

November 2022 | Final Environmental Impact Report
State Clearinghouse No. 2020100103

DOWNTOWN DAVIS SPECIFIC PLAN AND FORM BASED CODE PROJECT

City of Davis

Prepared for:

Client

City of Davis Department of Community Development and Sustainability
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Davis, California 95616

Prepared by:

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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.).

According to the CEQA Guidelines, Section 15132, the FEIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- (b) Comments and recommendations received on the DEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies comments on the DEIR;
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

This document contains responses to comments received on the Draft Environmental Impact Report (DEIR) for the Davis Downtown Specific Plan Project during the public review period, which began July 14, 2022, and closed September 16, 2022. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR; copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (Letters A through K for agencies and organizations, and Letters 1 through 15 for members of the public). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

1. Introduction

Section 3. Revisions to the Draft EIR. This section contains revisions to the DEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the DEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the FEIR. The City staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (City of Davis) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written responses received on the DEIR and the City's responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period.

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
Agencies & Organizations			
A	Yocha Dehe Wintun Nation	July 22,2022	2-3
B	Miguel Cabrera for California Department of Conservation, Geologic Energy Management Division	August 05,2022	2-7
C	Kevin Thomas	September 8,2022	2-13
D	John Meyer, Old North Davis Neighborhood Association	September 10,2022	2-25
E	Trackside Center LLC	September 14,2022	2-29
F	Dr. Catherine Brinkley, UC Davis Center for Regional Change	September 15,2022	2-37
G	Peter Minkel, Central Valley Regional Water Control Board	September 16,2022	2-43
H	Corinne I. Calfee, Opterra Law	September 16,2022	2-53
I	Cool Davis	September 16,2022	2-63
J	Larry D. Guenther, Old East Davis Neighborhood Association	September 16,2022	2-73
K	Tree Commission	September 16,2022	2-85
Residents			
1	Jonathan Hammond	July 21,2022	2-95
2	Greg Rowe	September 4,2022	2-101
3	Ron Glick	September 10,2022	2-113
4	Becky Hibbert, Jane Hibbert Hadley, Molly Hibbert Snyder	September 13,2022	2-117
5	Doug Buzbee, Becky Hibbert, Jane Hibbert Hadley, Molly Hibbert Snyder	September 14,2022	2-121
6	David Watkins	September 14,2022	2-125
7	Planning Commissioner	September 14,2022	2-129
8	Kemble Pope	September 14,2022	2-137
9	Doug Buzbee	September 14,2022	2-141
10	G Valencia	September 15,2022	2-145
11	Jean Jackman	September 15,2022	2-151
12	Alan Hirsch	September 15,2022	2-155

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Number Reference	Commenting Person/Agency	Date of Comment	Page No.
13	Nicolas Fauchier-Magnan and Heather Bischel	September 15,2022	2-175
14	Larry D. Guenther	September 16,2022	2-181
15	Richard J. McCann	September 16,2022	2-185

2. Response to Comments

LETTER A – Yocha Dehe – Wintun Nation (1 page)

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July 22, 2022

City of Davis | Community Development & Sustainability Department
Attn: Eric Lee, Planner
23 Russell Boulevard
Davis, CA 95616

RE: Downtown Davis Specific Plan YD-07152020-02

Dear Mr. Lee:

Thank you for your project notification letter dated, June 14, 2022, regarding cultural information on or near the proposed Downtown Davis Specific Plan. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it may apply to areas within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project and would like to continue to receive updates on the project.

Should you have any questions, please contact:

CRD Administrative Staff
Yocha Dehe Wintun Nation
Office: [REDACTED]
Email: [REDACTED]

Please refer to identification number YD - 07152020-02 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

DocuSigned by:

5ED632FDB9C34EA...
Tribal Historic Preservation Officer

A-1

2. Response to Comments

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2. Response to Comments

A. **Response to Comments from Yocha Dehe – Wintun Nation, dated July 22, 2022.**

A-1 The commenter states appreciation for notice of the proposed project and would like to receive updates on the project.

The City thanks the Tribe for their comment and will notify the Tribe with information related to the proposed project. The commenter has been added to the project's distribution list.

2. Response to Comments

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2. Response to Comments

LETTER B – Miguel Cabrera for California Department of Conservation, Geologic Energy Management Division (4 pages)



California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
David Shabazian, Director



08/05/2022

City: Davis - Department of Community Development and Sustainability - Davis, CA
Eric Lee
23 Russell Blvd, Suite 2, Davis, CA 95616, USA
elee@cityofdavis.org

Construction Site Well Review (CSWR) ID: 1012545

Assessor Parcel Number(s): 070080005

Property Owner(s): Property Owner

Project Location Address: Downtown Davis Davis, California 95616

Project Title: Downtown Davis Specific Plan and Form Based Code

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The California Geologic Energy Management Division (CalGEM) has received and reviewed the above referenced project dated 7/25/2022. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

B-1

The project is located in Yolo County, within the boundaries of the following fields:

N/A

SCH 2020100103

Our records indicate there are no known oil or gas wells located within the project boundary as

Page 1

2. Response to Comments

identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

B-1
CON
T'D

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

B-2

There are no guarantees a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantees that such abandonments will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.

B-3

Failure to plug and reabandon the well may result in enforcement action, including an order to perform reabandonment well work, pursuant to PRC § 3208.1, and 3224.

PRC § 3208.1 give the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or

2. Response to Comments

visible. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for reabandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.

B-3
CON
T'D

2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be reabandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.

3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the reabandonment.

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

B-4

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells

B-5

2. Response to Comments

located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

B-5
CON
TD

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

B-6

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Northern district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

B-7

Should you have any questions, please contact me at ([REDACTED]) or via email at [REDACTED]

Sincerely,

Miguel Cabrera
Northern District Deputy

cc: Brett Bonotto - Submitter
cc: Eric Lee - Plan Checker
cc: Property Owner - Property Owner

2. Response to Comments

Response to Comments Miguel Cabrera for California Department of Conservation, Geologic Energy Management Division, dated August 05, 2022.

B-1 Commenter states that potentially dangerous issues may be associated with development near oil, gas, and geothermal wells and that states that there are no known oil or gas wells located within the project boundary.

Comment noted. No further response is required.

B-2 Commenter advises against building over or in any way impeding access to, oil, gas, or geothermal wells. California Geologic Energy Management Division (CalGEM) does not guarantee that wells abandoned in compliance with Division requirements will not start leaking in the future.

As stated in Comment B-1, CalGEM acknowledges that there are no known oil or gas wells located within the project boundary. No further response is required.

B-3 Commenter recommends all wells identified on the development parcels should be tested for liquid and gas leakage and that any wells found to be leaking should be reported to CalGEM immediately. Commenter further outlines its procedure for identifying the party responsible for abandonment of a leaking well.

No wells are located in the Plan Area and no further response is required.

B-4 Commenter states that no well work may be performed on any oil, gas, or geothermal well without written approval from the Division.

No wells are located in the Plan Area and no further response is required.

B-5 Commenter recommends that all present and future property owners are informed of the existence of all wells located on properties in the plan area. The commenter also recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws.

There are no wells in the Plan Area. As noted on page 4.7-18 of the Draft EIR, Mitigation Measure HAZ-1 requires soil samples to be taken prior to the issuance of grading permits for all sites that are included on a list of hazardous material sites. Once a soil sampling analysis is complete, a report of the findings shall be provided to the City of Davis Public Works Department for review and approval. Mitigation Measure HAZ-2 states that if contaminated soils are found in concentrations above established worker safety RWQCB thresholds, the site developer shall ensure a Soil Management Plan (SMP) is prepared and implemented and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations (page 4.7-18 of the Draft EIR). These measures would ensure that

2. Response to Comments

contaminated soils will be identified, removed, and disposed of in accordance with local, state and federal laws.

- B-6 Commenter states that CalGEM has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities. Commenter states that CalGEM is also authorized to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority.

No actions proposed by the proposed project include drilling, operation, maintenance, or abandonment of oil, gas, or geothermal wells. No further response is required.

- B-7 Commenter states that if during development activities any wells are encountered in the Plan Area, that the property owner shall notify CalGEM and file for Division review an amended site plan with well casing diagrams.

The City will notify CalGEM if any oil, gas, or geothermal wells are encountered that were not part of this review.

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LETTER C – Kevin Thomas, Regional Manager, California D (8 pages)

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 8, 2022

Eric Lee
Planner
City of Davis
23 Russell Boulevard, Suite 2
Davis, CA 95616
elee@cityofdavis.org

**Subject: Downtown Davis Specific Plan and Form Based Code - DRAFT
ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2020100103**

Dear Mr. Lee:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Draft Environmental Impact Report (DEIR) from the City of Davis for the Downtown Davis Specific Plan and Form Based Code (Project) in Yolo County pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

C-1

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site covers approximately 132 acres in downtown central Davis, California. The Downtown Davis Specific Plan area is roughly bounded on the south by First Street, on the west by A Street, on the north by Fifth Street in addition to several blocks on G Street up to Eighth Street, and on the east by the properties located on the east side of the railroad tracks.

The Project consists of replacing the former 1996 Core Area Specific Plan, including more regulatory authority, largely through the Form-Based Code, and consolidating or amending several existing plans and regulations. Once adopted, the Specific Plan would serve as the overarching land use policy document and provide new zoning and development standards that guide long term development and infrastructure in downtown Davis with a mix of residential and non-residential uses. The Project would allow for the addition of 1,000 residential units and 600,000 square feet of nonresidential development in the Project area by 2040. The proposed Project assumes development would occur as either infill of vacant lots or redevelopment of underutilized sites.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the City of Davis in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources.

Worker Environmental Awareness Program (WEAP) training

1. CDFW recommends a qualified biologist provide a WEAP training for all construction personnel before any construction activities begin. At a minimum, the training should include a description and discussion of the biological mitigation measures within the EIR and a brief description of each species that have a potential to occur on the Project, including a discussion of identification, habitat, and legal protections.

Nesting Bird Surveys and Protection

2. Response to Comments

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1. On page 4.3-10, under Biological Resources Section 4.3.3 Impact Discussion, Mitigation Measure BIO-1 (MM BIO-1) requires that if grading, tree trimming or removal, and/or demolition or construction activities occur during the migratory bird nesting season (March 15 – August 15), the project applicant shall provide preconstruction surveys to identify active bird nests conducted by a qualified biologist within 14 days prior to construction initiation on specific project sites; focused surveys must be performed by a qualified biologist for the purpose of determining the presence/absence of active nest sites within the proposed impact area and a 200-foot buffer (if accessible), and surveys shall be repeated if construction activities are delayed or postponed for more than 30 days.

The nesting bird season is generally defined as February 1 through August 31; however, earlier nesting may occur based on several factors including species, altitude, and weather. Fish and Game Code section 3503 protects the nests and eggs of all birds, not just migratory birds and birds of prey, regardless of the time of year. To minimize the chances of missing nests, pre-construction surveys for nesting birds may need to be performed outside of the general nesting bird season.

Also note that bird species can construct nests and begin laying eggs in less than 14 days, and a pre-construction nesting bird survey scheduled within 14 days prior to construction may therefore miss some instances of nesting. Many bird species may initiate nest-building and begin laying eggs very rapidly, and some bird species may construct a nest in as few as two or three days (Shaffer, 2021). To minimize the chances of missing nests, CDFW recommends scheduling the survey within three (3) days before the start of ground disturbing activities. CDFW also recommends revising MM BIO-1 to repeat surveys if construction activities are delayed or postponed for more than 15 calendar days.

