

To: Davis Finance and Budget Commission

I am concerned about the University Mall expansion for several reasons.

Financially - Where is the comparison data to a smaller renovation project? Where is the cost benefit analysis for the community? The EIR states the traffic impacts are unavoidable. They most surely are. What is not being said here?

Growth does not come without more holistic changes to a city. The infrastructure must be in place or the quality of life of everyone in the community is diminished. Where is the fiscal analysis on road impacts, traffic congestion, police and fire enforcement, education, healthcare needs...?

My concerns beyond the light-duty financial data relate to safety.

I would like to quote David Greenwald of the Davis Vanguard:

"The road capacity has to be in question. That is already one of the more congested portions of town from the Sycamore/Russell intersection to the Anderson/Russell intersection where the mall lies, already has traffic congestion, now add in a major business that will draw traffic from all over town...and you will have a real mess." This concern was raised in 2007, while Davis was considering adding Trader Joe's to the Mall.

Davis is renowned for its emphasis on bike transportation. That emphasis can't be separate from the City's responsibilities for the safety of the bike riders. There is no doubt the current University Commons reconstruction intends for many more pedestrians, cars, and bicycles to be interfacing on a daily basis in an area already congested for the level of existing traffic.

The Davis Master Plan asks "how can Davis accommodate housing and economic development objectives in a way that is sensitive to the area's traditional scale and character...allow construction that will be compatible in terms of mass, scale, and rhythm."

The available financial data for this project not fully formed. I am concerned the City Council's eyes open for perceived revenue and close to the costs to the community. Davis is a desirable city because of the community. Maintaining the integrity, safety, and rhythm are in the City's long-term interests.

There are a number of factors that should be driving the expansions in Davis. Need is one factor. I expect the Financial Commission is fully informed about the 2018 MOU between the City Council and UCD which legally binds the University to provide substantially more housing for their student population. That the yet-to-be-felt impacts of Davis Live and Orchard Park are significant in your thought process, and UCD's intention to move classes to Sacramento.

Another factor should be integration with the Davis Mission and Master Plan. Finances are an important piece to any major construction project – but numbers must follow critical analysis that considers the full community – not a select group. The Planning Commission turned thumbs down on this project and expressed concerns, some of which should be addressed in this fiscal analysis. Please do not recommend the City staff's fiscal analysis to the City Council.

Sincerely,

Catherine Keller

1411 Cornell Drive

Davis, CA 95616

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

From: Claudia Capurro <capcoh@gmail.com>

Sent: Monday, June 8, 2020 12:20 PM

To: Finance and Budget Commission <FBC@cityofdavis.org>

Subject: University Commons

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

Dear Finance and Budget Commission Members,

Please DO NOT accept the fiscal analysis for the University Commons project. The analysis is inadequate. It makes assumptions that are not accurate and is overgenerous.

The University Commons project proposes changing a revenue generating community oriented retail center that benefits both students and the Davis community as a whole to a primary student housing project. Davis will lose sales tax revenue because of this change. Retail that benefits the community is known to generate more sales tax revenue for Davis.

Due to Covid-19 and a real possibility that there may be less international students coming to UC's, this project is too large and dense. It is likely many students will stay home and do online classes for years to come. UCD may be unable to continue to keep up its student population as students will not be willing to pay the price if they are unable to attend classes in person. This may be a time that there is a real change in education at all levels and the impact on the Davis community would be less of a need for student housing especially dense student housing.

Traffic, parking and biking. There is not enough parking for the retail space and units. How about the bicycle and auto traffic? The intersections Sycamore and Russell and Anderson and Russell are already unsafe for cars and especially bicyclists..it will be more dangerous with the increase in traffic without modifications.

University Commons is a horrible project. It is bad for students. It is bad for the community. It is bad for the owner as there is high likelihood of vacancy. It is unsafe for students and the Davis residents. And it makes no fiscal sense.

I urge you to please reject the fiscal analysis.

Thank you.
Claudia Capurro

From: Nancy L Sweet <nlsweet@sbcglobal.net>

Sent: Monday, June 8, 2020 12:19 PM

To: Finance and Budget Commission <FBC@cityofdavis.org>

Subject: Agenda item 6A, Finance and Budget Commission Meeting, June 8, 2020

Agenda Item 6A

Finance and Budget Commission

City of Davis

I am a Davis resident and am opposed to the University Mall (University Commons?) redevelopment proposal as it currently exists for the following reasons.

First, the proposal will have an adverse effect on the Davis community in terms of unavoidable congestion in the area of the Mall and lack of adequate parking for the tenants and public seeking to visit the retail businesses. The parking allocation in the proposal is completely inadequate for 900 individual student-tenants plus the public seeking to access the Mall. The congestion and parking compaction resulting from the current University Mall proposal will deter community shoppers at the University Mall.

The Davis community is in dire need of a vibrant retail presence that serves the whole community at the Mall site. The Mall proposal as it currently exists will not facilitate a mature and diverse retail element. The retail component in the new mega-dorm will inevitably focus on student retail preferences rather than community-oriented interests. That result has developed over time at the University Mall since I moved to the area in 2004.

The enormous student presence in the "redeveloped Mall structure" will have a negative effect on potential tax revenue projected to be generated in the retail portion of the structure. Community-oriented (merchandise) retail sales will be displaced by student-oriented food and drink outlets, generating less sales tax revenue.

Finally, it is premature for the City to approve another mega-dorm for the area since we have not yet felt the traffic and safety impacts of the other new residential projects in the Russell Boulevard corridor, including the West Village expansion (3,300 beds), Davis Live (adding 440 beds for a total of 1200), Orchard Park projected (1,100 student beds adding additional 44 beds for families) and Sterling Street Apartments (540+ beds).

Thank you for considering my email.

Nancy Sweet

**Comments on the University Commons Fiscal Analysis
as presented by City staff to the Finance and Budget Commission**

A staff report to the Finance and Budget Commission (June 8, 2020) contains a fiscal analysis of the impacts on City General Fund revenues and expenses. Because the City's methodology is based "primarily on a per capita cost basis," the report acknowledges the actual revenues and expenses of this project will be different than the "true marginal costs associated with new development." In addition to this reason for inaccuracy, the City methodology also suffers because student fiscal impacts are different than generalized "per capita" impacts (e.g, sales taxes). These and other topics are explored below.

- 1) In addition to problems with the City's "per capita" methodology, the fiscal analysis only encompasses one alternative. For example, why wasn't a retail-only alternative presented for comparison? At a minimum the "do-nothing" option is critical to informed decision-making — the **University Mall currently generates sales, property, and other tax revenue**, and so revenues in the City's fiscal analysis are overstated because those revenues will exist without this project and the revenues should not be attributed to the University Commons project.
- 2) The City's revenue projections appear to be based on the **questionable assumption that all the residents of University Commons are new to Davis**, i.e, if they already live here then the City already receives the revenue from their sales and gas taxes, in-lieu property taxes, etc. and these revenues are double-counted in the fiscal analysis. **Fuel taxes are additionally overstated** because students drive less, on average, than other residents and this isn't captured with a generalized "per capita" methodology.
- 3) Specifically regarding sales tax revenue, there is an unlikely assumption that students will generate the same amount of sales taxes as typical residents. Sales tax revenue is the largest revenue source in the City's fiscal analysis. This underlying assumption of revenue equivalence with the average Davis resident seems shaky, for example, because major purchases (eg, vehicles) are more likely to involve parents and more likely to be made in the town of residence. Underscoring this, research from the Monthly Labor Review says total student spending was more than 40% less than non-students on a national level. For vehicle purchases specifically, non-students spend more than six times as much as students. This suggests **the City analysis substantially overstates sales tax revenues by using the "per capita" methodology**.
- 4) City **property tax revenues also appear to be overstated** because I thought increases were capped at 2%, yet the fiscal analysis shows approximately 2.3% annually.
- 5) The analysis of revenues **ignores the risks of long-range forecasting and assumes 100 percent occupancy for 15 years**. The risks include: changes at the University could moderate its demand for growth over this extended time frame, and obviously, there are significant forecasting disruptions like COVID-19. The University also has control to lower their housing prices, keeping their dorms full and reducing occupancy at private dorms. In addition, there are approved housing projects which will add thousands of beds to the current student housing stock — these are likely to reduce housing occupancy levels, and thus the projected City revenues from this project. One way to incorporate forecasting risks into these projections would be to increase the modest 2% present value discount rate.
- 6) The financial model is based on **"per capita" vs marginal costs**, so it will exclude required project-related costs that exceed average costs, e.g, the Davis Fire Department will need a fire truck with a ladder capable of reaching seven stories, or perhaps substantial road, water or sewer infrastructure.

- 7) Since there are biases inherent in using a model based on “per capita” factors (for costs and revenues), **I am concerned that there is no evidence I found on the City website of the documented, historical accuracy of this model.**
- 8) It isn't clear from the financial analysis how the need will be addressed for **hospital and mental health capacity**. Sutter Hospital is adding some capacity but neither the EIR nor the fiscal analysis address these needs.
- 9) The City's analysis is narrow in scope because it is focused only on General Fund impacts yet there are site and community impacts which should be considered in a cost/benefit analysis. For example, there will be will quantifiable environmental and congestion costs during the project's extensive construction activities. Beyond the construction period, **it seems unreasonable that the “EIR identified significant and unavoidable impacts related to transportation” but these quantifiable community costs aren't included in the City's analysis.** These “unavoidable” transportation impacts are proposed for the community to absorb with patchwork solutions, but it would be reasonable for University Commons to fully fund a mitigating, comprehensive solution to the site-specific transportation problems the project is exacerbating.

Proponents of University Commons are already citing the City's fiscal analysis to claim the project will financially benefit the City. As an outside expert, Robert Leland presented to the Davis City Council in 2017 and his leadoff comment was “Assumptions are the key, the rest is just arithmetic.”

I believe imprecise assumptions and forecasting uncertainty make it doubtful that the University Commons project will financially benefit the City. Without a comprehensive cost/benefit analysis tailored specifically to this project, I believe it is premature to recommend the existing fiscal analysis for the Council's consideration.

John C. Keller 1411 Cornell Drive, Davis, CA 95616 530-758-4509 cjkeller2@comcast.net

To: City of Davis Finance and Budget Commission

June 8, 2020

From: Pam Nieberg
3010 Loyola Drive
Davis, CA 95618

Commissioners:

I am contacting you today with some comments on the University Mall proposal, University Commons, which is on your agenda tonight for consideration.

First, a few general comments.

I am not opposed to changes and upgrades to University Mall, but I am opposed to a 7-story student dorm on city retail property. The project as proposed is completely out of scale for a neighborhood shopping center. I would support an upgrade and expansion of retail/commercial on that site, but I do not support the current proposal.

University Mall is located within and adjacent to residential neighborhoods of predominantly one- to three-story structures. I would not oppose up to three stories here of primarily neighborhood shopping center-oriented retail, but seven stories and predominantly student apartments is completely out of scale in a residential neighborhood shopping center.

I understand the proponents came in with a proposal for mostly retail and 2 to 3 stories and that city staff is largely responsible for this debacle. When did city staff become developers? Or financial wizards?

Traffic and air quality impacts would be enormous, parking woefully inadequate, and as designed, the project is completely out of scale for the neighborhood. Also, this is a city shopping center, not an extension of the University.

This project needs to downsize significantly and to conform to the norm for neighborhood shopping centers as defined in our General Plan.

Now, since you are the F and B Commission, I would like to mention some issues related to your purview.

The staff fiscal analysis is inadequate and makes unrealistic assumptions for financial benefits to the city. The fiscal benefits are overly optimistic.

This project proposal would change a primarily revenue-generating, community-oriented retail center into a primarily student housing project with retail as an after-thought. The city will lose sales tax revenue with the proposed project. The planned, largely student-oriented housing would result in little revenue and far more costs and other negative impacts on the Davis community in the long-run. It is well known that housing developments generally do not pay for themselves, but require tax-payer dollars to survive. On the other hand, retail would bring tax dollars to the city.

It is also well-known that sales tax generated by students is far less than sales tax generated by a city's workers and families. The proposed University Commons proposal would yield far less revenue in retail sales tax than a traditional retail project focused on retail, not 894 beds for students.

This proposal needs to go back to the drawing board. City staff had no business encouraging a project beyond that proposed by the proponents. The current University Commons project will bring many negative impacts to the city of Davis in terms of tax dollars/revenue, traffic, air quality, parking, impacts on the surrounding neighborhoods depending on this shopping center and on and the community that has supported this center for decades.

I urge you to reject the current proposal and the faulty and inadequate fiscal analysis provided in the staff report and to request that the proponents come back with a proposal that would actually benefit and fit into our community.

Thank you for your time.

Pam Nieberg
Davis resident

DATE: June 8, 2020

TO: Members of the Finance and Budget Commission
Elena Adair, Finance Director

CC: Ashley Feeney, Assistant City Manager
Kellie Bruton, Management Analyst II

FROM: Matt Williams

SUBJECT: Concerns regarding the fiscal feasibility results of the University Commons project

After performing due diligence regarding the fiscal feasibility results of the University Commons project as presented in tonight's Item 6A Staff Report, I believe the Finance and Budget Commission should give serious consideration to the following alternatives to the Table 20 results on page 4 of the Staff Report:

- A. Property Tax Revenues (the aggregate total of Property Tax and Unsecured Property Tax) are correctly calculated in the model, but the annual inflation rate is 2.3% rather than 2.0% (see Appendix A for detailed explanation). Correcting that inflation rate reduces the aggregate Property Tax revenues by \$86,000 and aggregate Property Tax In-Lieu of Vehicle License Fee revenues by \$31,000.
- B. Sales and Use Tax Revenues are included in the staff model based on the \$7,406 purchasing power for taxable sales of all Davis residents. I believe using the \$2,900-\$2,800 average discretionary purchasing power of college students (a combination of both taxable and non-taxable purchases) as presented by Bay Area Economics to the DPAC is a much more appropriate assumption (see Appendix A for detailed explanation). Adjusting that assumption reduces the aggregate Sales and Use Tax revenues by \$2,992,000 and aggregate Prop. 172 Public Safety Sales Tax revenues, which are calculated as 7.432% of Sales and Use Taxes by \$216,000.
- C. The Gas Taxes are included in the staff model based on the driving habits/history of all Davis residents. Reducing the annual local miles driven for each of the 233 resident parking spaces in the project to 2,200 miles per year reduces the aggregate Gas Tax revenues by \$599,000 (see Appendix A for detailed explanation). Local miles are appropriate because the Gas Tax for gas purchases out of town go to the jurisdiction where the gas purchase is made.
- D. When added together the five reductions to revenues described above reduce the Cumulative Total Revenues for University Commons by \$3,925,000. I have attached a spreadsheet documenting the individual and aggregate cumulative changes, as well as the annual inflation rate of both Revenues and Expenditures.
- E. The net effect of the above five changes to revenues reduces the project bottom-line in this scenario from a \$3,837,650 surplus to an \$87,513 deficit.

Thank you to the members of the FBC. Thank you too to Elena Adair, Ashley Feeney and Kellie Bruton.

Sincerely,

Matt Williams
mattwill@pacbell.net
530-297-6237

Appendix A

The fiscal analysis provided by staff in the FBC Staff Report contains the following assumptions, which I believe should be adjusted as described herein:

(1) Property Tax Revenues are correctly calculated for Year Two as \$247,721. In Years Three through 15, the staff's model has the Property Tax Revenues increasing by 2.3% per year based on the value in the Leland Model. The Leland Model takes the baseline 2.0% maximum annual increase under the provisions of Prop 13 and adds 0.3% to account for reassessments after property sales throughout the city. Since no such sale by Brixmor is expected during the 15-year period covered by the model, the annual percentage increase needs to be reduced to 2.0%.

(2) Property Tax In-Lieu of Vehicle License Fees are correctly calculated for Year Two as \$88,284. The annual percentage increase for Years Three through 15 needs to be reduced to 2.0%.

(3) Sales and Use Tax Revenues are calculated in staff's model using the city-wide \$7,406 average per person taxable expenditures assumption from the Leland Model. Everything shared by Brixmor thus far indicates that University Commons is going to have close to 100% students as its tenants. The rent-by-the-bed Revenue model for the project is pretty clear confirmation of that. Not too many families would want to pay rent for their apartment at the inflated costs of the rent-by-the-bed model. For example, a family with a mother, father and two children would have to pay for four beds. Further the Staff Report for the Planning Commission recognizes the student nature of the project when it specifically calls out "Student Housing Issues and Project Benefits." In addition, that same Staff Report refers to "workforce housing" in two other Davis projects, but nowhere in the Staff Report is "workforce housing" even mentioned in conjunction with University Commons.

Therefore, projection of Sales Tax Revenue should be built on the purchasing history of the target UC Davis student demographic cohort. In one of the Downtown Plan Advisory Committee presentations by Bay Area Economics, the UC Davis student demographic cohort was reported to have per student annual discretionary spending in only the \$2,800-\$2,900 range. Using \$2,850 as the average per person taxable expenditures rather than \$7,406 reduces the Year 1 Sales Tax Revenues for the project from \$185,620 to \$71,431, and the Year 2 Sales Tax Revenues for the project from \$272,248 to \$104,767.

Page 4-5 of the City's FY 2019-2021 Budget states, "The CAGR for total sales tax revenue (including Measure O) from FY18/19 through FY37/38, including recessions is 2.4%" Inflating the Year 2 Sales and Use Tax value of \$104,767 by 2.4% per year produces Sales and Use Tax Revenues of \$142,602 in Year 15 of the model.

(4) Proposition 172 Public Safety Sales Tax is calculated as 7.432% of Sales and Use Tax. Therefore the adjusted Year 2 Proposition 172 Public Safety Sales Tax is \$7,786 and the Year 15 Proposition 172 Public Safety Sales Tax is \$10,598.

(5) When reading the Staff report, the Gas Tax numbers seemed quite high to me. To validate those numbers, I took the Staff Report's Table 20 Year 1 Gas Tax amount of \$46,176 and converted it to gallons using the sum of the \$0.473 per gallon Gas Tax plus the \$0.12 SB-1 Tax as the calculation denominator. The result was 77,868 gallons. Assuming 30 miles per gallon, that equates to 2,336,054 miles. Using the 264 residential parking spaces from the Planning Commission and FBC Staff reports, the miles per parking space calculates to 8,849 miles. 8,849 miles is clearly a very high number for a UCD student with a car in Davis for 9 months, especially given that the vast majority of the time each student car will sit idle, parked in its parking space. I think a more reasonable number of miles per resident parking space traveled locally is 2,000 - 2,200 miles, which is a bit less than 25% of staff's value of 8,849. The Cumulative Impact of reducing Gas Tax by 75% over the 15 years of the model is (\$598,904).



Response Memorandum

To: Finance and Budget Subcommittee
 From: Kellie Bruton
 Date: June 29, 2020
 Re: **Response to Finance and Budget Commission Community Development Subcommittee, Ezra Beeman, Doug Buzbee, and Gürkern Sufi; University Commons – Financial Analysis and Staff Report dated June 8, 2020**

Staff has reviewed the questions provided by Community Development Subcommittee of the Finance and Budget Commission regarding the University Commons Fiscal Impact Analysis and answered each question. Staff also requested that BAE conduct a peer review of staff's fiscal analysis, evaluating key fiscal impacts modeling assumptions as well as the overall reasonableness of the fiscal impacts. BAE's peer review findings are referenced in the response memorandum accordingly.

A. Sales Tax Revenues

1. The model assumes per capita annual taxable sales of new residents of \$7,406. Estimates of annual per capita spending for UCD students range, depending on the source, from \$1,800 for a freshman living on campus to \$18,000 for a professional grad student living off campus (both figures from a 2016 UC Davis economic impact analysis by EPS). At the higher end, these expenses include rent and grocery expenses, which do not generate sales tax revenue to the city.

- a. ***In order to better assess the makeup and predicted spending patterns of future residents, please provide the project unit mix.***

Unit Mix	
1 Bedroom	66
2 Bedroom	104
3 Bedroom	28
4 Bedroom	66
	<hr/> 264

- b. ***Please provide an additional scenario to the financial analysis using per capita annual taxable sales of \$5,500 per person.***

Student spending at \$5,500 sales and Use tax revenue drops down on average per year by \$45,460 for a cumulative total over 15 years of \$681,887.

BAE's September 2018 existing conditions background analysis for the Downtown Plan update estimated average annual local taxable retail expenditures per student at approximately \$2,500, based on national data on college student expenditures published by the College Board, as well as student spending estimates published by several other university economic impact studies. It should be noted that the study is nationwide, is not focused solely on expenditures of those living off campus, and does not that California and Davis has a higher cost of living than many other areas throughout the nation. Combining these assumptions yields an alternative estimate of \$8,475 per year per residential unit in local taxable retail expenditures for the proposed project. The student spending was changed to \$2,500 and it was changed in the fiscal model.

Student Sales Tax \$2,500	
3.39 person per housing unit	\$ 8,475
number of Units 264	2,237,400
894 beds	<u>\$ 2,500</u>

2. Sheet "t7-stax" cell E:68 indicates annual taxable sales of \$400/SF of commercial space. This assumption has a significant impact on the fiscal outcome predicted by the model.

a. Please provide support for the assumption that retail space will generate \$400/SF/year in taxable retail sales.

The \$400.00 per square foot came from Goodwin Consulting Group. BAE supplied information that was published by HdL, a firm that contracts with many municipalities to provide sales tax revenue reporting and auditing services. The HdL information from BAE indicates that taxable retail sales per square foot can range from as low as \$70 per square foot for close-out/dollar stores with a large proportion of the non-taxable food sales to as high as \$30,000 per square foot for exceptional establishments like Apple stores selling small electronics. Considering the current University Mall tenant base, the fiscal analysis assumes a similar proportion of the tenants in the proposed University Commons retail space would be restaurants, where HdL reports that sales per square foot in most categories ranges between \$350 between \$800 per square foot. Other likely tenant type for the project would include cell phone stores (\$400 to \$1,000 per square foot). Bath and Beauty stores (\$425 to \$1,400 per square foot) Home Décor/Accessories (\$185 to \$325 per square foot) and Apparel and Shoes stores (\$130 to \$1,500 per square foot). Based on this range

of potential taxable sales per square foot, BAE believes that the \$400 per square foot figure used in the City staff analysis is reasonable, if not conservative. This assumption remains in the fiscal model.

3. The model assumes that only 50% of the proposed commercial retail space generates taxable retail sales. During his presentation, the developer seemed to indicate that this was simply a very conservative estimate of the vacancy factor. Later during the meeting, staff seemed to indicate that a portion of the project “retail” space may be used as office, or some other non-sales-generating use. Please provide an explanation as to the assumption that only 50% of the proposed commercial space generates taxable retail sales.

- a. *Would it be appropriate to consider a scenario in which a greater portion of the total commercial generates taxable sales? For example, would it be appropriate to assume a conservative 15% vacancy rate on a new retail center and a scenario incorporating taxable sales from 85% of the commercial space?*

Though this is a conservative assumption, this was not changed in the fiscal model. The 50% reference is not a vacancy rate but a change of tenant space because not all tenants generate sales tax such as Hair or Nail Salons (or very little sales tax), or service oriented business. If the 85% scenario was used in the fiscal model, on average, this would increase the commercial taxable sales by \$124,207 with a cumulative over 15 years to \$1,863,112. See table below to see the overall effect of the 85% scenario.

Annual Sales Tax at Years 1,5,10 and 15				
Retail square foot is the taxable base	1	5	10	15
50%	\$40,028.00	\$137,372.00	\$157,905.00	\$175,083.00
85%	\$92,670.00	\$258,154.00	\$293,061.00	\$322,263.00
	52,642.00	120,782.00	135,156.00	147,180.00

B. Property Tax Revenues

1. Assessed apartment valuation for property tax purposes – On sheet “t4-AV”, in cell I:28, the model assumes an assessed value for the residential portion of \$305,985 per

apartment unit. In January 2020, Cambridge House apartments on Pole Line Road, a student-oriented apartment project built in 1966, sold for roughly \$300,000 per unit and \$400/SF (source: Cushman&Wakefield). In December 2018, The U on Cantrill Drive, a student apartment project built in 2003, sold for \$575,000 per unit and \$452/SF (source: Cushman&Wakefield). We believe that the assessed residential valuation in the model may be too low for a brand new student apartment project adjacent to campus.

a. Please provide support for the assessed valuation of \$305,985 per unit, or

I was provided with hard construction cost of \$88.7 million for the apartments and the parking structure; I backed out \$7.9 million for the parking structure. Since the question came up I have checked with the County Assessor and they would be assessing on the hard and soft cost of construction to come up their assessed valuation for property tax. This was an overly conservative assumption given the information provided by the County Assessor and recent transactions.

b. Please run an additional scenario using an assessed valuation of a) \$575,000 per unit, or b) \$450/SF.

Considering the response provided to question B.1.a., the figure was revised to \$575,000 per unit in the fiscal model as follows:

Construction Hard and Soft Costs	
Off-site infrastructure	638,000.00
Site work	9,663,000.00
Parking/Podium	23,932,000.00
Building core and shell	131,691,000.00
Retail tenant improvements	<u>14,333,000.00</u>
Hard Construction Cost	180,257,000.00
Soft Construction Cost	22,912,000.00
	203,169,000.00
	375 *
Less Retail	<u>136,800 (51,300,000.00)</u>
	151,869,000.00

Per unit

264 575,261.36

2. Baseline property taxes, sheet “t5-Ptax” of the model, line 316 – While property taxes generated from the new project are inflated at a rate of 2% in accordance with Prop 13, the property’s current tax basis of \$20.5MM, which is deducted in order to reflect the net increase in property taxes if the project is developed, is held static. We believe it would be appropriate to apply the 2% inflation factor to the base-case tax valuation of \$20.5MM as the property’s assessed value may continue to increase if the project were not built.

a. Please run an additional scenario that inflates the base property tax valuation of \$20.5MM at a rate of 2% annually.

A 2% inflation factor was added to the \$20.5 million for what is already an assessed valuation, and was added to the fiscal model.

C. Other Recurring Revenues

1. Gas Tax – the model assumes that the gas tax derived from future residents of University Commons will be equal to the per capita gas tax derived from current residents throughout Davis. This is reflected on sheet “t11-Other Rev” line 50, where the model calculates gas tax by multiplying (a) the Davis current average gas tax revenue per dwelling unit equivalent (DUE), by (b) the project’s proposed number of apartment units of 264, by (c) the project Dwelling Unit Equivalent Factor of 1.57 (which is derived by dividing the project average Persons-Per-Unit of 3.39 by the standard apartment PPU of 2.16). Given the project’s proximity to campus and retail services, its low parking ratio, and the likelihood that future residents will walk and bike more and drive less, we believe that the model may over-estimate future gas tax revenues to the City.

a. We recommend that staff use a factor of one half of the average gas tax revenue per DUE in its calculation of gas tax revenue generated by the project.

The calculation for gas tax was reduced down to \$55.81 per D.U.E from \$111.61; we also reduced down the number of D.U.E from 414 to 264 for the number of parking spaces available to the apartments. Attached is some information on the calculations of the different gas taxes that the City receives. Most of the calculations of gas tax have very little to do with how much gas is being sold in the City of Davis and is more to do with a per capita basis. I also included a sheet on how gas tax is calculated from California City Finance (Attachment 1). This

was added to the fiscal model. While this change is included in the model, it understates our gas tax by \$254,778 over 15 years. This should be added back in as revenue but was removed to show the result as requested.

D. One-Time Revenues

1. Generally, impact fees are assessed on a per-unit basis and are based on an average household size, or Persons-Per-Unit. Per City of Davis impact fee documents, multifamily units are assumed to house an average of 2.16 persons per unit. The subject project will house an average of 3.39 persons per unit.

- a. *Are the impact fees that are reflected in the financial analysis based on the standard apartment assumption of 2.16 persons per unit, or do they reflect the higher PPU of the project? Please provide supporting documents and calculations.*

Please see Attachment 2.

2. *How is construction tax revenue calculated? Please provide supporting documentation.*

Construction tax is calculated by net new square footage. These numbers are based off the estimate given to Community Development actual numbers will recalculated once the actual construction plans are given to the City.

Construction Tax			
Commercial	Square Feet	Rate	Fee
Credit for demolish	(90,495)		
New square feet	136,800		
Net new square feet	46,305	\$3.97	\$183,562
Residential			
Square Feet	421,450	\$3.69	\$1,555,151

E. Costs

1. *Please provide the basis for the assumption that per capita costs are 75% variable and 25% fixed.*

The standard assumption of 75% variability in municipal expenditures is to reflect that 25% of the departmental costs would not be impacted by the project. Especially for an infill project like University Commons there will be no new parks or roads being added, and the project is not creating new services areas as they are using existing services. City departments have fixed and variable costs. The fixed costs do not change as the city grows while the variable costs do change along with population. The model assumes that 25% of departmental costs are fixed and 75% are variable. The 25% fixed/75%variable is consistent with assumptions used in the prior fiscal analyses, such as the Downtown Plan update, and is also consistent with the approach used in fiscal analyses that BAE has prepared for other cities.

2. The current city budget does not fully fund ongoing pension liabilities, OPEB, and infrastructure capital replacement. If these items were fully funded, the city budget would be roughly \$5MM to \$10MM greater than it currently is, and the per-capita cost of service assumptions in the financial analysis would be proportionally higher.

a. Are unfunded liabilities such as pensions, OPEB, and unfunded capital replacement projects (roads and bike paths) captured in the model? If so, how?

Annual required payment for pensions and OPEB are in departmental budgets in personnel cost plus an additional amounts to cover the unfunded portion of the unfunded liabilities of pensions and OPEB. Unfunded capital replacement projects are not part of departmental budgets and are not captured in the model.

The following information shows budgeted salaries and wages for an employee.

Total wages	62,819.64 *	
LONGEVITY PAY 10 YR	1,570.40	
125 CAFETERIA BALANCE	6,000.00	
Total additional pays	7,570.40 *	
LTD REGULAR	480.00	
MEDICARE FULL TIME	1,020.76	
PERS GEN CITY FULL TIME	6,500.26	
PERS MISC LUMP SUM	22,021.23	
PERS SURVIVOR CITY FT	56.42	
RET MED	15,076.62	
UNEMPLOYMENT CD&S	91.00	
WORKERS COMP-CD&S 9410	1,632.02	
Z-DENTAL EMPLOYEE ONLY	1,097.76	
Z-KAISER EMP SAC	8,546.16	
Z-LIFE REGULAR	120.00	
Total benefits	56,642.23 *	
Total expense	127,032.27 **	

current pension cost

unfunded pension cost

Current retiree medical plus unfunded OPEB

Other Items to Note

The fiscal impact analysis is a conservative approach to the proposed University Commons project. The fiscal impact analysis takes on the methodology of all new development versus net new development because University Mall is exceedingly under performing with two major tenants that have closed their doors in recent years. The 90,563 square feet of University Mall space is not fully leased out. The model offsets the 90,563 square feet by reducing the current property tax value of \$20,500,000 and sales tax \$35,174, with the same rate of inflation as standard property and sales tax.

The changes to the fiscal impact analysis include the following: The total cost for the project including the parking structure hard and soft construction costs have increased from ____ to _____. Sales tax at \$2,500 per student, gas tax the D.U.E. rate was dropped in half to \$55.81 and the D.U.E. became 264 vs. 414 to match the number of parking spaces for the apartments, and the 2% inflation was added the existing assessed valuation from the current property tax bill. The cumulative effect of these changes increased the project's projected fiscal benefits from _____ to a cumulative total of \$4.6 million for the 15-year, or a discounted present value of \$3.9 million based on the two-percent discount factor.

The City of Davis requested that BAE conduct a peer review of staff's fiscal analysis, evaluating key fiscal impacts modeling assumptions as well as the overall reasonableness of the fiscal impacts. BAE conclusions, the overall positive fiscal result projected in the City staff fiscal analysis for the University Commons project appears reasonable, if not conservative. The projected cumulative surplus is due to a combination of favorable factors, including relatively high assessed valuation, the potential for efficiencies in providing services to new development that is centrally located within the City, and a proposed expansion of retail development at the site which could help to capture increased local expenditures not only from new residents of the proposed project itself, but also from other residents and visitors to Davis who would be provided with additional shopping opportunities beyond those which are currently available within the City.

The potential for service efficiencies when extending services to the proposed new development is because it is in an infill location, centrally located, already provided with City services. For example, the site is within the Police Department's existing patrol areas, the existing Downtown fire station will continue to serve the project site as it does currently and, as mentioned previously, the proposed project will not add to the existing publicly maintained roadway network.

The fiscal model is conservative in that it does not assume a net increase in the City's transient occupancy tax revenues. This is consistent with the structure of the City's fiscal model, which does not attribute increases in transient occupancy taxes to increases in other new non-residential or residential development within the City, but rather assumes that transient occupancy tax revenues are driven by more exogenous factors, such as highway traveler demand or demand created by activity at UC Davis that draws visitors to the City. However, it is possible that the new resident population at the University Commons site would attracting some additional

lodging demand and transient occupancy tax revenue, if University Commons residents' friends and family come to visit Davis and stay overnight in local hotels.

The fiscal model incorporates service cost savings based on assumed efficiencies in service provision at the proposed project site. This an important factor contributing to the projected cumulative fiscal surplus for the proposed project. Nevertheless, the fiscal model does project substantial increases in costs for the Community Development, Community Services, Parks and General Services, Police and Fire Departments, and General Government functions. These costs are based on the increase in project DUEs, assuming 75 percent of the existing average costs per DUE are variable and will increase as University Commons adds DUEs in the form of new residential units and the incremental increase in retail space.

BAE Peer Review Suggestions

The BAE peer review suggested a few potential modifications to the City staff fiscal analysis, including modifying the development program to focus the fiscal analysis on only the net increase in development proposed for the site, adjusting the project's estimated assessed valuation based on the applicant's estimate of project development costs, and modifying the sales tax generation assumptions to account for reduced per household taxable retail spending associated with new student residents, and projecting the increase in supply-based retail sales tax capture based only on the incremental increase in retail space at the site. When applying these adjustments to the fiscal model, the cumulative effect of these changes is to increase the project's projected fiscal benefits to a cumulative total of \$6.3 million for the 15-year modeling period, or a discounted present value of \$5.4 million based on the two-percent discount factor used in the City staff analysis. This modified estimate of the potential fiscal impacts of the proposed University Commons project indicates that the overall results of the City staff fiscal analysis are likely conservative, with the most important factor being the change in the assumption regarding the assessed valuation of the project's residential component based on estimated development costs. While there is justification for this modification, the project assessed valuation could be reduced substantially while still generating positive fiscal impacts. In Year 2, the modified fiscal model projects an annual fiscal surplus of \$379,927, with property tax revenue contributing \$401,242. This means that the project assessed valuation could be reduced substantially and the project would still at least break even fiscally.

Attachment:

Fiscal Impact Model

Impact fee calculation for Multi-family

Gas Tax calculations from California City Finance

Highway Users Tax Account (HUTA)

Revenue Allocations – Streets & Highways Code Sec 2103-2108 “HUTA”

Cities and counties receive revenue from the motor vehicle fuel taxes imposed pursuant to Revenue and Taxation Code Section 7360(a) and (b) through the Highway User Tax Account under the following formulas outlined in the Streets and Highways code and illustrated in Figure 1.