2. MM BIO-1 also requires that if active nest sites are identified within 200 feet of Project activities, Project applicants shall impose a 100-foot setback for all active nest sites prior to commencement of any project construction activities to avoid disturbances to bird nesting activities and that activities permitted within and the size of setbacks may be adjusted through consultation with CDFW and/or the City of Davis.

All measures to protect nesting birds should be performance-based. The typical minimum buffer distance for passerines is a minimum of 250 feet and for raptors is 500 feet. While some birds may tolerate disturbances within 250 feet of construction activities, other birds may have a different disturbance threshold and “take” could occur if the temporary disturbance buffers are not designed to reduce stress to that individual pair. CDFW recommends including performance-based protection measures for avoiding all nests protected under the Migratory Bird Treaty Act and Fish and Game Code and for the setback in MM BIO-1 to be revised to a minimum of 250 feet and to include language allowing for the buffer distances to be increased or decreased based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and

2. Response to Comments

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anticipated ground disturbance schedule as determined by the qualified biologist. CDFW also recommends including the following language to MM BIO-1: "Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged, are foraging independently, and are no longer dependent on the nest, as determined by the qualified biologist. The qualified biologist shall regularly monitor the nest and shall have stop work authority if construction activities are having an adverse impact on the nest."

Bat Surveys

Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code §4150, CCR §251.1). Bats can occupy trees year-round and are particularly susceptible to disturbance during the maternity season and during hibernation. Disturbance of roost sites during the maternity and hibernation seasons are considered primary factors that may negatively impact bats and have the potential to result in take. During the hibernation period, bats are very slow to respond to disturbance during torpor and can lose fat stores needed to survive the winter. During the maternity season, pups are not volant and dependent on their mother. Several bat species are also considered Species of Special Concern, which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065); therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

1. On page 4.3-10, under Biological Resources Section 4.3.3 Impact Discussion, Mitigation Measure BIO-1 (MM BIO-1) requires that if the project requires tree trimming, and/or building demolition or construction activities would occur during bat roosting season (April 1 – September 30), the project applicant shall provide preconstruction surveys to identify roosting bats conducted within 14 days prior to project initiation on specific project sites and that focused surveys must be performed by a qualified wildlife biologist for the purpose of determining the presence/absence of roosting bats within the proposed impact area with surveys needing to be repeated if construction activities are delayed or postponed for more than 30 days. Mitigation Measure BIO-2a (MM BIO-2a) requires that if roosting bats are discovered during the preconstruction surveys, pruning or removal of living trees or snags or the demolition of buildings should not occur during the maternity season between April 1 and September 1 to avoid impacts to bat species and to minimize the disturbance of young that may be present and unable to fly.

CDFW recommends that within six months prior to the start of tree trimming and/or removal, building demolition, or construction activities, a qualified bat biologist with education and experience in bat biology and identification should survey the Project site for potentially suitable bat roosting habitat. Within 48 hours prior to the start of any Project activities that may directly or indirectly impact potentially suitable roosting habitat, the qualified biologist should survey the potential roosting habitat for occupied roosts. If an active bat roost is found, the qualified biologist should

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establish a no-disturbance buffer around the roost. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.

2. MM BIO-2b requires that if roosting bats are discovered during the surveys in the non-maternity season, bats roosting in buildings must be passively excluded within 48 hours of building and demolition or disturbance.

Bat Exclusion: CDFW recommends that if an active bat roost is found in a tree or structure that must be removed, the qualified bat biologist should prepare a plan for the passive exclusion of the bats from the roost. Exclusion should be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). If project activities occur outside these periods, the qualified bat biologist should monitor the roost prior to exclusion to confirm that it does not support a maternity colony or hibernaculum. If a maternity colony or hibernaculum is or may be present, the roost should be avoided until it is no longer active, or until the qualified bat biologist can confirm that no maternity colony or hibernaculum is present. CDFW does not support eviction of bats during the maternity or hibernation periods.

3. MM BIO-2c and MM BIO-2d require that pruning or removal of living trees or snags must occur after nights when low temperatures were 50°F or warmer, and when it is necessary to perform crown reduction on trees over 12 inches in diameter breast height or remove entire trees or branches over six inches in diameter, preliminary pruning of small branches will be performed the day before.

Tree trimming and/or removal: CDFW recommends that tree removal should be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist. Trees should be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches should be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures should be avoided, and only branches or limbs without those features should be removed. On the second day, the entire tree should be removed. Project proponents should consult with a qualified bat biologist to determine suitable buffers around roost and/or hibernaculum sites. Buffers may vary depending on species and Project activity being performed.

2. Response to Comments

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4. MM BIO-2e states that if MM BIO-2c and/or MM BIO-2d are not feasible to implement, then a qualified biologist will be required to conduct tree cavity surveys and humanely and passively evict roosting bats within 24 hours of vegetation management activities.

Bat exclusion from structures: To exclude bats from structures, CDFW recommends exclusion devices be installed on structures between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours) to prevent bats from accessing the structures. Actively used openings should have a one-way door installed to allow the bats to leave the roost, but not re-enter. After 7 to 10 days, the one-way doors should be removed and the opening blocked or sealed. The qualified biologist should monitor the roost prior to exclusion to confirm that it does not support a maternity colony. If a maternity colony is or may be present, the roost should be avoided until it is no longer active, or until the qualified biologist can confirm that no maternity colony is present. Because of the large variability in the way bats use structures, CDFW recommends that a plan on how to monitor and exclude bats be developed by a qualified biologist and submitted to CDFW for review and approval.

Swainson's Hawk (*Buteo swainsoni*) and Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)

According to the California Natural Diversity Database, populations of Swainson's hawk occur within and adjacent to the Specific Plan area. The DEIR does not discuss the species except reference on page 4.3-13 in BIO-6 that applicable avoidance and minimization measures (AMMs) from the Yolo HCP/NCCP will be adopted by a future Project if surveys determine that the Project would result in adverse impacts to covered species in the HCP/NCCP. Considering that multiple populations of Swainson's hawk occur within the Specific Plan area, CDFW recommends describing the mitigation measures that will be provided for Swainson's hawk consistent with the AMMs in the Yolo HCP/NCCP as well as for any other potential covered species in the Yolo HCP/NCCP that have the potential to occur within the Specific Plan area.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

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FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Davis and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

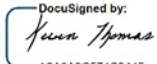
CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the DEIR for the Downtown Davis Specific Plan and Form Based Code and recommends that the City of Davis address CDFW's comments and concerns in the forthcoming EIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Mary Xiong, Senior Environmental Scientist (Specialist) at [REDACTED]

Sincerely,

DocuSigned by:

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Kevin Thomas
Regional Manager

ec: Jennifer Garcia, Environmental Program Manager
Elizabeth Brusati, Senior Environmental Scientist (Acting Supervisory)
Mary Xiong, Senior Environmental Scientist (Specialist)
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

C-11
CONT'D

2. Response to Comments

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2. Response to Comments

C. **Response to Comments from Kevin Thomas, Regional Manager, California Department of Fish and Wildlife, dated September 8, 2022.**

C-1 Commenter thanks the lead agency for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. The commenter expands on the role of the California Department of Fish and Wildlife in the CEQA process and provides a description of the proposed project.

No further response is required.

C-2 Commenter provides a recommendation for reducing the proposed project's impacts on biological resources. Commenter recommends the requirement of a worker environmental awareness training program lead by a qualified biologist.

There is no evidence to suggest that an environmental awareness program is effective mitigation. Preconstruction surveys and professional monitoring of any sensitive biological resources is effective mitigation. There is no one developer but rather several developers so the training program would be nearly continual making it impractical. Worker training and awareness is a requirement of the Yolo Habitat Conservation Plan for species covered by the HCP. As this is a requirement of the HCP, it unnecessary to establish it as a mitigation measure. As this comment does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

C-3 Commenter recommends the revision of Mitigation Measure BIO-1 to require preconstruction surveys to occur three days before the start of construction instead of 14 days prior. Commenter further recommends including a provision that states surveys shall be repeated should construction activities be delayed or postponed for more than 15 days.

The recommendation made in this comment has been incorporated into the EIR through the revision of Mitigation Measure BIO-1. See Section 3.2, *Revisions in Response to Written Comments*, of the Final EIR.

C-4 Commenter recommends several additional revisions to Mitigation Measure BIO-1, including the use of performance-based protection measures to assess the necessary the buffer distance for nesting birds with regards to varied needs of each species. Commenter further suggests the addition of measures to avoid active nests if found and the provision of regular monitoring.

2. Response to Comments

The recommendations made in this comment have been incorporated into the EIR through the revision of Mitigation Measure BIO-1. See Section 3.2, *Revisions in Response to Written Comments*, of the Final EIR.

- C-5 Commenter explains several qualities of bats and states that bats are protected by state law from take/harassment. Commenter further states that disturbance of roost sites may be considered a significant impact with adequate mitigation incorporated.

Comment is consistent with City's understanding of the law. The Draft EIR finds that impacts to roosting bats are mitigated less than significant with the incorporation of Mitigation Measure BIO-2.

- C-6 Commenter recommends several revisions to Mitigation Measure BIO-2, including the alteration of the survey window from 14 days prior to project initiation to 72 hours prior to the start of project activities and the establishment of a no-disturbance buffer around roosts if found.

The recommendations made in this comment have been incorporated into the EIR through the revision of Mitigation Measure BIO-2. See Section 3.2, *Revisions in Response to Written Comments*, of the Final EIR.

- C-7 Commenter recommends several additional revisions to Mitigation Measure BIO-2 including that if an active bat roost is found in a tree or structure that must be removed, the qualified bat biologist should prepare a plan for the passive exclusion of the bats from the roost.

The recommendations made in this comment have been incorporated into the EIR through the revision of Mitigation Measure BIO-2. See Section 3.2, *Revisions in Response to Written Comments*, of the Final EIR.

- C-8 Commenter recommends several additional revisions to Mitigation Measure BIO-2, including additional specifications regarding the process of tree trimming and removal.

The recommendations made in this comment have been incorporated into the EIR through the revision of Mitigation Measure BIO-2. See Section 3.2, *Revisions in Response to Written Comments*, of the Final EIR.

- C-9 Commenter recommends several additional revisions to Mitigation Measure BIO-2, including additional specifications regarding the process of bat exclusion from structures.

The recommendations made in this comment have been incorporated into the EIR through the revision of Mitigation Measure BIO-2. See Section 3.2, *Revisions in Response to Written Comments*, of the Final EIR.

2. Response to Comments

C-10 Commenter recommends providing additional analysis in the EIR regarding impacts to Swainson's hawks and describing the applicable avoidance and mitigation measures that would apply to the protection of Swainson's hawks under the Yolo Habitat Conservation Plan/Natural Communities and Conservation Plan.

The recommendations made in this comment have been incorporated into the EIR through additions to the analysis in Impact BIO-6 on page 4.3-13 of the Draft EIR. See Section 3.2, *Revisions in Response to Written Comments*, of the Final EIR.

C-11 Commenter states that findings regarding special-status species and natural communities detected during Project surveys must be reported to CNDDDB. Commenter further states that filing fees are required to be paid to CDFW.

Findings under the proposed project and subsequent projects under the proposed Specific Plan will be reported to CNDDDB. Filing fees will be paid to CDFW upon the filing of the Notice of Determination.

2. Response to Comments

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2. Response to Comments

LETTER D – John Meyer, President, Old North Davis Neighborhood Association (2 pages)

OLD NORTH DAVIS NEIGHBORHOOD ASSOCIATION
John Meyer, President
[REDACTED]

September 10, 2022

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

Eric,

On behalf of the Board of the Old North Davis Neighborhood Association, I submit the following comments on the Downtown Plan Draft Environmental Impact Report.

Scale/Height: We acknowledge that the Hibbert site offers one of the prime opportunities to realize many of the aspirations of this plan. While we continue to have concerns about the scale of a four-story development at this site, we are hopeful with creative design and thoughtful transition and step-backs from our neighborhood's smaller structures, such a project could be successfully implemented.

D-1

While outside of our neighborhood, we wonder whether 7 story projects are too out-of-scale for downtown.

Parking/Traffic: Under the plan, projects may have no requirement to provide parking. Indeed, there is even a cap on parking spaces. Old North has the least restrictive parking district within the city. Other than spaces marked "N" there are no parking restrictions. With no parking provided in new projects, it can be expected that parking of vehicles in Old North will increase.

D-2

We appreciate the aspirational nature of promoting car-free living. Certainly, in Davis with the abundance of bus and bicycle systems, our community can increase its already large share of non-auto trips. But as UC Davis's West Village project illustrates, even when trips to work and school are taken by alternative means, there is often a need to store cars for trips taken out-of-town.

D-3

As development intensifies downtown, we would like to work with the city to assess and develop needed amendments to the Old North parking district. This is not to necessarily restrict parking opportunities, but to ensure residents have reasonable access to parking. And, if approached creatively can a parking program help support neighborhood traffic calming efforts?

D-4

In addition, as traffic will increase due to increased development in downtown, we request that projects contribute to traffic calming investments in our neighborhood.

D-5

2. Response to Comments

Unified design of streetscape: We are hopeful that the implementation of the plan will lead to a more unified design of the streetscape within the plan area. As the plan notes, the downtown consists of numerous small parcels. This has led to a landscape that looks as if it does not fit together. Many successful downtowns have a consistent street and landscape that is intentional. The pandemic and the addition of varied outdoor dining venues has only added to this mix of style—some of high quality and many not.

D-6

Waste receptacles: As the plan may promote numerous infill projects and the addition of units on small parcels, we believe the city needs to develop a strategy for trash/recycling/compost collection. We have reviewed and supported several projects where additional units were to be added to an R-2 lot. Under current practices this will result in an absurd number of carts being brought to the street. Among other effects, this then complicates the parking issues as a fourplex on a small lot could have 12 receptacles brought to the street. Add to that cardboard and leaf piles and it becomes difficult to manage.

D-7

Overall, the downtown plan describes many admirable enhancements to our community. We are hopeful that the many public improvements described in the plan are realized. We regret that we were not able to more thoroughly review the environmental document but are hopeful our modest number of comments add to the community conversation about this important initiative. It is also our hope that such a document eliminates the need and practice of development proposals seeking exceptions to a plan so long in the making.

D-8

2. Response to Comments

D. **Response to Comments from John Meyer, Old North Davis Neighborhood Association dated September 10, 2022.**

D-1 Commenter expresses concerns about the scale of development that would be allowed at the Hibbert site (500 G Street). Commenter also expresses concern about the scale of development that would be allowed under the Main Street-Large (MS-L) Zone of the Downtown Davis Draft Form-Based Code.

The Draft EIR has evaluated the impacts of the proposed Specific Plan and Form-Based Code on scenic quality and views in Section 4.1, Aesthetics. As described on page 4.1-6 of the Draft EIR, the primary intent of the proposed Downtown Form-Based Code is to create a clear hierarchy in the downtown's built form, transportation system, and open spaces, reflecting the role and intensity of uses in different parts of the Specific Plan Area. All potential future development would be required design review for compliance with the Specific Plan and Form Based Code prior to project approval.

D-2 Commenter states that the proposed Specific Plan does not require future development projects to require parking and expects that the parking of vehicles will increase in the Old North Davis neighborhood.

Chapter 6.3, Downtown Circulation Plan, of the draft Specific Plan, discusses a variety of strategies to reduce parking demand in the Downtown Plan Area. Impact LU-2 on page 4.9-6 of the Draft EIR discusses the proposed Specific Plan and Form-Based Code compliance with the applicable land use regulations from existing local and regional plans and concludes that the proposed project would not cause a significant environmental impact due to a conflict with any land use plan policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The City will continue to monitor the level of parking available in the Plan Area under Policies TRANS 5.1 and TRANS 5.2 of the Transportation Element of the General Plan. As the comment does not otherwise describe any inadequacies in the CEQA analysis or conclusion in the Draft EIR, no further response is necessary.

D-3 Commenter expresses admiration for the vision of the proposed project regarding alternative modes of transportation, but notes that long-term parking is still needed for storing vehicles that are used for out-of-town trips.

See response to Comment D-2.

D-4 Commenter requests that the City collaborate with the Old North Davis Neighborhood Association to assess and develop all necessary amendments to the Old North parking district. The commenter also posits that a creative parking program could support neighborhood traffic calming efforts.

2. Response to Comments

As stated in the Goal 3 of the Specific Plan, the form-based code for Downtown is designed to increase certainty about development and a quicker permitting and approval timeline. The direction in Sections 6.5, 6.6, and 6.7 of the Specific Plan will be used to inform the parking requirements and standards in Section 40.14.050 of the Downtown Code. The City will however continue to maintain forums and opportunities for comment on future Downtown Specific Plan Area projects as provided under Policy IMP 2.1 in Section VIII, *Implementation*, in the City of Davis General Plan.

- D-5 Commenter requests that projects in the downtown that will increase traffic contribute to traffic calming investments.

As described in Impact TRAF-1 on page 4.13-8 of the Draft EIR, the Specific Plan includes several proposed roadway improvements that intended to accommodate increased vehicular demand and better manage vehicle flows. The Specific Plan also discusses several strategies that promote alternative modes of transportation in an effort to reduce vehicle roadway demand (see section 6.3, Downtown Circulation Plan, of the draft Specific Plan). The analysis of the EIR concludes that the proposed project would not conflict with any of the City's roadway plans; development would be required to adhere to all applicable traffic standards listed in the City's General Plan. Furthermore, Development under the Specific Plan would be subject to the applicable City development impact fees which aim to offset impacts from new development on City service systems including roadways.

- D-6 Commenter expresses hope that the proposed project will lead to a unified streetscape design within the Plan Area.

Commenter does not raise an issue regarding the Draft EIR therefore no further response is required.

- D-7 Commenter expresses concerns toward the addition of waste receptacles in the Plan Area, stating the negative impacts this addition could have on aesthetics and parking if not properly managed.

Action 2J. of the Specific Plan states that, "waste receptacles [will be provided] at frequent spacing throughout the Plan Area, grouping trash, recycling and compost bins where practical." Waste receptacles and their collection areas are subject to several provisions of the City's Municipal Code including the standards listed in Section 32.03.030, Guidelines for all development projects.

- D-8 Commenter expresses appreciation for the proposed project and its vision for the community.

Commenter does not raise an issue regarding the Draft EIR therefore no further response is required.

2. Response to Comments

LETTER E – Kemble K. Pope and Steven J. Greenfield on behalf of Trakside Center, LLC (3 pages)



September 14, 2022

City Manager's Office
Community Development & Sustainability Department
City of Davis
23 Russell Boulevard, Suite 2 | Davis, CA 95616

Sent via email to: Eric Lee (elee@cityofdavis.org), downtownplan@cityofdavis.org

Subject: Comments on Draft EIR for Downtown Davis Specific Plan (DDSP) Update

Eric,

As the owners of Trakside Center located at 901-919 3rd Street, we are herein submitting comments on the Draft EIR for the Downtown Davis Specific Plan (DDSP) released for review on July 14, 2022. Trakside Center submitted the attached letter dated October 29, 2020 in response to the Notice of Preparation and provided similar public comment at the NOP scoping meeting also on October 29, 2020. Our comments on the DDSP Draft EIR follow herewith:

E-1

Cultural Resources

Page 4.4-8, Section 4.4.1.2 Existing Conditions, Historical Resources: A list of priority properties that "should be surveyed to determine their potential as historic resources" is included on the referenced page. One of the addresses listed is 901 3rd Street, which is part of the Trakside Center property (901-919 3rd Street). Recent actions taken by the City support the removal of this address from this list.

E-2

On December 14, 2015 the City of Davis Historic Resources Management Commission (HRMC) held a public hearing regarding the site and existing structures, in addition to the proposed development for the site. As documented in the attached letter dated January 4, 2016 the HRMC concluded that,

2. Response to Comments

"... the properties do not meet the criteria for designation as a historical resource at local, state and federal levels, and has no local historical significance to warrant full Environmental CEQA review."

E-2
CONT'D

Furthermore, the HRMC determined that,

"A Demolition Certificate is not required given the findings of the HRA that the buildings at 901 - 919 Third Street do not have significant historical integrity to be eligible for designation at local, state and federal levels."

E-3

These findings were consistent throughout the Traskside Center entitlement process including City Council approval. Please remove 901 3rd Street from the "priority" properties list shown on Page 4.4-8 of the DDSP EIR.

Noise

Page 4.10-25, Section 4.10.3 Impact Discussion, Mitigation Measure, Rail Noise: The noise generated by the CFNR, albeit loud, is short term in nature and infrequent. The current General Plan allowable exterior noise levels will not allow for the anticipated development along the CFNR. Furthermore, the criterion do not represent current best practices to encourage dense, transit-oriented redevelopment in urban centers. The DEIR identifies impacts as less than significant, identifies no mitigation measure aside from quoting the City's Noise Element Policy that ". . .require[s] that new developments are built to maintain acceptable noise levels. Whereas that may be feasible for interior noise reduction, it does not address exterior noise rendering a development unable to meet an exterior noise requirement for a temporary condition.

E-4

In addition, the DEIR does not identify a mitigation measure for a condition that clearly is significant as it potentially will thwart the intended development. Instead it references the DSSP policy requiring the formation of a task force to consider the costs and benefits

E-5

2. Response to Comments

of applying for a FRA Quiet Zone status along the at-grade crossings in the Plan Area. This is not a mitigation measure, and a task force may or may not come to the conclusion to apply for Quiet Zone status. Even if the application is submitted there is no guarantee of approval. Approval, if granted, could also take years or decades to obtain. An FRA Quiet Zone is a goal worth pursuing, but it can not be solely relied upon to correct this obstacle to building transit-oriented housing in the Core.

E-5
CONT'D

The DEIR should additionally include a mitigation measure to revise the General Plan allowable exterior noise level in the plan area, and the DSSP should be amended to adopt the same.

Population and Housing

Page 4.11-2, State Density Bonus Law: The description of the State Density Bonus Law fails to incorporate additional density bonuses and incentives enacted by the passage of AB 1763 in 2019.

E-6

Appendix 3-1, Errata and Specific Plan and Form Based Code: The errata section includes revisions to the DDSP; however, it does not list any errata for Form Based Code, although many items of concern have been pointed out in past comment letters. Were there no errata/corrections to the Form Based Code to date?