Section 2104. Section 2104 allocates funds to counties with designated allotments for engineering and administration, snow removal, heavy rainfall / storm damage as well as county streets, roads and public mass transit guideways and facilities.

Section 2105. Section 2105(a) allocates 11.5 percent of the tax revenues in excess of 9 cents per gallon (i.e. the Proposition 111 rate) monthly among counties based on population.

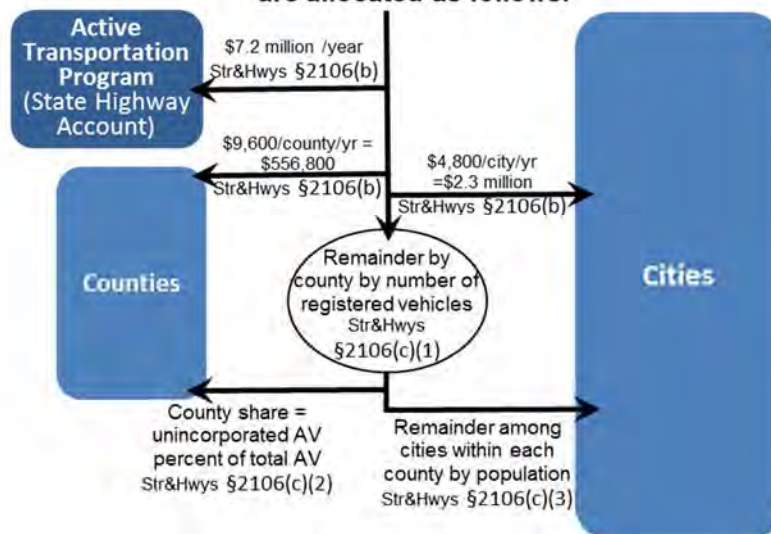
Section 2105(b) allocates 11.5 percent of the tax revenues in excess of 9 cents per gallon (i.e. the Proposition 111 rate) monthly among cities based on population.

Section 2106. Revenues equal to 1.04 cents per gallon are allocated as follows:

- \$7.2 million per year to the State Bicycle Transportation Account.
- \$400 per month to each city (\$2,308,800 per year among the 481 eligible cities²)
- \$800 per month to each county (\$556,800 per year among the 58 counties)
- The residual amount to each county and the cities in that county based on registered vehicles. In each county, from this amount, the county receives an allotment based on the share of assessed value of the county which is in the unincorporated area. The remainder is allocated to the cities within the county based on population.

Streets & Highways Code Section 2106

Revenues equal to 1.04 cents per gallon
are allocated as follows:



² The city of Rolling Hills has only private streets and is therefore not eligible to receive these allocations.

Section 2107. This section provides monthly allocations to cities of 1.315 cents per gallon of gasoline, 1.8 cents per gallon of diesel, and 2.59 cents per liquefied petroleum gas (LPG), as follows.

- a. Each city with snow removal costs in excess of \$5,000 is allocated 50 percent of the cost exceeding \$5,000.
- b. The remainder is allocated to cities based on population.

Section 2107.5. These funds (about \$2.7 million per year) are allocated to cities annually in July based on population as follows:

Streets & Highway Code §2107.5	
City Population	Annual Allocation
over 500,000	\$ 20,000
100,000 to 500,000	\$ 10,000
50,000 to 99,999	\$ 7,500
25,000 to 49,999	\$ 6,000
20,000 to 24,999	\$ 5,000
15,000 to 19,999	\$ 4,000
10,000 to 14,999	\$ 3,000
5,000 to 9,999	\$ 2,000
less than 5,000	\$ 1,000

Section 2107.5 funds must be used for engineering costs and administrative expenses related to city streets. Cities with populations under 10,000 may also expend the moneys for street construction or acquisition of street rights-of-way.

Section 2103 HUTA and the 2010 Gasoline Sales Tax – Excise Tax Swap

In March 2010 as a part of a special budget session called by Governor Schwarzenegger, the Legislature enacted a swap of state sales taxes on gasoline for a gasoline excise tax. Intended to be “revenue neutral,” the fuel tax swap provided the Legislature with greater flexibility in the use of funds, in particular relieving the general fund from the cost of state transportation debt service payments. The fuel tax swap:

1. Repealed the state sales tax on gasoline (local rates including the Bradley Burns are NOT affected);
2. Increased the excise tax on gasoline by 17.322 cents and added an annual adjustment mechanism intended to ensure the new excise tax provides, over time, the same amount of revenues expected from the sales tax on gas (no more, no less);
3. Increased the sales tax on diesel by 1.75 percent and allocated 75 percent to local transit agencies and 25 percent to state transit programs. The excise tax on diesel was reduced from 18 cents to 13.6 cents. Sales tax revenues from diesel must go to transit funding.
4. Provided for a specific allocation of the funds among state and local transportation needs.

Revenues from the new Section 2103 excise tax rate are now allocated as follows:

1. State transportation debt service;
2. Remainder allocated:
 - a. 44 percent to the State Transportation Improvement Program (STIP);
 - b. 12 percent State Highway Operation and Protection Program (SHOPP);
 - c. 44 percent evenly split between cities and counties using current HUTA formulas.

Section 2103 funds are allocated to cities on a per capita basis and to counties 75 percent based on the proportion of registered vehicles and 25 percent based on the proportion of maintained county road miles.

Multi-family residential Univeristy Commons Major Project Fees

Multi-Family 1
bedroom

Not in a Mello Roos district
Units

198 66

		Multi-Family 1 bedroom Rate	Multi-Family 1 bedroom Fees	Multi-Family Rate	Multi-Family Fees	Total Fee Due
Roadways	Water	3,047.00	201,102.00	4,942.00	978,516.00	1,179,618.00
		0.00	0.00		0.00	0.00
Drainage		85.00	5,610.00	85.00	16,830.00	0.00
Sewer		3,320.00	219,120.00	3,320.00	657,360.00	0.00
Parks		3,277.00	216,282.00	3,827.00	757,746.00	974,028.00
Open Space		564.00	37,224.00	659.00	130,482.00	167,706.00
Public Safety		700.00	46,200.00	757.00	149,886.00	196,086.00
General Facilities		1,249.00	82,434.00	1,823.00	360,954.00	443,388.00
		12,242.00	807,972.00	15,413.00	3,051,774.00	2,960,826.00

Rates effective 2/15/09
Rates are subject to change by City Council
Fees are subject to change if project changes.

	66 units with 4 or more bedrooms			66
	Community Enhancement Rate	Community Enhancement Fees	Additional Community Enhancement	Total Community Enhancement
Roadways	2,802.75	184,981.50		184,981.50
Drainage	48.21	3,181.86		3,181.86
Parks	2,170.41	143,246.74	-	143,246.74
Open Space	373.74	24,666.74		24,666.74
Public Safety	429.32	28,334.93		28,334.93
General Facilities	1,033.88	68,235.90		68,235.90
	6,858.30	452,647.67	-	452,647.67

Persons per MF household per Development Impact Study
DL Persons per MF household
DL Projected Occupancy/DIF Occupancy

2.16
3.385 894 beds / 264 units
1.56712963

7744.75463	4,942.00	2802.75
133.2060185	85.00	48.21
5997.405093	3,827.00	2170.41
1032.738426	659.00	373.74
1186.31713	757.00	429.32
2856.877315	1,823.00	1033.88
		6858.30

Memorandum

Date: July 09, 2020

To: Finance and Budget Commission, Ash Feeney, Kelly Bruton

From: Doug Buzbee on behalf of the FBC Community Development Subcommittee (Ezra Beeman, Doug Buzbee, and Gürkern Sufi)

Subj: University Commons – Staff response to Community Development Subcommittee’s Memo of June 17, 2020

Dear Chairperson Weiss and FBC Commissioners,

As you know, after staff’s presentation of their fiscal analysis of University Commons, this subcommittee submitted a memo to staff requesting responses to FBC’s questions and further analysis of the project. In response, staff submitted an email on Thursday July 2nd (all FBC members were copied). The Community Development Subcommittee convened on July 9th and discussed staff’s response. This memo summarizes our analysis of staff’s response, and recommends that during its next regular meeting on Monday July 13th, FBC make a recommendation to City Council regarding the fiscal analysis of the University Commons project.

First off, this committee would like to acknowledge Ms. Bruton’s very thoughtful and thorough response to our June 17th memo.

Summary of Staff’s Response to June 17th Memo

Our June 17th memo posed ten questions, concerns, requests for support of assumptions, and requests for further analysis. Staff’s response dated July 2nd presented responses to each of the questions posed, explanations for assumptions used in the model, and included a revised financial model incorporating most of our requested changes. ***The result of the revised fiscal analysis was a cumulative positive impact of \$4.63MM over 15 years, compared to a positive impact of \$3.84MM from staff’s previous analysis.***

Percentage of Per-Capital City Budget Costs Allocable to New Residents at University Commons

Two economic consultants to the City have presented analyses of development projects that assume that 25% of the City’s general fund costs are fixed and will not increase proportionally with the addition of new residents, and correspondingly that the increase in City general fund costs associated with a new development would equal 75% of the per-capita costs of current residents. City staff have incorporated this “75% variability” factor into their fiscal analysis of University Mall.

There are members of the FBC and of the Community Development Subcommittee that disagree with this assumption in the absence of supporting evidence for the assumption. After receiving the revised Excel spreadsheet model from staff, we ran the model assuming a 100% variability factor, meaning that the general fund budget would increase proportionally with the additional residents of the new project. ***This analysis resulted in a cumulative positive fiscal impact of \$1.58MM over 15 years.***

Systemic Concerns

In spite of the projected positive fiscal impact of this project, we have two broad concerns that are unquantified and may pose significant risks to the City's continued financial health if not addressed.

The first is the impact of employee-related unfunded liabilities and long-term capital replacement costs. The concern is that these future costs are not being budgeted for, and forecast cost impacts of new residents are therefore being under-stated.

The second is that the City's impact fee schedule has not been updated in over a decade, and likely does not accurately reflect the costs of impacts associated with a new development such as University Commons, resulting in an under-statement of costs that the project will impose on the city.

If either the actual unfunded pension or infrastructure costs are less than \$1.58MM higher than assumed, then the project will remain net positive, fiscally speaking.

Conclusion and Recommendation

After incorporation of changes requested by this committee, the analysis reflects a positive net impact to the City's fiscal condition, even after assuming a 100% variability factor.

This subcommittee recommends the full FBC pass a resolution supporting staff's conclusion that the project will likely have a positive net fiscal impact to the City of Davis noting the above caveats.

A handwritten signature in dark ink, appearing to read 'DB', followed by a long horizontal line extending to the right.

Doug Buzbee



DATE: 7/13/2020

TO: Finance and Budget Committee, City of Davis

RE: University Mall Redevelopment Finance and Budget Commission Analysis.

INTENT

First and foremost, Brixmor would like to thank City Staff, and the Finance and Budget Subcommittee for their analysis of the project and recommendation to pass a resolution supporting staffs conclusion that the project will have a net positive impact to the City of Davis. The purpose of this memorandum is to provide Brixmor's comments on the City's fiscal analysis of the proposed University Mall project and provide Brixmor's internally estimated project revenues which result in a potential sales tax yield increase of a 116% and a cumulative increase of 52% over the City of Davis model.

BRIXMOR

Brixmor owns and operates a portfolio of open-air shopping centers consisting of over 400 retail centers totaling 71,000,000 SF of retail space with an average size of 174,000 SF and a 92% occupancy rate. Thirty (30) retail centers are located throughout Southern and Northern California with an average occupancy rate of 94%. This retail expertise gives us confidence that we will successfully manage and operate the redeveloped University Mall into the future with similar occupancy rates and levels of success.

UNIVERSITY MALL

The University Mall has been owned by Brixmor since 2004 and functioned well for a number of years. However, the closing of Forever 21 along with the departure of The Grad underscores the urgent need to redevelop the site to meet the new desired retailer formats and consumer demands.

CITY OF DAVIS FISCAL BENEFIT

In the memorandum dated June 29, 2020 the model assumes "that only 50% of the proposed commercial retail space generates taxable retail sales". Although an improvement over the previous June 8, 2020 presentation, this conservative analysis still significantly understates the potential of the redevelopment.

BRIXMOR ANALYSIS CITY OF DAVIS FISCAL BENEFIT

Brixmor has a proven ability to lease, operate and manage open air shopping centers. Internal Brixmor forecasting models project that at stabilization, the property will maintain an occupancy rate equivalent to our California portfolio of 94%. Utilizing the same factors in the City model, assuming a 94% occupancy rate and BAE Urban Economics projected sales of \$400 per square foot yields a sales tax projection of \$304K vs. \$141K average annually and a net cumulative benefit of \$7.2M vs. \$4.6M over



15 years. Additionally, Brixmor feels that the forecasted \$11.8M over 15 years in net new expenditures assigned to the property seems disproportionate considering that this is redevelopment of an existing center.

SUMMARY

The redevelopment of the University mall as proposed provides an immediate \$12M in impact fee benefits, an estimated average annual sales tax contribution of over \$304K at stabilization and a \$467K property tax benefit totalling a \$771K annual cash flow to the City. Further, the construction expenditure, coupled with future potential job creation provides the City of Davis the unique opportunity to revitalize a property that does not meet the needs of today's rapidly evolving retail environment into a positive model of urban re-investment.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Gracey". The signature is fluid and cursive.

Andrew Gracey

Vice President
Brixmor Property Group

Exhibit A: Key Fiscal Impact Analysis AssumptionsProject: **University Common****Inflation**

General Rate of Revenue Inflation:	Per Leland Model	per year
Inflation for Personnel Costs:	Per Leland Model	per year
Inflation for Non-Personnel Costs:	Per Leland Model	per year

Property tax = 21.128%

Population and Employment Densities**Ownership**

Small Affordable Units	2.64	persons per unit
Medium Affordable Units	2.64	persons per unit
Large Affordable Units	2.64	persons per unit
Townhouse	2.64	persons per unit
Small Market Rate Units	2.64	persons per unit
Medium Small Market Rate Units	2.64	persons per unit
Medium Market Rate Units	2.64	persons per unit
Large Market Rate Units	2.64	persons per unit
Very Large Market Rate Units	2.64	persons per unit

Senior Ownership (Age Restricted)

Senior Assisted Living Units	1.05	persons per unit
Senior Continuing Care Retirement	1.20	persons per unit
Senior Multi-Family	1.10	persons per unit
Senior Single Family Attached	1.73	persons per unit
Senior Single Family Detached	1.80	persons per unit

Ownership

Low-Mod (Six-Plex)	1.80	persons per unit
Low-Mod (Co-Operative)	1.80	persons per unit
Low-Mod (Townhouses)	1.80	persons per unit

Multifamily

Apartments	2.16	persons per unit
------------	------	------------------

Other Residential

Co-Housing	2.16	persons per unit
Student Apartments	2.16	persons per unit
Land Dedication (Apts.)	2.16	persons per unit
Work-Live	1.80	persons per unit
Low Income MF not for Profit	1.83	persons per unit
Village Apartments	2.16	persons per unit

Senior Congregate Care Core Facility

1.00 per bed

Non-Residential

Retail	500	square feet per employee
Office	300	square feet per employee
Senior Care Facility	750	square feet per employee
Industrial	1,000	square feet per employee
Satellite School (Property Tax Exempt)	1,000	square feet per employee
Restaurant	500	square feet per employee
Athletic Club	750	square feet per employee
Community Rec. Building	0	n.a.
Institutional Meeting house	0	n.a.
Hotel	2,000	square feet per employee
Other	1,000	square feet per employee

Variable vs. Fixed Costs for Service Expansion

Department or Function	Percent of General Fund Costs Variable
Department of Public Works Administration	75%
Department of Public Works Support Services	75%
Community Development Department Overall	75%
Parks and Community Services Administration	75%
Fire Department	75%
Police Department	75%
General Government Functions Overall	75%

Property Tax Assessment for Affordable For-Sale Units

Assumed Taxed at Full Market Value

Note:

This is the base assumptions but can be changed with information provided by the developer

Sources: City of Davis Finance Department

Table 1: Development Program**Project: University Common**

Ownership	Units	Parks and Open Space	Acres
Small Affordable Units		Park	0.00
Medium Affordable Units		Mini-Park/Green Space/Village Greens	
Large Affordable Units		Greenbelts	0.00
Townhouse		Linear Green	0.00
Small Market Rate Units		Habitat	0.00
Medium Small Market Rate Units		Sub-Total Parks and Open Space	0
Medium Market Rate Units		Streets	Linear Ft.
Large Market Rate Units		Two-Lane Arterial	
Very Large Market Rate Units		Collector Street 1	
		Collector Street 2	
Senior Ownership (Age Restricted)		Residential Street (Connector to Collector)	0
Senior Assisted Living Units		Residential Lane	0
Senior Continuing Care Retirement		Residential Park Side Street	
Senior Multi-Family		Residential Linear Green Side Street	
Senior Single Family Attached		Linear Green Frontage / Live-Work Street	
Senior Single Family Detached		Residential Half-Circle (One Way)	
		Residential Connector Lanes	
Ownership		Alley Commons	
Low -Mod (Six-Plex)		Main Arterial Traffic Calming	
Low -Mod (Co-Operative)		Collector Street Traffic Calming	0
Low -Mod (Townhouses)		Residential Street Traffic Calming	0
		Residential Lane - Modified	
Multifamily		Residential Lane Side Street	0
Apartments	264	Total Publicly Maintained Streets	0
		Urban Forestry	Trees
Other Residential		Street Trees	0
Co-Housing		Sub-Total Street Trees	0
Student Apartments	0		
Land Dedication (Apts.)			
Work-Live			
Low Income MF not for Profit			
Village Apartments			
Sub-Total Residential Units	264		
Non-Residential	Square Feet		
Retail	136,800		
Office	0		
Senior Care Facility			
Industrial			
Satellite School (Property Tax Exempt)			
Restaurant			
Athletic Club			
Community Rec. Building			
Institutional Meeting house			
Hotel			
Other			
Sub-Total Non-Residential Square Feet	136,800		

Notes:

This information is given to the City by the Developer

Sources: City of Davis, Community Development Department

Table 2: Absorption Schedule

Project: University Common

Phased Ownership	total Units	Cumulative Absorption (Year)														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Small Affordable Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medium Affordable Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Large Affordable Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Townhouse	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Small MarketRate Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medium Small MarketRate Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medium MarketRate Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Large MarketRate Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Very Large MarketRate Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Senior Ownership (Age Restricted)																
Sen or Assisted Living Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sen or Continuing Care Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sen or Multi-Family	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sen or Single Family Attached	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sen or Single Family Detached	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ownership	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Low-Mod (Six-Plex)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Low-Mod (Co-Operative)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Low-Mod (Townhouses)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Multi-Family																
Apartments	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26
Other Residential																
Co-Housing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Student Apartments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Dedication (Apts.)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Work-Live	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Low Income MF not for Profit	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Village Apartments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUB TOTAL RESIDENTIAL UNITS	264	264	264	264	264	264	264	264	264	264	264	264	264	264	264	264
Non Residential																
Re-sell	68,000	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
Office	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sen or Care Facility	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Industrial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
School (Property Tax Exempt)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Restaurant	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Athletic Club	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Community Rec. Building	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Institutional Meetinghouse	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hotel	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub total Non Residential Square Feet	68,000	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
Parks and Open Space																
Park	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Mini-Park/Green Space/Village Greens	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Greenbelts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Linear Green	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Habitat	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sub total Parks and Open Space	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Urban Forestry																
Street Trees	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Streets																
Two-Lane Arterial	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Collector Street 1	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Collector Street 2	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Street (Connector to Collector)	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Lane	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Park Side Street	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Alley Commons	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Main Arterial Traffic Calming	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Collector Street Traffic Calming	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Lane - Modified	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Lane Side Street	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Publicly Maintained Streets	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Notes:

Absorption information is furnished by the developer.

Sources: City of Davis, Community Development Department

Table 3: Estimated Dwelling Unit Equivalents

Project: UniversityCommon

Phased Ownership	Population	Estimated	DUE	Estimated	Cumulative DUE Absorption (Year)														
	Density	Population	Factors (a)	DUES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Small Affordable Units	2.64 per unit	0	10.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medium Affordable Units	2.64 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Large Affordable Units	2.64 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Townhouse	2.64 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Small Market Rate Units	2.64 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medium Small Market Rate Units	2.64 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medium Market Rate Units	2.64 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Large Market Rate Units	2.64 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Very Large Market Rate Units	2.64 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Senior Ownership (Age Restricted)																			
Senior Assisted Living Units	1.05 per unit	0	0.40 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Senior Continuing Care Retirement	1.20 per unit	0	0.45 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Senior Multi-Family	1.10 per unit	0	0.42 per unit	-	0	0	0	0	0.42	0	0	0	0	0	0	0	0	0	0
Senior Single Family Attached	1.73 per unit	0	0.66 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Senior Single Family Detached	1.80 per unit	0	0.66 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ownership																			
Low-Mod (Six-Plex)	1.80 per unit	0	0.68 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Low-Mod (Co-Operative)	1.80 per unit	0	0.68 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Low-Mod (Townhouses)	1.80 per unit	0	0.68 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Multifamily																			
Apartments	3.39 per unit	894	1.57 per unit	414	414	414	414	414	414	414	414	414	414	414	414	414	414	414	414
Other Residential																			
Co-Housing	2.16 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Student Apartments	2.16 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Dedication (Apts.)	2.16 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Work-Live	1.80 per unit	0	0.83 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Low Income MF not for Profit	1.83 per unit	0	0.85 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Village Apartments	2.16 per unit	0	1.00 per unit	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Senior Congregate Care Core Facility	1 per bed	0	0.38 per bed	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub Total Residential		894		414	414	414	414	414	414	414	414	414	414	414	414	414	414	414	414
Non Residential																			
		Employees																	
Retail	500 square feet per employee	274	0.76 per 1,000 square feet	104	52	104	104	104	104	104	104	104	104	104	104	104	104	104	104
Office	300 square feet per employee	0	1.26 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Senior Care Facility	750 square feet per employee	0	0.51 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Industrial	1000 square feet per employee	0	0.38 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Satellite School (Property Tax Exempt)	1000 square feet per employee	0	0.38 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Restaurant	500 square feet per employee	0	0.76 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Athletic Club	750 square feet per employee	0	0.51 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Community Rec. Building	n.a. square feet per employee	0	0.00 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Institutional Meeting house	n.a. square feet per employee	0	0.00 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hotel	2000 square feet per employee	0	0.19 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	1000 square feet per employee	0	0.38 per 1,000 square feet	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub Total Non Residential		274		104	52	104	104	104	104	104	104	104	104	104	104	104	104	104	104
Total DUES				518	466	518	518	518	518	518	518	518	518	518	518	518	518	518	518

Note

(a) UCD Neigh. Master Plan Fiscal Impact Analysis indicates that City of Davis Final Development Impact Fee Study Update 2000-2105 establishes 1 DUE equal to 2.64 persons.
2.16 persons.

Sources City of Davis, 2004; UC Davis Neighborhood Master Plan - Public Review Draft Fiscal Impact Analysis, 2003; Bay Area Economics, 2005; Department of Finance Housing Element January, 2019

Table 4: Assessed Valuation (current \$)**Project: University Common**

	Estimated Valuation Market Rate Units	Estimated Valuation Affordable Units	Percentage variance	Assumed valuation	Units
Ownership					
Small Affordable Units	n.a.	\$0	0%	\$0	0
Medium Affordable Units	n.a.	\$0	0%	\$0	0
Large Affordable Units	n.a.	\$0	0%	\$0	0
Townhouse	n.a.	\$0	0%	\$0	0
Small Market Rate Units	\$0		0%	\$0	0
Medium Small Market Rate Units	\$0		0%	\$0	0
Medium Market Rate Units	\$0		0%	\$0	0
Large Market Rate Units	\$0		0%	\$0	0
Very Large Market Rate Units	\$0		0%	\$0	0
Senior Ownership (Age Restricted)					
Senior Assisted Living Units	n.a.	\$0	0%	\$0	0
Senior Continuing Care Retirement	\$0		0%	\$0	0
Senior Multi-Family	\$0		0%	\$0	0
Senior Single Family Attached	\$0		0%	\$0	0
Senior Single Family Detached	\$0		0%	\$0	0
Ownership					
Low-Mod (Six-Plex)	n.a.	\$0	0%	\$0	0
Low-Mod (Co-Operative)	n.a.	\$0	0%	\$0	0
Low-Mod (Townhouses)	n.a.	\$0	0%	\$0	0
Multifamily					
Apartments	\$575,261		0%	\$575,261	264
Other Residential					
Co-Housing	\$0		0%	\$0	0
Student Apartments	\$0	\$0	0%	\$0	0
Land Dedication (Apts.)	\$0		0%	\$0	0
Work/Live	\$0		0%	\$0	0
Low Income MF not for Profit	\$0		0%	\$0	0
Village Apartments	\$0		0%	\$0	0
Non Residential					
Retail	\$375 /s.f.			\$375	136,800
Office	\$0			\$0	0
Senior Care Facility	\$0			\$0	0
Industrial	\$0			\$0	0
Satellite School (Property Tax Exempt)	\$0			\$0	0
Restaurant	\$0			\$0	0
Athletic Club	\$0			\$0	0
Community Rec. Building	\$0			\$0	0
Institutional Meeting house	\$0			\$0	0
Hotel	\$0			\$0	0
Other					

Note

Based on cost information provided by the developer

(a) Estimated valuation of affordable middle-income for-sale units assumes units are assessed at full market value, per Affordable Housing Foundation proposal. Low-Mod. For-sale affordable units are assessed at restricted sale price.

(b) Assumes units would be owned by for-profit developer. Actual assessment may be reduced due to restricted rents.

Table 5: Property Tax Revenues

TaxRate Area 0		Cumulative Absorption (Year)														
City Share 21.1282%		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Multifamily																
Apartments																
Absorbed Year 1	\$151,869,000	\$154,906,380	\$158,004,508	\$161,164,598	\$164,387,890	\$167,675,648	\$171,029,160	\$174,449,744	\$177,938,739	\$181,497,513	\$185,127,464	\$188,830,013	\$192,606,613	\$196,458,745	\$200,387,920	
Absorbed Year 2		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 3			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 4				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 5					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 6						\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 7							\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 8								\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 9									\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 10										\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUB TOTAL RESIDENTIAL UNITS		\$151,869,000	\$154,906,380	\$158,004,508	\$161,164,598	\$164,387,890	\$167,675,648	\$171,029,160	\$174,449,744	\$177,938,739	\$181,497,513	\$185,127,464	\$188,830,013	\$192,606,613	\$196,458,745	\$200,387,920
Non Residential																
Retail																
Absorbed Year 1	\$25,650,000	\$26,932,500	\$27,471,150	\$28,020,573	\$28,580,984	\$29,152,604	\$29,735,656	\$30,330,369	\$30,936,977	\$31,555,716	\$32,186,831	\$32,830,567	\$33,487,179	\$34,156,922	\$34,840,061	
Absorbed Year 2		\$26,932,500	\$27,471,150	\$28,020,573	\$28,580,984	\$29,152,604	\$29,735,656	\$30,330,369	\$30,936,977	\$31,555,716	\$32,186,831	\$32,830,567	\$33,487,179	\$34,156,922	\$34,840,061	
Absorbed Year 3			\$20,500,000	\$20,910,000	\$21,328,200	\$21,754,764	\$22,189,859	\$22,633,656	\$23,086,330	\$23,548,056	\$24,019,017	\$24,499,398	\$24,989,386	\$25,489,173	\$25,998,957	\$26,518,936
Absorbed Year 4				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 5					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 6						\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 7							\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 8								\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 9									\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Absorbed Year 10										\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sub Total Non Residential		\$5,150,000	\$32,955,000	\$33,614,100	\$34,286,382	\$34,972,110	\$35,671,552	\$36,384,983	\$37,112,683	\$37,854,936	\$38,612,035	\$39,384,276	\$40,171,961	\$40,975,400	\$41,794,908	\$42,630,807
Total Secured Valuation		\$157,019,000	\$187,861,380	\$191,618,608	\$195,450,980	\$199,359,999	\$203,347,199	\$207,414,143	\$211,562,426	\$215,793,675	\$220,109,548	\$224,511,739	\$229,001,974	\$233,582,013	\$238,253,654	\$243,018,727
Unsecured Property Tax Valuation (e)		\$2,015,290	\$2,411,142	\$2,459,365	\$2,508,552	\$2,558,723	\$2,609,898	\$2,662,096	\$2,715,338	\$2,769,644	\$2,825,037	\$2,881,538	\$2,939,169	\$2,997,952	\$3,057,911	\$3,119,069
Total Assessed Valuation		\$159,034,290	\$190,272,522	\$194,077,972	\$197,959,532	\$201,918,723	\$205,957,097	\$210,076,239	\$214,277,764	\$218,563,319	\$222,934,585	\$227,393,277	\$231,941,143	\$236,579,965	\$241,311,565	\$246,137,796
Basic Property Taxes Paid		\$1,590,343	\$1,902,725	\$1,940,780	\$1,979,595	\$2,019,187	\$2,059,571	\$2,100,762	\$2,142,778	\$2,185,633	\$2,229,346	\$2,273,933	\$2,319,411	\$2,365,800	\$2,413,116	\$2,461,378
Basic Property Taxes Allocated to City (f)		\$336,011	\$402,012	\$410,052	\$418,253	\$426,618	\$435,150	\$443,853	\$452,730	\$461,785	\$471,021	\$480,441	\$490,050	\$499,851	\$509,848	\$520,045
				-2.000%	-2.000%	-2.000%	-2.000%	-2.000%	-2.000%	-2.000%	-2.000%	-2.000%	-2.000%	-2.000%	-2.000%	-2.000%

Note

(a) See Appendix A for property tax re-allocation assumptions.

(b) Estimated average annual real estate appreciation rate (initial sales and for periodic turnover of property

Study Years		
1 5	6 10	11 15
Affordable for-sale units	8.0%	0.0%
Residential for-sale units	4.0%	0.0%
Multifamily rental units	5.0%	0.0%
Non-residential properties	5.0%	0.0%

(c) Prop. 13 maximum annual assessment increase when property held in same ownership.

2.0%
2.0%

(d) Assumed average number of years between sales.

Residential for-sale units
Senior for-sale units
Multifamily for-sale units
Multifamily rental units
Non-residential properties

12
25
20
20
33

Unsecured to secured property tax ratio FY 2019-20
Secured 13,907,624 001-0000-301.0500
Unsecured 178,500 001-0000-301.0800 and 1000
1.28%

(e) Estimate is based on City of Davis' current ratio of unsecured property tax revenue to secured property tax revenue.

(f) Based on existing City of Davis/Yolo County property tax sharing agreement for Area selected.

Sources City of Davis; Leland Fiscal Model; UC Davis Neighborhood Master Plan - Public Review Draft Fiscal Impact Analysis, 2003; Bay Area Economics; Goodwin Consulting Group, Inc.

Table 6: Property Transfer Tax

Ownership	Cumulative Absorption (Year)														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Value of Initial Sales	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Valuation In Place	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Value of Resales		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Ownership (Age Restricted)															
Value of Initial Sales	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Valuation In Place	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Value of Resales		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ownership															
Value of Initial Sales	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Valuation In Place	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Value of Resales		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Multifamily															
Value of Initial Sales (assumes no initial property turnover)															
Total Valuation In Place	\$151,869,000	\$154,906,380	\$158,004,508	\$161,164,598	\$164,387,890	\$167,675,648	\$171,029,160	\$174,449,744	\$177,938,739	\$181,497,513	\$185,127,464	\$188,830,013	\$192,606,613	\$196,458,745	\$200,387,920
Value of Resales		\$7,745,319	\$7,900,225	\$8,058,230	\$8,219,394	\$8,383,782	\$8,551,458	\$8,722,487	\$8,896,937	\$9,074,876	\$9,256,373	\$9,441,501	\$9,630,331	\$9,822,937	\$10,019,396
Other Residential															
Value of Initial Sales (assumes no initial property turnover)															
Total Valuation In Place	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Value of Resales		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Non-Residential															
Value of Initial Sales (assumes no initial property turnover)	\$25,650,000														
Total Valuation In Place	\$5,150,000	\$32,955,000	\$33,614,100	\$34,286,382	\$34,972,110	\$35,671,552	\$36,384,983	\$37,112,683	\$37,854,936	\$38,612,035	\$39,384,276	\$40,171,961	\$40,975,400	\$41,794,908	\$42,630,807
Value of Resales		\$998,636	\$1,018,609	\$1,038,981	\$1,059,761	\$1,080,956	\$1,102,575	\$1,124,627	\$1,147,119	\$1,170,062	\$1,193,463	\$1,217,332	\$1,241,679	\$1,266,512	\$1,291,843
Total Valuation Subject to Transfer Tax															
	\$25,650,000	\$8,743,955	\$8,918,834	\$9,097,211	\$9,279,155	\$9,464,738	\$9,654,033	\$9,847,114	\$10,044,056	\$10,244,937	\$10,449,836	\$10,658,833	\$10,872,009	\$11,089,450	\$11,311,239
		\$26,163,000	\$26,686,260	\$27,219,985	\$27,764,385	\$28,319,673	\$28,886,066	\$29,463,787	\$30,053,063	\$30,654,124	\$31,267,207	\$31,892,551	\$32,530,402		
			\$8,918,834	\$9,097,211	\$9,279,155	\$9,464,738	\$9,654,033	\$9,847,114	\$10,044,056	\$10,244,937	\$10,449,836	\$10,658,833	\$10,872,009	\$11,089,450	
				\$9,097,211	\$9,279,155	\$9,464,738	\$9,654,033	\$9,847,114	\$10,044,056	\$10,244,937	\$10,449,836	\$10,658,833	\$10,872,009	\$11,089,450	\$11,311,239
Property Transfer Tax Allocated to City	\$14,108	\$4,809	\$4,905	\$5,003	\$5,104	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$17,892	\$6,099	\$6,221

Note:

- (a) Property transfer tax rate is \$1.10 per \$1,000 in value. The City of Davis receives half and Yolo County receives the other half.
(b) Proportion of existing units assumed sold annually.

Single-family for-sale	8.0%	12 years	per the 2013 EPS report
Senior for-sale	4.0%		
Other for-sale	5.0%		
Multifamily Rental	5.0%		
Non-residential	3.0%		

Source: Bay Area Economics, 2005.