E-7

Sincerely,



Kemble K. Pope
Project Manager | Trackside Center, LLC



Steven J. Greenfield
Managing Member, Trackside Center, LLC

2. Response to Comments

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2. Response to Comments

E. **Response to Comments from Kemble K. Pope and Steven J. Greenfield, on behalf of Trackside Center LCC, dated September 14, 2022.**

E-1 Commenter states Trackside Center submitted a letter dated October 29, 2020 in response to the Notice of Preparation and provided similar public comment at the NOP scoping meeting also on October 29, 2020. The commenter's letter for the NOP (1) raises concerns that the Downtown Davis Specific Plan (DDSP) will not comply with Housing Crisis Act of 2019; (2) requests that the contingency zoning (Planned Development) for the Trackside Center property be included in the DDSP; (3) recommends analysis of an "Equal Weight" alternative that includes an increased height allowance for properties east of the railroad tracks; and (4) recommends analysis of the effects of rail noise and the consideration of mitigation.

The EIR discusses the use of SB 330 (The Housing Crisis Act of 2019) in Section 4.11, *Population and Housing*. Issue (2) is not addressed in the EIR as it does not pertain to a CEQA-related issue. Chapter 5, *Alternatives*, considers a "Taller Buildings" Alternative which would permit seven story or higher buildings along the railroad and southern edge of the Specific Plan Area. An analysis of rail noise is presented in Section 4.10.3, Impact NOI-1, in Section 4.10, *Noise*.

E-2 Commenter states that one of the addresses listed on page 4.4-8 of the Draft EIR as part of a list that identifies the "priority" survey areas of the Plan Area, is 901 3rd Street. In regard to this property, the commenter states that the City of Davis Historic Resources Management Commission (HRMC) held a public hearing December 14, 2015 to discuss the site and its existing structures.

The information provided by the commenter is consistent with the information presented in the Draft EIR.

E-3 Commenter asks for the removal of the 901 3rd Street site from the "priority" survey areas list on the basis of the HRMC's determination that the buildings at 901-919 Third Street do not have significant historical integrity to be eligible for designation at local, state and federal levels.

The Draft EIR will be revised to accommodate the commenter's request for removal of this site from this list. See Section 3.2, *Revisions in Response to Written Comments*, of the Final EIR.

E-4 Commenter states the exterior noise impact on future development along the California Northern Railroad is not fully addressed by the analysis presented in Impact NOI-1, on page 4.10-25 of the Draft EIR.

2. Response to Comments

The Draft EIR's Section 4.10, *Noise*, discloses the methodology used to analyze the future railroad noise levels during the operation phase of the proposed project on page 4.10-24-4.10-25. The impact discussion determines that the proposed project could place future residential development within areas that would expose sensitive receptors to noise levels that exceed the 'normally acceptable' noise standards due to railroad activity. The DEIR discloses measures to reduce noise level impacts from nearby railroads to future residential development such as Specific Plan polices, General Plan policies, and the City's Municipal Code Noise Ordinances.

Impacts of the environment on a project (as opposed to impacts of a project on the environment) are beyond the scope of required California Environmental Quality Act (CEQA) review. "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (*Ballona Wetlands Land Trust v. City of Los Angeles*, (2011) 201 Cal.App.4th 455, 473 (*Ballona*)). The impacts discussed in Section 4.10 of the Draft EIR relate both to noise that may be caused by the proposed project (e.g. construction noise and operational traffic added to surrounding streets) as well as effects of existing environmental noise sources on future residents of the project (e.g. background traffic on surrounding streets). The California Supreme Court recently held that "CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents. What CEQA does mandate... is an analysis of how a project might exacerbate existing environmental hazards." (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392; see also *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 197 ["identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA's legislative purpose nor required by the CEQA statutes"], quoting *Ballona*, supra, 201 Cal.App.4th at p. 474.) Therefore, for the purposes of CEQA analysis, the relevant inquiry is not whether the proposed project's future residents will be exposed to preexisting environmental noise-related hazards, but instead whether project-generated noise will exacerbate the pre-existing conditions. As described in the operational impacts of Impact NOI-1, the proposed project's operational noise levels would not exceed City standards, therefore no revisions to the Draft EIR are required.

E-5 Commenter states that the Draft EIR does not identify mitigation measures to address significant impacts from rail noise. Commenter further recommends a mitigation measure to revise the General Plan's allowable exterior noise level in the Plan Area.

See response to Comment E-3. The evaluation of the Draft EIR concludes that the proposed project would not lead to significant increases in operational noise levels in the Plan Area. Therefore, no mitigation is necessary. Furthermore, the noise levels associated with the railroads in the project area have been disclosed in Table 4.10-11 on page 4.10-25 of the Draft EIR. With regard to noise impacts, CEQA does not require projects to

2. Response to Comments

mitigate preexisting environmental noise-related hazards on behalf of future residents of a project. The City's General Plan policies and Noise Ordinance provisions are the regulatory means by which noise impacts on development are addressed and mitigated. Revisions to the City's noise regulations are outside the scope of the proposed project.

- E-6 Commenter states that the description of the State Density Bonus Law on page 4.11-2 of the Draft EIR does not incorporate the additional provisions of the law allowed under AB 1763.

Commenter's proposed revisions do not present any new conditions for the proposed project and do not implicate any environmental impacts beyond what is already disclosed in the EIR. No further response is required.

- E-7 Commenter questions whether Appendix 3-1 includes the errata for the draft Form-Based Code in addition to that of the draft Specific Plan.

The version of the Form-Based Code included in Appendix 3-1 incorporates all revisions that had been made to the Code at the time of publishing the Draft EIR. No additional revisions have been made to the Code at the time of publishing the Final EIR.

2. Response to Comments

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2. Response to Comments

LETTER F – Dr. Catherine Brinkley. UC Davis Center for Regional Change (4 pages)

Dear Eric Lee and City Staff,

Below are comments on the EIR that were drafted by a subcommittee of the Sustainability subcommittee from the downtown plan.

These comments, though collaboratively produced, represent my own thoughts. Other members may modify and present various aspects of this comment differently.

Thank you for your time in moving this plan through to implementation!

The Draft EIR shows that air quality and GHG emission impacts would be significant and unavoidable, and goes further to state that there are “no feasible mitigation measures.” (See Table 1-1, p. 1-6) Yet Table 8H, Implementation Actions: Sustainability within the Draft EIR lists measures to reduce GHG and improve air quality by electrifying buildings and fleets. Further, by densifying downtown, there should be fewer emissions associated with commuting. These measures were presented by the DPAC Sustainability Review Team on October 24, 2018. The group consisted of Christine Granger, Catherine Brinkley, Deema Tamimi and Larry Guenther (DPAC), Richard McCann and Lorenzo Kristov (energy experts; Utility Rate Advisory Commissioners) and Evan Schmidt (Natural Resources Commissioner). Members of that Sustainability Review Team prepared these comments to provide more specificity to implementing those measures in a manner that would mitigate air quality and climate change impacts to levels below significance.

F-1

The DEIR notes it is being conservative in showing emission increases “due to the uncertainty of the Specific Plan’s sustainability actions being implemented to the extent shown in the model, the project may generate a net increase in GHG emissions, creating a significant impact on the environment.” (p. 4-6.28).

F-2

On the one hand, the DEIR states that the emissions would be reduced by implementing the sustainability elements listed but on the other, it seems to exclude these actions from the GHG inventory analysis and states that there are no feasible mitigation measures.

1. We urge city council to respond by **supplying specific dates, timelines and funding for achieving the sustainability goals in Table 8H in order to commit the city to reduce GHG and improve air quality** (see below)

F-3

2. We also urge the city to **adopt the sustainability measures in Table 8H specifically as City ordinances and baseline features.**

2. Response to Comments

3. Last, we encourage the city to consider calling out **environmental justice features of the Downtown Specific Plan** in order to help highlight efforts for a future General Plan. For example, the plan could highlight the inclusive housing actions that will build from state density bonus laws.

F-4

The following comments describe further elaboration on the Sustainability Implementation Actions contained in Table 8H that would lead to concrete reductions in air pollutant and GHG emissions in compliance with CEQA.

____ Updates to Table 8H for consideration ____

Table 8H, Implementation Actions: Sustainability

- Action 1: Electrify Downtown Buildings by 2040, With Exceptions as Deemed Necessary
 - Methodology/Step 1B: Transition all restaurants, commercial, office and residential uses to electric space and water heating, appliances, etc., including heat pumps for new or replacement boilers and other energy efficient technology. **This step will be achieved through city ordinance adopted for implementation in 2023, enforced through building inspection at point of sale with requirements to replace gas appliances that have served 80% or more of their rated service life with electric appliances before sale and when modification to a building requires City inspection.**
 - Methodology/Step 1C: Incentivize new and emerging technologies in building design and energy efficiency for new and retrofit projects. (See **Action 3 for establishing a Carbon Mitigation Fund**). The incentive program would be designed under the direction of the Natural Resources Commission with the assistance of the appropriate City departments, and would entail either direct payments to eligible building owners or monetary awards to HVAC and energy efficiency installation contractors. The program would be established simultaneously with the Carbon Mitigation Fund in Action 3.
 - Methodology/Step 1D: Require net zero energy for new and retrofit construction, beyond current Title 24 and CALGreen requirements. **This step will be achieved through city ordinance adopted in 2023, enforced through building code inspection.** Achieving net zero energy may be done through payments to the Carbon Mitigation Fund described in Action 3 if doing so is not technically possible within the footprint of the building and its associated infrastructure.
 - Methodology/Step 1E: Implement energy production (e.g. solar) requirements on all buildings (residential and non-residential/commercial) where not currently required. **This requirement could be satisfied with a shared or “community” energy production and storage facility that**

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2. Response to Comments

- serves multiple buildings. This step will be achieved through city ordinance adopted in 2023, enforced through building code inspection.**
- Methodology/Step 1F: Explore collaboration with UC Davis' plans for district heating system. **This step can be achieved with a joint planning process and construction with UCD to expand its project to update its district heating system to be carbon neutral by 2025.**
 - Action 2: Create a Downtown that is Microgrid and Storage-Ready. **The intent of this action is to enable all buildings in the entire downtown area to have continuous electricity service when utility grid outages occur.**
 - Methodology/Step 2A: Coordinate microgrid feasibility and planning with local utilities. **Planning Commission to work with Planning and Public Works Departments to develop this plan and coordinate with Pacific Gas & Electric and Valley Clean Energy Alliance. Planning would commence in 2023 with the plan finalized by 2025.**
 - Methodology/Step 2B: Consider electric vehicle (EV) fleet as part of electric load demand management. **Public Works to create a program for public and private EVs to participate in operation of the downtown microgrid(s) as part of Action 4/Step 4A. Public Works should collaborate with VCE to design the program to contribute also to VCE's energy procurement and operational needs.**
 - Methodology/Step 2C: Embed microgrid and storage requirements in zoning, building codes. **This step will be achieved through a collaborative planning process with VCE and microgrid experts to be started in 2024 and completed in 2026, followed by adoption of City ordinances adopting these requirements in its Reach Code for residential and non-residential buildings and its development agreements.**
 - Action 3: Create a Carbon Mitigation Fund by 2025, to be designed starting in 2023 under the direction of the Natural Resources Commission. Such a fund would be used to pay for retrofits in Downtown buildings earlier than and beyond those that are required under City ordinances in general and as specified as part of this Sustainability Plan. The funds would be disbursed as described above in Action 1/Step 1C.
 - Methodology/Step 3A: Municipal fund: Cost savings from energy efficiency and greenhouse gas (GHG) savings go into a fund to be used to spur further investments in reducing energy use **through an incentive system designed as part of the Carbon Mitigation Fund development. Municipal savings would be collected in the fund beginning in 2023.**
 - Methodology/Step 3B: Residential/commercial fund: Implement developer impact fees (See Utility Rate Advisory Commission (URAC) minutes from January 15, 2020 minutes: [Item-5A-Minutes-2020-01-15-Utilities-Commission-Approved](#) for recommended language on districtwide mitigation fund). **To the extent that such a fund is adopted as an action in the City's Climate Action and Adaptation Plan, the two funds can be merged for ease of operation. The developer impact**

F-5
CONT'D

F-6

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fee fund would be established in 2023 at the time that other fees are set for the Specific Plan.