Table 7: Sales and Use Tax

PER CAPITA DEMAND BASED REVENUES

Phased Ownership	Estimated Persons Per Household	Estimated Expenditures Per Household	Cumulative Expenditures (Year)														
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Small Affordable Units	2.6	\$25,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Medium Affordable Units	2.6	\$25,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Large Affordable Units	2.6	\$25,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Townhouses	2.6	\$25,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Small Market Rate Units	2.6	\$25,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Medium Small Market Rate Units	2.6	\$25,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Medium Market Rate Units	2.6	\$25,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Large Market Rate Units	2.6	\$25,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Very Large Market Rate Units	2.6	\$25,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Ownership (Age Restricted)																	
Senior Assisted Living Units	1.05	\$9,975	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Continuing Care Retirement	1.20	\$11,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Multi-Family	1.10	\$10,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Single Family Attached	1.73	\$16,350	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Single Family Detached	1.80	\$17,100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ownership																	
Low-Mod (Six-Plex)	1.80	\$17,100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Low-Mod (Co-Operative)	1.80	\$17,100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Low-Mod (Townhouses)	1.80	\$17,100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Multi-family																	
Apartments	3.39	\$8,750	\$2,237.00	\$2,323.76	\$2,13,693	\$2,507,103	\$2,566,772	\$2,626,116	\$2,559,787	\$2,659,875	\$2,763,876	\$2,872,220	\$2,920,15	\$3,013,800	\$3,087,337	\$3,008,610	\$3,127,750
Other Residential																	
Co-Housing	2.16	\$20,520	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Student Apartments	2.16	\$20,520	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Land Dedication (Apts.)	2.16	\$20,520	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Work-Live	1.80	\$17,100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Low Income MF not for Profit	1.83	\$17,378	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Village Apartments	2.16	\$20,520	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

INCREMENTAL SALES TAX RELATED EXPANSION OF CITYWIDE ALBASE

Quantity of Proposed Retail Assumed as Community-Serving Retail (a)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gross Potential Community Retail Sales (b)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Portion of Community Retail Sales Attributed as Additional Revenue Beyond Per-Capita Expenditures Above	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Net Increase in Local Taxable Retail Expenditures	\$2,237.00	\$2,323.76	\$2,13,693	\$2,507,103	\$2,566,772	\$2,626,116	\$2,559,787	\$2,659,875	\$2,763,876	\$2,872,220	\$2,920,15	\$3,013,800	\$3,087,337	\$3,008,610	\$3,127,750		
Local Sales Tax Revenues (d)	\$7.8	\$6.75	\$8.27	\$50.12	\$51,335	\$52,562	\$51,196	\$53,197	\$55,278	\$57,558	\$58.80	\$60,276	\$61.77	\$60,172	\$62,555		
Pooled County and State Sales Tax Revenues (e)	\$50	\$622	\$801	\$987	\$5,105	\$5,227	\$5,091	\$5,290	\$5,97	\$5,713	\$5,852	\$5,99	\$6,11	\$5,98	\$6,221		
Total Sales and Use Tax	\$49,158	\$51,097	\$53,075	\$55,129	\$56,441	\$57,790	\$56,287	\$58,488	\$60,775	\$63,157	\$64,692	\$66,270	\$67,887	\$66,156	\$68,776		
Public Safety Sales Tax (f)	\$1,663	\$1,727	\$1,794	\$1,863	\$1,908	\$1,953	\$1,902	\$1,977	\$2,054	\$2,135	\$2,187	\$2,240	\$2,295	\$2,236	\$2,325		

Notes:

- (a) Sales tax revenue assumptions:
- Population (DOF JANUARY 2019) 69,761 July 2018 252,006 CPIDetail Report
- 2019 Taxable Sales Est. (SBOE) \$652,022,397 2019 256,133 U.S. city average
- Average Per Capita Taxable Sales \$9,37
- Inflation Factor 101.6% <http://www.bls.gov/basics/inflation.htm> 1.6%
- Estimated current year Local Per Capita Taxable Sales \$9,99.98 Percentages are based on the percentage of change on the Le and Model
- Assumed average rate of increase or per capita sales 1.6% 3.9% 3.9% 3.9% 2.2% 2.2% -2.6% 3.9% 3.9% 3.9% 2.2% 2.2% 2.2% -2.6% 0%
- Average per Student Taxable Sales \$2,500 (BAE Downstream Panel Background Analysis)
- (a) retail square foot is the taxable base 50%
- (b) Assumed \$ in sales per square foot of community retail space \$ 00
- (c) Assumed portion not already counted in per capita expenditures 25%
- (d) With passage of Measure Q, local allocation of sales taxes is 2.0% of taxable sales; Davis.
- (e) Based on SBOE data or 2019Q1 through 2019 Q4, the City of Davis pooled sales tax revenue is 19.8% of the base 1% sales tax revenues.
- (f) Public Safety Sales Tax as Pct. of Base 1% Sales Tax 7.2%
- 2019-20 Citywide Sales Tax Revenue \$60,800 001-0000-303.0500
- 2019-20 Citywide Prop. 172 Public Safety \$60,800 155-0000-303.0510

Sources: State Board of Equalization; State Department of Finance; U.S. Bureau of Labor Statistics; City of Davis; Bay Area Economics; Goodwin Consulting Group, Inc.; Le and Model

Table 7: Sales and Use Tax

PER CAPITA DEMAND-BASED REVENUES

	Estimated Persons Per Household	Estimated Expenditures Per Household	Cumulative Expenditures 1
Phased Ownership			
Small Affordable Units	2.64	\$25,080	\$0
Medium Affordable Units	2.64	\$25,080	\$0
Large Affordable Units	2.64	\$25,080	\$0
Townhouse	2.64	\$25,080	\$0
Small Market Rate Units	2.64	\$25,080	\$0
Medium Small Market Rate Units	2.64	\$25,080	\$0
Medium Market Rate Units	2.64	\$25,080	\$0
Large Market Rate Units	2.64	\$25,080	\$0
Very Large Market Rate Units	2.64	\$25,080	\$0
Senior Ownership (Age Restricted)			
Senior Assisted Living Units	1.05	\$9,975	\$0
Senior Continuing Care Retirement	1.20	\$11,400	\$0
Senior Multi-Family	1.10	\$10,450	\$0
Senior Single Family Attached	1.73	\$16,435	\$0
Senior Single Family Detached	1.80	\$17,100	\$0
Ownership			
Low-Mod (Six-Plex)	1.80	\$17,100	\$0
Low-Mod (Co-Operative)	1.80	\$17,100	\$0
Low-Mod (Townhouses)	1.80	\$17,100	\$0
Multifamily			
Apartments	1.57	\$0	\$0
Other Residential			
Co-Housing	2.16	\$20,520	\$0
Student Apartments	2.16	\$20,520	\$0
Land Dedication (Apts.)	2.16	\$20,520	\$0
Work-Live	1.80	\$17,100	\$0
Low Income MF not for Profit	1.83	\$17,378	\$0
Village Apartments	2.16	\$20,520	\$0

INCREMENTAL SALES TAX RELATED TO EXPANSION OF CITYWIDE RETAIL BASE

Quantity of Proposed Retail Assumed as Community-Serving Retail (a)	34,200
Gross Potential Community Retail Sales (b)	\$13,680,000
Portion of Community Retail Sales Attributed as Additional Revenue Beyond Per-Capita Expenditures, Above (c)	\$3,420,000
 Total Net Increase in Local Taxable Retail Expenditures	 \$3,420,000
Local Sales Tax Revenues (d)	\$68,400
Pooled County and State Sales Tax Revenues (e)	\$6,802
Sales Tax Currently information collected from Avenu Insights & Analytics	\$35,174
Total Sales and Use Tax	\$40,028
 Public Safety Sales Tax (f)	 \$2,542

Notes:

(a) Sales tax revenue assumptions:

Population (DOF JANUARY 2019)	69,761	
2019 Taxable Sales Est. (SBOE)	\$652,024,397	
Average Per Capita Taxable Sales	\$9,347	
Inflation Factor	101.64%	http://www.bls.gov/bls/inflation.htm
Estimated current year Local Per Capita Taxable Sales	\$9,499.98	
Assumed average rate of increase for per capita sales	1.6%	

1

- (a) retail square foot is the taxable base 50%
- (b) Assumed \$ in sales per square foot of community retail space \$ 400
- (c) Assumed portion not already counted in per capita expenditures 25%
- (d) With passage of Measure Q, local allocation of sales taxes is 2.0% of taxable sales; Davis.
- (e) Based on SBOE data for 2019Q1 through 2019 Q4, the City of Davis pooled sales tax revenue is 19.8% of the base 1% sales tax revenue
- (f) Public Safety Sales Tax as Pct. Of Base 1% Sales Tax 7.4%

Sources: State Board of Equalization; State Department of Finance; U.S. Bureau of Labor Statistics; City of Davis; Bay Area Economics; G

July

2018	252.006	CPI detailed Report
2019	256.143	U.S. city average

1.64%

Percentages are based on the percentage of change on the Leland Model

3.9%	3.9%	3.9%	2.4%	2.4%	-2.6%	3.9%	3.9%	3.9%	2.4%
1.0386	1.07879382	1.12054314	1.14721207	1.17463044	1.14409004	1.18882397	1.23530698	1.28373102	1.31492568

ies.

2019-20 Citywide Sales Tax Revenue	7,547,000	001-0000-3
2019-20 Citywide Prop. 172 Public Safety	560,900	155-0000-3

Woodwin Consulting Group, Inc.; Leland Model

12	13	14	15
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0

\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0

\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0

\$0	\$0	\$0	\$0
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\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0

68,400	68,400	68,400	68,400
\$36,854,190	\$37,753,432	\$36,790,720	\$38,247,632
\$9,213,547	\$9,438,358	\$9,197,680	\$9,561,908

\$9,213,547	\$9,438,358	\$9,197,680	\$9,561,908
\$184,271	\$188,767	\$183,954	\$191,238
\$18,326	\$18,773	\$18,294	\$19,019
\$47,380	\$48,536	\$47,298	\$49,171
\$155,217	\$159,004	\$154,950	\$161,086

\$6,848	\$7,015	\$6,836	\$7,106
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2.4%	2.4%	-2.6%	4.0%
1.34700987	1.37987691	1.34469005	1.39793977

03.0500
03.0510

Table 8: Municipal Services Tax

	Average Lot Size (Sq Ft)	Base Tax	Lot Size Charge	Average Revenue Unit	total Revenue	Annual Revenues (Year)															
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Ownership																					
Small Affordable Units	2,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Medium Affordable Units	2,900	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Large Affordable Units	3,200	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Townhouse	3,600	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Small Market Rate Units	500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Medium Small Market Rate Units	5,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Medium Market Rate Units	6,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Large Market Rate Units	7,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Very Large Market Rate Units	8,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Senior Ownership (Age Restricted)																					
Senior Assisted Living Units	2,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Senior Continuing Care Retirement	3,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Senior Multi-Family	250	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Senior Single Family Attached	750	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Senior Single Family Detached	5,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Ownership																					
Low-Mod (Six-Plex)	2,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Low-Mod (Co-Operative)	2,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Low-Mod (Townhouses)	2,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Multi-Family																					
Apartments	1,500	\$23,320	\$285.12	\$89.88	\$23,728.32	\$23,728	\$23,728	\$25,173	\$25,929	\$26,706	\$27,508	\$28,333	\$29,183	\$30,058	\$30,960	\$31,889	\$32,846	\$33,831	\$34,846	\$35,891	
Other Residential																					
Co-Housing	2,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Student Apartments	1,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Land Development (Apex)	1,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Work-Live	1,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Low Income MF not for Profit	1,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Village Apartments	1,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	1,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
SUB TOTAL ALRESIDENTIAL UNITS		\$23,443.20	\$285.12	\$90.00	\$23,728.32	#####	\$23,728.32	\$25,173.37	\$25,929.68	\$26,706.43	\$27,507.63	\$28,332.86	\$29,182.84	\$30,068.33	\$30,960.08	\$31,888.88	\$32,846.54	\$33,830.91	\$34,846.84	\$35,891.21	
Average Lot Size (Sq Ft)		Base Tax	Lot Size Charge	Average Revenue Per Sq Ft	total Revenue																
Non Residential	51,200	\$15,857.86	\$393.98	\$0.12	\$16,251.8	\$8,126	\$0	\$17,242.2	\$17,759	\$18,292	\$18,840	\$19,406	\$19,988	\$20,587	\$21,205	\$21,841	\$22,496	\$23,171	\$23,866	\$24,582	
Retail	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Office	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Senior Care Facility	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Industrial	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Sales Office (Property Tax Exempt)	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Restaurant	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Athletic Club	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Community Recreation Building	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Institutional Meeting House	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Hotel	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Other	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
SUB TOTAL NONRESIDENTIAL SQUARE	547,200	\$15,858	\$394	\$0.12	\$16,252	\$8,126	\$0	\$17,242	\$17,759	\$18,292	\$18,840	\$19,406	\$19,988	\$20,587	\$21,205	\$21,841	\$22,496	\$23,171	\$23,866	\$24,582	
COMMERCIAL SERVICES TAX		\$39,301	\$679	\$0	\$39,980	\$31,864	\$23,728	\$42,415	\$43,687	\$44,998	\$46,348	\$47,738	\$49,171	\$50,646	\$52,165	\$53,730	\$55,342	\$57,002	\$58,712	\$60,474	

Notes:

Base schedule:		
Residential Base Unit	\$88.80 per year	\$9.20 per year
Residential Lots	\$0.000726 per year	\$0.065520 per year
Commercial Base Unit	\$0.115926 per year	\$0.125988 per year
Commercial Lots	\$0.000726 per year	\$0.065520 per year

Annual Escalator 3.0% 3.0%

Voted in by City Council Pre Prop 13

Sources: City of Davis, Bay Area Economics, Goodwin Consulting Group, Inc.

Table 9: Parks Maintenance Tax

	Annual Revenues (Year)														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Ownership															
Small Affordable Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Medium Affordable Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Large Affordable Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Townhouse	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Small Market Rate Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Medium Small Market Rate Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Medium Market Rate Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Large Market Rate Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Very Large Market Rate Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Ownership (Age Restricted)															
Senior Assisted Living Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Continuing Care Retirement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Multi-Family	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Single Family Attached	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Single Family Detached	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ownership															
Low-Mod (Six-Plex)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Low-Mod (Co-Operative)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Low-Mod (Townhouses)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Multifamily															
Apartments	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195
Other Residential															
Co-Housing	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Student Apartments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Land Dedication (Apts.)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Work/Live	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Low Income MF not for Profit	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Village Apartments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUB TOTAL RESIDENTIAL UNITS	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195	\$13,195
Non Residential															
Retail	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400
Office	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600
Senior Care Facility	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Industrial	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Satellite School (Property Tax Exempt)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Restaurant	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Athletic Club	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Community Rec. Building	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Institutional Meeting house	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Hotel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUB TOTAL NONRESIDENTIAL SQ. FT.	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Total	\$15,195	\$15,499	\$15,809	\$16,125	\$16,447	\$16,776	\$17,112	\$17,454	\$17,803	\$18,159	\$18,522	\$18,893	\$19,271	\$19,656	\$20,049

Notes
Maintenance Tax Per Residential Unit **\$49.98** This now has an inflation rate current CPI

Maint. Tax Per 1,000 Sq. Ft. Commercial building (Max of 10.00) **\$41**
Fees are set at current rates
Sources City of Davis; Bay Area Economics; Goodwin Consulting Group, Inc.

Table 10: Public Safety Tax																							
Ownership	Average Lot Size (Sq Ft)	Base	Lot Size Charge	Average Revenue Per Unit	otal Revenue	Cumulative Absorption (Year)																	
		ax				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			
Small Affordable Units	2,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Medium Affordable Units	2,900	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Large Affordable Units	3,200	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Townhouse	3,600	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Small Market Rate Units	500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Medium Small Market Rate Units	5,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Medium Market Rate Units	6,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Large Market Rate Units	7,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Very Large Market Rate Units	8,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Multifamily																							
Apartments	1,500	\$19,515.2	\$218.59	\$7.51	\$19,670	\$19,670	\$20,260	\$20,868	\$21,9	\$22,139	\$22,803	\$23,87	\$2,192	\$2,918	\$25,665	\$26,35	\$27,228	\$28,05	\$28,886	\$29,753			
Other Residential																							
Co-Housing	2,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Student Apartments	1,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Land Dedication (Apts)	1,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Work-Live	1,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Low Income MF notfor Profit	1,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Village Apartments	1,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
	1,500	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
SUB TOTAL ALFREDDENIALUNITS					\$19,670	\$20,260	\$20,868	\$21,9	\$22,139	\$22,803	\$23,87	\$2,192	\$2,918	\$25,665	\$26,35	\$27,228	\$28,05	\$28,886	\$29,753				
Non Residential																							
				Revenue/Sq Ft																			
Retail	57,200	\$20,720.28	\$302.05	\$0.15	\$21,022.33	\$10,511	\$21,653	\$22,303	\$22,972	\$23,661	\$2,371	\$25,102	\$25,855	\$26,630	\$27,29	\$28,252	\$29,100	\$29,973	\$30,872	\$31,798			
Office	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Senior Care Facility	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Industrial	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Sales School (Property Tax Exempt)	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Restaurant	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Athletic Club	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Community Rec. Building	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Institutional Meeting house	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Hotel	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Other	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
SUB TOTAL NON RESIDENTIAL SQUAREFEET					\$10,511	\$21,653	\$22,303	\$22,972	\$23,661	\$2,371	\$25,102	\$25,855	\$26,630	\$27,29	\$28,252	\$29,100	\$29,973	\$30,872	\$31,798				
SUB TOTAL ALFREDDENIALSQUAREFEET					\$30,181	\$41,913	\$43,171	\$44,466	\$46,800	\$47,174	\$48,889	\$50,047	\$51,548	\$53,094	\$54,687	\$56,328	\$58,018	\$59,788	\$61,651				
TOTAL																							

Notes:

Base Rate Per Residential Unit: \$ 73.68
Rate Per Square Foot of Residential Lot Size: \$ 0.00055

Base Rate Per Commercial Square Foot: \$ 0.19
Rate Per Square Foot of Commercial Lot Size: \$ 0.00055

Annual Increase in Tax Rate: 3.0%
Voted in by City Council pre Prop 13

Sources: City of Davis, Bay Area Economics, Goodwin Consulting Group, Inc.

Year	Other Revenues
2010	10.0
2011	10.0
2012	10.0
2013	10.0
2014	10.0
2015	10.0
2016	10.0
2017	10.0
2018	10.0
2019	10.0
2020	10.0
2021	10.0
2022	10.0
2023	10.0
2024	10.0
2025	10.0
2026	10.0
2027	10.0
2028	10.0
2029	10.0
2030	10.0
2031	10.0
2032	10.0
2033	10.0
2034	10.0
2035	10.0
2036	10.0
2037	10.0
2038	10.0
2039	10.0
2040	10.0
2041	10.0
2042	10.0
2043	10.0
2044	10.0
2045	10.0
2046	10.0
2047	10.0
2048	10.0
2049	10.0
2050	10.0
2051	10.0
2052	10.0
2053	10.0
2054	10.0
2055	10.0
2056	10.0
2057	10.0
2058	10.0
2059	10.0
2060	10.0
2061	10.0
2062	10.0
2063	10.0
2064	10.0
2065	10.0
2066	10.0
2067	10.0
2068	10.0
2069	10.0
2070	10.0
2071	10.0
2072	10.0
2073	10.0
2074	10.0
2075	10.0
2076	10.0
2077	10.0
2078	10.0
2079	10.0
2080	10.0
2081	10.0
2082	10.0
2083	10.0
2084	10.0
2085	10.0
2086	10.0
2087	10.0
2088	10.0
2089	10.0
2090	10.0
2091	10.0
2092	10.0
2093	10.0
2094	10.0
2095	10.0
2096	10.0
2097	10.0
2098	10.0
2099	10.0
2100	10.0

[illegible]

Notes:

(1) Current average revenue per DUE is provided on a non-truncated basis only. The City's current estimated occupancy as generated primarily on hotel model estimates takes care of a uniformity as demand and a highway-related demand.

(2) Assumed average annual average rate increase of 0.5%.

(3) 2015-19 amount and AV per County Auditor's Office.

(*) Growth rate.

Source: City of Davis, 2020 Budget, General Services, California Department of Transportation, Davis County Nighttime Hotel Tax, and Review of Local Impact Analysis of 2020 Bay Area Economics, assumed model.

Table 12: Public Works Department Expenditures ^(a)

		19/20	Cumulative Absorption (Year)															
Transportation Division (Street Maintenance)		Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
General Fund Support - Pavement Maintenance		\$ 3,675,011																
Roadway Lane Miles in the City of Davis		357																
Average GF Pavement Maintenance Cost/ Per Lane Mile		\$10,654																
Estimated Average General & Gas Tax Funds Street Light Cost Per Lane Mile		\$1,697																
Net General Fund Roadway Maintenance Expense Per Mile		\$12,552																
Project Road Quantities		Lanes																
Two-Lane Arterial		4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Collector Street 1		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Collector Street 2		4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Residential Street (Connector to Collector)		4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Residential Lane		4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Residential Park Side Street		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Residential Linear Green Side Street		0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Linear Green Frontage / Live-Work Street		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Residential Half-Circle (One Way)		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Residential Connector Lanes		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Alley Commons		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Main Arterial Traffic Calming		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Collector Street Traffic Calming		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Residential Street Traffic Calming		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Residential Lane - Modified		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Residential Lane Side Street		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
0		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
0		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
0		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
0		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
0		2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Subtotal Road Miles			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Subtotal, Projected General Fund Roadway Maintenance Cost Increase			\$0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Total Project DUEs			466	518	518	518	518	518	518	518	518	518	518	518	518	518	518	
Public Works Department Overhead Cost Increases		19/20 Budget																
Public Works Department Overall																		
Total Expenditures		\$51,766,369																
Public Works Utilities																		
Total Expenditures		\$41,897,192																
General Fund Support		\$2,264,131																
Division GF Support as % of Total Dept. GF Expenditures		47.16%																
Assumed Percentage of Variable Costs		75%																
Variable Division GF Support as % of Total Dept. GF Expenditures		35.37%																
Variable Cost Per DUE		\$2.17																
Projected General Fund Administrative Division Increases			\$24,295	\$28,898	\$30,660	\$32,63	\$33,642	\$35,122	\$36,457	\$37,806	\$38,751	\$40,107	\$41,190	\$42,591	\$44,082	\$45,492	\$46,629	
Total DUEs in Davis		32,552																
Engineering Division																		
Total Expenditures		\$9,326,225																
General Fund Support		\$2,537,107																
Division GF Support as % of Total Dept. GF Expenditures		52.84%																
Assumed Percentage of Variable Costs		75%																
Variable Division GF Support as % of Total Dept. GF Expenditures		39.63%																
Projected General Fund Engineering Division Increases			\$27,224	\$32,382	\$34,357	\$36,040	\$37,698	\$39,357	\$40,853	\$42,364	\$43,423	\$44,943	\$46,157	\$47,726	\$49,396	\$50,977	\$52,251	
Variable Cost Per DUE		58.45																
Total Public Works Department Expenditures			\$51,518	\$61,279	\$65,017	\$68,203	\$71,341	\$74,480	\$77,310	\$80,170	\$82,174	\$85,051	\$87,347	\$90,317	\$93,478	\$96,469	\$98,881	
Note		Operating Expenses & Interdepartmental Charges +	37,448,852															
(a) Department cost less Asset Management Division. Those costs are captured separately.		Salaries and Expenses	14,317,517															
			51,766,369															
		Pct. Of Dept.																
Assumed average annual increase in PW non-personnel costs		3.0%	72.3%	1	1.0172	1.034696	1.052596	1.070806	1.089438	1.1083942	1.1276803	1.1474147	1.1674945	1.1880424	1.2089519	1.2303504	1.2521276	1.2742902
Assumed average annual increase in PW personnel costs		5.0%	27.7%	1	1.0453	1.09098	1.137892	1.182838	1.2183236	1.2686404	1.3060953	1.264663	1.3028558	1.3402478	1.3202781	1.3473438	1.3749643	1.4031511
Assumed overall average annual increase in PW costs		3.6%																

Table 13 Community Development and Sustainability Department Expenditures

	19/20	Cumulative Absorption (Year)														
	Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Net General Fund Expenditures	\$3,171,085															
Total DUEs in Davis	33,603															
Average Cost Per DUE	\$94.37															
Assumed Percent of GF Expenditures Variable	75%															
Variable Costs Per DUE	\$70.78															
Total Project DUEs		466	518	518	518	518	518	518	518	518	518	518	518	518	518	518
Non-Personnel Costs		\$6,877	\$7,776	\$7,910	\$8,047	\$8,186	\$8,328	\$8,473	\$8,621	\$8,771	\$8,925	\$9,082	\$9,242	\$9,405	\$9,572	\$9,741
Personnel costs		\$26,085	\$30,311	\$31,636	\$32,996	\$34,300	\$35,329	\$36,788	\$37,873	\$38,672	\$37,780	\$38,864	\$38,285	\$39,070	\$39,871	\$40,688
Total Community Development Department General Fund Expenditures		\$32,962	\$38,087	\$39,546	\$41,043	\$42,485	\$43,657	\$45,261	\$46,494	\$45,444	\$46,705	\$47,946	\$47,527	\$48,475	\$49,443	\$50,430
Note:		Pct. Of Dept.														
Percentage of costs from the general fund for non-personnel costs		20.9%	\$	14.77									1,177,828			
Percentage of costs from the general fund for personnel costs		79.1%	\$	56.01									4,467,816			
													5,645,644			
Per Leland model annual increase in non-personnel costs		1	1.0172	1.03469584	1.0526	1.0708	1.0894	1.1084	1.1277	1.1474	1.1675	1.188	1.208951906	1.2304	1.252128	1.27429
Per Leland model annual increase in personnel costs		1	1.0453	1.09097961	1.1379	1.1828	1.2183	1.2686	1.3061	1.2647	1.3029	1.3402	1.32027809	1.3473	1.374964	1.403151
Sources: City of Davis FY 2019-20 Adopted Budget; Assumption based for Leland Model																

Table 14 Community Services Expenditures

	19/20	Cumulative Absorption (Year)														
	Costs	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Per DUE CS General Fund Costs																
Aquatics (Div 25)	\$1,242,979															
Community Services (Div 47)	\$4,668,064															
Sub-total Per DUE CS Costs	\$5,911,043															
Current City Resident DUEs	26,425															
Current City Employment DUEs	7,179															
Employment DUE Reduction Factor	0.36															
Adjusted Citywide Employment DUEs	2,584															
Total Adjusted Citywide DUEs	29,009															
Estimated General Fund Per Adjusted DUE costs	\$ 203.77															
Assumed Percent of GF Expenditures Variable	75%															
Variable Costs Per DUE	\$ 152.82															
Project Residential DUEs	414	414	414	414	414	414	414	414	414	414	414	414	414	414	414	414
Project Employment DUEs	104	52	104	104	104	104	104	104	104	104	104	104	104	104	104	104
Employment DUE Reduction Factor	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36
Adjusted Project Employment DUEs	37.44	19	37	37	37	37	37	37	37	37	37	37	37	37	37	37
Total Adjusted Project DUEs	451	432	451	451	451	451	451	451	451	451	451	451	451	451	451	451
Non-personnel Cost		\$20,889	\$22,168	\$22,550	\$22,940	\$23,336	\$23,743	\$24,156	\$24,576	\$25,006	\$25,444	\$25,891	\$26,347	\$26,814	\$27,288	\$27,771
Personnel Cost		\$45,199	\$49,291	\$51,445	\$53,658	\$55,777	\$57,450	\$59,823	\$61,588	\$59,635	\$61,436	\$63,200	\$62,258	\$63,534	\$64,837	\$66,166
Total Community Services Expenditures		\$66,088	\$71,460	\$73,995	\$76,597	\$79,114	\$81,193	\$83,979	\$86,164	\$84,642	\$86,880	\$89,091	\$88,605	\$90,348	\$92,125	\$93,937

Notes:

	Pct. Of Dept.			Operating Expenses & Interdepartmental Char	2,071,141
Percentage of costs from the general fund for non-personnel costs	31.6%	\$	48.30	Salaries and Expenses	4,481,411
Percentage of costs from the general fund for personnel costs	68.4%	\$	104.52		6,552,552

Per Leland model annual increase in non-personnel costs	1	1.0172	1.03469584	1.052596078	1.07080599	1.089438014	1.108394236	1.127680296	1.147414701	1.167494458	1.18804236	1.208951906	1.230350355	1.252127556	1.274290214
Per Leland model annual increase in personnel costs	1	1.0453	1.09097961	1.137891733	1.182838457	1.21832361	1.268640376	1.306065267	1.264662998	1.30285582	1.340247782	1.32027809	1.347343791	1.374964339	1.403151108

Sources: City of Davis FY 2019-20 Adopted Budget; Assumption based form Leland Model

Table 15 Asset Management Expenditures

	19/20	Cumulative Absorption (Year)														
Park and Open Space Maintenance	Costs	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Park	\$11,274 /ac.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Mini-Park	\$11,274 /ac.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Greenbelts	\$6,725 /ac.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Linear Green	\$7,428 /ac.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Habitat	\$876 /ac.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Urban Forestry	\$55 /tree	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sub-total Park and Park Maintenance		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Asset Management General Fund Costs	\$7,314,455															
Current City Resident DUEs	26,425															
Current City Employment DUEs	7,179															
Employment DUE Reduction Factor	0.36															
Adjusted Citywide Employment DUEs	2,584															
Total Adjusted Citywide DUEs	29,009															
Estimated General Fund Per Adjusted DUE costs	\$ 252.14 \$ 189.11															
Project Residential DUEs	414	414	414	414	414	414	414	414	414	414	414	414	414	414	414	414
Project Employment DUEs	104	52	104	104	104	104	104	104	104	104	104	104	104	104	104	104
Employment DUE Reduction Factor	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36
Adjusted Project Employment DUEs	37.44	19	37	37	37	37	37	37	37	37	37	37	37	37	37	37
Total Adjusted Project DUEs	451	432	451	451	451	451	451	451	451	451	451	451	451	451	451	451
Non-Personnel Costs		\$50,229	\$53,305	\$54,221	\$55,159	\$56,114	\$57,090	\$58,083	\$59,094	\$60,128	\$61,180	\$62,257	\$63,353	\$64,474	\$65,616	\$66,777
Personnel costs		\$31,550	\$34,406	\$35,910	\$37,454	\$38,934	\$40,102	\$41,758	\$42,990	\$41,627	\$42,884	\$44,115	\$43,457	\$44,348	\$45,257	\$46,185
Total Asset Management Expenditures		\$81,778	\$87,711	\$90,131	\$92,613	\$95,047	\$97,192	\$99,841	\$102,084	\$101,755	\$104,064	\$106,372	\$106,810	\$108,823	\$110,873	\$112,962
Notes:																
	Pct. Of Dept.															
Percentage of costs from the general fund for non-personnel costs	61.4%	\$ 116.15														
Percentage of costs from the general fund for personnel costs	38.6%	\$ 72.96														
Operating Expenses & Interdepartmental Charges +		6,555,324														
Salaries and Expenses		4,117,508														
		10,672,832														
Per Leland model annual increase in non-personnel costs		1	1.0172	1.03469584	1.05259608	1.07080599	1.089438014	1.108394236	1.127680296	1.147414701	1.167494458	1.18804236	1.208951906	1.230350355	1.252127556	1.274290214
Per Leland model annual increase in personnel costs		1	1.0453	1.09097961	1.13789173	1.18283846	1.21832361	1.268640376	1.306065267	1.264662998	1.30285582	1.340247782	1.32027809	1.347343791	1.374964339	1.403151108
Sources: City of Davis FY 2019-20 Adopted Budget																

Table 16: Police Department Expenditures

		Cumulative Absorption (Year)														
Police Department Expenditures	19/20 Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Net General Fund Expense + Public Safety Tax and Prop. 172	#####															
Total Current DUEs (Non-Adjusted) (a)	33,603															
Variable cost	75%															
Current Average Cost Per DUE	\$445															
Project DUEs (Non-Adjusted)	518	466	518	518	518	518	518	518	518	518	518	518	518	518	518	518
Projected Non Personnel Costs		\$22,192	\$33,477	\$34,053	\$34,642	\$35,241	\$35,855	\$36,478	\$37,113	\$37,763	\$38,424	\$39,100	\$39,788	\$40,492	\$41,209	\$41,938
Projected Personnel Costs		\$133,301	\$154,898	\$161,667	\$168,618	\$175,279	\$180,537	\$187,993	\$193,539	\$187,404	\$193,064	\$198,604	\$195,645	\$199,656	\$203,749	\$207,926
Estimated Police Department Expenditures		\$155,493	\$188,375	\$195,720	\$203,260	\$210,520	\$216,392	\$224,472	\$230,652	\$225,167	\$231,487	\$237,704	\$235,433	\$240,148	\$244,958	\$249,864

Notes

	Pct. Of Dept.															
Percentage of costs from the general fund for non-personnel	14.3%	3,031,831	\$	63.53												
Percentage of costs from the general fund for personnel cos	85.7%	#####	\$	381.63												
		#####														
Per Leland model annual increase in non-personnel costs		1	1.0172	1.03469584	1.05259608	1.07080599	1.08943801	1.10839424	1.1276803	1.1474147	1.16749446	1.18804236	1.20895191	1.23035035	1.25212756	1.27429021
Per Leland model annual increase in personnel costs		1	1.0453	1.09097961	1.13789173	1.18283846	1.21832361	1.26864038	1.30606527	1.264663	1.30285582	1.34024778	1.32027809	1.34734379	1.37496434	1.40315111
Sources	City of Davis FY 2019-20 Adopted Budget															

Table 17: Fire Department Expenditures

	19/20 Budget	Cumulative Absorption (Year)														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Fire Department Expenditures																
Net General Fund Expenditure + Public Safety Tax and Prop. 172	\$11,215,787															
Plus Cost of Additional Fire Station	\$0															
Total Fire Dept. GF Cost	\$11,215,787															
Variable cost	75%															
Total Current DUEs	33,603															
Average Cost Per DUE	\$250															
		466	518	518	518	518	518	518	518	518	518	518	518	518	518	518
Projected Non Personnel Costs		\$ 17,584	\$ 19,883	\$ 20,225	\$ 20,575	\$ 20,931	\$ 21,295	\$ 21,666	\$ 22,043	\$ 22,428	\$ 22,821	\$ 23,222	\$ 23,631	\$ 24,049	\$ 24,475	\$ 24,908
Projected Personnel Costs		\$ 98,999	\$ 115,038	\$ 120,066	\$ 125,228	\$ 130,176	\$ 134,080	\$ 139,618	\$ 143,736	\$ 139,180	\$ 143,383	\$ 147,498	\$ 145,301	\$ 148,279	\$ 151,319	\$ 154,421
Cost Allocation to Project		\$ 116,583	\$ 134,921	\$ 140,291	\$ 145,803	\$ 151,106	\$ 155,375	\$ 161,283	\$ 165,779	\$ 161,608	\$ 166,204	\$ 170,721	\$ 168,932	\$ 172,329	\$ 175,794	\$ 179,329
Note																
	Pct. Of Dept.															
Percentage of costs from the general fund for non-personnel costs	15.1%	1,959,518	\$37.76													
Percentage of costs from the general fund for personnel costs	84.9%	11,032,523	\$212.57													
		12,992,041														
Per Leland model annual increase in non-personnel costs		1	1.0172	1.03469584	1.052596078	1.07080599	1.089438014	1.108394236	1.127680296	1.147414701	1.167494458	1.18804236	1.208951906	1.230350355	1.252127556	1.274290214
Per Leland model annual increase in personnel costs		1	1.0453	1.09097961	1.137891733	1.182838457	1.21832361	1.268640376	1.306065267	1.264662998	1.30285582	1.340247782	1.32027809	1.347343791	1.374964339	1.403151108
Sources City of Davis FY 2019-20 Adopted Budget																

Table 18: General Government Expenditures

	19/20 Budget	Cumulative Absorption (Year)														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
City Council	\$239,105															
City Attorney	\$170,217															
City Manager's Office	\$4,129,762															
ASD Department	\$3,329,348															
Sub Total General Government General Fund Expenditures	\$7,868,432															
Resident DUEs	26,425	414	414	414	414	414	414	414	414	414	414	414	414	414	414	414
Employee DUEs	7,179	52	104	104	104	104	104	104	104	104	104	104	104	104	104	104
Employee DUE reduction factor Employee DUEs equal 0.36 residential DUEs																
Adjusted Employee DUEs	2,584	19	37	37	37	37	37	37	37	37	37	37	37	37	37	37
Total Adjusted DUEs	29,009															
Average Cost Per Adjusted DUE	\$271															
Percent Affected by Growth	75%															
Total Growth-Related Cost Per Adjusted DUE	\$203															
Project Residential DUEs	414															
Project Employee DUES	104															
Adjusted Project Employee DUES	37															
Total Adjusted Project DUES	451	432	451	451	451	451	451	451	451	451	451	451	451	451	451	451
Projected Non Personnel Costs		\$ 64,185	\$ 68,115	\$ 69,287	\$ 70,486	\$ 71,705	\$ 72,953	\$ 74,222	\$ 75,513	\$ 76,835	\$ 78,180	\$ 79,556	\$ 80,956	\$ 82,389	\$ 83,847	\$ 85,331
Projected Personnel Costs		\$ 23,787	\$ 25,941	\$ 27,075	\$ 28,239	\$ 29,354	\$ 30,235	\$ 31,484	\$ 32,412	\$ 31,385	\$ 32,333	\$ 33,261	\$ 32,765	\$ 33,437	\$ 34,122	\$ 34,822
Total General Government Expenditure		\$87,972	\$94,056	\$96,362	\$98,724	\$101,059	\$103,188	\$105,706	\$107,926	\$108,220	\$110,512	\$112,816	\$113,721	\$115,825	\$117,969	\$120,153

Notes:

	Pct. Of Dept.	
Percentage of costs from the general fund for non-personnel costs	73.0%	\$ 148.42
Percentage of costs from the general fund for personnel costs	27.0%	\$ 55.01
Per Leland model annual increase in non-personnel costs	1	1.0172 1.03469584 1.052596078 1.07080599 1.089438014 1.108394236 1.127680296 1.147414701 1.167494458 1.18804236 1.208951906 1.230350355 1.252127556 1.274290214
Per Leland model annual increase in personnel costs	1	1.0453 1.09097961 1.137891733 1.182838457 1.21832361 1.268640376 1.306065267 1.264662998 1.30285582 1.340247782 1.32027809 1.347343791 1.374964339 1.403151108

	City Attorney	City Council	CMO	ASD	total
Operating Expenses & Interdepartmental Charges +	320,217	47,645	2,476,364	16,201,336	19,045,562
Salaries and Expenses		191,460	2,628,754	4,238,095	7,058,309
	320,217	239,105	5,105,118	20,439,431	26,103,871

Sources City of Davis FY 2019-20 Adopted Budget

Table 19 Summary of Fiscal Impacts for City of Davis

Project		University Common												
Development Impact Fees														
Type	Roadways		Storm Sewer		Open Space		Parks		Public Safety		General Facilities		Total	
Multi-family	\$	1,179,618	\$	22,440	\$	167,706	\$	974,028	\$	196,086	\$	443,388	\$	2,983,266
Commercial	\$	937,167	\$	5,464	\$	5,834	\$	33,803	\$	49,917	\$	42,971	\$	1,075,156
	\$	2,116,785	\$	27,904	\$	173,540	\$	1,007,831	\$	246,003	\$	486,359	\$	4,058,422
Permitting Fees and Construction Tax														
Type	Building Permits		Public Works Permits		Construction Tax		Community Enhancement		Total					
Multi-family	\$	932,332	\$	64,512	\$	1,555,125	\$	452,648	\$ 3,004,617					
Commercial	\$	937,167	\$	5,464	\$	183,561			\$ 1,126,192					
	\$	1,869,499	\$	69,976	\$	1,738,686	\$	452,648	\$ 4,130,808					
Charges from other Agencies														
School Impact Fee	\$	1,246,888												
FSA (County Fees)	\$	862,673												

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Table 20 Summary of Fiscal Impacts for City of Davis

Project University Common

	Cumulative Absorption (Year)														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Revenues															
Property Taxes	\$336,011	\$402,012	\$410,052	\$418,253	\$426,618	\$435,150	\$443,853	\$452,730	\$461,785	\$471,021	\$480,441	\$490,050	\$499,851	\$509,848	\$520,045
Sales and Use Taxes Student Spending	\$49,198	\$51,097	\$53,075	\$55,129	\$56,441	\$57,790	\$56,287	\$58,488	\$60,775	\$63,157	\$64,692	\$66,270	\$67,887	\$66,156	\$68,776
Sales and Use Taxes Commercial Retail	\$40,028	\$119,679	\$124,310	\$129,121	\$132,194	\$135,354	\$131,834	\$136,989	\$142,345	\$147,925	\$151,520	\$155,217	\$159,004	\$154,950	\$161,086
Prop. 172 Public Safety Sales Tax Student	\$1,663	\$1,727	\$1,794	\$1,863	\$1,908	\$1,953	\$1,902	\$1,977	\$2,054	\$2,135	\$2,187	\$2,240	\$2,295	\$2,236	\$2,325
Prop. 172 Public Safety Sales Tax Commercial	\$2,542	\$5,280	\$5,484	\$5,696	\$5,832	\$5,971	\$5,816	\$6,043	\$6,280	\$6,526	\$6,684	\$6,848	\$7,015	\$6,836	\$7,106
Municipal Service Tax	\$31,854	\$23,728	\$42,415	\$43,687	\$44,998	\$46,348	\$47,738	\$49,171	\$50,646	\$52,165	\$53,730	\$55,342	\$57,002	\$58,712	\$60,474
Parks Maintenance Tax	\$15,195	\$15,499	\$15,809	\$16,125	\$16,447	\$16,776	\$17,112	\$17,454	\$17,803	\$18,159	\$18,522	\$18,893	\$19,271	\$19,656	\$20,049
Public Safety Tax	\$30,181	\$41,913	\$43,171	\$44,466	\$45,800	\$47,174	\$48,589	\$50,047	\$51,548	\$53,094	\$54,687	\$56,328	\$58,018	\$59,758	\$61,551
Transient Occupancy Tax	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Business License Tax	\$9,249	\$17,929	\$18,414	\$18,783	\$19,158	\$18,820	\$18,755	\$19,262	\$19,783	\$20,317	\$20,724	\$21,138	\$21,561	\$21,486	\$21,916
Franchise Fees	\$16,691	\$18,926	\$19,304	\$19,690	\$20,084	\$20,486	\$20,895	\$21,313	\$21,740	\$22,174	\$22,618	\$23,070	\$23,532	\$24,002	\$24,482
Property Tax In-Lieu of Vehicle License Fees	\$119,750	\$143,272	\$146,137	\$149,060	\$152,041	\$155,082	\$158,184	\$161,347	\$164,574	\$167,866	\$171,223	\$174,648	\$178,141	\$181,703	\$185,337
Gas Tax Revenues	\$14,733	\$15,027	\$15,328	\$15,634	\$15,947	\$16,266	\$16,591	\$16,923	\$17,262	\$17,607	\$17,959	\$18,318	\$18,685	\$19,058	\$19,439
Community Services Revenues	\$31,292	\$35,482	\$36,191	\$36,915	\$37,653	\$38,406	\$39,175	\$39,958	\$40,757	\$41,572	\$42,404	\$43,252	\$44,117	\$44,999	\$45,899
Other Charges for Service Revenues	\$47,750	\$54,143	\$55,225	\$56,330	\$57,457	\$58,606	\$59,778	\$60,973	\$62,193	\$63,437	\$64,705	\$66,000	\$67,320	\$68,666	\$70,039
Fines and Forfeitures	\$8,977	\$10,179	\$10,383	\$10,591	\$10,802	\$11,018	\$11,239	\$11,464	\$11,693	\$11,927	\$12,165	\$12,409	\$12,657	\$12,910	\$13,168
Sub-Total Revenues	\$755,114	\$955,892	\$997,092	\$1,021,343	\$1,043,380	\$1,065,200	\$1,077,749	\$1,104,139	\$1,131,237	\$1,159,083	\$1,184,262	\$1,210,021	\$1,236,353	\$1,250,977	\$1,281,693
Percentage change from prior year		21.00%	4.13%	2.37%	2.11%	2.05%	1.16%	2.39%	2.40%	2.13%	2.13%	2.13%	1.17%	2.40%	
Expenditures															
Public Works	\$51,518	\$61,279	\$65,017	\$68,203	\$71,341	\$74,480	\$77,310	\$80,170	\$82,174	\$85,051	\$87,347	\$90,317	\$93,478	\$96,469	\$98,881
Community Development	\$32,962	\$38,087	\$39,546	\$41,043	\$42,485	\$43,657	\$45,261	\$46,494	\$45,444	\$46,705	\$47,946	\$47,527	\$48,475	\$49,443	\$50,430
Community Services	\$66,088	\$71,460	\$73,995	\$76,597	\$79,114	\$81,193	\$83,979	\$86,164	\$84,642	\$86,880	\$89,091	\$88,605	\$90,348	\$92,125	\$93,937
Parks and General Services	\$81,778	\$87,711	\$90,131	\$92,613	\$95,047	\$97,192	\$99,841	\$102,084	\$101,755	\$104,064	\$106,372	\$106,810	\$108,823	\$110,873	\$112,962
Police	\$155,493	\$188,375	\$195,720	\$203,260	\$210,520	\$216,392	\$224,472	\$230,652	\$225,167	\$231,487	\$237,704	\$235,433	\$240,148	\$244,958	\$249,864
Fire	\$116,583	\$134,921	\$140,291	\$145,803	\$151,106	\$155,375	\$161,283	\$165,779	\$161,608	\$166,204	\$170,721	\$168,932	\$172,329	\$175,794	\$179,329
General Government	\$87,972	\$94,056	\$96,362	\$98,724	\$101,059	\$103,188	\$105,706	\$107,926	\$108,220	\$110,512	\$112,816	\$113,721	\$115,825	\$117,969	\$120,153
Sub-Total Expenditures	\$592,395	\$675,890	\$701,061	\$726,245	\$750,672	\$771,475	\$797,851	\$819,268	\$809,010	\$830,903	\$851,997	\$851,345	\$869,426	\$887,631	\$905,556
Percentage change from prior year		12.35%	3.59%	3.47%	3.25%	2.70%	3.31%	2.61%	-1.27%	2.63%	2.48%	-0.08%	2.08%	2.05%	1.98%
NET GENERAL FUND BALANCE	\$162,719	\$280,002	\$296,031	\$295,098	\$292,708	\$293,725	\$279,898	\$284,871	\$322,227	\$328,179	\$332,264	\$358,677	\$366,927	\$363,347	\$376,137
Present Value		\$274,512	\$284,536	\$278,078	\$270,417	\$266,036	\$248,541	\$247,998	\$275,018	\$274,606	\$272,572	\$288,470	\$289,320	\$280,879	\$285,065
Cumulative Total		\$442,721	\$738,752	\$1,033,851	\$1,326,559	\$1,620,284	\$1,900,182	\$2,185,053	\$2,507,280	\$2,835,459	\$3,167,724	\$3,526,400	\$3,893,328	\$4,256,674	\$4,632,811
Cumulative Total	\$4,632,811														
Net Present Value	\$3,998,766														

Source: City of Davis; Leland Model assumes a 2% inflation

Net Present Value is based on the Leland model of 2% inflation rate

ATTACHMENT 9

University Commons Project General Plan Policy Consistency Analysis

LAND USE – Applicable General Plan Principles and Policies

Applicable Principles	Project Consistency
Principle 1. Provide land use and zoning categories to generally reflect existing densities and to allow for a broad range of housing types, configurations and densities.	The project includes a new Mixed Use land use category that allows a mix of retail, office, and residential uses. It increases the range of possible housing types and allows for higher intensity residential in a mixed use environment or vertical mixed building. It does not set specific housing density or intensity which would be established in the site's zoning. The proposed University Commons Project with 264 units would have a density of 32 units/acre and is within the range of other apartment projects in the area.
Principle 2. Focus growth inward to accommodate population increases. Infill development is supported as an appropriate means of meeting some of the city's housing needs.	The project is infill development and would redevelop an underutilized commercial site to add housing and retail square footage.
Principle 3. Create and maintain housing patterns that promote energy conserving transportation methods.	The project provides housing for university students and employees on a site adjacent to the university campus and with retail uses. The project provides convenient shopping and services, proximity to employment and the university, and reduces the need for vehicle usage and ownership.
Principle 4. Accommodate new buildings with floor area ratios that can support transit use, especially within ¼ mile from commercial areas and transit stops, but maintain scale transition and retain enough older buildings to retain small-city character.	The project includes high intensity, multi-family housing located on a transit corridor with on-site commercial uses. Proposed buildings vary in height from 1 and 2 story standalone buildings and main 7-level building. Nearby apartment buildings range in height from 2 to 7 stories.
Principle 5. Support the opportunity for efficient public transit by siting large apartment complexes on arterial streets, in the core and near neighborhood centers and the University.	The project site fronts on three arterial streets adjacent to the university campus. Numerous existing transit lines serve the site.

<p>Principle 6. Site local services, retail and recreation strategically to minimize the lengths of trips and to facilitate walking, bicycling and transit use as alternatives to auto use.</p>	<p>The site is an existing commercial center and the project will continue to provide neighborhood and community-serving retail to serve the on-site and neighboring residents and community at large.</p>
<p>Principle 7. All neighborhoods, both new and existing, should include a centrally located hub or activity node within walking distance of housing in the neighborhood, as illustrated in Figures 9 and 10. Transit stops, neighborhood commercial uses and activity centers should be in this hub. Hubs should be designed to support transit, pedestrian and bicycle travel, and to serve neighborhood needs.</p>	<p>The site is an existing commercial center for the neighborhood and community. The project which reinvests in the site to reinvigorate the center so that it may continue to serve as a neighborhood hub. The site is well-served with pedestrian, bicycle, and transit access.</p>
<p>Principle 9. Designate neighborhood shopping centers and, where feasible, create a neighborhood activity center in each neighborhood area.</p>	<p>The site is an existing commercial center for the neighborhood. The project which reinvests in the site to reinvigorate the center so that it may continue to serve as a neighborhood center.</p>
<p>Principle 11. Protect residences and other sensitive uses from noise, air pollution and traffic related impacts.</p>	<p>Project impacts related to noise, air quality, and transportation have been evaluated the EIR and feasible mitigation measures incorporated to reduce impacts to a less than significant level. It should be noted that the significant and unavoidable transportation-related impacts are either cumulative traffic impacts that would occur with or without the project or impacts related to additional bicycle and pedestrian traffic from the project on adjacent facilities under university jurisdiction.</p>
<p>Principle 18. Focus community-serving retail shopping uses in the Core Area and to a limited extent in areas designated Neighborhood Retail and General Commercial. General Commercial areas are intended to provide for primarily commercial service uses and may allow moderate size community retail stores subject to discretionary review.</p>	<p>The site is an existing neighborhood and community-serving center and will continue as such.</p>

Applicable Policies	Project Consistency
Policy LU A.1 In infill projects, respect setback requirements, preserve existing greenbelts and greenstreets, and respect existing uses and privacy on adjacent parcels.	The project site is surrounded by arterial streets on three sides and a large apartment on the north side. It provides a 20-foot setback on the north side and is further separated from adjacent apartment buildings by parking, drive aisle, and landscape areas on that site.
Policy LU A.3 Require a mix of housing types, densities, prices and rents, and designs in each new development area.	The project provides new housing to the area and adds to the residential mix with a vertical mixed use development, which currently does not exist in the area.
Goal LU 1 Maintain Davis as a small, University-oriented city surrounded by and containing farmland, greenbelt, and natural habitats and reserves.	The project provides University-oriented housing convenient for students and employees and neighborhood and community-serving retail on an underutilized infill site that helps to reduce the pressure for peripheral growth.
Action LU 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, environmental resources, economic factors, DJUSD school enrollment and sustainability. Such a system shall pursue programs and partnerships which will allow the City to target residential development to meet identified needs (e.g., University students and staff, faculty housing, senior housing, housing for low and very low incomes, school district staff, City employees).	<p>The project is a vertical mixed use project which is exempt from city growth management policies related to the 1% growth cap guideline (Resolution #11-077) and the phased allocation requirements (Municipal Code Section 18.01).</p> <p>Resolution #11-077 also identifies general targets for a mix of city housing types and identifies a range of 30%-40% for multi-family rental types. With the proposed 264 units in the University Commons Project, the multi-family share would increase from approximately 41.5% to 42.1% and would be slightly above the high target range.</p> <p>The project provides needed housing for targeted for university students and staff.</p>
Goal LU 2 Define the types, locations, pace, and intensity of infill development consistent with neighborhood, agricultural and open space preservation policies.	The project redevelops an underutilized commercial infill site and implements infill standards (1) and (5). The project adds high intensity housing as a vertical mixed use development on an existing commercially zoned site located along a transit corridor.

<p>Standard LU 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 non-residential 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>The residential uses support the increased commercial development and transit use and provide convenient pedestrian and bicycle access to services, employment, and the university campus.</p> <p>With a site adjacent to the university, the proposed housing would be oriented for university students and staff.</p>
<p>Goal LU 3. Integrate land use, economic development, environmental, and transportation planning</p>	<p>The project integrates and implements best practices related to land use, economic development, environmental and transportation planning as a mixed use infill development. It provides multi-family housing and additional commercial square footage to revitalize an underutilized and aging shopping center. It is located on a transit corridor adjacent to the university campus and provides convenient access to housing, shopping, services, and employment in close proximity to help reduce vehicle usage. It replaces inefficient and outdated buildings with new construction that meet or exceed the City's high requirements for</p>

	building construction, energy efficiency, and sustainability.
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HOUSING – Applicable General Plan Policies

Applicable Policies	Project Consistency
<p>Goal HOUSING 1. Promote an adequate supply of housing for people of all ages, income, lifestyles and types of households consistent with General Plan policies and goals.</p> <p>Policy HOUSING 1.1. Encourage a variety of housing types that meet the housing needs of an economically and socially diverse Davis.</p> <p>Policy HOUSING 1.2. Strive to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students.</p>	<p>The project contributes to the City’s supply of housing with new multi-family housing focused on university students and employees, but is not limited to them. Units consist of 1, 2, 3, and 4-bedroom units for a ranges of unit types with the final mix to be determined as part of final design plans.</p>
<p>Policy HOUSING 1.3 Encourage the construction of housing to meet the needs of single persons and households with children with extremely low, very low, and low incomes.</p>	<p>The project is exempt from the City’s affordable housing requirements and does not provides any dedicated affordable units. The project’s housing is focused on university students and employees, but is not limited to them and includes a mix of unit types. Although it is exempt from affordable requirements, the project has committed to contributing \$600,000 to facilitate the development of affordable housing in the city.</p>
<p>Policy HOUSING 1.4. Encourage a variety of housing types and care choices for disabled persons.</p>	<p>The project units are all single level and served by elevators and the project will comply with applicable accessibility requirements.</p>
<p>Goal HOUSING 2. Provide housing that is affordable for residents with low paying jobs, fixed incomes and pensions</p>	<p>Although the project is exempt from the City’s affordable housing requirements, it has committed to contributing \$600,000 to facilitate the development of affordable housing in the city. The project’s housing is focused on university students and</p>

	employees, but is not limited to them and includes a mix of unit types.
GOAL HOUSING 4. Disperse affordable and rental housing fairly throughout the City.	The project would add rental housing in an area that already contains numerous student-oriented and university-related apartments. However, it is an ideal site for the infill development and university-oriented housing to help meet housing needs and helps to reduce the pressure in other areas of the city for student housing.
Policy HOUSING 4.2 Provide housing opportunities for the local workforce in the Davis area.	The project's housing is focused on university students and employees, but is not limited to them. The mix of unit types includes 1 and 2-bedroom units which may be attractive to non-students.
Policy HOUSING 6.1 Encourage the use of energy-efficient materials and technology in new construction.	The project will meet or exceed the City's building requirements for new construction related to energy efficiency and sustainability.

NOISE - Applicable General Plan Policies

Applicable Policies	Project Consistency
<p>Policy NOISE 1.1 Minimize vehicular and stationary noise sources, and noise emanating from temporary activities.</p> <p>Standard NOISE 1.1c New development and changes in use shall 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 and Table 20. Cumulative and project specific impacts by new development on existing residential land uses shall be mitigated consistent with the standards in Table 19 and Table 20.</p> <p>Standard NOISE 1.1d Required noise mitigation measures for new and existing housing shall be provided with the first stage and prior to completion of new developments or the completion of capacity-enhancing</p>	<p>Project will comply with City noise standards. Issues related to noise are analyzed in Section 4.4 of this EIR. As noted therein, Mitigation Measure 4.4-5 would ensure that impacts related to on-site truck circulation during project operations would be reduced to less-than-significant levels. In addition, Mitigation Measure 4.4-1 would ensure that the project would result in a less-than-significant impact related to temporary construction noise. Section 4.4 of this EIR does not identify any significant impacts related to operational traffic noise.</p>

<p>roadway changes wherever noise levels currently exceed or are projected within 5 years to exceed the normally acceptable exterior noise levels in Table 19 of the General Plan.</p>	
<p>Policy NOISE 1.2 Discourage the use of sound walls whenever alternative mitigation measures are feasible, while also facilitating the construction of sound walls where desired by the neighborhood and there is no other way to reduce noise to acceptable exterior levels shown in Table 19 of the General Plan.</p> <p>Standard NOISE 1.2a Where sound walls are built, they should include dense landscaping along them to mitigate their visual impact, as illustrated in Figure 38 of the General Plan.</p> <p>Standard NOISE 1.2b Where sound walls are built, they should provide adequate openings and visibility from surrounding areas to increase safety and access, as illustrated in Figure 38 of the General Plan. Openings should be designed so as to maintain necessary noise attenuation.</p> <p>Standard NOISE 1.2c Review sound walls and other noise mitigations through the design review process.</p>	<p>The project requires construction of a noise barrier along the northern property line to mitigate for potential noise from delivery trucks and the loading dock, as described in the EIR and Mitigation Measure 4.4-2.</p> <p>Final wall design will be determined based on the final acoustical report as part of the additional planning entitlements required that includes design review. The barrier is located between properties and is not along a public street where landscaping or openings would be warranted.</p>
<p>Goal NOISE 2. Provide for indoor noise environments that are conducive to living and working.</p> <p>Policy NOISE 2.1 Take all technically feasible steps to ensure that interior noise levels can be maintained at the levels shown in Table 20 of the General Plan.</p> <p>Standard NOISE 2.1a New residential development or construction shall include noise attenuation measures necessary to achieve acceptable interior noise levels shown in Table 20 of the General Plan.</p>	<p>As discussed in Section 4.4, Noise, of this EIR, the predicted future traffic noise levels at the proposed buildings would comply with the applicable interior noise level standard, and a less-than-significant impact would occur.</p>

<p>Standard NOISE 2.1b Existing areas that will be subjected to noise levels greater than the acceptable noise levels shown in Table 20 of the General Plan as a result of increased traffic on existing city streets (including streets remaining in existing configurations and streets being widened) shall be mitigated to the acceptable levels in Error! Reference source not found. Table 20 of the General Plan. If traffic increases are caused by specific projects, then the City shall be the lead agency in implementing cumulative noise mitigation projects. Project applicants shall pay their fair share for any mitigation.</p>	
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TRANSPORTATION - Applicable General Plan Policies

Applicable Policies	Project Consistency
<p>Goal #1: Davis will provide a comprehensive, integrated, connected transportation system that provides choices between different modes of transportation.</p> <p>Performance Objective #1.2: Increase use of walking, bicycling, and public transportation to and from the following places:</p> <ul style="list-style-type: none"> • Work • Schools (Elementary, Junior High, and Senior High) • UC Davis • Downtown 	<p>The project site, which is located adjacent to the university campus and within a half-mile of downtown, is a convenient distance with direct pedestrian and bicycle facilities to UC Davis and downtown. The site has access to numerous transit lines. The project provides traffic facility improvements as part of the development or as fair-share contributions.</p>
<p>Policy TRANS 1.1 Guide the relationship between land use and transportation in Davis by using the Sacramento Area Council of Governments (SACOG) Blueprint Principles:</p> <ul style="list-style-type: none"> • Transportation Choices • Housing Choices • Compact Development • Mixed Land Uses • Use of Existing Assets • Natural Resource Protection • High Quality Design 	<p>The project is consistent with SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy as confirmed in the project consistency letter from SACOG to the City dated January 13, 2020 and is consistent with and supports SACOG's Blueprint Principles as detailed in the letter from SACOG to the City dated May 22, 2020 about the project.</p>

<p>a. Ensure future development in Davis supports SACOG Blueprint Principles, and subsequent infrastructure improvements favorably position Davis for regional transportation funding.</p>	
<p>Policy TRANS 1.3 Encourage higher intensity residential, commercial, and mixed-use development near existing activity centers and along corridors well served by non-motorized transportation infrastructure and public transportation.</p>	<p>The project redevelops an existing commercial activity center into a high intensity mixed use residential, retail, and office project. It is surrounded by arterial streets on three sides and well served by transit including several YoloBus local and commute routes 42A, 42B, 220, and 242, and Unitrans bus lines B, C, G, J, K, P, and Q. The site is further served by bicycle facilities on adjacent streets and intersections consisting of bike lanes, off-street shared pathways, and bike/ped signalized intersections.</p>
<p>Policy TRANS 1.5 Strive for carbon-neutrality or better from the transportation component of new residential development.</p>	<p>Mitigation Measure 4.2-3(a) requires the project proponent to prepare and implement a GHG Reduction Plan to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040 consistent with City reductions targets.</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>Air quality, GHG, Land Use: Section 4.2, Greenhouse Gas Emissions and Energy, of this EIR includes various measures to reduce emissions of greenhouse gases (GHGs) associated with project operations. Mitigation Measure 4.2-3(a) requires the project proponent to prepare and implement a GHG Reduction Plan to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Per Mitigation Measure 4.2-3(a), in the event that operational emissions are determined to exceed established thresholds, the project would be required to implement reduction measures to further reduce operational emissions. Such reduction measures could include preparation of a</p>

	<p>Transportation Demand Management Program, prepared in accordance with the City's Municipal Code. The Transportation Demand Management Program would reduce single-passenger vehicle use and increase use of non-motorized and low-carbon transportation modes. Furthermore, Mitigation Measure 4.2-3(c) requires the owner of the project site to submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the project every five years.</p> <p>Furthermore, the proposed project would provide for high density mixed-use development within close proximity to the university campus. Existing and planned bicycle lanes and pedestrian walkways in the project vicinity would allow for high pedestrian and bicycle connectivity between the project site and the campus. Thus, the project encourages non-motorized transportation.</p>
Policy TRANS 1.7 Promote the use of electric vehicles and other low-polluting vehicles, including Neighborhood Electric Vehicles (NEV).	The project will comply with requirements in the City's EV Charging Plan which has minimum requirements for residential development for Level 1 and Level 2 chargers, conduit for future chargers, and panel capacity and minimum EV charger requirements for non-residential development.
Policy TRANS 2.1 Provide Complete Streets to meet the needs of drivers, public transportation vehicles and riders, bicyclists, and pedestrians of all ages and abilities in all transportation planning, programming, design, construction, reconstruction, retrofit, operations, and maintenance activities and products. The City shall view all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in Davis, and recognizes bicycle, pedestrian, fixed-route transit, and demand-response para-transit modes as integral	The project includes developer-constructed improvements or fair-share contributions for transportation improvements for vehicle, bicycles, pedestrians, and transit. Specific design of improvements are subject to City approval and would be reviewed by the City in the context of providing Complete Streets.

elements of the transportation system along with motor vehicles.	
<p>Policy TRANS 2.2 Implement state-of-the-art street design solutions to improve bicycle/pedestrian access, comfort, and safety that may include:</p> <ul style="list-style-type: none"> • Bicycle boxes at intersections • Cycletracks • Shared lane markings (sharrows) • Contraflow bicycle lanes • Improved bicycle detection at intersections • Two-stage turn queue boxes • Colored bicycle lanes • Bicycle route wayfinding 	<p>The project includes EIR mitigation measures that identify improvements for bicycle and pedestrian facilities. Although the specific improvements require additional design and engineering work or planning as part of the Russell Boulevard Corridor Plan and coordination with UC Davis, they would include appropriate solutions to improve bicycle and pedestrian access such as those identified.</p>
<p>Policy TRANS 2.3 Apply best practices in sustainability to new streets and redesigns of existing streets/corridors.</p>	<p>While the project does not include any new streets or street redesign, it does include fair-share contribution for improvements that would be identified as part of the Russell Boulevard Corridor Plan, which will consider best practices in sustainability.</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>As discussed in Section 4.6, a Transportation Impact Study has been prepared for the proposed project by Fehr & Peers, and the findings therein have been incorporated into this EIR. The Transportation Impact Study includes recommended mitigation measures to reduce all identified transportation impacts to the maximum extent feasible.</p>
<p>Policy TRANS 2.7 Minimize impacts of vehicle traffic on local streets to maintain or enhance livability of the neighborhoods. Consider traffic calming measures along collector and minor arterial streets, where appropriate and feasible, to slow speeds.</p>	<p>As detailed in the Transportation and Circulation Section of the EIR, the project is not expected to have any significant impacts on local neighborhood streets and no mitigation measures or traffic calming measures have been identified as necessary.</p>
<p>Policy TRANS 2.8 Improve the function, safety, and appearance of selected corridors as illustrated.</p>	<p>Transportation-related mitigation measures in the University Commons EIR identify project contributions to improvements, which would be designed and selected within the context of a Russell Boulevard Corridor Plan.</p>

<p>Action a. Develop “corridor plans” for selected streets which warrant special treatment because of existing impact problems or operational issues. Corridor plans should take into consideration adjacent land uses and result in streets that are both functional and aesthetic. The plans should utilize innovative means of slowing traffic, where appropriate, and provide safe access for pedestrians and bicyclists. Mitigation shall be incorporated to protect residences and sensitive receptors from noise, air pollution and other traffic related impacts. The corridor plans may deviate from the standards established in the General Plan, if deviations improve the livability of the area.</p> <p>The streets to consider for participation in this program are listed below. The identification and prioritization of corridors and/or segments will be established through the Davis Transportation Plan (DTP).</p> <ul style="list-style-type: none"> 22. Russell Boulevard – A Street to State Route 113 23. Russell Boulevard – State Route 113 to west city limit 	<p>The City has engaged with UC Davis and begun initial steps to develop a Corridor Plan for Russell Boulevard. It is expected to require a minimum of one year to complete. On March 10, 2020, the City Council approved a Capital Improvement Project for the Russell Boulevard Corridor Study (CIP No. 8342), which allocated \$100,000 of City funds to initiate the project. The Corridor Study will be coordinated with UC Davis and includes a contribution from UC Davis of \$500,000, which was part of a 2018 Memorandum of Understanding between the City and UC Davis, to support the study and potential improvements.</p>
<p>Policy TRANS 3.1 Facilitate the provision of convenient, reliable, safe, and attractive fixed route, commuter, and demand responsive public transportation that meets the needs of the Davis community, including exploring innovative methods to meet specialized transportation needs.</p>	<p>The project site is located on a transit corridor served by Yolobus and Unitrans routes. The project includes improvements to transit stops on the project frontage to support public transit.</p>
<p>Policy TRANS 3.3 Require new development to be designed to maximize transit potential.</p>	<p>The project site is located on a transit corridor and is well-served by Yolobus and Unitrans routes. The project includes improvements to transit stops on the project frontage to support public transit.</p>
<p>Policy TRANS 4.2 Develop a continuous trails and bikeway network for both recreation and transportation that serves the Core, neighborhoods, neighborhood shopping</p>	<p>The project site is connected to the city’s existing bicycle network and is served by bicycle facilities on adjacent streets. The project will comply with mitigation measures</p>

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.	identified in the University Commons EIR that include construction of a bicycle lane or off-street shared path along Russell Boulevard project frontage to improve connections and improvements or fair-share contributions nearby intersections and multi-use path on the south side of Russell Boulevard to reduce conflicts with bicycles and improve safety. Although the project includes a noise barrier on the northern property line which will cut off access from a pedestrian/bicycle path, it is a minimal impact and necessary tradeoff to the network given the requirement for noise mitigation and issues related to its awkward location, safety concerns, lack of easement on the project site, and available options for pathway users to still access the project site.
Policy TRANS 4.4 Provide pedestrian and bicycle amenities.	The project includes outdoor gathering areas and plazas and pedestrian and bicycle access. It will meet or exceed required bicycle parking for residents and businesses.
Policy TRANS 4.5 Establish and implement bicycle parking standards for new developments and significant redevelopment.	The project zoning includes provisions for meeting the city's parking standards for bicycles.
Policy TRANS 4.6 Provide safe and convenient pedestrian access to all areas of the city.	The project is connected to the City's pedestrian network and provides safe pedestrian access to and through the site.
Policy TRANS 5.1 Use parking management techniques to efficiently manage motor vehicle parking supply and promote sustainability.	The project will implement a parking management plan to efficiently manage and monitor parking for businesses, customers, and residents with incentives to limit residential vehicles.
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.	The project includes a 3-level parking structure for the majority of the parking with a lesser amount as surface parking to create an active urban environment and efficient use of the site.
Policy TRANS 6.3 Address Davis' transportation needs as a major regional destination	The project provides neighborhood and community-serving retail to reduce the need for vehicle trips outside the community. On-

	site parking for retail uses and employees will be provided. The project provides needed housing adjacent to the university campus and reduces the need to additional driving by out-of-town student commuters. The project is located on a transit corridor and enhances the adjacent transit stop.
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URBAN DESIGN - Applicable General Plan Policies

Applicable Policies	Project Consistency
Goal UD 1. Encourage community design throughout the City that helps to build community, encourage human interaction and support non-automobile transportation.	The project is a mixed used development that brings together different types of uses on-site to support each other and revitalizes an aging shopping center to create a stronger retail center for the community. It includes a variety of outdoor courtyards for residents and gathering areas for businesses and customers to encourage interaction. The location has strong connections to transit, bicycle, and pedestrian facilities and will include improvement, amenities, and management policies to support non-automobile transportation.
Policy UD 1.1 Promote urban/community design which is human-scaled, comfortable, safe and conducive to pedestrian use.	The general layout and design of the project and buildings increase the intensity of development to create a more visually appealing and active environment for shopping, living, and pedestrians. Although the main building is large with multiple stories, at the pedestrian level the project keeps it human-scaled and pedestrian-friendly. It includes groundfloor storefronts and retail spaces wrapping the parking structure, limited surface parking, a pedestrian network, and gathering spaces. The new buildings are built out more to the property lines to engage the street and provide direct pedestrian connections. The mix of uses and residential component increases overall activity and safety with more “eyes on the street.”