- Action 4: Aim to Electrify All Fuel-Dependent Downtown Transportation by 2040
 - Methodology/Step 4A: Plan for electric vehicle (EV) charging for all vehicles (personal, shared, commercial, bus/ shuttle), and ensure electrical infrastructure to handle loads. **Public Works to create an EV charging plan by 2025 in cooperation with Valley Clean Energy with full implementation satisfied by 2030. Planning should consider including on-site generation (e.g., solar PV) and stationary storage so that charging stations can also serve as supply and load management assets for VCE.**
 - Methodology/Step 4B: Aim to fully electrify City of Davis fleet and Unitrans fleet **by 2030. Funding sources are to be identified by 2024, including from investment and operational savings for the fleets to repay debt financing; available state and federal grants that the City, Yolo County and UCD may be eligible for; investment vehicles such as micro bonds to mobilize resident participation; and special taxes, fees or charges on City residents and businesses.**

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CONT'D

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Methodology/Step 4C: Embed EV infrastructure requirements in zoning, and building codes for the Specific Plan area **by 2025. These requirements will include being fully capable of bi-directional charging to the extent allowed and determined by state law and regulations, and are to be updated as technology and regulations evolve.**

Dr. [Catherine Brinkley](#), VMD, PhD, MS (she/her)
[Center for Regional Change](#), faculty director
[@CatBrinkley](#) | [ELFS Lab](#) | [Schedule a time to meet](#)
Office: [REDACTED]



UC DAVIS
Center for
Regional Change

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2. Response to Comments

F. **Response to Comments from Dr. Catherine Brinkley, UC Davis Center for Regional Change dated September 15, 2022.**

F-1 Commenter states that the conclusion of Draft EIR air quality and GHG emissions impacts are significant and unavoidable with no feasible mitigation. Commenter explains that the actions listed in Table 8H, Implementation Actions: Sustainability would reduce GHG and improve air quality and states that the following letter will explain in greater detail how these measures would mitigate air quality and climate change impacts to less than significant.

As discussed in Impact GHG-1 on page 4.6-28 of the Draft EIR, implementation of the proposed project would result in a net decrease in GHG emissions of 4,761 MTCO₂e/yr which would be below the adjusted significance threshold of 194 MTCO₂e/yr. The adjusted significance threshold is determined by subtracting the net increase in 1,294 MTCO₂e/yr of GHG emissions generated by natural gas use from the unadjusted bright-line threshold of 1,100 MTCO₂e/yr. This approach taken is based on the SMAQMD methodology used in determining the operation-phase GHG emissions significance threshold criteria. The project is compared to 194 MTCO₂e/yr since the project includes GHG emissions from natural gas uses. Although Impact GHG-1 discusses how there will be a net decrease in greenhouse gas emissions, this impact is ultimately determined to be significant and unavoidable due to the regulatory uncertainty surrounding the Table 8-H Sustainability Implementation Actions. These actions are not codified in the City's Municipal Code and additional discretionary action is required beyond the approval of the proposed project to ensure that the Plan Area can meet its targets.

F-2 Commenter notes that the Draft EIR states emissions would be reduced by implementing the sustainability elements. Commenter states that the GHG inventory analysis excludes these actions and claims that there are no feasible mitigation measures.

Commenter notes correctly that the GHG emissions analysis does not include potential reductions associated with proposed project's sustainability features, as shown in Table 4.6-9 on page 4.6-27 of the Draft EIR. Impact GHG-1 discusses the sustainability implementation actions and guiding policies included in the draft Specific Plan and states that the proposed project would contribute to reductions in natural gas use and VMT and increased energy efficiency and renewable energy production, leading to an overall reduced level of GHG emissions. However, as discussed in Comment F-1, the conclusion of Impact GHG-1 remains conservative due to the uncertainty faced by the City in implementing these actions. Since these actions are not codified in the City's Municipal Code and additional discretionary action is required beyond the approval of the proposed project to ensure that the Plan Area can meet its targets, the potential reductions under these actions were not evaluated in the emissions analysis.

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F-3 Commenter calls for the city council to respond by supplying specific dates, timelines and funding for achieving the sustainability goals in Table 8H and to adopt the sustainability measures in Table 8H specifically as City ordinances and baseline features.

See response to comment 14-4. As this comment does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

Comment is noted and will be forwarded to the City for further consideration.

F-4 Commenter encourages the city to consider calling out environmental justice features of the Downtown Specific Plan in order to help highlight efforts for a future General Plan.

Comment is noted and will be forwarded to the City for further consideration.

F-5 Commenter provides the City a proposal for regulatory actions that aim to implement the Table 8H Sustainability Implementation Action 1.

The proposals listed in the comment are noted and will be forwarded to the City for further consideration.

F-6 Commenter provides the City a proposal for regulatory actions that aim to implement the Table 8H Sustainability Implementation Action 2.

The proposals listed in the comment are noted and will be forwarded to the City for further consideration.

F-7 Commenter provides the City a proposal for regulatory actions that aim to implement the Table 8H Sustainability Implementation Action 3.

The proposals listed in the comment are noted and will be forwarded to the City for further consideration.

F-8 Commenter provides the City a proposal for regulatory actions that aim to implement the Table 8H Sustainability Implementation Action 4.

The proposals listed in the comment are noted and will be forwarded to the City for further consideration.

2. Response to Comments

LETTER G – Peter Minkel, Engineering Geologist, on behalf of Central Valley Regional Water Quality Control Board (5 pages)



Central Valley Regional Water Quality Control Board

16 September 2022

Eric Lee
City of Davis
23 Russell Boulevard, Suite 2
Davis, CA 95616
elee@cityofdavis.org

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, DOWNTOWN DAVIS SPECIFIC PLAN AND FORM BASED CODE PROJECT, SCH#2020100103, YOLO COUNTY

Pursuant to the State Clearinghouse's 14 July 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Downtown Davis Specific Plan and Form Based Code Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

G-1

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

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Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

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2. Response to Comments

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Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

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CONT'D

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

G-6

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

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For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

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Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

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CONT'D

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

G-6

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

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For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

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Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

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NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

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If you have questions regarding these comments, please contact me at ([REDACTED])
or [REDACTED]

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

2. Response to Comments

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2. Response to Comments

G. Response to Comments from Peter Minkel, on behalf of Central Valley Regional Water Control Board dated September 16, 2022.

G-1 Commenter states the Central Valley Water Board (CVWB) is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act and proceeds to state the requirements of Basin Plans under the law. The commenter further states that every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

The comment is consistent with the City's understanding.

G-2 Commenter states that all wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16). Commenter further states that environmental review document should evaluate potential impacts to both surface and groundwater quality.

As a mandatory element of the National Pollutant Discharge Elimination System (NPDES), projects under the Specific Plan would be required to perform an antidegradation analysis. As discussed in Impact HYD-1 on page 4.8-9 of the Draft EIR, the proposed project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, as it is required to comply with all NPDES provisions.

G-3 Commenter states that Dischargers whose project disturbs one or more acres of soil or where projects disturb less than one acre, but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities. Commenter further states that the Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

Impact HYD-1 on page 4.8-9 of the Draft EIR confirms that applicable projects under the Specific Plan would require to comply with measures set forth in SWRCB's Construction General Permit. The discussion further lists numerous Best Management Practices (BMP's) required under SWPPP's and states that implementation and monitoring required under the SWPPP would control and reduce short-term intermittent impacts to water quality from construction activities to less than significant levels for the proposed project.

G-4 Commenter states the requirements of Phase I and II MS4 permits and provides links to several resources that would allow the project to determine which Phase I MS4 Permit the proposed project will apply to.

As noted in several sections of Section 4.8, *Hydrology*, of the Draft EIR, the development under the proposed project would be required comply with Section 30.03.030, New Development and Significant Redevelopment Projects subject to State of California

2. Response to Comments

NPDES Phase II Small Municipal Separate Storm Sewer System General Permit, of the Davis Municipal Code states that all discretionary development and redevelopment projects are subject to the post-construction standards described in the NPDES General Permit for Phase II Small Municipal Separate Storm Sewer System (NPDES General Permit No. CASS000004). Impact HYD-1 further elaborates on the ordinance's requirements for projects regarding BMP's and Low Impact Development (LID)/postconstruction standards.

- G-5 Commenter states that the if the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). Commenter further states that if a USACE permit or any other federal permit is required for this project due to disturbance of waters of the United states then a Water Quality Certification must be obtained from CVWB prior to the initiation of project activities.

Applicable projects in the Plan Area will comply with all Section 404 requirements and obtain a Water Quality Certification if necessary.

- G-6 Commenter states that the proposed project is required to obtain a Waste Discharge Requirement (WDR) permit if the USACE determines that only non-jurisdictional waters of the State present in the proposed project area. Commenter further states that projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ.

As noted in the discussion of Impact HYD-3 on page 4.8-11 of the Draft EIR, the proposed project Plan Area is primarily developed. However, any applicable projects in the Plan Area will comply with the state water discharge requirements.

- G-7 Commenter states that If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the CVWB's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085.

Any applicable projects in the Plan Area will comply with state dewatering requirements.

- G-8 Commenter states that if the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a NPDES permit.

Any applicable projects in the Plan Area will comply with state dewatering requirements and obtain coverage under a NPDES permit.

2. Response to Comments

G-9 If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a NPDES permit.

As discussed in Impact HYD-1 on page 4.8-9 of the Draft EIR, all applicable projects in Plan Area will obtain coverage under the NPDES permit and comply with the permitting requirements.

2. Response to Comments

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2. Response to Comments

LETTER H – Corinne I. Calfee on behalf of Opterra Law (5 pages)



Corinne I. Calfee
P.O. Box 2369
Davis, CA 95616



VIA Electronic Mail

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

downtownplan@cityofdavis.org

September 16, 2022

Re: Draft Environmental Impact Report for the Downtown Davis Specific Plan and Form Based Code

Dear Eric:

Opterra Law, Inc., represents John Ott in relation properties that he owns in the 600 Block of G Street. We write today to comment on the City of Davis’ Draft Environmental Impact Report (“DEIR”) for the Downtown Davis Specific Plan (“DDSP”) and Form Based Code.

We sincerely appreciate the City’s attention to the downtown area. We agree that the area provides critical opportunities for reinvestment and future development that is feasible, predictable, and consistent. Unfortunately, as we review the DEIR, DDSP and Form Based Code, we have identified a number of critical problems that need the City’s attention before the DEIR can be certified and the DDSP and Form Based Code can be adopted.

H-1

Our focus is the properties in the 600 Block of G Street that have long been zoned for Mixed Use. These properties are proposed to be included in the DDSP as part of the “North G Street” neighborhood, which is proposed to be re-designated as “Neighborhood Small.”

In general, our concern is that the project description is inaccurate, which leads to an inaccurate environmental analysis. The project description is inaccurate because (1) it misstates what the DDSP does, especially with regard to the North G Street neighborhood and (2) it is internally inconsistent. It is well established that “an accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193. Where, as here, the project description is neither accurate, stable, nor finite, the decision makers and the public do not have the information necessary to “ascertain the project’s environmentally significant effects, assess ways of mitigating them, and consider project alternatives.” *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 533. An inadequate project description does not promote informed decision making or comply with the law.

H-2

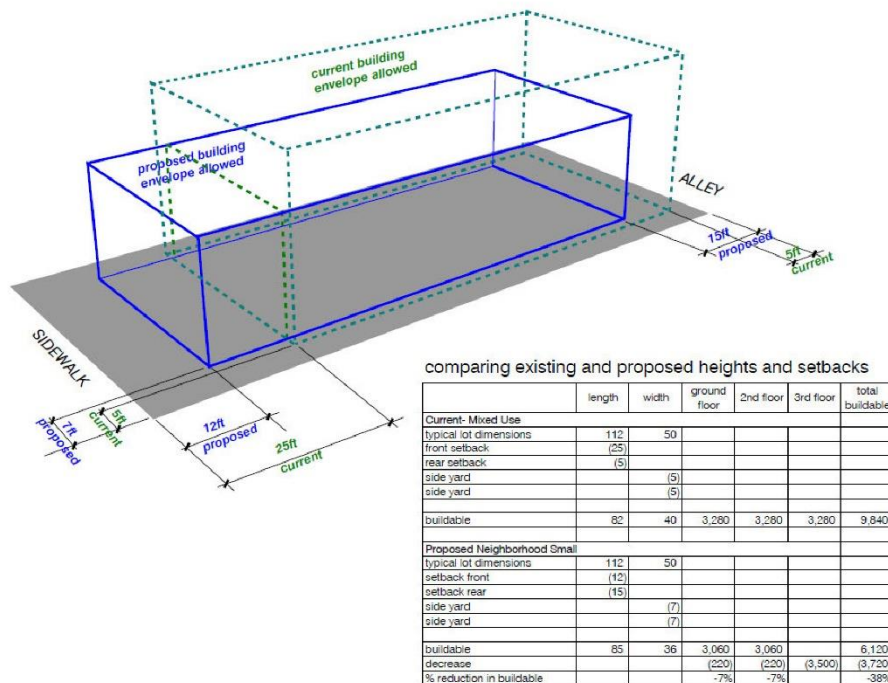
2. Response to Comments

The following letter outlines two overarching problems with the project description. First, the DDSP downzones North G Street whereas the DEIR analyzes an upzoning. Second, the project description is internally inconsistent. These two problems create larger analytical issues for the DEIR as a whole and therefore call into question the adoption of the DDSP and the Form Based Code.

H-2
CONT'D

1.) The DDSP downzones North G Street but the DEIR analyzes an upzoning. The proposed changes in zoning for North G Street, as described in the Form Based Code, would significantly decrease what could be built in this neighborhood. For example, the Form Based Code reduces the buildable area of the typical lots on North G Street by approximately 38%. This occurs because the rear and side setbacks increase significantly and maximum height has been reduced from 3 stories to 2 stories. For stacked flats, this has the effect of reducing the density from 3 dwelling units on a lot to 2 dwelling units. The following figure and table illustrate how these proposed changes affect the buildability of North G Street.

Figure 1: Comparison of Current Buildability under Mixed Use Zoning to Neighborhood Small



H-3

As you can see from the figure and associated table, the DDSP proposed a significant downzoning from the M-U zone to the N-S zone. Downzoning typically has the effect of "freezing" the status quo because a property owner would not replace a more intensive use with a less intensive use. This, of course, stymies the purpose of the DDSP, which is intended to create opportunities for

2. Response to Comments

reinvestment and future development. The DEIR did not analyze this downzoning or consider the effect of locking in the status quo. Rather, the DDSP and the DEIR ignores the likely effects that the changes in zoning intensity would create and instead assume without evidence that approximately 102 residential units would be built in the North G Street neighborhood.

H-3
CONT'D

Indeed, decreasing the intensity of residential development is not permissible under state law. SB 330, which has been codified at Government Code section 66300(b)(1)(A), prohibits the City from changing the land use designation to a less intensive use or reducing the intensity of land use below where it stood on January 1, 2018. The proposed re-designation of North G Street contravenes this important state housing policy. This highlights an additional problem with the DEIR, in that it concluded under Impact LU-2 that the project would not conflict with any land use plan policy or regulation. Because downzoning North G Street conflicts with state land use policies, the DEIR's analysis is inaccurate and therefore inadequate.

H-4

It appears that this upzoning/downzoning discrepancy may have arisen due to an erroneous comparison between Old North Davis (including F Street) and North G Street. The DDSP states that the N-S zoning is intended to reflect the existing residential on the west side of North G Street, which the DDSP states "are similar in scale and age to those of the Old North neighborhood to the west. The proposed Neighborhood-Small zone would need to respond to this character." See DDSP p. 122.

In fact, the Old North neighborhood to the west, which is excluded from the DDSP area, is zoned differently from the North G Street properties. Old North is zoned R-2 CD and is primarily in single-family residential use whereas North G Street is zoned M-U and is primarily in mixed use, as shown in the table below. In walking the neighborhood, we can see that the two areas are and have been used in very different ways from each other. This is likely due to their different zoning designations. The current uses speak to the power of zoning regulations.

Figure 2. Observed Existing Land Uses East and West of the Alley between F and G Streets.

F Street/West side of Alley (Old North)		Land Use	G Street/East Side of Alley (North G Street)	
Percentage	Number		Percentage	Number
84%	16	Single-family dwelling only	13%	2
11%	2	Two or more dwelling units	44%	7
0%	0	Commercial	63%	10
0%	0	Office and/or multi-residential	88%	14

H-5

The DEIR ignores the actual uses in the North G Street neighborhood and asserts, without evidence, that it is "largely residential in character." See p. 3-9. This is untrue: the neighborhood has a retail shopping center, long-standing grocery store, and many small business. We observed that 88% of the parcels on the west side of G street are either office, mixed use, or multi-residential. These are not the characteristics of a primarily residential neighborhood. In contrast, the 600 Block of F Street is 100% residential, and 84% of the properties are single-family homes. The DEIR fails to consider effects of changing North G Street from mixed use to primarily residential (like F Street).

2. Response to Comments

Even the streetscapes on F Street and G Street are different. As one example, the properties fronting F Street have relatively large setbacks from the alley whereas the properties fronting G street have relatively small setbacks from the alley. This means that almost half of the properties on North G Street would immediately be out of compliance with the rear setbacks set forth in the DDSP. The DEIR did not consider these consequences of the DDSP's proposed changes.

H-5
CONT'D

2.) The project description is internally inconsistent.

The Project Description for the DDSP is inconsistent and unclear. The DDSP is intended to "reduce regulatory barriers to development and facilitate development by removing unclear or uncoordinated regulations of the existing use-based Zoning Code. See DEIR p. 3-6. However the DDSP and the Form Based Code have many inconsistencies. For example, the definition of "Townhouse" in 40.14.070J limits the number of townhouses per building site to 1 whereas the N-S zone (40.13.090 C) permits three townhouses side-by-side. Similarly, N-S Table D (40.13.090) limits heights to 2 stories whereas the definition of Multiplex (40.14.070H), which is allowed in the N-S, shows that 3 stories are permitted. As another example, it is not clear whether Carriage Houses are or are not permissible in the N-S zone. Section 40.13.090, N-S Table C indicates that carriage houses are not applicable in the N-S zone, whereas N-S Table D indicates that they may be up to two stories tall and Table 40.14.070A indicates they are to be located in the N-S zone. Finally, the N-S zoning allows three attached townhouses on a site, but requires a 7' setback for each townhouse, thereby preventing them from being attached. Within each inconsistency, it is impossible to discern which is correct or what was analyzed in the DEIR.

H-6

The N-S zoning is apparently intended to preserve the size and scale of North G Street. It is intended to "respect" and "enhance" the current character. See DDSP p. 94. However, the development standards are changing significantly. For example, front setbacks have a significant effect on the neighborhood character. The current neighborhood is based on the M-U zone requiring a 25-foot front setback. The N-S zoning provides for a different setback. The incremental change envisioned by the DDSP will mean a mixed and incongruous streetscape with mis-aligned front setbacks. The North G Street zoning should maintain the current character to avoid this mis-alignment. In any event, it is not possible to respect the current character and simultaneously change it.

H-7

The DDSP labels nearly all of the structures on the west side of G Street as "Potential Historic Resource (under evaluation)". See Figure 2.9, p. 21. This designation is never referenced again. There is no description of these alleged "Potential Historic Resources," no explanation of this statement, and no resolution as to how any potential designation would occur. Despite the statement in the DDSP, the DEIR excludes the west side of G Street in the North G Street neighborhood from the list of potential historic resources. DEIR p. 4.4-8. We do not believe that the west side of G Street in the North G Street neighborhood comprise potential historic resources. That said, if the DDSP is accurate and they are potential historic resources, they have not been adequately studied in the DEIR.

H-8

The conservation overlay district implications are similarly inconsistent. North G Street is proposed to be included within the Old North Conservation Overlay District. DEIR Figure 3-4, p. 3-12.¹ The purposes of these districts, according to Section 40.23.010 of the Davis Municipal Code, are as follows:

H-9

¹ Note that the overlapping polygons make it impossible to determine what is changing in the proposed overlay districts and what was formerly included or excluded. It appears that the entire DDSP area is encircled in orange and therefore all part of an overlay zone.

2. Response to Comments

1. Conserve the traditional neighborhood character, fabric and setting while guiding future development, reuse, and reinvestment;

2. Discourage the demolition of structures consistent with the district's historic character by providing incentives for reuse of non-designated contributing structures;

3. Plan for new commercial and residential infill construction that is compatible and complementary to the character of existing neighborhood areas within the district;

H-9
CONT'D

The front setbacks for the proposed N-S zoning are a minimum of 12' and a maximum of 15'. All of the setbacks of the existing structures in the N-S zoning are greater than what N-S zoning would allow. If the N-S zoning is adopted, any new project attempting to implement Purpose 3 (infill development) would require a change in setbacks or it would violate Purposes 1 and 2.

These inconsistencies make it difficult to understand exactly what is and what is not permitted by the Form Based Code. Given these inconsistencies, it is not clear how the DEIR could adequately analyze the effect of the DDSP on the environment.

Conclusion

We respectfully request that the North G Street neighborhood either a.) retain its existing Mixed Use Zoning within the DDSP or b.) be removed from the DDSP area. These changes in the DDSP would require the DEIR "no project" alternatives analysis to apply to the North G Street neighborhood.

H-10

In the event that the North G Street neighborhood is not removed from the DDSP area, the DEIR must be revised to adequately review the effects that the re-designation of that neighborhood will have on the environment.

Thank you for your assistance. Please let me know if you have any questions or would otherwise like to discuss this request.

Sincerely,



Corinne I. Calfee

cc: Client

2. Response to Comments

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2. Response to Comments

H. Response to Comments from Corinne I. Calfee on behalf of Opterra Law dated September 16, 2022

H-1 The commenter states Opterra Law represents John Ott in relation properties that he owns in the 600 Block of G street. The commenter states their focus is the properties in the 600 Block of G Street that have long been zoned for Mixed Use.

Commenter does not raise an issue regarding the Draft EIR therefore no further response is required.

H-2 The commenter states the project description is inaccurate because it misstates what the Downtown Davis Specific Plan does, especially with regard to North G Street neighborhoods and it is internally inconsistent. The commenter states the two overarching problems with the project description: the Downtown Davis Specific Plan downzones the North G Street whereas the DEIR analyzes an up zoning, and the project is internally inconsistent.