	Final site details and building design will be developed as part of additional required design review.
Standard UD 1.1d Where possible, commercial buildings should abut the street or other public accessway, with parking located behind.	The project proposes several buildings. Although the main building is set to the rear of the property the side portions extend towards the side street frontages. Two new pad buildings would abut the Russell Boulevard frontage and the existing Trader Joe's building already abuts on the southwest corner of the site. Majority of the parking is in the garage structure.
Standard UD 1.1e Pedestrian walkways and/or building pass-throughs should be located to provide access from sidewalks into individual projects separate from major vehicular driveways and circulation.	Each building has sides abutting or close to the public rights-of-way and will provide direct pedestrian connection to the sidewalk.
Standard UD 1.1g Designs that are urban in character are encouraged around the core area and at neighborhood activity nodes. Such designs include, but are not limited to, buildings that extend to the front and side property lines, buildings which provide a feeling of permanence and durability, and buildings with outdoor cafes and plazas.	The project site is an activity node for the neighborhood and adjacent university campus. Project and building design are urban in character. Buildings extend towards the property lines, provide vertical height and mix of uses and commercial storefronts on the ground floor. Majority of parking is located in a parking structures. Outdoor gathering areas and plazas are incorporated. Final site details and building design will be developed as part of additional required design review.
Standard UD 1.1h Pedestrian-oriented design is encouraged in the allocation of space, building size and placement, site enhancement, open space design, connection to pedestrian/bikeways and site amenities.	Final site details and building design will be developed as part of additional required design review. However, the project provides pedestrian and bicycle connections to and throughout the site, gathering spaces and plazas, reduced surface parking lot area to facilitate and improve connections. The new buildings are located and designed to better engage the street.
Standard UD 1.1i New development should include pedestrian-attracting public spaces that provide informal areas for people of all	The project provides outdoor gathering spaces and plazas for customers around the site and near businesses.

ages to interact with one another and with nature.	
Standard UD 1.1j New buildings should be integrated with open space to enhance living and working areas.	The project provides four outdoor courtyard areas for residents and ground level plaza areas for retail customers.
Standard UD 1.1k In commercial and light industrial areas, buildings and their entries should be designed to minimize distance to public transit.	Transit stops are currently located on the project frontages on both Anderson Road and Sycamore Lane and the project includes enhancements to the transit stops.
Standard UD 1.1l Commercial and light industrial areas should have access connections at regular intervals along the perimeter of the project area to adjacent bike and pedestrian pathways and easily-accessible, landscaped pedestrian and bicycle access between various areas.	The project is connected to existing pedestrian and bicycle facilities on the street frontages that includes sidewalks and bike lanes and will include a new project-provided bike facility on the Russell Boulevard frontage. All the buildings have street frontage for direct access and connections. A network and pathways within the site is provided. The project site will have two driveway entrances on each of the streets for further access. While a connection from the site on the northern property line to an existing bicycle/pedestrian path will be removed due to the required noise barrier and its awkward and potentially unsafe location, adequate pedestrian and bicycle access from that side is still available.
Goal UD 2. Maintain an aesthetically pleasing environment and manage a sustainable community forest to optimize environmental, aesthetic, social and economic benefits.	Final site details and building design will be determined as part of additional required design review. Although several mature trees on the perimeter will be preserved, the project removes a majority of the existing trees on the site in order to allow for the redevelopment. However, the project will mitigate for the tree removal with new tree plantings and tree removal fees consistent with the City's Tree Protection Ordinance and contribute to an overall pleasing environment.
Policy UD 2.1 Preserve and protect scenic resources and elements in and around Davis, including natural habitat and scenery and resources reflective of place and history.	As discussed in the Initial Study prepared for the proposed project, the project would not substantially degrade the existing visual

	character or quality of the built site and its surroundings.
<p>Policy UD 2.2 Maintain and increase the amount of greenery, especially street trees, in Davis, both for aesthetic reasons and to provide shade, cooling, habitat, air quality benefits, and visual continuity.</p>	<p>While development of the site reduces the surface parking and associated landscaping and trees, the project provides or retains perimeter landscaping and street trees. Preliminary landscape plans will be developed as part of additional required design review. The project redevelops an infill site with a higher intensity of uses consistent with city policies which reduces the pressure for peripheral growth on undeveloped land.</p>
<p>Policy UD 2.3 Require an architectural "fit" with Davis' existing scale for new development projects.</p> <p>Standard UD 2.3a There should be a scale transition between intensified land uses and adjoining lower intensity land uses.</p> <p>Standard UD 2.3b Taller buildings should be stepped back at upper levels in areas with a relatively smaller-scale character.</p>	<p>The project includes a mix of building sizes and heights. There is the one-story Trader Joe's building and new two-story standalone pad buildings. However, the main structure with parking garage, retail fronts and residential units would be up to 7 levels (3 garage levels and 4 residential floors) at 80 feet high. It would be a change to the site and taller than adjacent developments, which are generally two stories.</p> <p>Properties in the surrounding area also consist of a mix of sizes and scales in the properties, developments, and buildings. The only adjoining properties to the project site are the ARCO station to the southeast and the Sycamore Lane Apartments to the north, which is a large apartment development. The Sycamore Lane Apartment buildings are separated from the project site by drive aisles on both properties, parking, and landscaping. The project site is separated from properties on three sides by arterial streets. Uses include UC Davis, apartment complexes, retail, and public/semipublic uses. Additionally, several multi-family sites in the nearby area have already redeveloped and intensified with increased the building heights, including the 7-story Davis Live project under construction. Furthermore, the project implements numerous other City policies as a mixed-use</p>

	<p>infill, transit-oriented redevelopment project. Nevertheless, the project is a large-scale development substantially taller than the nearest buildings.</p> <p>The conceptual renderings of the main building do not currently show upper floor setbacks, but includes articulation, building offsets, and other elements for architectural interest. However, the project and building design are subject to additional required design review with final design details to be determined.</p>
Standard UD 2.3c Buildings should be varied in size, density and design.	<p>The building design will be determined as part of the additional required design review. However, the project includes a range so building sizes and heights which provides a visual and design variety. The main structure contains multiple stories with ground floor retail and attached parking structure with residential levels above. Standalone pad buildings include two new two-story buildings and the existing one-story Trader Joe's building.</p>
Policy UD 2.4 Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers and transit stops.	<p>The project includes a multi-family residential component and redevelops an existing commercial center with a new mixed-use development that would be an innovative and unique project for the city. It includes outdoor courtyard areas for residents and gathering spaces for customers with links to adjacent bicycle/pedestrian facilities and transit.</p>
Standard UD 2.4a Multi-family buildings should provide easy pedestrian access to the nearest transit stop and/or neighborhood center.	<p>The project provides direct access to transit stops located on the project street frontage and includes enhancement to the transit facilities.</p>
Standard UD 2.4b Multi-family development design should be compatible with adjoining single family areas.	<p>The project site does not directly adjoin any single family areas. Surrounding uses includes multi-family developments to the north and west, UC Davis campus to the south, and commercial and public/semi-public uses to the east. The nearest single family</p>

	<p>properties are located to the northeast and separated by Anderson Road. Although the project will have a more urban feel with larger buildings and greater intensity of uses than currently exist, the buildings and development are focused towards the south or inwards on the site. All of the single family properties on the nearest are rental properties and the contemporary mixed-use design will be compatible</p> <p>Final site details and building design will be developed as part of additional required design review.</p>
Standard UD 2.4c High density housing should be organized around usable common space.	The project has the residential units designed around four outdoor courtyard areas for use by residents.
Standard UD 2.4d Multi-family housing complexes should be designed, constructed and managed in projects of no more than 150 units, not including any density bonus.	<p>The project proposes 264 multi-family units with a total of 894 beds and would exceed this policy guidance of 150 units. The intent of this policy is to avoid excessively large-scale apartment complexes of buildings and surface parking that can be found in other cities and to promote architectural diversity. Most multifamily sites in the Davis appear to be under or within this 150-unit range. However, examples of several exceptions include:</p> <ul style="list-style-type: none"> • 3820 Chiles Road Apartments (224 market-rate units) at 3820 Chiles Road; • Sterling Apartments (160 market-rate units & 38 affordable units); • Anderson Place Apartments (240 units) on 1850 Hanover Drive; • University Retirement Community (238 units) at 1515 Shasta Drive; • Cranbrook Apartments (216 units) at 955 Cranbrook Court; • Tanglewood Apartments (216 units) at 1880-2020 Cowell Boulevard; • Parkside Apartments (200 units) at 1420 F Street;

	<p>Considerations for projects with over 150 units include housing needs in the City, policies supporting infill and sustainability, and economic conditions for redevelopment and infill projects. Additionally, with 8.25 acres the project site is a relatively large site and the 264 units results in a project density of 32 units/acre. For comparison purposes, this would put it in the low end of the Residential High Density category, which allows 24 to 48 units per net acre without a density bonus.</p>
<p>Standard UD 2.6b Loading facilities should be designed as an integral part of the building(s) which they serve and should be located in an inconspicuous manner.</p> <p>Standard UD 2.6d Roof mounted equipment should be screened from view of any ground level area accessible to the general public.</p> <p>Standard UD 2.6e Trash enclosures, noise generating equipment, and other nuisances shall be adequately screened or located away from any adjacent residential use.</p>	<p>Proposed loading facilities and utility areas for the commercial uses are located on the backside of the building away from the street frontage and general public areas. Final site details and building design will be developed as part of additional required design review and will be subject to City requirements and standard conditions addressing trash enclosure location and design, screening of equipment, and general design.</p>
<p>Standard UD 3.1a Parks, shopping centers, schools and other institutional uses should be located on prominent, central sites where they will "belong" to the neighborhood they serve with strong pedestrian connections to these central sites.</p>	<p>The project revitalizes an aging shopping center which is centrally located on three arterial streets and serves the nearby residential areas. Pedestrian facilities in the neighborhood and to the project site are available.</p>
<p>Policy UD 3.2 Provide exterior lighting that enhances safety and night use in public spaces, but minimizes impacts on surrounding land uses.</p>	<p>The proposed project would be required to comply with the City's Outdoor Lighting Control policies and the goals and policies of the General Plan. Consistency with the City's Municipal Code would be ensured during the additional required design review process and requirements in the City's Municipal Code which addresses outdoor lighting. For example, the Municipal Code requires all outdoor lighting to be fully shielded and the direction of lighting be considered to avoid</p>

	light trespass and glare onto surrounding properties. Such regulations would prevent the proposed project from creating new sources of light that would create a nuisance for the nearby residences in the project vicinity.
Goal UD 6. Strengthen the city's neighborhoods to retain desirable characteristics while allowing for change and evolution, promoting public and private investments, and encouraging citizen involvement in neighborhood planning.	The project site is an aging commercial center in a dense residential area dominated by student apartment and dormitories including sites recently redeveloped with denser residential. Other uses include commercial uses, the UC Davis campus, and single-family residential rental areas. The project redevelops and reinvests in the site with a contemporary mixed-use development that would continue to serve the neighborhood, the larger City community, and the UC Davis campus for many years to come. It provides needed housing convenient to shopping, services, and the University. There have been numerous opportunities for public comment and public meetings.

OTHER - Applicable General Plan Policies

Applicable Policies	Project Consistency
<u>AGRICULTURE</u> Action AG 2.1d New apartment complexes should provide a gardening space for use by tenants.	<p>The project provides outdoor courtyard and recreation areas for apartment residents and spaces have not been programmed, but gardening spaces have not been proposed. Given the development intensity, the urban nature of the project, and student and university-oriented housing, the provision of gardening space for residents is not recommended.</p>
<u>COMPUTER/TELECOMMUNICATIONS</u> Standard 1.1a New residential and commercial development projects should include the infrastructure components necessary to support modern communication technologies such as conduit space within joint utility trenches for future high speed data equipment and flexible telephone conduit to	<p>The project will include infrastructure for high speed communication to serve the residents, offices, and businesses on the site.</p>

<p>allow for easy retrofit for high speed data systems.</p>	
<p><u>ECONOMIC DEVELOPMENT</u></p> <p>Goal ED 3. Retain existing businesses and encourage new ones as means to increase higher paying jobs, create greater job diversification, and create a more balanced economy for all economic segments of the community, while also maintaining the City's fiscal and environmental integrity.</p> <p>Policy ED 3.2 Encourage new businesses to locate in Davis, targeting business which improve the city's fiscal base, are consistent with the City's values and identity, and match the employment skills of the population, such as those in the emerging technology and knowledge-based industries.</p>	<p>The project seeks to revitalize an aging commercial center and redevelop it so that it continue to serve the local neighborhood and larger city community for many years to come. The project adds 46,237 square feet of net new retail square footage for a total of 150,000 square feet of retail space to retain existing and accommodate new businesses.</p> <p>The new mixed use land use and zoning for the site provides greater flexibility to accommodate a greater range of office, service, lab, R&D uses in addition to traditional retail to increase opportunities for employment and knowledge-based uses consistent with the skills of the City's residents. This project will expand Davis's economic diversity and contribute to the fiscal integrity while maintaining the environmental integrity.</p>
<p><u>ENERGY</u></p> <p>Goal ENERGY 1. Reduce per capita energy consumption in Davis.</p> <p>Policy ENERGY 1.3 Promote the development and use of advanced energy technology and building materials in Davis.</p> <p>Policy ENERGY 1.5 Encourage the development of energy-efficient subdivisions and buildings.</p>	<p>The project will meet or exceed the City's building requirements for new construction related to energy efficiency and sustainability. As detailed in the EIR section on greenhouse gas emissions and energy, the project includes commitments and mitigation measures to achieve its proportional share of emission reductions consistent with city-wide reduction targets and city requirements to provide on-site renewable energy systems.</p>
<p><u>HABITAT AND NATURAL AREA</u></p> <p>Policy HAB 1.1 Protect existing natural habitat areas, including designated Natural Habitat Areas.</p> <p>Standard HAB 1.2a Native plants should be used wherever possible in public and private landscaping.</p>	<p>As noted in the Initial Study prepared for the proposed project, the project site is currently fully developed with the existing University Mall building and associated parking lots. The only vegetation on the project site consists of ornamental landscaping and associated trees located throughout the parking areas and along roadway frontages.</p>

	<p>Therefore, natural habitat areas do not exist on the project site, and the project would not impact any natural habitat areas.</p> <p>A preliminary landscape plan is required as part of subsequent planning entitlements and will be reviewed as part of a design review. Final landscape plans will be reviewed for compliance with water efficient landscape ordinance requirement. It includes encouraging the use of native and drought-tolerant plantings.</p>
<p><u>HAZARDS</u></p> <p>Policy HAZ 1.1 Site and design developments to prevent flood damage.</p> <p>Policy HAZ 2.1 Take necessary precautions to minimize risks associated with soils, geology, and seismicity.</p>	<p>As noted in the Initial Study prepared for the proposed project, the project would be designed to comply with all applicable State and local regulations, including the California Building Code (CBC). Such codes provide minimum standards to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, retaining walls, and other building elements to mitigate the effects of seismic shaking and adverse soil conditions. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on-site, and the strength of ground shaking with specified probability of occurring at a site. Structures built according to the seismic design provisions of the CBC should be able to: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage but with some nonstructural damage; and 3) resist major earthquakes without collapse but with some structural as well as nonstructural damage.</p>
<p><u>HISTORIC AND ARCHAEOLOGICAL RESOURCES</u></p> <p>Policy HIS 1.2 Incorporate measures to protect and preserve historic and archaeological resources into all planning and development.</p>	<p>A Cultural Resources Survey was prepared for the project. No known or significant cultural resources on the site were identified. Mitigation Measures V-1 and V2, as detailed in the Initial Study prepared for the proposed project, include specific requirements related</p>

	to the protection of cultural resources during construction of the project.
<u>MATERIALS, SOLID WASTE, AND RECYCLING</u> Policy MAT 1.1 Promote reduced consumption of non-renewable resource.	The project is required to comply with City requirement related to demolition and construction debris diversion to reduce waste.
<u>PARKS AND OPEN SPACE</u> Policy POS 1.5 Attempt to provide all city residents with convenient access to parks and recreation programs and facilities.	Project residents will have access to recreational facilities. The project site is located less than a quarter-mile from Oxford Circle Park, a city facility. Additionally, the project includes outdoor courtyards and recreational space on-site. Furthermore, as university-oriented housing it is expected that a majority of residents would be associated with the university and be able to utilize nearby recreational facilities on the university.
<u>POLICE AND FIRE</u> Policy POLFIRE 3.2 Ensure that all new development includes adequate provision for fire safety.	The project has been reviewed by Police and Fire and potential impacts have also been evaluated in the EIR Section 4.5 for Public Services and Utilities. Facilities and public services are adequate to serve the project.
<u>WATER</u> Policy WATER 1.1 Give priority to demand reduction and conservation over additional water resource development. Policy WATER 1.2 Require water conserving landscaping.	<p>The project will comply with City requirements related to water conservation as detailed below. Additionally, developer commitments described in the Development Agreement include individual unit water metering and a program to monitor water usage and charge for “excessive” usage.</p> <p>The project would be required to comply with Article 40.42, Water Efficient Landscaping, of the City’s Municipal Code, which includes specific provisions to reduce landscaping water use in new developments. The standards included in Article 40.42 are consistent with the State’s Water Conservation in Landscaping Act of 2006.</p>

<p>Policy WATER 1.3 Do not approve future development within the City unless an adequate supply of water is available or will be provided prior to occupancy.</p> <p>Policy WATER 2.3 Maintain surface water quality.</p> <p>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.</p> <p>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.</p>	<p>As discussed in Section 4.5, Public Services and Utilities, of this EIR, sufficient water supply is available to serve the proposed project's operational water demand and reasonably foreseeable future development during normal, dry, and multiple dry years.</p> <p>Please refer to the Project Consistency discussion for Policy HAZ 5.1 regarding the treatment of stormwater runoff and wastewater prior to discharge. The proposed project would include LID features and treatments that would reduce the potential for the proposed project to result in a degradation of surface water quality.</p> <p>Mitigation Measure IX-1 in the Initial Study prepared for the project requires the project applicant to submit to the City a plan, identifying permanent stormwater treatment control measures, Site Design Measures, and Hydromodification Measures, for each drainage management area, to be implemented on the project site.</p> <p>As discussed in Section 4.5, Public Services and Utilities, of this EIR, adequate capacity exists at the City's wastewater treatment plant (WWTP) to treat the wastewater that would be generated by the proposed project. Furthermore, the project applicant would be required to pay sewer impact fees to the City, which would contribute towards the cost of future upgrades of the City's wastewater collection system and WWTP.</p>
<p><u>YOUTH AND EDUCATION</u></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 project is required to pay school impact fees to the Davis Joint Unified School District (DJUSD) in accordance with the requirements of Senate Bill 50.</p>

ATTACHMENT 10

University Commons Project Project Description and Conceptual Plans (and links)

- A. [Project Description](#)
- B. [Site Plan - Ground Retail Level](#)
- C. [Site Plan - Upper Residential Levels](#)
- D. [Parking Exhibit](#)
- E. [Building Height Exhibit](#)
- F. [Building Renderings and Design Concept](#)
- G. [Loading Dock Area and North Elevation Concept](#)
- H. [Bicycle Parking & Circulation Exhibit](#)
- I. [Bicycle Path Design Options](#)
- J. [Plaza Spaces Exhibit](#)
- K. [Tree Removal Exhibit](#)
- L. [Shadow Study](#)

University Mall Redevelopment

Project Description

April 10, 2020

Brixmor Property Group proposes to redevelop the University Mall to enhance existing retail uses and add residential units to create a vibrant mixed-use development. The purpose of the project is to provide a shopping and residential environment that meets the needs of the local Davis community. This experiential project is designed to create a pedestrian and bike friendly environment while providing better and more functional retail, restaurants, and residential amenities.

Project Location

The site is located north of Russell Boulevard, east of Sycamore Lane and west of Anderson Road, approximately 0.3 miles east of State Route 113. The site consists of APN 034-253-07 and the address is 737-885 Russell Boulevard.

Project Site

The 8.25-acre parcel is developed with the University Mall, a 103,695 square foot (sf) neighborhood shopping center that features commercial uses and restaurants. Tenants include Trader Joe's market, Forever 21, Cost Plus World Market, The Graduate restaurant and sports bar, and smaller shops and services. Professional offices are located on a partial second floor.

The original mall buildings are located on the north portion of the rectangular site. Trader Joe's market is a stand-alone pad that sides on to Russell Boulevard in the southwest portion of the site, at the northeast corner of Russell Boulevard and Sycamore Lane. Paved parking areas, including approximately 427 spaces, are located on the south, east and west portions of the site. The site is accessible by two driveways on Russell Boulevard, two driveways on Sycamore Lane, and three driveways Anderson Road.

Surrounding Uses

An ARCO service station (not a part of the property) with a mini-mart is located at the northwest corner of Russell Boulevard and Anderson Road. Adjacent to the site across Anderson Road to the east is a Rite Aid pharmacy. The University of California, Davis campus is located immediately across the street south of the site. Multi-family apartment communities are located immediately north and east of the site and single-family residential neighborhoods are located farther north and east of the site.

History of University Mall

University Mall was constructed and opened in 1966. In 1970, 20,000 square feet (SF) was added to the mall for Lawrence’s, a department store. In the 1970s, The Graduate restaurant and sports bar was built and became the anchor restaurant for the center. In 1984, the west portion of the mall building was added to house Safeway and in 1999, the mall was renovated and some tenants relocated within the site. In 2010, Trader Joe’s market was constructed. In 2004, the University Mall was acquired by the (Centro Watt Operating Partnership LLC) Brixmor Property Group, Inc., the second-largest owner of community and neighborhood shopping centers in the United States.

Over the years, many tenants have occupied spaces in the mall including Pay n’ Save, Payless, Rite Aid, Gottschalk’s department store, Harvest Market, The Wherehouse, and several restaurants. The University Mall was one of the first retail centers in Davis to serve the community. However, the current state of the property does not meet today’s rapidly changing retail environment. The University Mall buildings and facilities are dated and are in need of revitalization.

Proposed Project

The University Mall Redevelopment project would entail demolition of approximately 90,653 SF of the existing mall to create a mixed-use development. The project proposed would result in the addition of 264 multi-family residential units and 136,800 SF of new retail uses. The existing 13,200 SF Trader Joe’s would remain in its existing location. The addition of 136,800 SF of retail uses would accommodate shops, restaurants and other uses. The proposed improvements and uses would intensify and revitalize the center. It includes a garage structure with three levels of parking. At buildout, the project would include approximately 808,500 sf.

	Square Feet	Units
Residential Area	412,500 sf	264
Retail Area	150,000 sf	
Parking Garage	246,000 sf	
Total Project	808,500 sf	264

The existing building that currently houses the mall retail uses would be demolished and rebuilt to include four levels of residential units over three levels of parking and four levels of residential uses over retail uses. Two new pads (Buildings C and D) would be added to the site adjacent to Russell Boulevard and would add approximately 30,000 SF of retail space. It is the intent of Brixmor to retain as many of the existing tenants as possible. The proposed building height would be seven stories or approximately 80 feet.

The intent is to design the project to a LEED Gold equivalency with contemporary architectural elements. The design of the building will utilize energy efficient lighting and HVAC systems. Efficient water-wise fixtures will be utilized to assist in water conservation. Eco-friendly/sustainable materials and energy efficient windows will be selected for design purposes to further improve building sustainability. The redeveloped site landscaping would

include outdoor seating and congregating areas, bicycle parking, plazas and pedestrian connections among buildings. These new nodes will be designed to provide a pleasant experience for both the residences and shoppers alike. Through the intensification of an existing retail development versus converting an open space into a new development a high level of sustainability will be achieved.

Residential Uses. Redevelopment of the site will introduce four levels of multi-family residential units over parking and retail to create a vertically mixed-use project. The project proposes 264 multi-family residential units. The units will consist of one, two, four, and five-bedroom units ranging in size from 700 SF to 1,800 SF with an average unit size of 1,124 SF, and a total bed count up to 894 beds. The area of the residential portion of the project would be approximately 412,500 SF and a density of approximately 32 units per acre. Residential buildings would be a Type III construction.

Due to the immediate proximity to the University of Davis campus, the residential is primarily focused on student use, but will also welcome and include many options for non-students as well. The residential units will be arranged around a courtyard with a pool and an outdoor lounge area. Additional amenities will include will include a fitness room, extensive bike storage, a bike repair station, rooftop terrace and resident services.

Access. Access from Russell Boulevard, Anderson Road and Sycamore Lane would continue to serve the site. The site is accessible by two driveways on Russell Boulevard and two driveways each on Sycamore Lane and Anderson Road respectively. Pedestrian walkways will be added throughout the property to enhance walkability to all areas of the project.

Parking. The parking requirement for the site is one parking space for each three hundred fifty square feet of gross area of nonresidential use, and one for each dwelling unit pursuant to City of Davis Municipal Code Section 40.25.090. The proposed project will include a total of 693 parking spaces, 264 for residential units and 429 for retail uses. Of the 429 required parking spaces for retail uses, 269 spaces are planned for the first, second and third levels of the parking structure and 160 spaces in the surface parking lot. The third level of the parking structure will also provide the 264 residential parking spaces. The proposed parking plan will provide parking spaces for Electric Vehicle and ride sharing. The Electric Vehicle Charging plan will be designed to accommodate future growth for additional EV charging stations.

In addition to vehicles, the proposed project will provide 683 long term and 335 short term bike parking stalls, which exceeds the City of Davis Municipal Code 40.25A.040 Bicycle parking standards.

Entitlements

Entitlement History. The following are the previous planning actions for the University Mall site.

1965	Building permits issued for construction for the shopping mall
1970	Conditional use permit issued for 20,000 sf department store (Lawrence's)
1985	City Council approved west wing addition to the mall
1998	City Council approved Planned Development #2-97 for University Mall and the ARCO parcel to reflect a Neighborhood Commercial base zone.

- 1999 City Council approved amendments to PD #2-97 to allow certain retail uses up to 36,000 SF.
- 2003 City Council approved General Plan Text and Map Amendment to create a new “Community Retail” land use designation and to re-designate the University Mall land use from Neighborhood Retail; a CUP to allow a Cost Plus World Market store; Minor Modification to increase department store space from 36,000 SF maximum to 39,000 SF, and approved Design Review for façade changes to the main University Mall building.
- 2006 City Council approved amendments to the Planned Development (PD #2-97B) and approved a Final Planned Development Plan for Trader Joe’s. The PD amendments included modifications to development standards.

Zoning and General Plan Designations. The site is zoned PD #2-97B (Neighborhood Commercial Center). The Planned Development (PD #2-97B) applicable to the property was approved by the City in 2006 and establishes a building height limitation of 50 feet and allows residential uses above the ground floor.

The site is designated in the General Plan as Community Retail. Under the Community Retail designation, residential uses are allowed with approval of a Conditional Use Permit and the maximum floor area ratio for retail is 0.50 with an additional 0.15 allowed for the residential component in a mixed-use project.

Proposed Entitlements. The project proposes a Rezone/Preliminary Development and a General Plan Amendment to permit the mix of retail and residential uses at the proposed density and building height. Modifications to PD #2-97 are proposed to reflect development standards for the proposed project. A General Plan Amendment is needed to address the mix of uses with the larger residential component, as well as addressing the allowable floor area ratio to accommodate the project’s 1.56 floor area ratio for the residential and retail building area.





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PROPOSED RESIDENTIAL BUILDING LEVELS

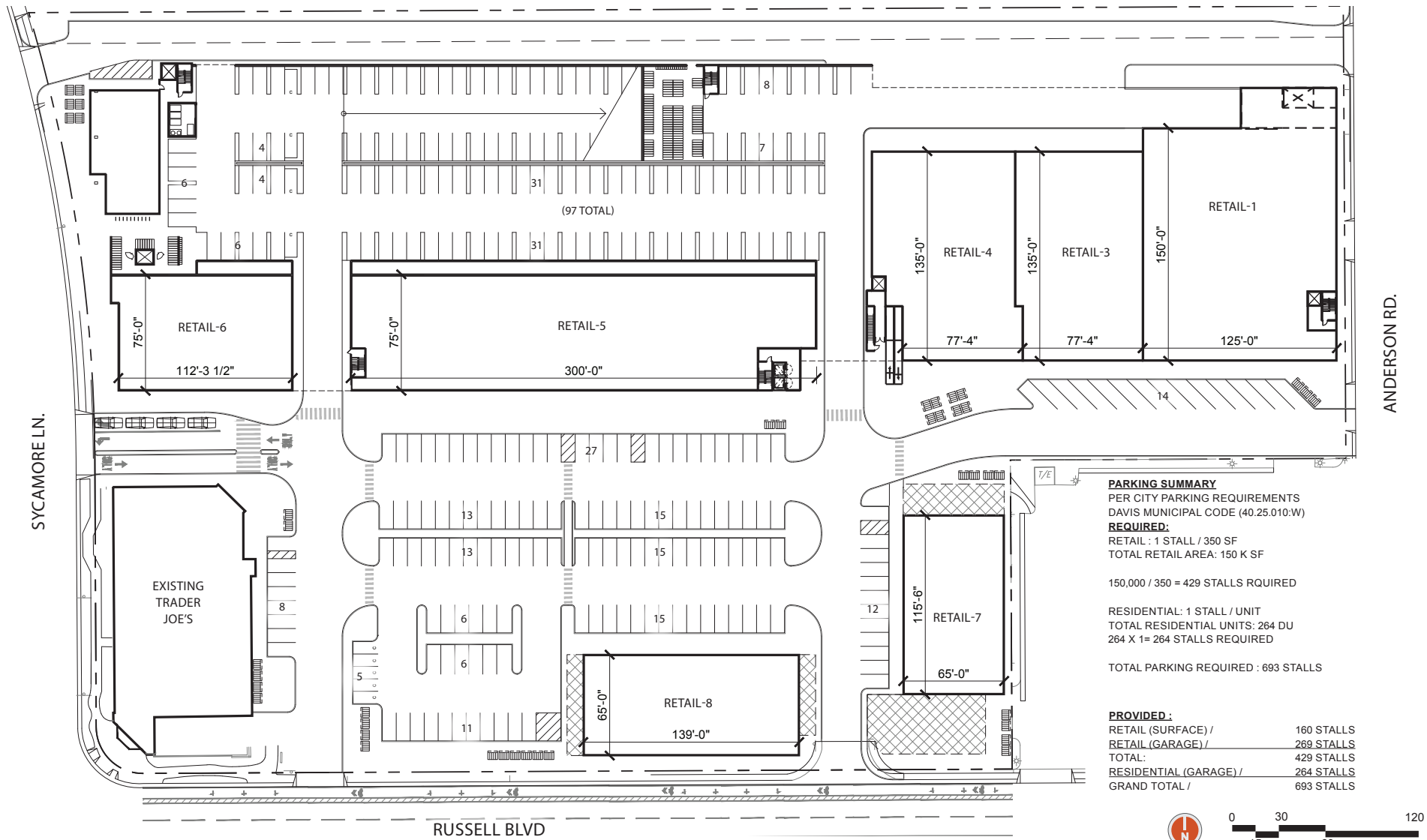
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PARKING PLAN - STREET LEVEL

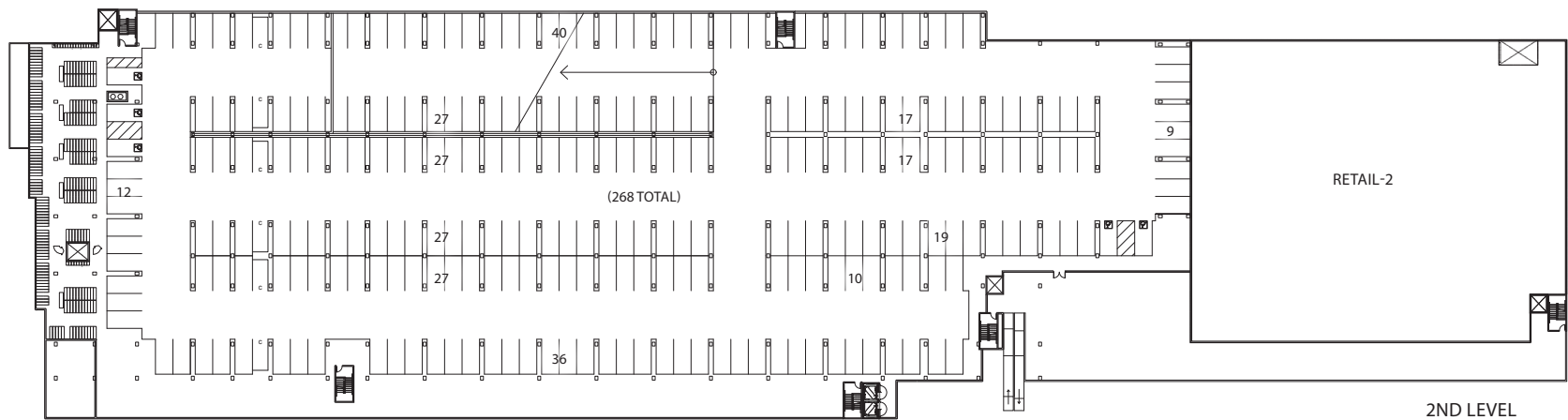
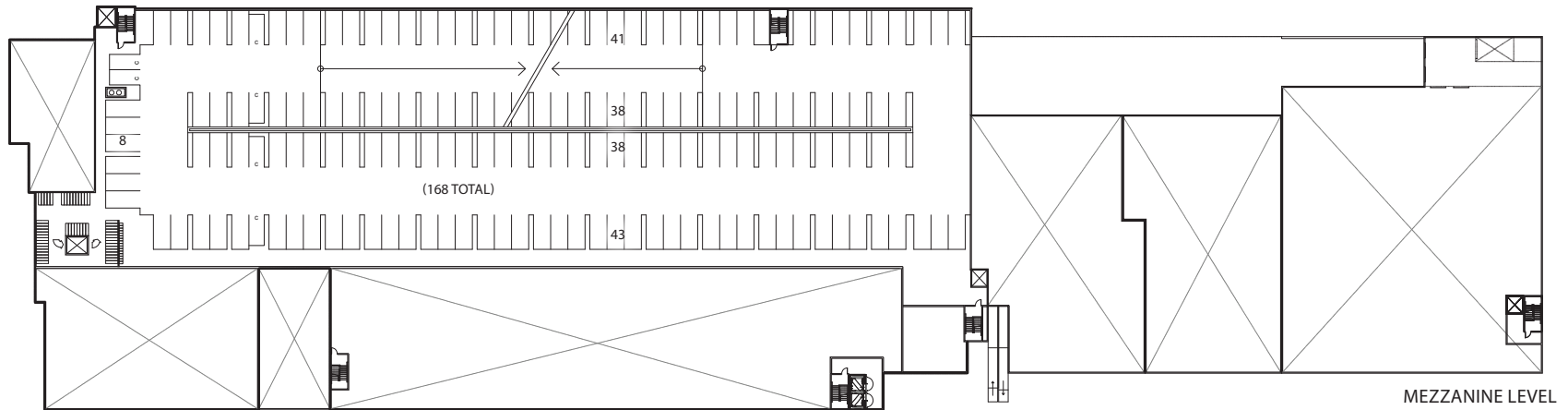
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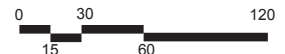
PARKING PLAN - UPPER LEVELS