As mentioned on page 3-17 of the DEIR, the neighborhood development numbers were derived from testing of opportunity sites with additional development capacity on the opportunity sites based on regulations in the proposed Downtown Code. See responses to comments H-3 through H-9.

H-3 The commenter states the proposed changes in the zoning for the North G Street would decrease what could built in this neighborhood by approximately 38% due to the rear and side setbacks increase significantly and maximum height has been reduced from 3 stories to 2 stories. The commenter states the Downtown Davis Specific Plan proposed a significant downzoning from the M-U zone to the N-S zone and the DEIR did not analyze this downzoning.

The comment is a zoning-related matter and does not address a CEQA-related issue or the EIR. Relevant zoning-related issues will be addressed in the staff report to be prepared for the project. As this comment does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

H-4 The commenter states the proposed re-designation of North G Street contravenes housing policy SB330 as decreasing the intensity of residential development is not permissible. The commenter argues that by downsizing North G Street conflicts with state land use policy then the analysis under Impact LU-2 is inaccurate and inadequate.

The comment raises the issue of compliance with SB 330, which is a zoning related matter. Given that the comment is not a CEQA related issue, nor does it address the adequacy of the DEIR, it does not require revision or recirculation. Commenter's issues will be addressed to the staff report to be prepared for the project.

2. Response to Comments

H-5 The commenter states the up zoning/downzoning discrepancy may have occurred due to the comparison between Old North Davis (including F street) and North G Street. The commenter notes the Old North neighborhood to the west, which is excluded from the Downtown Davis Specific Plan area, is zoned differently from the North G Street properties. Old North is zoned R-2 CD and is primarily in single-family residential use whereas North G Street is zoned M-U and is primarily in mixed use. The commenter states the DEIR ignores the actual uses in the North G street neighborhood and states that it is “largely residential in character” on page 3-9. The commenter observes 88% of the parcels in the west side of G street are either office, mixed use, or multi-residential while the 600 Block of F Street is 100% residential and 84% of the properties are single-family homes.

See response to comment H-3 and H-4.

H-6 The commenter states the Project Description for the Downtown Davis Specific Plan is inconsistent and unclear. The commenter also states the Form Based Code has many inconsistencies specifically with the definition of zoning codes:

- Townhouse in “Townhouse” in 40.14.070J limits the number of townhouses per building site to 1 whereas the N-S zone (40.13.090 C) permits three townhouses side-by-side.
- N-S Table D (40.13.090) limits heights to 2 stories whereas the definition of Multiplex (40.14.070H), which is allowed in the N-S, shows that 3 stories are permitted.
- Not clear whether Carriage Houses are or are not permissible in the N-S zone. Section 40.13.090, N-S Table C indicates that carriage houses are not applicable in the N-S zone, whereas N-S Table D indicates that they may be up to two stories tall and Table 40.14.070A indicates they are to be located in the N-S zone.
- N-S zoning allows three attached townhouses on a site, but requires a 7’ setback for each townhouse, thereby preventing them from being attached.

See response to comment H-3 and H-4. Comment addressed issues related to the Downtown Davis Specific Plan rather indicate any inadequacies within the DEIR analysis.

H-7 The commenter states the N-S zoning is apparently intended to preserve the size and scale of North G Street, but that the development standards are changing significantly. The commenter explains the changes are to the front setbacks. The commenter states the incremental change envisioned by the Downtown Davis Specific Plan will mean a mixed and incongruous streetscape with mis-aligned front setbacks. The commenter requests the North G Street zoning should maintain the current character to avoid this misalignment.

2. Response to Comments

See response to comment H-3. Request to maintain zoning or remove area from the Downtown Davis Specific Plan will be referred to decision makers.

- H-8 The commenter states that the Downtown Davis Specific Plan identifies structures in the west side of G Street as “Potential Historic Resource” but does not elaboration or description of these sites. The commenter also states the DEIR excludes the west side of G street in the North G Street neighborhood from the list of potential sites.

The priority properties listed under the Historical Resources subheading on page 4.4-8 of the DEIR has been revised to clarify the historical properties to the west side of G Street. The text change does not require recirculation of the DEIR because it does not provide significant new information that would give rise to a new significant environmental impact. The comment merely clarifies the identified historical sites outlines in the Downtown Davis Specific Plan and analyzed in the DEIR.

- H-9 The commenter states the proposed inclusion of North G Street from the Old North Conservation Overlay District are inconsistent. The commenter states all of the setbacks of the existing structures in the N-S zoning are greater than what proposed N-S zoning would allow. The commenter states if the N-S zoning is adopted, any new project attempting to implement Purpose 3 (infill development) would require a change in setbacks or it would violate Purposes 1 and 2.

See response to comment H-3.

- H-10 The commenter requests the North G Street neighborhood either a.) retain its existing Mixed-Use Zoning within the Downtown Davis Specific Plan or b.) be removed from the Downtown Davis Specific Plan area. The commenter adds if the North G Street neighborhood is not removed from the Downtown Davis Specific Plan area, the DEIR must be revised to adequately review the effects that the re-designation of that neighborhood will have on the environment.

See response to comment H-3. Request to maintain zoning or remove area from the Downtown Davis Specific Plan will be referred to decision makers.

2. Response to Comments

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2. Response to Comments

LETTER I – Cool Davis (4 pages)



Board of Directors

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Julie Haney
Architect, JIII Architects

Ken Kirsch
MAK Design Build, Owner

Johannes Troost
Retired Educational Admin.

Bapu Vaitla
UN Foundation/UC Davis

Staff:

Christine L. Granger
Executive Director

Leslie Crenna
*Communications & Household
Engagement Manager*

MISSION

*To inspire our community to
reduce greenhouse gas
emissions, adapt to a
changing climate, and
improve the quality of life for
all.*

September 16, 2022

City of Davis
Downtown Plan Environmental Review
Atten: Eric Lee
Russell Blvd

On behalf of the Cool Davis Board of Directors, staff and volunteers I am pleased to submit these comments regarding the Environmental Review of the Downtown Davis Specific Plan. Staff, board members and volunteers provided input for these comments.

First we want to thank the many City staff, the Downtown Plan Advisory Committee and the community for their work on the plan which is under environmental review.

Cool Davis is the community organization founded to assist the City in its implementation of its Climate Action and Adaptation goals, especially working with Davis households to reduce greenhouse gas emissions and adapt to our changing climate.

Our review of the Downtown Plan and the Environmental review includes a summary of key aspects of the plan that we think are especially important to the plan from the perspective of our climate action mission. We also have included a section focused on questions and recommendations within the EIR.

We are excited to see the Downtown Plan move forward and generally support the values and goals it sets forward.

Sincerely,

Christine L Granger
Executive Director

INTRO

2. Response to Comments

Comments from Cool Davis

We completely support Downtown as a model neighborhood for sustainable living and working.

- Neighborhood recognition for downtown will help improve core identity and social resilience for the future.
- Strong vibrant downtown neighborhood will encourage Davis residents to visit and connect in Downtown rather than traveling to other out of town destinations.
- A strong downtown neighborhood will be a model for how other Davis neighborhoods can connect and relate to and live with their retail and commercial centers.
- We strongly support the increase in residential units (up to 1000 units, 2160 residents). As a primary location for growth instead of the edge of the community. Downtown is a place where residents are more likely to be able to live car free. We believe the plan should also ensure that all residents have the opportunity to live downtown to engage in these benefits regardless of income or abilities and we encourage implementation of item 6E to build smaller affordable units.
- We applaud the promotion of mixed-use developments even in small parcels (overall plan) and the move from exclusively retail/exclusively residential to mixed-use. Increasing opportunities for live/work options adds more flexibility to our overall housing mix, responds to different needs and makes possible more sustainable lifestyles.
- Even though there is a growth in the number of people and businesses downtown the VMT per service population is estimated to decline from 96.6 to 62.4 (p189) as a result of the plans to increase housing, promote a car free life and active transportation solutions. It speaks to the importance of building housing, and thus increasing the service population, in order to show appreciable impact in the VMT/SP figure.
- The demarcation of 3rd & E St to pedestrian-first shared streets is great. That's a great transitional move to pedestrian only blocks. The overall plan calls for readiness to prioritize active modes. How do we ensure that all downtown can make that switch?
- Improvements planned in transportation infrastructure and circulation will facilitate increased transit use, alternative modes and mobility solutions for the last mile to the train station and connecting outer neighborhoods to downtown.

I-1

I-2

I-3

I-4

There are many implementation actions that we think must remain in the plan to maintain a high level of greenhouse gas reduction and to ensure neighborhood resilience:

- Require purchase of 100% renewable energy (Action 1A)
- Improve and enhancing green infrastructure, landscape & trees
- Adopt a fair-share transportation impact fee for new development (Action 1H)
- Elimination of parking minimums (Action 3A)
- Electrify all downtown buildings by 2040
- Unbundle of parking from other goods, services and housing
- Requiring parking for carsharing and carpooling solutions
- Microgrid and battery readiness in buildings
- Set maximum parking requirements (Action 3B)
- Implement solar requirements on all buildings (Action 1E)
- Create a carbon mitigation fund for downtown retrofit (Action 3A)
- Graywater and water conservation (Actions 5A, 5B, 5C)
- Strongly support additional [sustainability actions outlined in the Downtown Plan's Appendix 8](#)

I-5

2. Response to Comments

EIR Requests/Questions and Recommendations.

Electrification

Action 4 (p185): if the goal is citywide carbon neutrality by 2040, could we have an earlier target for downtown, where density is greater and per-capita emissions potentially a great deal lower? A more ambitious all-electrification target would steer us towards a bolder vision.

- Section 4.5.0 Existing Davis Municipal Code that discourages natural gas in new construction (consistency) is not mentioned here but later referred to in the analysis section 4.5-14 refers to City code regarding mixed fuel buildings. This new code is already having an effect on new construction being built all electric. The natural gas usage also assumes installation of natural gas fireplaces in the multifamily and single family buildings. It seems an easy mitigation would be to require all electric new construction or major retrofit of these buildings and to expressly exclude natural gas fireplaces in the residential buildings.

I-6

Transportation

- Overall, there is a lack of impact mitigation on the greenhouse gas emissions side, which leads to several significant impacts labeled as unavoidable (AQ-1, AQ-5, GHG-1, GHG-3). The main problem is transport: mobility is responsible for 86% of the Downtown GHG emissions (p179).
 - There's a missed opportunity to re-envision the character of downtown as a fully fossil fuel-free zone. Housing density is critical to making such a downtown work, and that means building up to a much greater extent than we are currently proposing in the Downtown Plan.
- We do wonder if the Transportation analysis and Air Quality analysis fully considered all of the transportation actions as mitigations for impacts, especially the removal of parking minimums, the uncoupling of parking, carsharing and carpooling requirements parking, and the requirement to participate in a TDM.
- In the Transportation analysis it is not clear we are really using Davis data especially when looking at the maps in Fig 8, 9, 10, 11. Fig 8,9 shows a classic city center with lower VMT which doesn't change, and figures 10 & 11 seem to suggest a different pattern for the workplace. But neither really tell the story. Since we already have a large portion of residents that commute to jobs in town or to the University they don't make up a large share of the VMT since their trips are short. If we have more of those kind of residents by densifying downtown it still doesn't have a big effect unless we compare to where they live now (out of town). All that long distance VMT is the problem and that needs better transit, alternative fuel options and increased housing in Davis.
- Does the Transportation analysis fully include our current EV baseline and its current growth rate as a share of our total Davis vehicles and the current flattening of growth in the total Davis vehicles including vehicles per household? Both City census data and EV DMV data show these trends. The use of EVs as commuter vehicles may also be having a significant impact on the GHG and air quality results for the longer distance commuters. Some census blocks especially close to downtown Davis show high rates of bike, ped and transit use, and fewer cars per household.