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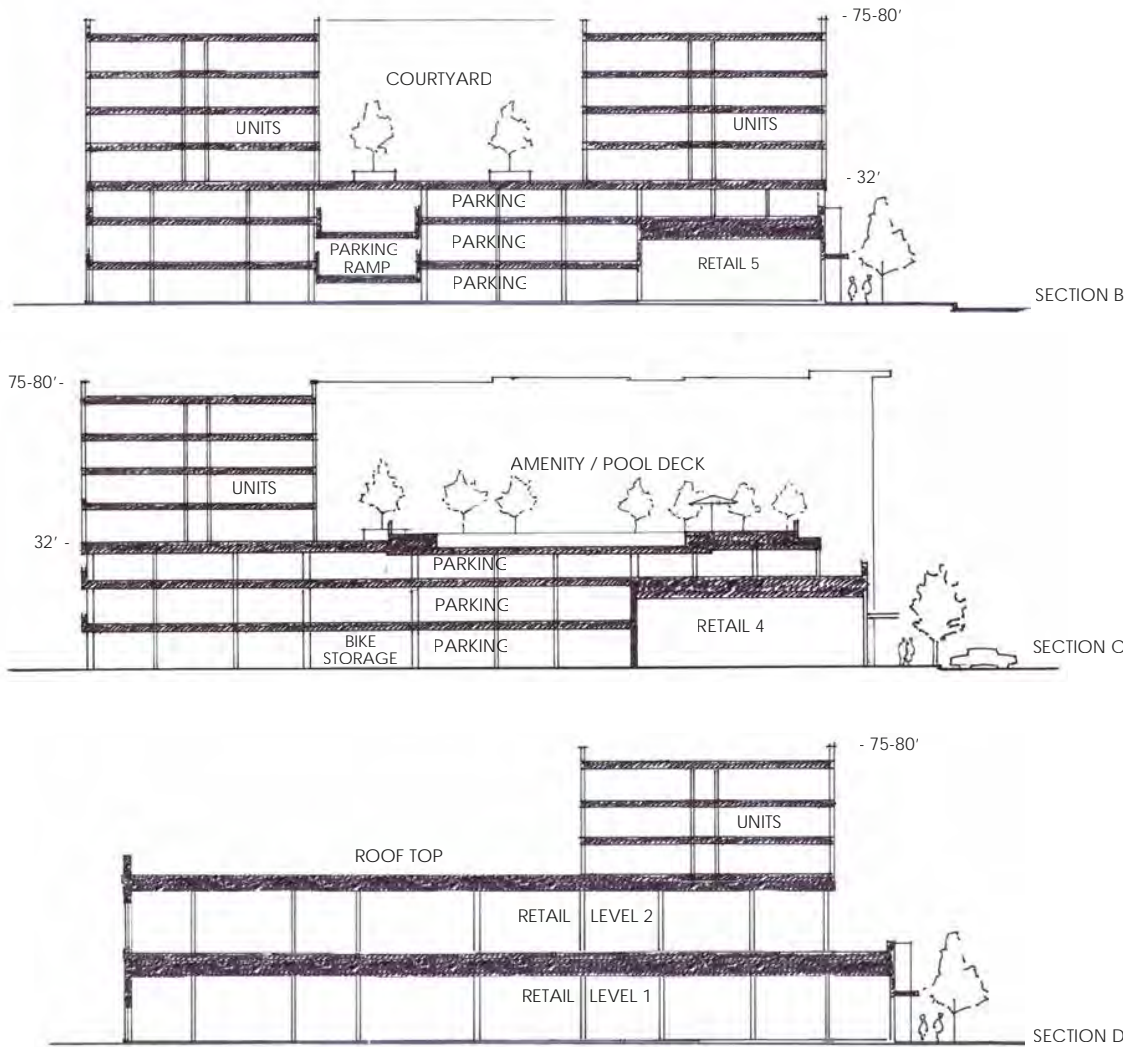
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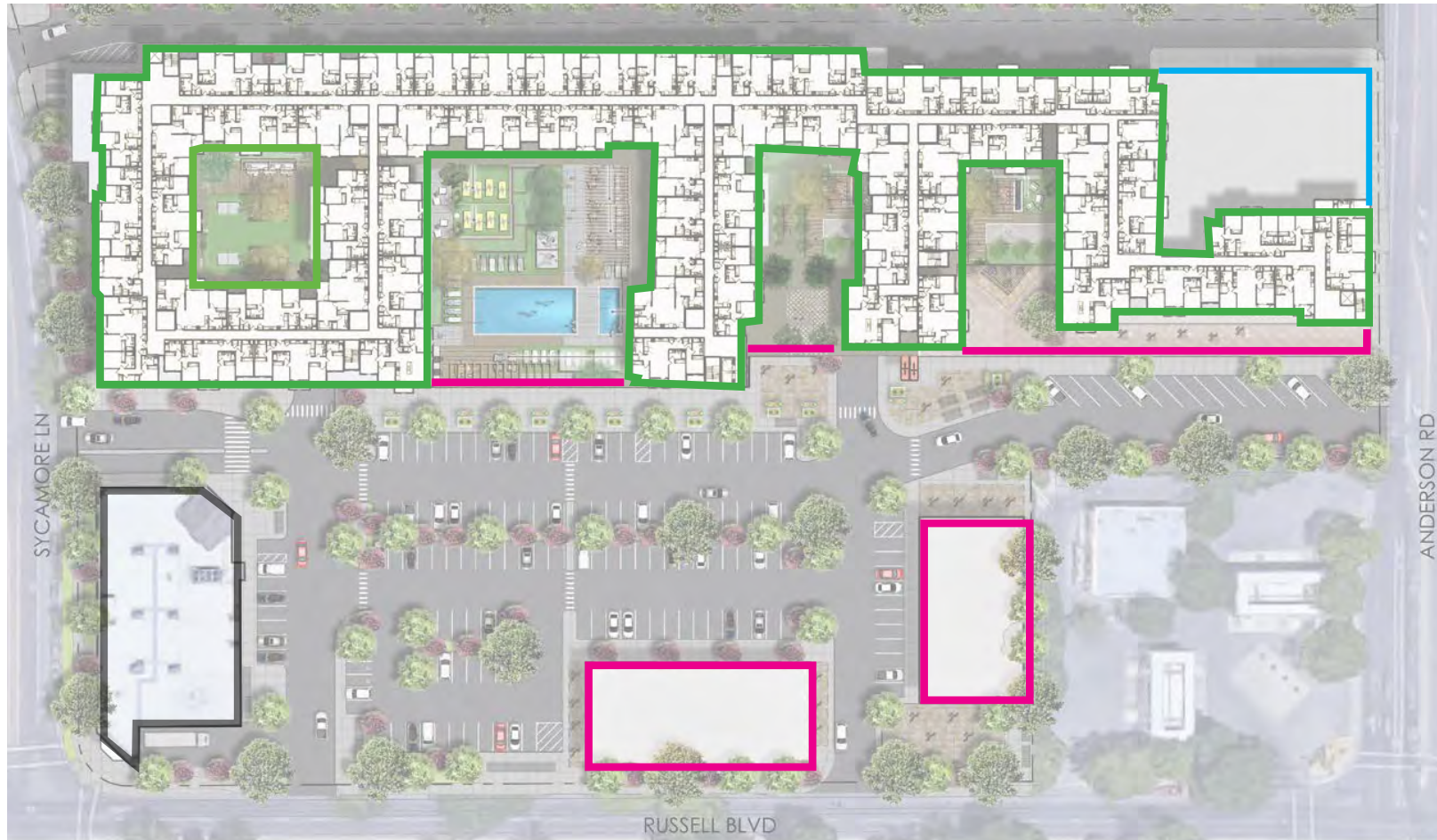
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SITE DESIGN SECTIONS

DESIGN EXHIBIT
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04-28-2020

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- HEIGHT 75-80' —
- HEIGHT 45-50' —
- HEIGHT ~32' —
- HEIGHT: EXISTING —

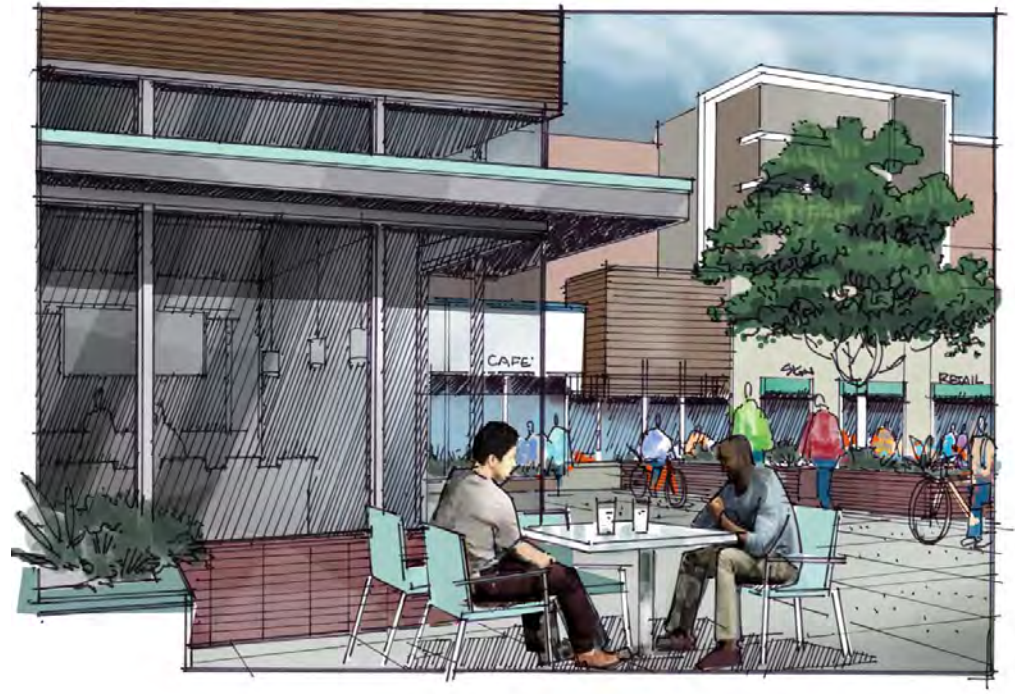
SITE KEY PLAN

UNIVERSITY MALL

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DESIGN CONCEPT









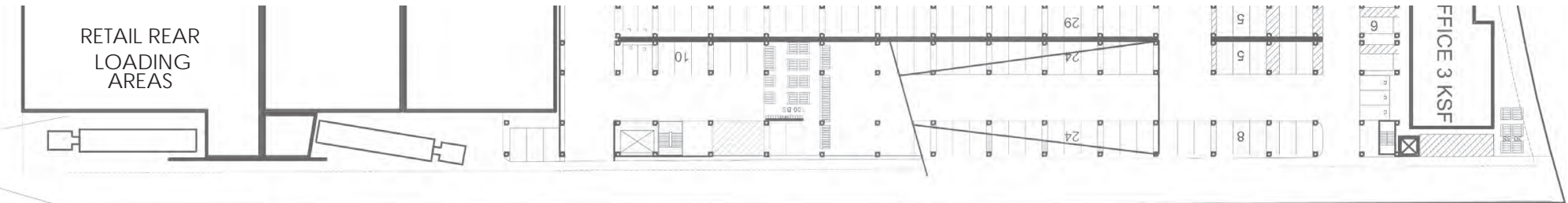




UNIVERSITY COMMONS

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DESIGN CONCEPT - NORTH ELEVATION

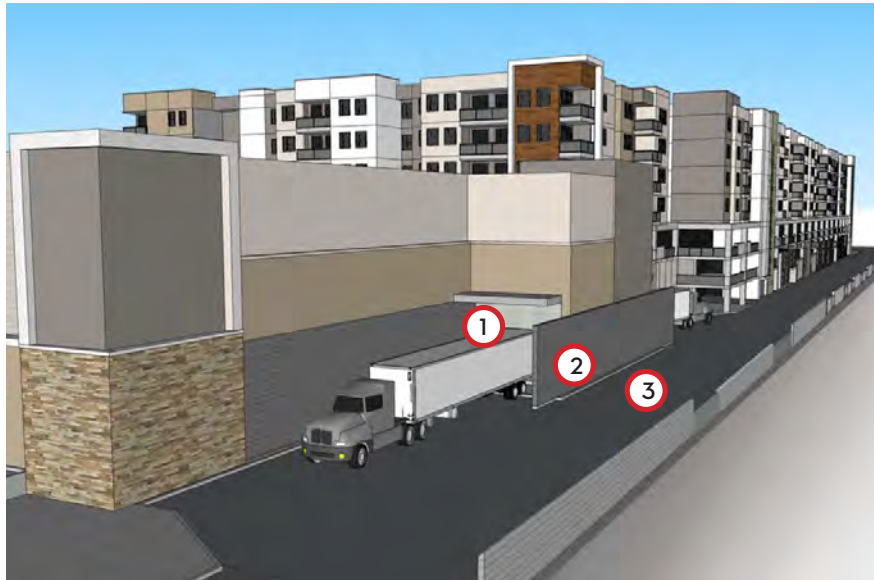


NORTH ELEVATION LOADING AND PARKING GARAGE ACCESS- GRADE LEVEL SHOWN FOR REFERENCE



NORTH ELEVATION CONCEPTUAL BUILDING DESIGN





NOISE ABATEMENT TRUCK DOCK AREA

1 SEALED LOADING DOCKS

2 PARTIAL DOCK ENCLOSURE.

WALL HEIGHT AT 14' - OR AS REQUIRED BY
SOUND ENGINEER TO SCREEN TRUCKS.

3 DRIVE AISLE MINIMUM 24'



SITE MANAGEMENT PARKING GARAGE

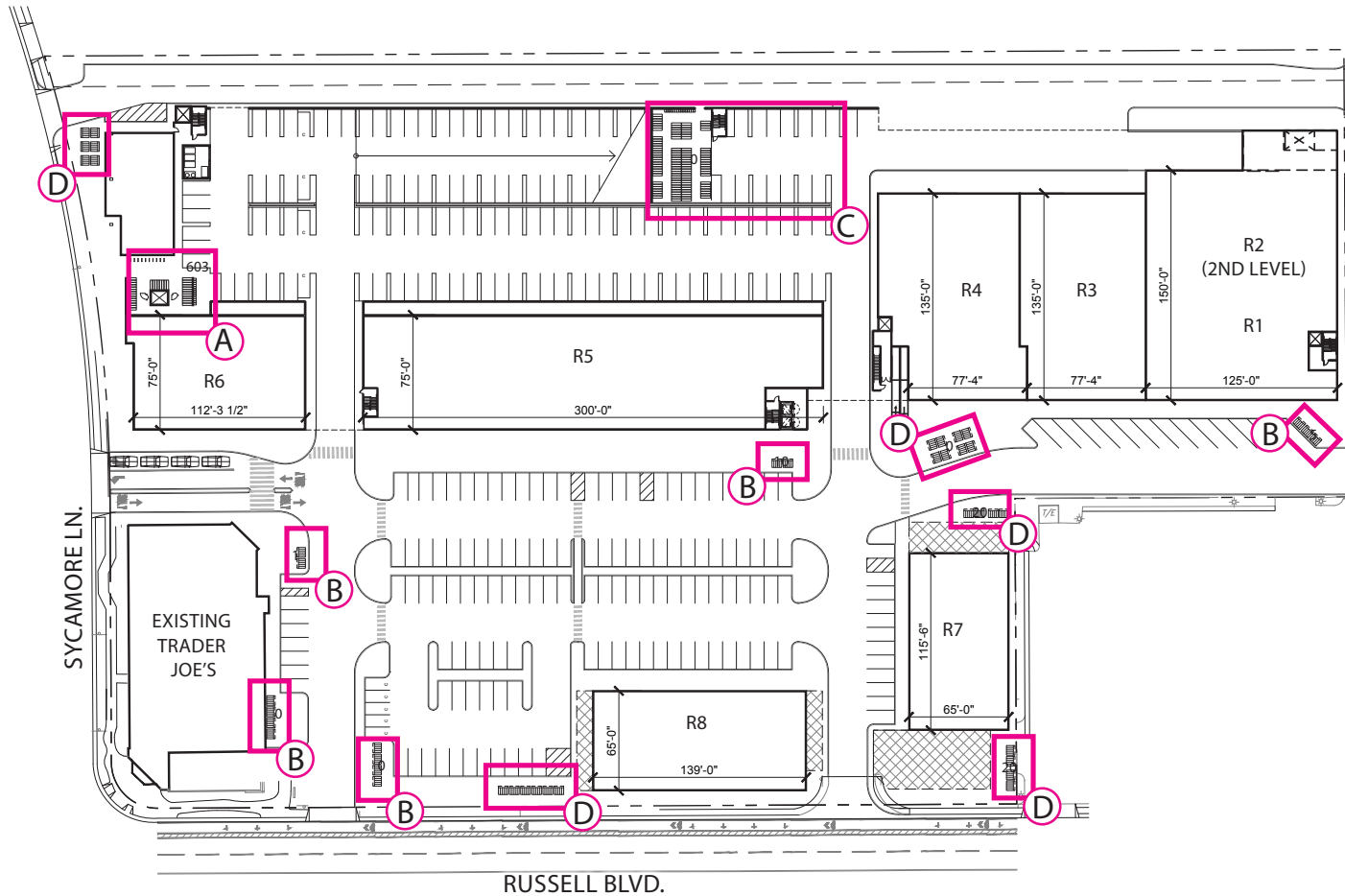
1 GREEN WALL SCREENS

2 SEPARATE BICYCLE AND VEHICLE ENTRANCES TO GARAGE

3 HEADLIGHT SHIELDING AT ALL LEVELS

4 IMPROVED SITE SECURITY WALLS AT PROPERTY LINE

5 INTEGRATED LIGHTING FEATURES IN GARAGE ENVIRONMENT



BICYCLE AMENITIES PARKING STRATEGIES

PER CITY PARKING REQUIREMENTS:
SHORT TERM AND LONG TERM BICYCLE PARKING
REQUIREMENTS PER ZONING CODE.

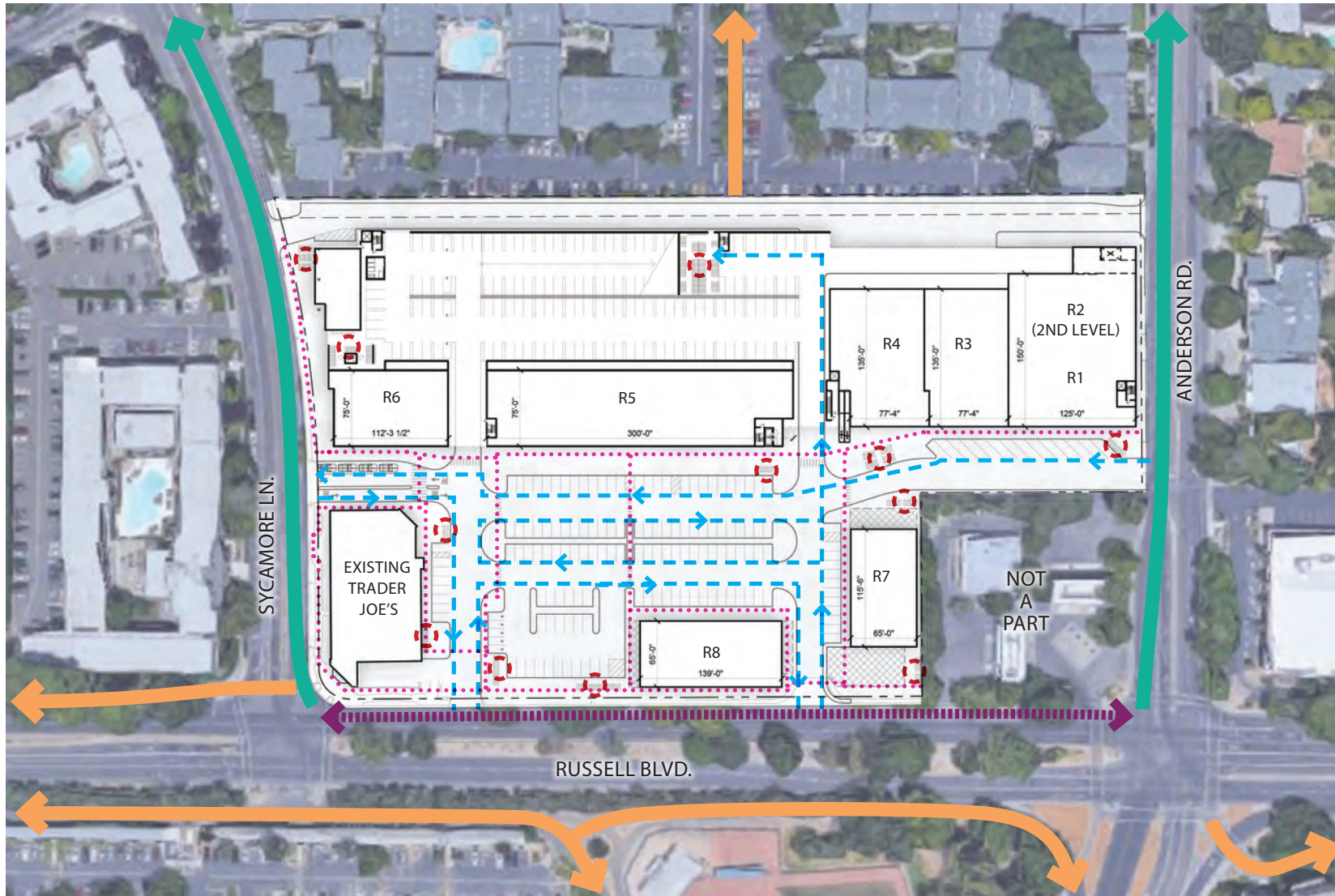
RETAIL: 1/1000 SF
RESTAURANTS 1/500 SF
75% SHORT TERM + 25% LONG TERM

RESIDENTIAL 1/BEDROOM
25% SHORT TERM + 75% LONG TERM

RETAIL ±120 KSF	
SHORT TERM =	90 STALLS
LONG TERM =	30 STALLS
RESTAURANT ±30 KSF	
SHORT TERM =	45 STALLS
LONG TERM =	15 STALLS
RESIDENTIAL 622 BEDROOMS	
SHORT TERM =	156 STALLS
LONG TERM =	466 STALLS

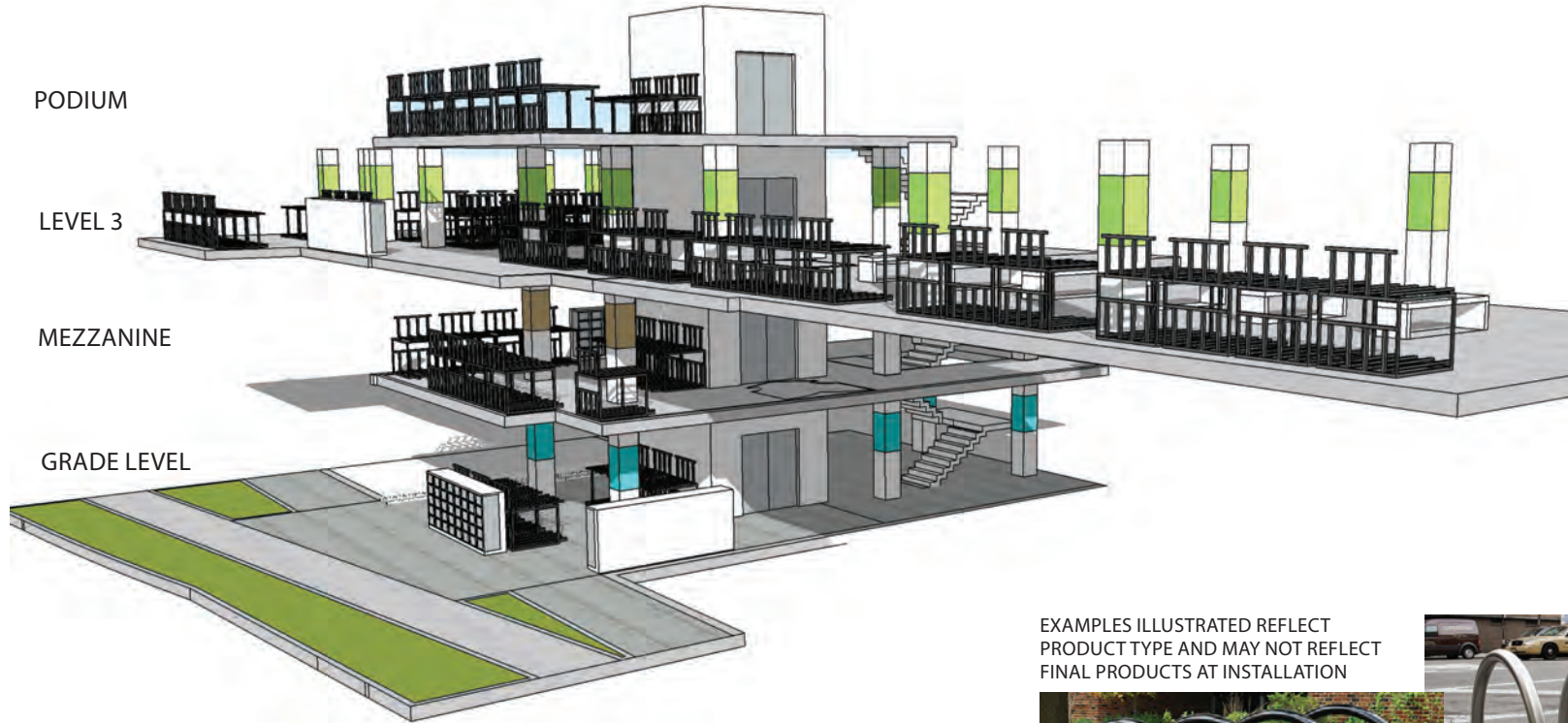
TOTAL BICYCLE PARKING REQUIRED: 802 STALLS
291 SHORT TERM + 511 LONG TERM

TOTAL BICYCLE PARKING PROVIDED: 1,018 STALLS
335 SHORT TERM 32% + 683 LONG TERM 68%



BIKE ROUTE LEGEND

- EXISTING BIKE LANE
- EXISTING BIKE PATH
- - - PROPOSED BIKE LANE
- ON-SITE BIKE PARKING
- - - BIKE CIRCULATION
- ... PEDESTRIAN PATH



EXAMPLES ILLUSTRATED REFLECT
PRODUCT TYPE AND MAY NOT REFLECT
FINAL PRODUCTS AT INSTALLATION



A BICYCLE STORAGE AREA TOTAL = 583 LONG TERM + 20 SHORT TERM
ELEVATOR ACCESS TO ALL GARAGE AREAS AND PODIUM, UTILIZING
STRATEGIES 01 AND 02

B BICYCLE TOTAL = 75 SHORT TERM
UNCOVERED AREAS, MULTIPLE LOCATIONS
UTILIZING STRATEGY 04

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PROPOSED BICYCLE SITE AMENITIES

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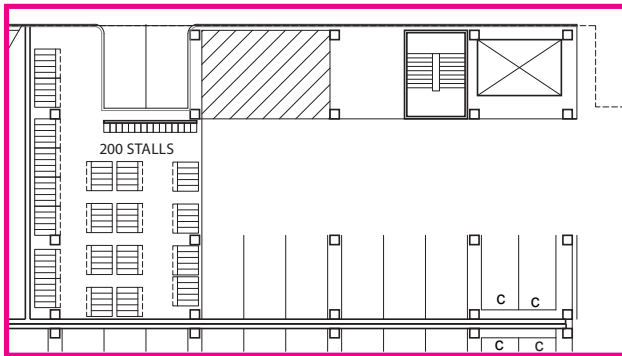
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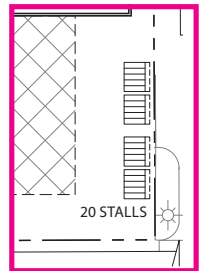
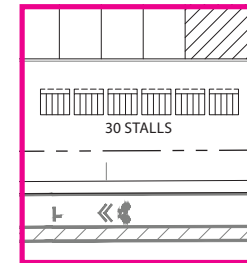
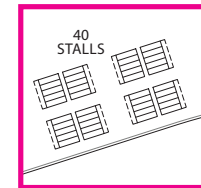
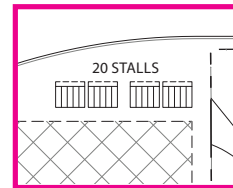
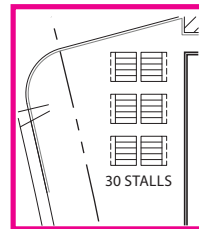
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EXAMPLES ILLUSTRATED REFLECT PRODUCT TYPE AND MAY NOT REFLECT FINAL PRODUCTS AT INSTALLATION



- Ⓒ BICYCLE STORAGE AREA TOTAL = 100 LONG TERM + 100 SHORT TERM, COVERED IN GARAGE WITH BENCHES AND LOCKERS UTILIZING STRATEGY 03



- Ⓓ BICYCLE TOTAL = 140 SHORT TERM COVERED STORAGE, MULTIPLE LOCATIONS UTILIZING STRATEGY 04



STRATEGY 01 CONVENIENT ACCESS

LONG TERM BICYCLE STORAGE

EXAMPLES ILLUSTRATED REFLECT PRODUCT TYPE AND MAY NOT REFLECT FINAL PRODUCTS AT INSTALLATION



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PROPOSED DESIGN CONCEPT

DAVIS, CA

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EXAMPLES ILLUSTRATED REFLECT
PRODUCT TYPE AND MAY NOT
REFLECT FINAL PRODUCTS AT
INSTALLATION



STRATEGY 02 HIGH CAPACITY LONG TERM BICYCLE STORAGE



STRATEGY 03 HIGH DENSITY CONVENIENT ACCESS



STRATEGY 04 SHORT TERM RACKS



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PROPOSED DESIGN CONCEPT

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ADDITIONAL PARKING CONCEPTS

BICYCLE STORAGE + STREET FURNITURE

EXAMPLES ILLUSTRATED REFLECT PRODUCT TYPE AND MAY NOT REFLECT FINAL PRODUCTS AT INSTALLATION

BRIXMOR

DAVIS COLLECTION

PROPOSED DESIGN CONCEPT

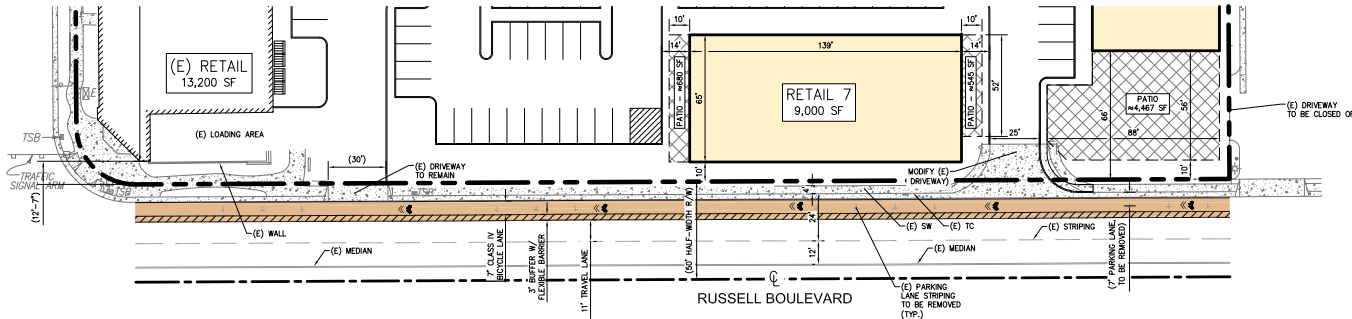
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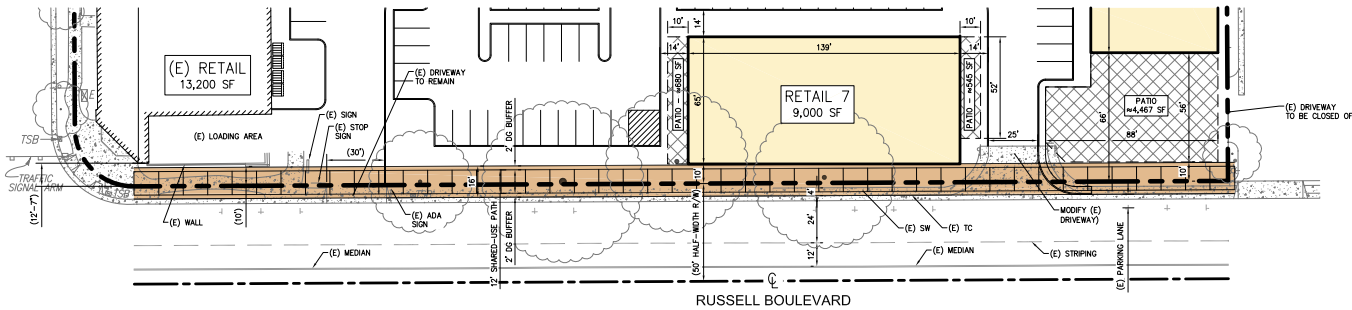
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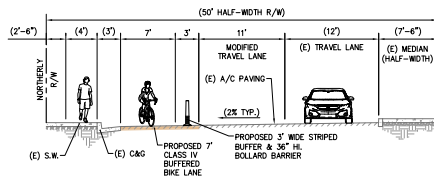
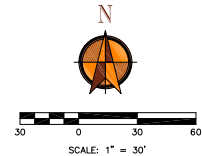
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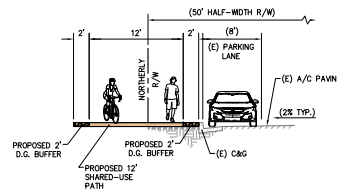
OPTION 1 - BIKE LANE FULLY WITHIN R.O.W.
SEE TYPICAL SECTION BELOW



OPTION 2 - SHARED-USE PATH PARTIALLY WITHIN R.O.W.
SCALE: N.T.S.



TYPICAL SECTION OPTION 1 - BIKE LANE FULLY WITHIN R.O.W.
NOT TO SCALE



TYPICAL SECTION OPTION 2 - SHARED-USE PATH PARTIALLY WITHIN R.O.W.
NOT TO SCALE

LEGEND:

- EXISTING PROPERTY LINE/RIGHT OF WAY
- EXISTING STREET CENTERLINE
- EXISTING BUILDING SETBACK LINE
- EXISTING IMPROVEMENTS
- EXISTING BUILDING TO REMAIN
- PROPOSED BUILDINGS
- OPTION 1 - PROPOSED BIKE LANE & BUFFER
- OPTION 2 - PROPOSED SHARED-USE PATH & BUFFERS

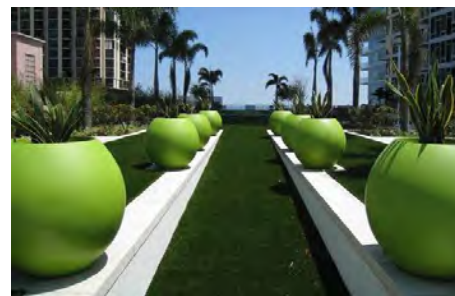
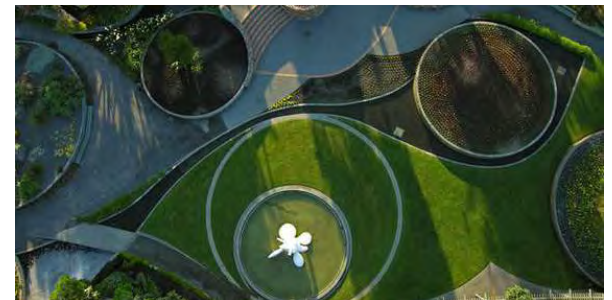
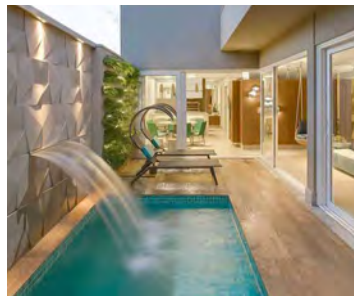
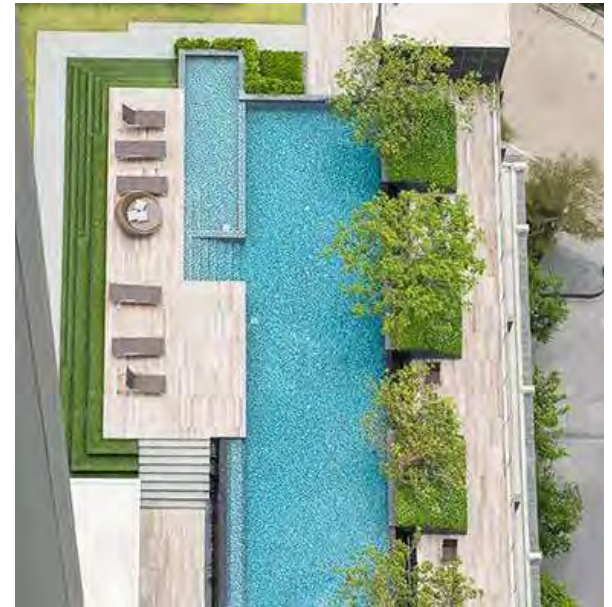
DATE	DESCRIPTION

BRIXMOR Property Group	THE DAVIS COLLECTION PLANNED DEVELOPMENT 737-485 RUSSELL BOULEVARD & ANDERSON ROAD DAVIS, CA 95616	BICYCLE PATH OPTIONS

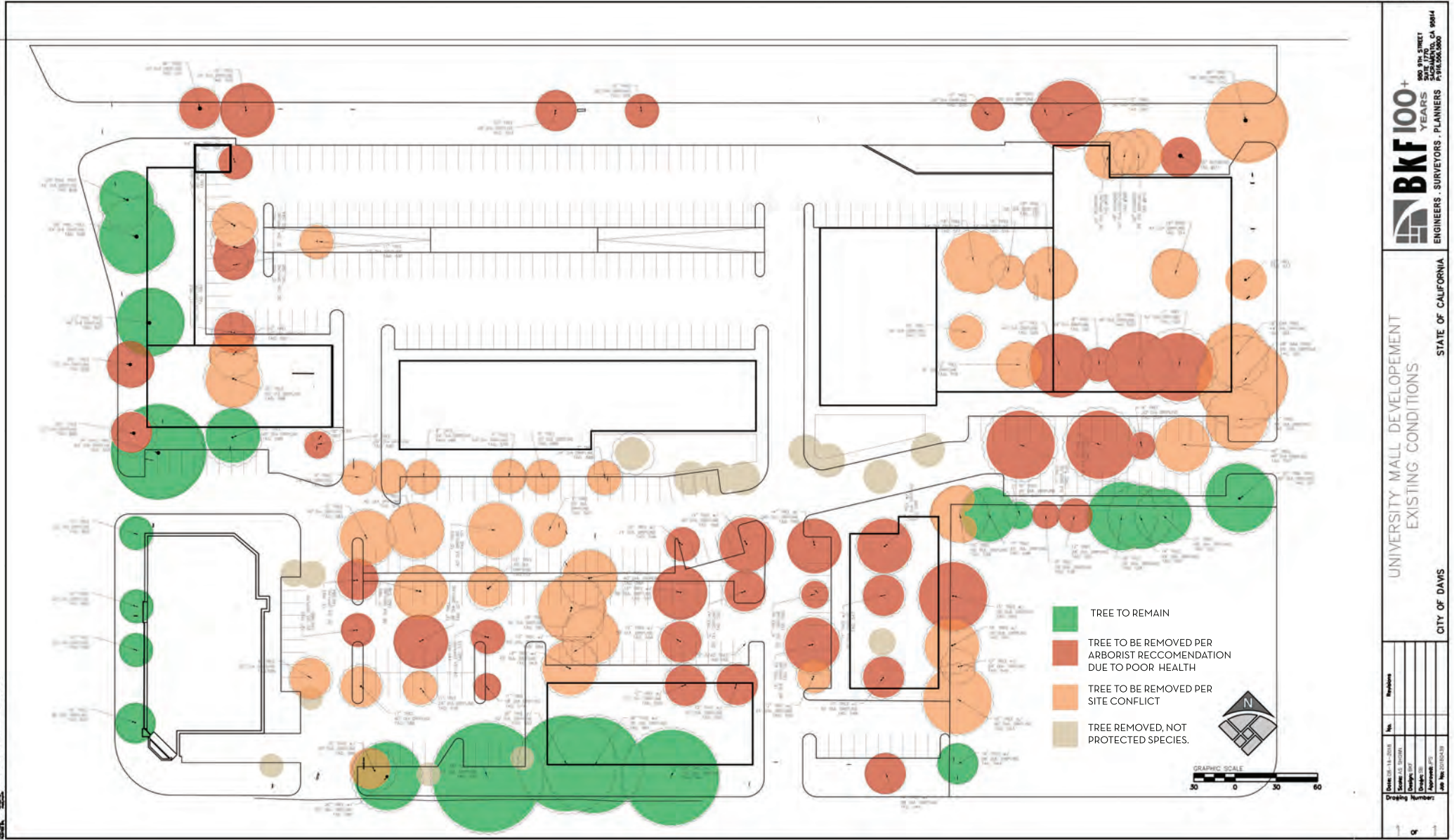
THIS DRAWING IS A CONCEPTUAL PLAN, NOT AN ENGINEERING DOCUMENT. THE FINAL DESIGN & ENGINEERING SHALL BE COMPLETED & STAMPED BY A LICENSED PROFESSIONAL & SHALL CONFORM WITH ANY APPLICABLE LOCAL, STATE, AND/OR FEDERAL REGULATIONS.
REV. DATE: 10-17-2019 DRAWN BY: JN CHECKED BY: AG/NG SCALE: 1"=30' SHEET 1 OF 1
SHEET NUMBER SP-1

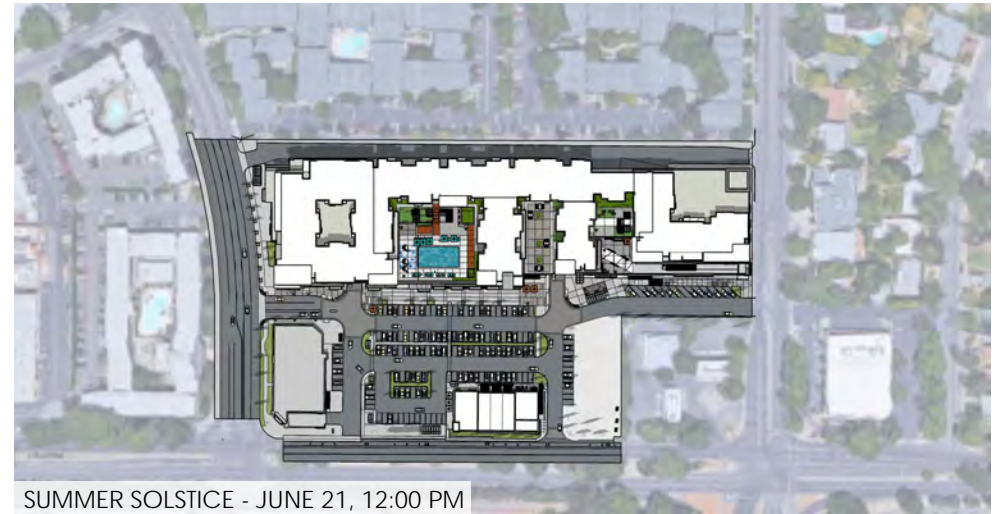












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02-11-2020

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WINTER SOLSTICE - DEC 21, 9:00 AM



WINTER SOLSTICE - DEC 21, 12:00 PM



WINTER SOLSTICE - DEC 21, 3:00 PM



WINTER SOLSTICE - DEC 21, 6:00 PM*

*SUNSET AT 4:45 PM

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02-11-2020

02 **ada**
architecture design collaborative
www.adcollaborative.com

ATTACHMENT 11

University Commons Project Supplemental Information (and links)

- A. [Occupancy Management Program](#)
- B. [Parking Management Program](#)
- C. [Sustainability Summary](#)



RE: University Commons Occupancy Management Measures

DATE: 2/5/20

The following occupancy Management Measures will maintain residential occupancy within the Project as consistent with the Project Approvals.

1. The maximum number of adult residents permitted within the Project is 894 which will not be exceeded.
2. As part of determining maximum Project residential occupancy, Owner will determine the number of residents allowed within each floor plan within the Project.
3. Occupancy will be strictly limited to one resident per bedroom unless otherwise designated to accommodate double occupancy for specific unit types. An additional minor child being twelve (12) months of age or less who occupies the same bedroom with the child's parent or legal guardian, will be permitted in addition to the bedroom occupancy guidelines as defined above.
4. Owner will use leasing software (One Site or the equivalent) to monitor maximum project occupancy and compliance through leasing agreements with residents.
5. Owner will perform Quarterly unit inspections, for purposes of monitoring compliance with lease terms and occupancy requirements.
6. Owner will limit the issuance of unit keys to residents legally occupying units within the Project under a current lease.
7. Entrances to residential buildings within the Project will be secure, with electronic "key" required for entry.
8. A fee will be charged for replacement of lost key to prevent duplication of keys. Management will inventory the controlled access system monthly, to ensure that missing or lost keys are deleted from the access system.
9. Owner will enforce lease terms regarding maximum unit occupancy, including initiating eviction proceedings for residents sharing their units with non-permitted occupants following receipt of a notice to comply by Owner.
10. Owner will issue temporary parking passes for guest parking spaces in the Project, which will be clearly marked with the time period for which the guest pass is valid. Cars with missing or expired guest passes will be towed.
11. Owner will regularly monitor guest parking within the Project to ensure that guest parking spaces are not regularly used by non-residents.

RE: University Commons Parking Management Measures
DATE: 2/13/20

INTRODUCTION:

The University Mall Redevelopment project will entail demolition of approximately 90,653 SF of the existing mall to create a mixed-use residential retail development with a planned 264 multi-family residential units and 136,800 SF of new retail space. The existing 13,200 SF Trader Joe's would remain in its existing location. The parking management plan is intended to provide an outline for the University Commons residential and retail users.

PARKING REQUIREMENT:

The proposed project will include 693 parking spaces. The parking requirement for the site is one parking space for each three hundred fifty square feet of gross area of nonresidential use, plus one for each dwelling unit pursuant to City of Davis Municipal Code Section 40.25.090 which equates to 429 required parking spaces for retail uses and 264 stalls for residential uses.

PARKING DEMAND:

The design team is confident the planned parking is sufficient to meet the needs of the future retail and residential users.

RETAIL:

Brixmor has owned and operated the property for over 20 years and has extensive experience in managing retail parking in general and the University Mall parking specifically. The parking ratio dedicated to retail uses at the proposed project will be approximately 3 stalls per 1,000 SqFt which is the parking ratio in place today. For the majority of Brixmor's ownership, the property has been leased to capacity with an eclectic mix of retail tenant types. The retail parking ratio has been adequate due to the low vehicle demand of the primary customer (students), and the mix of retail uses with varied parking demand.

RESIDENTIAL:

As detailed in Environmental Impact Report, the residential portion of the project does not generate a significant rise in vehicular trips. Rather, the project provides a residential alternative adjacent to the primary destination of University of California Davis employees and students. The proximity to the University reduces the necessity of car ownership and promotes the convenience of walking, biking, and campus transit. Students and University employees with alternative transport options are more willing to treat transportation as an on-demand service, rather than paying the fixed price of owning a car and therefore the need for more than one parking stall per unit is unnecessary.

PARKING OPERATIONS:

Parking management for the structured parking and surface level parking will be actively supervised by onsite property management and regulated by access control technology. The 429 retail parking spaces will include 249 parking spaces on the first and second floors of the parking structure and 200 surface

level parking spaces. Some specific methods to provide controlled access to parking for residential and retail tenants is further detailed below:

ENFORCEMENT

Brixmor has managed the parking for the benefit of the retail tenants for over 20 years and has developed a proficiency to ensure parking is available for retail customers. This experience coupled with the deployment of advanced parking technology will ensure an abundance of parking at project completion. The project may include the following;

- a) OnSite Property Management: The project will have an onsite property management team that will enforce all retail and residential parking rules and regulations. Currently, the property has a non-customer tow policy for vehicles parked over one hour. Signs informing of this policy are posted throughout the lot and a guard is on duty from 8 am – 4 pm seven days per week to tag vehicles and tow when policy is violated. On average, 2 vehicles per week are towed from the property, a frequency that creates a significant deterrence to repeat violations.
- b) Retail Employee Parking: Brixmor has substantial experience enforcing retail employee parking to ensure preferred parking locations are available for retail customers. In most cases, retail tenants self-regulate, but Brixmor also utilizes language within the lease documents that designates the quantity and location of employee parking. Contractual language allows Brixmor to enforce tenant employee parking with all legal options within the lease document.

CONTROLLED GARAGE ACCESS

Entrance to the structured parking will be regulated by access controls to restrict retail parking to floors 1 through 2 and residential parking to floor 3. Garage parking for retail customers will be no cost while residential parking stalls will be billed to residential tenants on a monthly basis. A time limited visitors parking area will be provided for guests visiting residents. Limited overnight resident guest parking will be allowed by permit only. Parking management and permits will be issued, monitored and enforced by on-site management.

SURFACE LEVEL PARKING

Surface level parking will be free to retail customers only and will not be permitted for residential parking, residential guest parking or student parking during business hours.

NEIGHBORHOOD PERMIT PARKING

The residential neighborhoods surrounding the University Commons Project are located in preferential parking permit required areas H, P, Q, S, & U. These required parking permit areas restrict on street parking to residents holding valid city permit. Vehicles parked without a permit will be fined by the City of Davis Parking Patrol. University Commons will support these permit programs through tenant education curricula and on site signage detailing the adjacent neighborhood parking restrictions and cost of violations.

RESIDENTIAL STRUCTURED PARKING FEE

Vehicle parking fees for residents choosing to have vehicles will be an additional charge to base rental rates. Resident base rental rates will not include the cost of parking. This additional cost is intended to discourage vehicle possession.

BICYCLE PARKING

Bicycle parking areas will be provided on the first level of the residential building and each floor of the parking garage. 893 residential bicycle parking spaces are planned (one per bed), with an addition 124 bicycle parking spaces planned to serve the retail uses. The abundance of planned bicycle parking with the close proximity to the UC Davis Campus in conjunction with the cost of on-site as well campus parking should act to discourage resident vehicle ownership and encourage the use of bicycle transportation.

RIDE SHARE/SHARED PARKING

Plans will include designated areas for ride share pick up and drop off for the likes of Uber and GrubHub. The developer will pursue discussions with vendors for inclusion of “shared vehicles” (i.e. ZipCar) as an additional public amenity to further assist in the reduced need for individual vehicle use.

LOCATION

The Proximity of the University Commons Mix-Use Project to the University of California Davis with the convenience of on-site retail and services providers is the greatest deterrent to vehicle ownership and use. The pedestrian oriented environment, alternate transportation options, coupled with the cost of vehicle ownership will foster an environment in which vehicle ownership and demand for parking is an exception rather than norm.

University Commons Sustainability Measures

July 30, 2019

1. By virtue of its location, the University Commons project is its primary sustainability element. With UCD directly across the street, residents of the project will utilize the abundant infrastructure of pedestrian friendly sidewalks, bicycle lanes, ride share pickup/drop-off areas and heavily scheduled bus routes to walk, bike, ride share or use public transportation to reach their destinations, thus significantly reducing the need for automobile usage and carbon emissions. Vertical “in-fill” mixed use redevelopment retail/housing adjacent to the University of California Davis integrated with a variety of retail and service functions reduces sprawl and environmental impacts to Greenfield development and an automobile-based commuter culture.
2. During construction developer will divert solid waste from landfill to a minimum of 65%.
3. Utility Metering
 - a. Each residential and retail suite will contain a water sub-meter to measure actual use.
 - b. Each residential and retail suite will contain an electrical meter to measure actual use.
4. Common Area Lighting
 - a. Parking and common area lighting will equipped with solar powered LED lights.
5. Parking
 - a. The parking facility will contain EV Vehicle Charging Infrastructure:
 - b. Cost to park Management Programs will be implemented to discourage vehicle use.
 - i. All parking for the residential units shall be charged separately from base rent charges.
 - c. Dedicated surface level parking stalls for ride/car share program will be provided.
6. Bicycle Program
 - a. Bike parking for retail customers, residents and guests will be provided.
7. Landscape
 - a. The project will be designed with limited turf areas, the incorporation of drought tolerant vegetation, utilization of smart irrigation controllers, high-efficiency drip irrigation systems and the installation of mulch dressing to provide soil moisture evaporation protection.
8. Commitment to collaborate with tenants to jointly reduce environmental footprint.

ATTACHMENT 12

University Commons Project Public Comments for City Council

From: kathy.m.ormiston@gmail.com <kathy.m.ormiston@gmail.com>
Sent: Saturday, July 11, 2020 5:16 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: FW: University Commons Planning Commission Hearing - May 27, 2020

Hi Eric, Although I've previously commented, I wanted to restate my remarks for the City Council.

I live in a neighborhood north of University Mall. Several times a week I walk to Trader Joes using the path off Mulberry Lane that dead ends at University Mall. When I look at the drawings I don't see any indication that the path has been incorporated into the plans for University Commons. The drawings seem to show a solid line of trees behind the building. Many people in my neighborhood, including a 93 year woman who uses a walker, take this path to get to Trader Joes, Starbucks and the UC Campus. I wish there was some way to walk from the path through the shopping mall to the front of the mall. It doesn't look like there is any pedestrian path that will go to the front of the building – just walls, a parking garage and a road. It will be a shame if pedestrians are pushed out to Anderson, which is a busy, unpleasant street.

Thanks you for allowing me to share my thoughts.

Best,

Kathy Ormiston

Google Maps Davis, California



Image capture: Apr 2019 © 2020 Google

Google

Street View



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

From: Annprivateer <annprivateer@gmail.com>

Sent: Tuesday, July 14, 2020 5:11 PM

To: City Council Members <CityCouncilMembers@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>;

Sherri Metzker <SMetzker@cityofdavis.org>

Subject: Re Letter the Editor

Dear City of Davis

This letter is really a request to the city council to uphold good land use practices and support neighborhood integrity.

The University Mall, centrally located, will bring too much traffic to our downtown area and will not serve our community needs. So many beds have only students in mind. There is an abundant housing void for young families with children, for people who work in Davis, and for the homeless after this pandemic when motels go back to normal.

It's time for UCD to house their students.

The city has already authorized 4 large student housing developments: Sterling 5th Street Apartments, Nishi, Lincoln40 on Olive Drive and Davis Live on Russell Blvd. When completed these projects will house close to 4,000 students. And University Commons would result in close to 5,000 new off-campus beds for students.

If UCD chooses larger enrollments, it's UCD's responsibility to provide on campus student housing. They have the land.

Thank you,
Ann Privateer
A 40 year resident
1314 Hemlock Lane
Davis, Ca 95616
5307565123



July 15, 2020

Eric Lee
Project Planner
City of Davis
Sent via email to elee@cityofdavis.org

[SUPPORT] University Commons

Dear Mr. Lee,

Thank you for allowing House Sacramento the opportunity to comment on the University Commons development proposal. We are writing in support of this proposed development that will be heard by the Davis City Council on July 21.

House Sacramento is an organization formed to advocate for building inclusively affordable communities in the Sacramento area. We formed to represent renters, young people, and other communities disproportionately harmed by NIMBYism and California's long standing culture of opposition to developing adequate housing supply. With House Sac members living in the City of Davis, our organization understands the unique and acute housing challenges presented in the community. This project represents a great opportunity to add housing where it is needed most.

Many Davis residents, understandably, fear change in their own backyards - they tend to like where they live. This culture of exclusion, however, benefits existing wealthy households at the expense of those with the least means. Community pressures and exclusionary zoning are contributing to the current housing crisis by limiting supply. This is driving rents and home prices to an unaffordable level for many households. Davis and the greater Sacramento region are far from full, but only if we create an inclusive vision that allows projects like the University Commons redevelopment to move forward.

In late May, in a troubling move, the Davis Planning Commission unanimously declined to support this project proposal, which will increase the livability and vitality of the neighborhood. This motion sends discouraging signals to future developers and undermines the very modest housing vision set in place by the Davis General Plan. It also furthers the stereotype of Davis as a hypocritically exclusive community that is unwilling to house the working class and student residents upon which its economy and culture depend.

The Planning Commission expressed concerns that this project includes some units oriented towards UC Davis students. This is a misguided and dangerous concern. The project site is across the street from campus and is closer to university activity centers than the dorms being

built by the university. In addition, when the City says no to projects like this, the students who would have lived there do not disappear. They are forced to compete with other city residents for the existing housing stock, driving prices higher and the vacant rate lower, which is already the lowest in the region. This mindset needs to change.

It is time for Davis to show leadership in our housing crisis by approving this project. We also urge staff to work with Council to consider allowing housing in areas zoned for commercial/retail by right. The City could simply designate all areas under the new "Mixed Use" land use designation that are currently categorized as commercial. This way, projects like these would not require a general plan amendment or a highly politicized review process.

We recommend the Davis City Council support this project, certify the EIR and adopt the CEQA findings of facts, the statement of overriding considerations, and the Mitigation Monitoring and Reporting Program; adopt a resolution for a General Plan amendment; adopt an ordinance for a planned development rezone; and finally, approve demolition and the development agreement. The time is now to support more homes.

Regards,

A handwritten signature in black ink, appearing to read "Ansel Lundberg". The signature is fluid and cursive, with the first name "Ansel" written in a larger, more prominent script than the last name "Lundberg".

Ansel Lundberg
Co-Chair
House Sacramento

May 27, 2020

Cheryl Essex, Chair
City of Davis Planning Commission
23 Russell Blvd
Davis, CA 95616

RE: University Mall Site Project - Support

Dear Members of the Davis Planning Commission,

The Davis Chamber of Commerce wishes to express its support for University Commons, the proposed mixed-use redevelopment of University Mall site.

The Chamber is impressed by the thoughtfulness of this project's site design as well as its commitment to a significant reinvestment in the City of Davis. The Chamber is most enthusiastic about the economic benefits and excitement we believe this development will bring to the City including:

- **Housing for our Community:** Purpose built housing supply is critical to our ability to attract talented people to locate and grow within the City of Davis. The University Commons project will provide desperately needed residential quarters, adjacent to the University. This new development will provide students, staff and faculty at the University of Davis a great housing option in a culturally unique and vibrant environment with offering of an assortment of amenities and gathering spaces. With its proximity to campus, the project should also relieve pressure on traditional student "micro dorms" scattered throughout the residential neighborhoods in Davis.
- **Retail for the City:** The project will stimulate economic activity replacing a facility no longer conducive to the current demands of a productive retail environment with 136,500 square feet of new retail space supported daily by 894 on site residents.
- **Short Term Economic Benefit:** Construction of the mixed-use building is estimated to cost \$200 Million with an expected 2 year construction duration. With \$200 Million invested in capital improvements, extensive economic benefits will be injected into the local economy. In addition to the construction jobs, multipliers such as procurements from local businesses, and construction employees spending their earnings on goods and services will result in the direct injection of new revenue to local businesses within the City.

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Trevor Warren
AGR Partners

Chamber Staff

Cory Koehler
Executive Director
Kristin Hannell
Director of Events & Marketing
Esmeralda Andrade
Front Office Administrator

- **Long Term Economic Benefit:** Approval of the project will yield substantial, immediate and quantifiable impact fee benefits. Additionally, forecasting models indicate that the retail portion of the project will generate critically needed sales tax revenues to the City. Further, it is anticipated that the new retail will generate approximately one new job per 350 square feet of rentable retail space, which equates approximately 300-400 new jobs.
- **University Commons Vision is The Chambers Vision for Progressive Smart Growth:** The University Commons project creates a vertically integrated mixed-use infill residential and retail offering unlike any in the City of Davis. This project will transform an outdated mall into a vibrant, thoughtful, sustainable, amenity-rich, model of urban re-investment.

The Chamber urges the Planning Commission to approve the University Commons project.

Sincerely,



Cory Koehler
Executive Director



1415 L Street,
Suite 300
Sacramento, CA
95814

916.321.9000
sacog.org

May 22, 2020

Michael Webb, City Manager
City of Davis
23 Russell Blvd., Suite 1
Davis, CA 95616

Re: Comments on the University Commons Project

Dear Mr. Webb,

This letter is in response to the City's request for review of the proposed University Commons project in Davis. Thank you for inviting SACOG to comment on this project as it relates to the Preferred Blueprint Scenario map and principles. This letter is submitted in addition to our letter on January 13, 2020, which stated SACOG's concurrence with the City's determination that the proposed University Commons project is consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

The proposed project is the redevelopment of a commercial strip mall into a 5-story mixed used building made up of 264 units and 150,000 square feet of commercial, new shops, restaurants, and other services. The existing site includes a single-story neighborhood shopping center and professional offices on a partial second floor. The proposed project represents the culmination of years of planning. This site was first identified as appropriate for housing in the 2008 Housing Element steering committee and is included in the 2013-2021 Davis Housing Element sites inventory as an appropriate place for meeting the City's regional housing needs allocation.

The proposed redevelopment of this site was compared to the Preferred Blueprint Scenario. The Preferred Blueprint Scenario is a conceptual map based on the principles of smart growth. This Preferred Scenario is not intended to direct how a specific parcel should or should not be developed in a particular manner, but rather give some direction on how the region needs to develop generally to reap the benefits of the Preferred Scenario. For this reason, it is not possible to apply them at a parcel level. With that caveat, the proposed project is consistent with the Preferred Blueprint Scenario.

Findings and Evaluation:

- Infill development and redevelopment is a strategy essential to the success of the Blueprint and the MTP/SCS. The Blueprint Preferred Scenario and the currently adopted MTP/SCS achieve transportation, air quality, and other quality of life benefits by relying in part on infill and redevelopment projects such as this one. This is also key to another Blueprint principle: use existing assets. The SACOG region has

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

many aging and underutilized commercial corridors where local governments are looking to make more efficient use of existing public infrastructure. Redeveloping large, underutilized parking lots with housing is critical to the economic revitalization of these corridors and can provide the proximate customer base needed to sustain commercial uses in our changing retail climate. The University Commons project would be one of the first such projects in the region and could act as a proof a concept for future commercial corridor revitalization in the region.

- The project furthermore supports the principle of transportation choice. The project location is an existing high-quality transit corridor and is directly across the street from the university. Being in this neighborhood of Davis also provides access to a very comprehensive and connected bicycle and pedestrian network. Adding more housing to this location means that the residents of the proposed project will have the option to travel to and from their home by transit, walking, or biking. While the housing in the proposed project is not exclusive to university students and staff, those students and university employees who do live at University Commons would have an opportunity to live conveniently close to the university campus than many of the university housing units currently under construction. This proximity would promote walking and biking and may relieve congestion elsewhere in the City. For non-work/school trips, which make up the majority of all trips, the project's location efficiency would allow for its residents to satisfy the many other needs of daily life in a central location.
- Compact development and a variety of housing options are critical Blueprint planning principles. Furthermore, the Blueprint, as well as every MTP/SCS update since then, has identified the need for more attached housing in the region in order to meet the needs of current and future residents. The proposed project supports both principles by locating housing near existing jobs and services and providing attached housing. The Blueprint assumes a significant portion of the housing growth in Davis, roughly two-thirds, is attached housing including apartments, townhomes, condominiums, and mixed-use projects such as the proposed project. The project includes a variety of housing options, including one, two, four, and five-bedroom units. These units will be marketed to students, young professionals, and families. Marketing at least some of the units to students as well as those who work at the university is appropriate given the project's proximity to campus across the street. Providing housing to students and staff near the university can help to mitigate pressure on housing elsewhere throughout the City.
- The conserve natural resources Blueprint principle is based in part on compact development and reusing existing developed land. With its prime location, the proposed project is in line with what is envisioned in the Blueprint and is necessary for accommodating housing need in Davis. Redeveloping this lot to more compact residential and commercial uses will help to conserve natural resources and improve quality of life by providing cleaner air and outdoor experiences.

- Mixed-use development is a Blueprint principle that can be used to describe the importance of area-wide balancing of housing and employment. The Blueprint study revealed the need to aggressively utilize existing infill and/or redevelopment opportunities to create a better jobs/housing balance in the UC Davis and City of Davis area, which is currently jobs rich. The Blueprint shows that adding more housing in Davis will allow for more people to live near their work, which reduces the demand on the regional transportation system by allowing for shorter trips and encouraging alternative-mode trips such as walking, biking, and transit. At the neighborhood scale, a mixed-use building in a central setting near the university, such as the project is proposing, adds amenities not only for the building's residents but for the entire city and university. These types of projects can function as local activity centers and contribute to the sense of community, where people tend to walk or bike to destinations and interact more with each other.
- Quality design is one of the seven Blueprint principles that is important as new development is added to neighborhoods. It's clear that the City's design review process is working to ensure this project it integrates well with the surrounding area.

In summary, the proposed University Commons project exemplifies all of the Blueprint principles and helps implement the Blueprint and the MTP/SCS. As a means of implementing the Blueprint and the MTP/SCS, the SACOG board created the 2020 Commercial Corridors Task Force. The Commercial Corridor Task Force is a unique public-private forum to discuss opportunities, challenges, and recommendations, relating to commercial corridor revitalization in the Greater Sacramento Region. The University Commons project embodies many of the recommendations that are currently being discussed as a part of the 2020 SACOG Commercial Corridors Task Force, including providing multifamily housing directly on the corridor through parking lot redevelopment.

Again, thank you for inviting SACOG's input on this project. If you have further questions or need further assistance, please don't hesitate to contact me.

Sincerely,



James Corless
Executive Director

CC: Lucas Frerichs, City Councilmember
Ashley Feeney, Assistant City Manager
Sherri Metzker, Principal Planner

ATTACHMENT 13

Supplemental Commitments Applicant Letter, July 16, 2020



July 16, 2020

Mayor and City Council
City of Davis
23 Russell Boulevard
Davis, California 95616

RE: University Commons Supplemental Comments

Dear Mayor Partida and City Council:

We would like to thank City Council for the opportunity to bring this project forward for your consideration. We would also like to thank City Leadership, City Staff, and the City Commissions for their efforts over the last two (2) plus years to shape this proposal into a project we are proud to present.

To date, the project has received substantial public review since the application was made in March 2018. The Public Scoping Meeting was held in December 2018, the Historical Resources Management Commission reviewed the project twice once in November 2018 and again in May 2019, the Bicycle Transportation Street Safety Commission reviewed the project in November 2019, the Planning Commission has reviewed the project twice, once in December 2019, again in May 2020 and finally the Finance and Budget Commission reviewed the project twice once in June 2020 and again in July 2020.

At each of these meetings Citizens of Davis and Commissioners provided valuable feedback. Throughout this process, we listened. Based on these comments, we offer the following modifications and commitments as further detailed below. It is our sincere desire that these commitments will assist in your deliberations and warrant your support for approval of the project.

UNIT MIX

The project proposed consists of 264 units and 894 beds. Consistent with many other larger scale residential projects within the immediate proximity to campus, the initial unit mix consisted of approximately seventy (70) percent of four (4) and five (5) bedrooms that typically cater to the student population. However, from the Planning Commission meetings (December 2019 and May 2020) and additional outreach, concerns were expressed about the project's unconfirmed unit mix and a clear preference was stated that the project not strictly be a purpose-built student housing project.

From these project discussions, we have been sensitive to the unit mix with the intention of making the project available to a wide range of future residents to include both students and non-students. Based on this feedback, we will commit to reducing the four (4) and five (5) bedroom student focused units from approximately 70 percent down to 45 percent of total units and eliminate all 5-bedroom units. The remaining 55 percent of the units would consist of studios, one, two and three bedrooms with some of the units being available for rent by the unit. We will also commit to providing a portion of the project that will be limited the studio, one, two- and three-bedroom units.

AFFORDABLE HOUSING

As established in the Environmental Impact Review, the project qualifies for the Vertical Mixed-Use Exemption pursuant to the Municipal Code in effect for the project at the time of the application submittal. The City's Affordable Housing Ordinance was amended in January 2019, at which time the exemption was removed from the ordinance and revised to state vertical mixed-use projects will provide a number equivalent to five (5) percent of the total units, bedrooms or beds being developed as affordable.

We believe strongly that a beneficial way to assist in creating more affordable housing is to expand the housing supply. The proposed project will draw residents from all over the City that will benefit from living next to the University which we believe will reduce pressure on the single-family neighborhoods and in turn, make them more affordable for young families.

That said, and in spite of the project exemption, we offered to participate in the City's affordable housing goals and presented an in-lieu fee proposal. After the Planning Commission meeting and additional outreach, we clearly heard the preference that affordable beds be provided on site.

We are therefore prepared to meet the Vertical Mixed-Use Development code inclusion requirement for an affordable component and commit to an onsite affordable housing program comprised of 5% of onsite beds allocated at 80% of area median income (AMI). We make this commitment recognizing the need to contribute to the city's efforts to produce more affordable housing while at the same time balancing the extraordinarily high costs of vertical mixed-use development.

RESIDENTIAL HOUSING HEIGHT

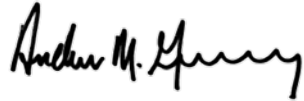
We will commit to limiting the residential housing to four (4) stories over a retail podium.

SUMMARY

The positive economic annual sales and property tax benefit, future potential job creation and inclusion of an affordable housing component provides the City of Davis the unique opportunity to revitalize a property that does not meet the needs of today's rapidly evolving retail environment into a positive model of urban re-investment.

We trust that these modifications are a positive response to the primary issues identified by the Planning Commission and are seen as constructive additions to the University Commons project. We look forward our participation in the Council hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Gracey". The signature is fluid and cursive, with a prominent initial "A" and a long, sweeping underline.

Andrew M. Gracey
Vice President Development

ATTACHMENT 14

**Redline Version identifying changes to the Development Agreement
that was presented to Planning Commission on May 27, 2020**

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 BRIXMOR

Relating to the Development of the Property Commonly Known as University Commons

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into this ____ day of _____, 2020, by and between the CITY OF DAVIS, a municipal corporation (herein the "City"), and California Property Owner I, LLC (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 property as described in Exhibit A attached hereto and incorporated herein by this reference. Developer seeks to develop the property as a retail commercial and residential vertical mixed use development project (the “Project”). The Project will consist of approximately 136,800 square feet of new retail commercial space, 13,200 square feet of existing retail commercial for a total of approximately 150,000 square feet, and residential units with 894 beds. The Project will include structured parking, signage, landscaping, site amenities, and other improvements outlined in the project entitlements.

C. 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 8.25± acre property located on the north side of Russell Boulevard and bordered by Anderson Road and Sycamore Lane (APN 034-253-007) (“the Property”), and further detailed in Recital D 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.

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

- (1) Certification of the EIR and adoption of the Mitigation Monitoring Plan for the Project.
- (2) General Plan Amendment #~~2~~-~~18~~;
- (3) Rezone and Preliminary Planned Development #3-18;
- (3) Development Agreement #~~2~~-~~19~~.

E. This Agreement will provide certainty with respect to planning and orderly development of the Project and will enable the Developer to make significant investments in public infrastructure and other improvements, assure the timely and progressive installation of necessary improvements and public services, build-out the Project consistent with the desires of the City to develop at a pace that will assure integration of the Project into the existing community, and provide significant public benefits to the City that the City would not be entitled to receive without this Agreement.

F. In exchange for the benefits to the City, the Developer will be assured 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 106 hereof. Following the expiration of said Term, this Agreement shall be deemed terminated and of no further force and effect, except as noted in 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, after all appeals have been exhausted, upon entry of a final judgment or issuance of a final judicial 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 any retail or residential tenant within the 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. Except as to an assignment by Developer to an affiliate or entity in which Developer is a member or holds an ownership interest, 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 development experience and 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 developments of comparable scope and complexity to the portion of the Project that is the subject of~~ the assignment.

(b) 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 to the Developer at the

address set forth in Section 900, or as alternatively described in Section 104, 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, and 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, [or an entity in which Developer is a member or holds an ownership interest](#); and (ii) any change in Developer entity form, such as a transfer from a corporation to a limited liability company or partnership, that does not affect or change beneficial ownership of the Project Site; provided, however, in such event, Developer shall provide to City written notice, together with such backup materials or information reasonably requested by City, within thirty (30) days following the date of such reorganization or City's request for backup information, as applicable.

E. [Sec. 104] Notices. Formal written notices, demands, correspondence and communications between the City and the Developer shall be sufficiently given if dispatched by certified mail, postage prepaid, to the principal offices of the City and the Developer, as set forth in Article 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 in writing 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] 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 [for public use or purposes](#); (d) provisions regarding Developer's fulfillment of its obligations to make fair share financial contributions to off-site road and bike and pedestrian improvements as set forth in this Agreement; (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) other 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 106(2) below. The City Manager or his or her delegee shall have the authority to determine if an amendment is a Major Amendment subject to this Section 106(1) or a Minor Amendment subject to Section 106(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 106(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 or his or her designee. 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, [but not the affirmative obligation to proceed with the development of,](#) 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 106(2), *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 _ through _ 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. Affordable Housing ~~In-Lieu Fee Program~~ Requirements. The Developer shall ~~pay an~~meet affordable housing ~~in-lieu fee~~requirements as set forth in Exhibit D.

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

4. Environmental Sustainability Implementation Plan. 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

5. Residential Occupancy Management Plan. Developer shall implement the Residential Occupancy Management Plan set forth in Exhibit G.

6. Parking Management Plan. Developer shall implement the Parking Management Plan set forth in Exhibit H.

7. Construction of or Fair Share Contributions to Off-Site Road, Bike and Pedestrian Improvements. The Developer shall make its fair share financial contributions to off-site road and bike and pedestrian improvements as set forth in Exhibit I entitled “Developer Fair Share Contributions to “Construction of or Off-Site Road, Bike and Pedestrian Improvements”.

8. 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.

9. Residential Unit Mix. The maximum number of bedrooms in any Project unit shall not exceed four (4) bedrooms. A minimum of fifty five percent (55%) of the total units in the Project shall be comprised of studios, one (1), two (2) and three (3) bedroom units. In no event shall the total Project four (4) bedroom units exceed forty five percent (45%) of the total unit count.

10. Unit Distribution. The Developer shall design the residential portion of the Project in a manner that allocates a portion of the studio, one (1), two (2), and three (3) bedroom units into one area of the Project.

11. Residential Floors. Residential housing shall be limited to four (4) stories over a retail podium.

C. [Sec. 202] Subsequent Approvals and Subsequent Actions.

1. Subsequent Approvals. The Developer has the vested right to develop Project pursuant to and consistent with this Agreement and the Project Approvals and is subject only to subsequent discretionary approvals for the Project or portions of the Project, including approval of a Final Planned Development and Design Review. In reviewing and acting upon these subsequent discretionary approvals, and except as set forth in this Agreement, the City shall not impose any conditions that preclude the development of the Project for the uses or the density and intensity of use set forth in this Agreement. Any subsequent discretionary approvals, except conditional use permits, shall become part of the Project Approvals once approved and after all appeal periods have expired or, if an appeal is filed, if the appeal is decided in favor of the approval.

Conditional use permits may be reviewed and approved by the City during the term of this Agreement but shall not “vest” under this Agreement and will terminate if not used as set forth in the City’s Municipal Code, including its Zoning Ordinance. The term of any conditional use permit shall be determined by the City’s Zoning Regulations or conditions of approval of the conditional use permit and shall not be extended by reason of this Agreement.

2. Subsequent Actions. 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.

D. [Sec. 203] Development Timing. ~~The~~[In developing the Project](#), 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. 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, including 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 sound business judgment and taking into consideration market conditions and other economic factors, [in whether or not](#) 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.

E. [Sec. 204] 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, consistent with this Development Agreement and with Project Approvals, shall, to the extent applicable, 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 106 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 only to the degree 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 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 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.

F. [Sec. 205]. 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~~applicable future adjustments as set forth ~~below~~in this Agreement, 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 existing development on the Property.

2. Except as otherwise provided by this Agreement, the Developer shall, for a period of five (5) years following the ~~effective date~~Effective Date of this Agreement, pay the fee amount in effect at the time of the Project Approvals. The City retains discretion thereafter to revise such fees as the City deems appropriate, in accordance with applicable law. After the five (5) year period referenced in this Sub-Section 205 (2), 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 city-wide 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 subject Major Amendment and shall be delineated in the Major Amendment. ~~;~~ and

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 plant 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 [as set forth in Exhibit C](#). The Developer acknowledges that connection charges may increase substantially over time and that the cost to comply with the City's new National Pollution Discharge Elimination System ("NPDES") permit, as may be approved from time to time during the term of this Agreement, may be substantial.

G. [Sec. 206] 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 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 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 General Plan, Final Planned Development and/or amendments, zoning, special permits, development permits, or other entitlements for use of the Property in accordance with 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 the notice specified above and expiration of the thirty (30) day period, if such default has not been cured or Developer has failed to reasonably prosecute and/or implement a cure 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, 106, 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 pandemic resulting in a declared state of emergency, 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 the Parties 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 and not otherwise invalidated by a court; nor shall it affect any other covenants of the Developer specified in this Agreement to continue after the termination of this Agreement, provided such covenants have not been invalidated by a court.

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 attorneys' 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:

Andrew Gracey
Brixmor Property Group
Vice President Re/Development, West
1525 Faraday Avenue, Suite 350
Carlsbad, CA 92008
E-mail: andrew.gracey@brixmor.com

With a copies to:

Brixmor General Counsel
Steve Siegel
[Brixmor Property Group](#)
[EVP, General Counsel & Secretary](#)
[450 Lexington Avenue, Floor 13](#)
[New York, NY 10017](#)
steven.siegel@brixmor.com

George Phillips
Phillips Land Law, Inc.

5301 Montserrat Lane
Loomis, CA 95650
E-mail: gphillips@phillipslandlaw.com

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 shall be deemed approval by Developer of the estoppel certificate (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) 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 shall be deemed approval by City of the estoppel certificate (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) 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 entitled to develop the Project and 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 has

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 _____ () pages and _____ () exhibits which constitute the entire understanding and agreement of the Parties. Unless specifically stated to the contrary, the reference to an exhibit by designated letter or number shall mean that the exhibit is made a part of this Agreement. Said exhibits are identified as follows:

- Exhibit A: Legal Description of the Property
- Exhibit B: Project Approvals
- Exhibit C: Development Impact Fees, Connection Fees and Community Enhancement ~~Fees~~Funds
- Exhibit D: Affordable Housing ~~In-Lieu-Fee Program~~Requirements
- Exhibit E: Local Hiring Program
- Exhibit F: Environmental Sustainability Implementation Plan
- Exhibit G: Residential Occupancy Management Plan
- Exhibit H: Parking Management Plan
- Exhibit I: Construction of or Fair Share Contributions to Off-Site Road, Bike and Pedestrian Improvements

[Signatures on following page]

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

“CITY”

CITY OF DAVIS

By:

~~Brett Lee~~ Gloria Partida
Mayor

Attest:

Zoe S. Mirabile, CMC,
City Clerk

“DEVELOPER”

California Property Owner I, LLC, a Delaware limited liability company

By: Matthew Berger

Title: Executive Vice President – West Region

By: _____
Name:

Title:

APPROVED AS TO FORM:

Inder Khalsa
City Attorney

EXHIBIT A

Legal Description

APN 034-253-007

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF DAVIS, COUNTY OF YOLO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 273, University Farms Unit No. 7, according to the official Plat thereof, filed for record in the Office of the Recorder of Yolo County, California on April 22, 1963 in Book 6 of Official Maps, at Pages 4 and 5.

Excepting therefrom all oil, gas, petroleum and other hydrocarbon substances and all other minerals within and underlying and which may be produced from said property together with certain subsurface rights incidental thereto but not the right to drill and/or tunnel into, under or through said property above a depth of 500 feet measured from the surface as reserved on the map hereinabove referred to.

EXHIBIT B

Project Approvals

- (1) Certification to the EIR for the Project
- (2) General Plan Amendment #2-18;
- (3) Rezone and Preliminary Planned Development PD 3-18 (University Commons);
- (~~3~~4) Development Agreement #2-19.

EXHIBIT C

Development Impact Fees, Connection Fees and Community Enhancement Funds

I. General Provisions

Notwithstanding any other provisions of this Agreement and the Municipal Code, the development impact fees (“Development Impact Fees”) and connection fees (“Connection Fees”) set forth in this Exhibit C shall be paid by the Project as modified in this Exhibit C. All other fees, connection fees, and payments shall be subject to the general provisions of Article 2, Section H of this Agreement and the Municipal Code. All other fees, connection fees, and payments shall be subject to the general provisions of the Municipal Code. All development impact fees, connection fees and community enhancement funds paid by Developer shall be calculated consistent with the terms of this Development Agreement and this Exhibit C using the final square footage and unit count contained in the approved Final Planned Development.

The Developer and the City hereby agree to apply for and fully support funding under the Statewide Community Infrastructure Program (“SCIP”) or similar mutually agreeable program, provided that the Project meets the requirements for the financing. The application shall be at Developer’s option, and following Developer’s written notification to City of its intention to apply.

II. Development Impact Fees

Development Impact Fees shall be paid by the Developer in accordance with AB 1600 and are based on the impacts of the Project and must be reasonably related to the cost of the service provided by the local agency as set forth in the tables below. To the extent that Developer or its predecessor(s) in interest paid Development Impact Fees for commercial square footage that is being demolished to accommodate the Project, such previous fee payments shall be credited against the Development Impact Fees owed to City by Developer for the Project, meaning Developer or its predecessor(s) in interest shall pay Development Impact Fees on net new square footage.

~~Payment~~ Unless provided otherwise in this Development Agreement or this Exhibit C, payment of Development Impact Fees for the Project shall be payable prior to the Certificate of Occupancy being issued for the Project.

The Developer shall have the option to defer Development Impact Fees for the applicable phase of the Project being constructed which shall be payable 24-months from the first residential unit Certificate of Occupancy being issued for the applicable phase of the Project, provided the Developer provides security for the payment agreement acceptable to the City Manager and City Attorney. Security for the payment shall be in the form of a performance bond or letter of credit, in a form and from a surety acceptable to City, issued to the City securing the outstanding amount of the Development Impact Fees. If the amount due to the City is not paid in full upon the day of the expiration of the 24-month period, a 10% penalty will be assessed. The surety amount shall include the 10% penalty ~~or on~~ the outstanding amount of the ~~Community Enhancement Fund~~ Development Impact Fees deferred. If the Developer does not pay the entire amount due by 45 days after the date

of the expiration of the 24-month period, the City may call on the surety or letter of credit to pay the entire amount then due, including the 10% penalty. The City Manager and City Attorney have the sole discretion to consider entering into an agreement in lieu of a performance bond or letter of credit regarding the payment of Development Impact Fees provided that the agreement provides adequate leverage in favor of the City relative to collection of the deferred Development Impact Fees.

Developer has the right to pay any Development Impact Fees associated with the Project at any given time to avoid upcoming increases.

If Development Impact Fees are not paid by the fifth (5th) year following the ~~effective date~~Effective Date of this Agreement, the Development Impact Fees shall be recalculated in accordance with rates applicable at the time.

Development Impact Fees Tables

Commercial Development Impact fees	Commercial Rate <u>per 1,000 sf</u>	Commercial Net New SF: 46,305
Roadways	\$20,239.00	\$937,166.90
Parks	\$730.00	\$33,802.65
Open Space	\$126.00	\$5,834.43
Public Safety	\$1,078.00	\$49,916.79
Drainage	<u>\$118.00</u>	
General Facilities	\$928.00	\$42,971.04
Total	\$23,101.00 <u>23,219.00</u>	\$1,069,691.81

Residential Development Impact Fees Fees <u>Fee's</u>	Multi-Family Rate 1-Bedroom	Multi-Family Fees 1-Bedroom 66-units	Multi-Family Rate 2 plus<u>Plus</u> Bedrooms	Multi-Family Fees 2 plus Bedrooms 198-units	Residential Totals
Roadways	\$3,047.00	\$201,102.00	\$4,942.00	\$978,516.00	\$1,179,618.00
Parks	\$3,277.00	\$216,282.00	\$3,827.00	\$757,746.00	\$974,028.00
Open Space	\$564.00	\$37,224.00	\$659.00	\$130,482.00	\$167,706.00
Public Safety	\$700.00	\$46,200.00	\$757.00	\$149,886.00	\$196,086.00
	<u>Drainage</u>	<u>\$85.00</u>	<u>\$85.00</u>		
General Facilities	\$1,249.00	\$82,434.00	\$1,823.00	\$360,954.00	\$443,388.00
Total	\$8,837.00 <u>8,922.00</u>	\$583,242.00	\$12,008.00 <u>12,093.00</u>	\$2,377,584.00	\$2,960,826.00

III. Connection Fees

Connection fees are due at ~~the time of Building Permit or as otherwise agreeable to~~building permit and the Public Works Director ~~but no later than the first~~, can, in his or her sole discretion agree to a postponement to Certificate of Occupancy ~~for the applicable phase of the project being constructed.~~To the extent that Developer or its predecessor(s) in interest paid Connection Fees, such previous fee payments shall be credited against the Connection Fees owed to City by Developer for the Project.

Water Connection Fees. Water connection fees paid by the Developer shall not exceed the existing City water connection fee for the first five (5) years from the Effective Date of this Agreement. If the water connection fees decrease during the five-year period, then the Project shall be subject to the lower fee. Thereafter, if the water connection fee has increased, the Developer shall pay the then current water connection fee. Water connection fees will be determined at the time of Utility plan check.

Water Meter Connection Fees

Meter Size	Charge
3/4"	\$ 10,362.00
1"	17,271.00
1-1/2"	34,541.00
2"	55,254.00
3"	103,612.00
4"	172,682.00
6"	345,376.00
8"	552,311.00

Sewer Connection Fees. Sewer connection fees paid by the Developer shall not exceed the existing City sewer connection fee for the first five (5) years from the Effective Date of this Agreement. If the sewer connection fees decrease during the five-year period, then the Project shall be subject to the lower fee. Thereafter, if the sewer connection fee has increased, the developer shall pay the then current sewer connection fee. Sewer connection fees will be determined at the time of Utility plan check.

Sewer Connection Fees

Residential (per dwelling unit)	Connection charges
<i>Multi-family 5 or more units</i>	<i>\$3,320.00</i>
Commercial (based on flow and quality of discharge to the wastewater facility)	Connection Charge
Flow (ccf/day) winter water usage from November – February	<i>\$14,346 ccf/day</i>
Biological oxygen demand impact to wastewater facility (lbs/day)	<i>1,556 lbs/day</i>
Total suspended solids impact to wastewater facility (lbs/day)	<i>853 lbs/day</i>

IV. Community Enhancement Funds

Community Enhancement Fund Multiplier for Units in Excess of Three Bedrooms

For any units in the ~~project~~Project that contain more than three bedrooms, additional Community Enhancement Funds shall be paid as follows: A multiplier shall be determined by dividing the total number of bedrooms ~~in the project~~ by the total number of units ~~in the project~~ to determine the average number of persons per ~~multifamily household for the project~~unit. The average number of ~~person~~persons per ~~multifamily~~ unit ~~for the project~~ shall be divided by the Development Impact Fee occupants per ~~multifamily~~multi-family unit assumption in place at the time of building permit for each building which will result in the Bedroom Count Basis Multiplier that would be applied to the following Development Impact Fee categories: Roadways, Drainage, Parks, Open Space, Public Safety~~Facilities~~, and General Facilities. Rates are subject to change if any of the multipliers change such as total bed or unit counts.

Applicable to units in excess of 3 bedrooms. The final Community Enhancement Funds Rate will be determined based upon final unit mix.

Community Enhancement Table

~~Unit mix at effective date of agreement include 66 units with 4 or more bedrooms. final community enhancement fees will be determined based upon final unit mix~~

Community Enhancement <u>Funds</u> Rate	Community Enhancement Fees
Roadways \$4,118.33 <u>2,805.87</u>	—\$271,809.78
Drainage \$70.83 <u>48.25</u>	—\$4,674.78
Parks \$3,189.17 <u>2,172.82</u>	—\$210,485.22
Open Space \$549.17 <u>374.15</u>	—\$36,245.22
Public Safety \$630.83 <u>429.79</u>	—\$41,634.78
General Facilities \$1,519.17 <u>1035.02</u>	—\$100,265.22
Total <u>Per Unit</u> <u>in excess of 3 bdrms</u> \$10,077.50 <u>6,865.93</u>	—\$665,115.00

The Developer shall have the option to defer Community Enhancement Funds for the applicable phase of the Project being constructed which shall be payable 24-months from the first residential unit Certificate of Occupancy being issued for the applicable phase of the Project, provided the Developer provides security for the payment agreement acceptable to the City Manager and City

Attorney. Security for the payment shall be in the form of a performance bond or letter of credit, in a form and from a surety acceptable to City, issued to the City securing the outstanding amount of the Community Enhancement Funds. If the amount due to the City is not paid in full upon the day of the expiration of the 24-month period, a 10% penalty will be assessed. The surety amount shall include the 10% penalty ~~on~~on the outstanding amount of the Community Enhancement Fund deferred. If the Developer does not pay the entire amount due by 45 days after the date of the expiration of the 24-month period, the City may call on the surety or letter of credit to pay the entire amount then due, including the 10% penalty. The City Manager and City Attorney have the sole discretion to consider entering into an agreement in lieu of a performance bond or letter of credit regarding the payment of Community Enhancement Funds provided that the agreement provides adequate leverage in favor of the City relative to collection of the deferred Community Enhancement Funds.

Exhibit D

Affordable Housing ~~In-Lieu-Fee Program~~ Requirements

The application for the Project was submitted to the City on March 13, 2018, at which time the City's affordable housing ordinance provided for an exemption from the affordable housing requirements for vertical mixed use projects. Reasons for the exemptions included the City's interest in encouraging vertical mixed use in infill locations, recognizing the unusually high costs of such development, and the loss of previously available funding for affordable housing. The Project is a vertical mixed use project.

The City's affordable housing ordinance was subsequently amended by the City Council on January 8, 2019. The amended ordinance eliminated the exemption in the previous ordinance for vertical mixed use projects and established the requirement of providing units² equivalent to five percent of the total units being developed. The staff report accompanying the affordable housing ordinance to the City Council on December 18, 2018, included the following statement "Third, the proposed amendment will not impact applications currently under review. Rather the amendments will only apply to applications submitted after the ordinance takes effect, which will be 30 days following the ordinance's second reading". As such, the Project is exempt from the requirements of the City's Affordable Housing Ordinance.

Even though the vertical mixed use exemption is still applicable to the Project, the Developer shall nonetheless ~~contribute the sum not to exceed \$600,000 to the City to facilitate development of affordable housing within the City. This sum shall be paid to the City in five (5) equal annual installments upon issuance of the first certificate of occupancy for the residential portion of the Project. By reason of example only, this amount is equal to three percent (3%) of the Project's total units planned multiplied by the City's per-unit affordable housing in-lieu fee of \$75,000 (264 x .03 x \$75,000 = \$600,000)~~ meet the Vertical Mixed-Use Development requirement as defined in Municipal Code 18.05.060(a)(4), which specifies that a number equivalent to five percent of the total units, bedrooms, or beds being developed including the affordable units, bedrooms, or beds, shall be developed and made affordable to low income households, households with gross incomes at or below eighty percent of area median income for Yolo County. Accordingly, the Project affordable housing program shall provide five percent (5%) of the onsite beds allocated to residents with incomes at eighty percent (80%) of area median income (AMI).

Prior to issuance of building permits issued for the Project, the Developer shall record a covenant on the Property, making the affordable requirements described in this exhibit binding upon all successors and assigns during the life of the project, surviving the termination or expiration of this Agreement. The details of the management of the affordable housing program shall be provided to the City prior to approval of the Final Planned Development, and said program shall be subject to review and approval by the City Attorney and City Manager. .

EXHIBIT E

EXHIBIT E TO UNIVERSITY COMMONS DEVELOPMENT AGREEMENT

Local Hiring Program

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), to the extent practical given the type of construction required to build the Project.

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 or 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 ~~DE~~E, the Local Hiring Policy provides that the Targeted Job Applicants shall be considered for each On-Site Job ~~In~~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~~As part of Developer's larger outreach and hiring program to hire the skilled workers required to construct the Project, and 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~~Developer and Prime contractor shall determine in their respective subjective business judgement whether any particular Targeted Job Applicant is qualified to perform the On-Site Job and whether or not to hire the Targeted Job Applicant for which such Targeted Job Applicant has applied.

7. Term. The Local Hiring Policy shall 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

The City and the Developer have agreed that environmental concerns and energy efficiency are critical issues for new developments. The sustainability and primary energy efficiency standards of the State of California, through CALGreen (California Green Building Standards Code Part 11 of Title 24, California Code of Regulations) and the California Energy Code (Part 6 of Title 24) shall be the basis for compliance of the Project. The base CALGreen requirements meet all of the LEED prerequisites and also earn points towards certification, if desired. The City is currently requiring CALGreen Tier 1 compliance. The Project will be required to meet CALGreen and Energy Code compliance that will be essentially equivalent to LEEDv4 Gold. Project compliance with this commitment shall be satisfactorily demonstrated to the Director of Community Development and Sustainability. As such, formal LEED certification of the Project by the U.S. Green Building Council is not required.

1. The project shall comply with the City of Davis Reach Code. The current Reach Code requires a minimum 10% compliance margin above the 2019 California Building Energy Efficiency Standards (Title 24, Part 6 of the California Code of Regulations) and the buildings and landscaping will be designed to achieve Tier 1 domestic water usage and comply with the Model Water Efficient Landscape Ordinance (MWELO). The analysis necessary for compliance shall be submitted prior to the issuance of Building Permits. The measures could include, but not be limited to, a combination of the following:

- LED lighting with lighting power densities in common spaces, offices, and corridors

at least 10% lower than Title 24 prescriptive requirements.

- High-efficacy LED lighting with lighting controls and natural day lighting/ventilation throughout the project.
- Roof-top photo-voltaic electrical panels sized to offset a portion of the total building energy use. Size is ~~lessor~~the lesser of 80% offset of the building's annual electric load or 15 DC watts per sq. ft. of solar zone. Solar zone is available roof space after required setbacks from parapets and equipment. High efficiency glazing for both manufactured and site-built storefront products that includes low-E coating and either non-metal framing or thermally broken metal framing with U-factors ≤ 0.35 and solar heat gain coefficients ≤ 0.25 .
- Envelope insulation that meets or exceed 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-28 cavity insulation and R-12 continual insulation.
- High efficiency cooling equipment with SEER values ≥ 16 ; high efficiency heating equipment with AFUE values ≥ 90 for gas equipment and HSPF values ≥ 9 for electric equipment; high efficiency ventilation systems with fan efficacy ≤ 0.35 Watts/cfm².

2. Electric Vehicle (EV) charging: As per Davis Electric Vehicle Charging Plan

requirements, approved by City Council by resolution on February 23, 2017, this Project is required to provide Nine (9) EV Chargers for its commercial square footage and, Sixteen (16) for its residential units, an additional:

- Level 1 charging at 5% of all spaces (min 2 spaces): 5% of Two Hundred and Sixty Four (264) total required parking spaces = Thirteen Spaces (13) spaces at Level 1 (multiple spaces can be served by a single charger).
- Level 2 charging at 1% of all spaces (min 1 parking space): minimum = 1% of Two Hundred and Sixty Four (264) total required parking spaces = Three (3) spaces at Level 2
- Conduit adequate for 25% Level 2 spaces: 25% of Two Hundred and Sixty-Four (264) spaces = Sixty Six (66) total spaces minus three above = minimum Level 2 conduit to Sixty Three (63) additional spaces.
- Room in panels and capacity to serve 20% of all spaces with Level 1 (Two Hundred and Sixty-Four (264) spaces total) = Fifty Three (53) spaces total in panels.
- Room in panels and capacity to serve 5% of all spaces with Level 2 (Two Hundred and Sixty-Four (264) spaces total) = Thirteen (13) spaces total in panels.

3. Parking

- Cost to Park Management Programs will be implemented to discourage vehicle use.
- All parking for the residential units shall be charged separately from base rent charges.
- Dedicated surface level parking stalls for ride/car share program will be provided.

4. Bicycle Parking

- A minimum of six hundred and eighty three (683) long-term and three hundred thirty five (335) short-term bicycle parking spaces shall be provided on-site, [subject to recalculation based on the approved Final Planned Development.](#)
- The long-term secured bicycle parking shall be designed to allow adequate maneuvering and access to the satisfaction of the City's bike/ped coordinator.
- Five (5) spaces shall be provided within the long-term secured bicycle parking area to accommodate, longer, non-traditional bicycles.

5. Water

- Efficient irrigation through the use of drip irrigation and moisture sensors;
- Drought tolerant plantings;
- Low-water use compliant;
- Solar hot-water preheat and central boiler system.

6. Electric Cooking Appliances for Residential Units

All residential units shall have electrical cooking appliances. No natural gas cooktops shall be allowed for residential units.

7. Utility Metering

- a. Each residential and retail suite will contain a water sub-meter to measure actual use.

b. Each residential and retail suite will contain an electrical meter to measure actual use.

8. Water Usage Fee for Residential Units

Developer shall charge a water usage fee on units with “excessive” monthly usage above a baseline amount, which shall be established as an appropriate average amount for units of similar size and occupancy. The baseline water amount and fee shall be reviewed annually in consultation with the City to determine whether any adjustments are needed.

Adjustments are subject to review and approval by the Director of Community Development and Sustainability.

Notices. Each unit will receive a monthly summary of that unit’s water usage (with comparison information).

9. During construction developer will divert solid waste from landfill to a minimum of 65%

10. Common Area Lighting a. Parking and common area lighting will equipped with solar powered LED lights.

11. Commitment to collaborate with tenants to jointly reduce environmental footprint through provision of newsletter and/or other equivalent educational materials focused on sustainability.

12. Prior to issuance of building permits, the Developer shall record a covenant on the property, making the parking requirements described in this exhibit

binding upon all successors and assigns during the life of the project, even
after the expiration of this Agreement.

EXHIBIT G

Residential Occupancy Management Plan

University Commons will implement and maintain the residential occupancy management plan set forth in this Exhibit G.

1. The maximum number of residents permitted within the Project is 894.
2. As part of determining the maximum project residential occupancy, Developer/[Operating Manager](#) shall determine the number of residents allowed within each floor plan within the Project (Allowed Occupancy).
3. The Allowed Occupancy will be strictly limited to one resident per bedroom unless otherwise designated to accommodate double occupancy for specific unit types. An additional minor child being twelve (12) months of age or less who occupies the same bedroom with the child's parent or legal guardian, will be permitted in addition to the Allowed Occupancy.
4. Developer/[Operating Manager](#) will use leasing software to monitor the Allowed Occupancy and compliance through leasing agreements with residents.
5. Developer/[Operating Manager](#) shall perform quarterly unit inspections for purposes of monitoring compliance with lease terms and the applicable Allowed Occupancy for each unit.
6. Developer/[Operating Manager](#) shall limit the issuance of unit keys to residents legally occupying units within the Project under the then current lease.
7. Entrances to residential buildings within the Project will be secure, with an electronic "key" required for entry.

8. A fee will be charged for replacement of lost keys to prevent duplication.

~~Management~~[Developer/Operating Manager](#) will inventory the controlled access system, to ensure that missing or lost keys are deleted from the access system.

9. Developer/[Operating Manager](#) shall enforce lease terms regarding maximum unit occupancy, including initiating eviction proceedings for residents sharing their units with non-permitted occupants following receipt of a notice to comply by Developer.

10. Developer/[Operating Manager](#) shall issue temporary parking passes for guest parking spaces in the Project, which will be clearly marked with the time period for which the guest pass is valid. Cars with missing or expired guest passes will be towed.

11. Developer/[Operating Manager](#) shall regularly monitor guest parking within the Project to ensure that guest parking spaces are not regularly used by non-residents.

12. Prior to issuance of building permits, the Developer shall record a covenant on the property, making the requirements described in this exhibit binding upon all successors and assigns during the life of the project and surviving the termination or expiration of this Agreement.

EXHIBIT H

Parking Management Plan

Parking Requirements. The Project will include 693 parking spaces, 429 spaces for retail customers and 264 for residents, [subject to recalculation based upon the approved Final Planned Development.](#)

Parking Management. Parking for the structured and surface level parking will be actively supervised by on-site property management and regulated by access control technology. The 429 retail parking spaces will include 249 parking spaces on the first and second floors of the parking structure and 200 surface level parking spaces, [subject to recalculation based upon the approved Final Planned Development.](#)

Parking Enforcement. On-site property management will enforce all retail and residential parking rules and regulations. For the retail spaces, non-customer cars parked on-site for over one hour will be towed. Signs informing the public of this policy will be posted throughout the retail parking areas and a guard will be on duty from 8 am to 4 pm seven (7) days a week to tag vehicles and cause them to be towed when the policy is violated.

Employee Parking. Developer will include language in all retail leases designating locations for employee parking. The leases will also provide for enforcement of employee parking requirements, including legal enforcement of such requirements.

Controlled Access – Structured Parking. The entrance to the structured parking will be controlled to restrict retail parking to floors one (1) and two (2), and residential parking to floor three (3). There will be no cost to retail customers for parking either surface or structure parking.

Residential parking spaces will be billed to residential tenants on a monthly basis in addition to their monthly rent. A time-limited visitors parking area will be provided for guests visiting residents. Limited overnight resident guest parking will be allowed by permit only. Parking permits for guest parking will be monitored and enforced by on-site management.

Neighborhood Permit Parking. Residential neighborhoods surrounding the Project are located in preferential parking permit required areas H, P, Q, S & U. These required parking permit areas restrict on-street parking to residents holding a valid city permit. Vehicles parked without a permit are subject to being fined by the City of Davis Parking Patrol. The Project will inform tenants of these permit enforcement programs through tenant education materials and on-site signage detailing the adjacent neighborhood parking restrictions.

Residential Structured Parking Fee. Vehicle parking fees for residents choosing to have vehicles will be an additional charge to base rental rates. The additional cost is intended to discourage vehicle possession by project residents.

Bicycle Parking. Bicycle parking areas are provided on the first level of the residential building and each floor of the structured parking. 894 residential bicycle parking spaces are planned (one per residential bed), with an additional 124 bicycle parking spaces planned to serve the retail uses, [subject to recalculation based upon the approved Final Planned Development](#).

Ride Share/Shared Parking. Final project plans will include designated areas for ride share pick-up and drop-off for users such as Uber, Lyft and GrubHub. The Developer will provide at least one parking space to be used by shared vehicles such as ZipCar as an additional public amenity to further assist in the reduced need for individual vehicle use.

Prior to issuance of building permits, the Developer shall record a covenant on the property, making the parking requirements described in this exhibit binding upon all successors and assigns during the life of the project, surviving the termination or expiration of this Agreement.

EXHIBIT I

Construction of or Fair Share Contributions to Off-Site Road, Bike and Pedestrian Improvements

Transportation and Circulation Improvements

The following transportation and circulation improvements for the Project shall be built by the developer and ~~complete~~completed prior to issuance of temporary or final certificate of occupancy for the retail ~~and~~ or residential portions of the project, whichever comes first.

- 1) Bicycle impact
 - a. Mitigation measure 4.6-2(a): Russell Boulevard/Sycamore Lane intersection: Highlight existing mixing zone with green pavement markings and warning signage.
 - b. 4.6-2(b) Russell Boulevard/Anderson Road intersection: Highlight existing mixing zone with green pavement markings and warning signage.
 - c. 4.6-(c.) Russell Boulevard between Sycamore Lane and Anderson Road: Construct shared use path on north side of Russell Boulevard between Sycamore Lane and Anderson Road.
- 2) Transit Impact
 - a. 4.6-4 Southbound Anderson Road bus stop on project site frontage: Enhance bus stop amenities and waiting area capacity.
- 3) Vehicle queue storage
 - a. 4.6-8(a) Russell Boulevard/Sycamore Lane intersection: Extend eastbound left-turn pocket storage.
- 4) Vehicle LOS impact
 - a. 4.6-9 Russell Boulevard/Sycamore Lane intersection: Construct pedestrian “bulbouts” to reduce crossing distance and reallocate green time to major street vehicular movements. - NORTH SIDE ONLY.

The following future transportation and circulation improvements for the Project shall be contributed to as a proportionate share of total project cost by the developer in the amount of Two Hundred and Seventy Thousand Four Hundred Dollars (\$270,400). The amount is to be paid in full prior to issuance of temporary or final certificate of occupancy for the retail ~~and~~ or residential portions of the project, whichever comes first.

- 1) Bicycle impact, pedestrian impact
 - a. Mitigation measure 4.6-2(d): Russell Boulevard/Anderson Road intersection: Reconfigure intersection to protected intersection for bike and ped movements; Proportionate share \$173,900.
 - b. Mitigation measure 4.6-2(f): South of Russell Blvd between Anderson Road & Segundo bike roundabout: Increase shared use path capacity and reduce the potential for bicycle-pedestrian conflicts: Proportionate share \$14,800.
- 2) Vehicle LOS impact
 - a. Mitigation measure 4.6-9: Russell Boulevard/Orchard Park Drive intersection: Reduce worst-case movement delay to LOS E or better: Prohibit northbound left-turn movements OR Prohibit northbound and westbound left-turn movements (right-in/right-out only). Proportionate share \$10,450.
 - b. Mitigation measure 4.6-9: Russell Boulevard/Anderson Road intersection: Reduce overall intersection delay by 15 seconds or more during the PM peak hour. Install a five-section traffic signal for northbound right-turn lane or reconfigure intersection to protected intersection for bike and ped movements. Proportionate share \$57,750.
 - c. Mitigation measure 4.6-9: Russell Boulevard/College Park/Howard Way: Convert northbound and southbound approaches to split phase. Proportionate share \$13,500.