I-7

I-8

I-9

I-10

2. Response to Comments

Land Use and GHG and VMT Impacts

- Given the difficulty of mitigating potentially significant impacts on air quality, we feel that a more precise comparison with alternative scenarios would be useful. We suggest a quantitative analysis of the impact of alternative scenarios on 1) vehicle miles traveled (VMT), 2) VMT per service population, 3) daily trips (DT), 4) DT per service population, .

 - o Alternative scenario 1: Taller buildings - same land use distribution
 - o Alternative scenario 2: Larger specific plan area
 - o Alternative scenario 3: More residential (no new commercial)
 - o It would be great to see an alternative scenario of taller buildings + greater density + increased residential square footage.
- Average trip distance *increases* from 4.57 to 4.73 miles per trip from the existing to the buildout scenarios (p180). With a greater population, it's understandable that total ADT and VMT increase, but an increase in *average* trip distance seems like a signal that we've not succeeded in making downtown less car-centric. What are the reasons why people are traveling farther for services in the new plan?
- One thing missing from the alternative scenarios is a comparison of buildings on the edge of the community in format comparable to, for example, the Cannery with the same proposed retail and commercial space. With our current City and state goals we should also be comparing where we don't want to develop and the impacts generated by building on farmland and increasing the number and transportation habits of single family homes.
- 4.6.1.2 (p182): a more radical redesign of circulation would create a space that's tailored for the needs of people, not cars. We understand the obstacles to such a redesign, but cities around the world are finding ways to implement car-free or semi-car-free areas. Davis should be pushing the envelope on this.
- Action 4 (p183 and p316): do transit networks get built by reacting to demand, or pushing to stimulate demand, e.g., through parking restrictions and fees, increasing density of housing, increasing visibility and frequency of transit? Intuitively seems like the latter. An analysis would be helpful.
- The decrease in MTCO_{2e} is driven by an anticipated decrease in vehicle emission rates (p188). The Plan should be lauded for allowing a population increase of 2,160 residents while reducing expected emissions, but the fact that this success rests on external drivers—vehicle emission rates—suggests that the Plan could be a stronger driver of environmental impact innovation. We believe the impacts are significant but they are *not* unavoidable with a bolder vision.
- Total ADT and VMT is also a useful benchmark (p186); it would be ideal to design a plan that keeps these curves flat, implying decreased per-capita mobility using personal vehicles.
- Would be useful to see VMT/SP figures from other cities of similar size/demographics (p190 and p317-8).
- Given that many of the 2010 CAAP objectives are quantitative, it would be good to quantitatively estimate project consistency.
- The Specific Plan Area VMT is a very small fraction of the City of Davis VMT (p317-8). However, would increase density of both residential and commercial spaces in Downtown reduce VMT travel in the rest of Davis, e.g., by reducing out-of-town trips—was this analyzed?
- [Minor] Page 41 notes six goals, but more than 6 are listed.

2. Response to Comments

I. Response to Comments from Cool Davis, dated September 16, 2022

INT. The Cool Davis Board of Directors, staff, and volunteers I am pleased to submit these comments regarding the Environmental Review of the Downtown Davis Specific Plan. The commenter gives brief introduction of their agency and their role in the City.

I-1 The commenter supports the Downtown Specific Plan and highlights details such as

- improve core identity and social resilience for the future
- encourage Davis residents to visit and connect in Downtown
- increase in residential units
- encourage implementation of item 6E to build smaller affordable units
- promotion of mixed-use developments even in small parcels (overall plan) and the move from exclusively retail/exclusively residential to mixed-use

As this comment does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

I-2 The commenter states that even though there is a growth in the number of people and businesses projected the Downtown Davis Specific Plan, the VMT is projected to decrease with more structures within the area.

See response to comment I-1.

I-3 The commenter states the demarcation of 3rd & E St to pedestrian-first shared streets is great and asks how we ensure that all downtowns can make that switch.

Comment is noted. At this time, no specific project, development, or builder has been proposed for the Downtown Davis Specific Plan. The Specific Plan establishes the standards and guidelines that future owners must comply with (permitted uses, setbacks, landscape and open space requirements, etc.). As this comment does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

I-4 The commenter approves of the improvements planned in transportation infrastructure and circulation from the proposed Downtown Davis Specific Plan.

See response to comment I-1.

2. Response to Comments

- I-5 The commenter lists following action to remain in the Downtown Davis Specific Plan such as Action 1A, Action 1H, Action 3A, Action 3B, Action 1E, Action 5A-C, and Appendix 8 of the Downtown Davis Specific Plan.

See response to comment I-1.

- I-6 The commenter asks a question regarding Action 4 on page 4.2-13 of the DEIR. The commenter asks if the goal is citywide carbon neutrality by 2040, would the downtown reach the target earlier where the density is greater and per-capita emissions are lower. The commenter states the existing Davis Municipal Code discourages natural gas in new construction is not mentioned but later referred in the analysis on page 4.5-14.

The actions recommended are specifically towards the Davis Downtown Specific Plan. At this time, no specific project, development, or builder has been proposed for the Downtown Davis Specific Plan. The Specific Plan establishes the standards and guidelines that future owners must comply with a guiding policies and action items. The Davis Municipal Code Section 8.20.060, Alternative compliance, allows for other renewable energy sources as long as energy needs will be met. As this comment does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- I-7 The commenter states there is a lack of impact mitigation on greenhouse gas emissions and air quality impacts. The commenter states there is a missed opportunity to re-envision the character of downtown as a fully fossil fuel-free zone and to use housing density to help reduce these impacts.

See response to comments F-1, F-2, and 14-2.

- I-8 The commenter asks if the transportation and air quality analysis consider all transportation actions as mitigations for impacts, especially the removal of parking minimums, the uncoupling of parking, carsharing and carpooling requirements parking, and the requirement to participate in a TDM.

See response to comment 1-7. The impacts under transportation section are determined to be less than significant, Section 15126.4(a)(3), *Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects*, of the CEQA Guidelines does not require mitigation measures for impacts that are not found to be significant. Therefore, the mitigation measures in this DEIR are only for impacts that were found to be significant and additional mitigation is not required.

2. Response to Comments

- I-9 The commenter does not think the transportation analysis in the DEIR uses Davis data. The commenter has concerns with maps in Figure 8, 9, 10, 11 stating maps seem to suggest a different VMT patterns. The commenter asks questions regarding VMT analysis on page 4.6-26 and notes variability of VMT in downtown Davis.

See response to comment I-10 and 2-6. Figures 8 and 9 in the VMT analysis prepared by Fehr and Peers show the distribution of VMT generation in the Sacramento Area Council Governments (SACOG) region presented in VMT per capita. Figure 8 shows VMT generation for the base year (2016) and Figure 9 shows VMT generation in the horizon year of the MTP/SCS (2040). These maps are based on 2020 MTP/SCS maps which exclude VMT generated outside of the SACOG region.

SACOG updated the 2016 base year maps to include VMT generated outside of the SACOG region. Maps were prepared separately for household VMT per capita and work-tour VMT per employee. These maps are presented as Figure 10 and Figure 11. The inclusion of VMT outside of the SACOG region is particularly relevant for the Downtown Davis Specific Plan given the location of Davis on the edge of the SACOG region and the proportion of trips that travel to/from areas west of Davis and the SACOG region along the I-80 corridor.

- I-10 The commenter asks if the transportation analysis includes current EV baseline and growth rate as a share of the total Davis vehicles. The commenter also asks if the current flattening of growth in the total Davis vehicles includes vehicles per household.

See response to comment 2-6. Travel demand forecasting conducted for the DEIR transportation impact analysis utilized the UC Davis/City of Davis travel demand model, the SACOG SACSIM travel demand model, and the California Statewide Travel Demand Model. The baseline versions of all three models include baseline land use and transportation system inputs and were calibrated to baseline traffic volumes observed within each respective model area. Additionally, the UC Davis/City of Davis travel demand model area is comprised of seven area types to better capture the different trip making characteristics that exist in the City of Davis, on the UC Davis campus, and in the surrounding unincorporated areas. Trip generation rates for each land use category were applied to each area type and calibrated to traffic volumes observed within each area type to reflect the distinct travel characteristics of each area type. One of the seven distinct area types represents Downtown Davis. Altogether, this travel demand forecasting approach implicitly captures the land use, transportation system, and socioeconomic factors that influence travel characteristics in Downtown Davis and the City of Davis, such as vehicle ownership. The travel demand models used for the DEIR transportation impact analysis do not include inputs for EV ownership rates, therefore, the DEIR transportation impact analysis does not explicitly consider the effects of baseline or future EV ownership rates.

2. Response to Comments

- I-11 The commenter suggests conducting a comparison with alternative scenarios on 1) vehicles miles traveled (VMT), 2) VMT per service population, 3) daily trips, 4) DT per service population.

See response to comment 2-6.

- I-12 The commenter asks what the reasons are for increasing average daily trips and why people are traveling farther for services in the Davis Downtown Specific Plan.

The estimated increase in average trip distance between the baseline and cumulative scenarios is primarily due to future local commute trip production and attraction trends. Between the baseline and cumulative scenarios, the increase in local commute trip productions (primarily associated with residential dwelling units in the City of Davis and on-campus housing at UC Davis) is expected to be outpaced by the increase in local commute trip attractions (primarily associated with employees who work in the City of Davis or on the UC Davis campus, as well as students enrolled at UC Davis). As a result, in the future, a greater share of local commute trip attractions would need to be satisfied by non-local commute trip productions relative to baseline conditions. In other words, a greater share of people who work in the City of Davis or who work/attend school at UC Davis would reside outside of Davis. This trend has been occurring for several decades and is expected to continue into the future based on current local land use plans and policies. The resulting effect would be an increase in average trip distance associated with commute trips traveling to/from the City of Davis, including those generated by uses in Downtown Davis.

- I-13 The commenter states the alternative scenarios is missing a comparison of buildings on edge of the community. The commenter adds also comparing where we don't want to develop, and the impacts generated by building on farmland and increasing the number and transportation habits of single-family home.

Alternatives, in the context of the California Environmental Quality Act (CEQA), are optional ways that the project proponent could achieve most of their objectives, while also reducing or eliminating the environmental impacts of the proposed project (California Public Resources Code [PRC] Section 21002; see also *Friends of the Old Trees v. Department of Forestry & Fire Protection* (1997)). As this comment addresses changes to the Downtown Davis Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

2. Response to Comments

- I-14 The commenter suggests the City to consider a more radical redesign of circulation for both people and cars.

As this comment addresses changes to the Downtown Davis Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- I-15 The commenter asks specific logistical questions regarding Action 4 from the Downtown Davis Specific Plan and ask for an analysis for the implementation of this action.

See response to comment 2-14.

- I-16 The commenter disagrees with the conclusions made under Impact GHG-1 stating that the success of decreasing MTCO_{2e} rests on external drivers and that the plan could be stronger with more environmental impact innovation.

See response to comment F-1.

- I-17 The commenter states it would be ideal to design a plan that keeps curves flat, implying decreased per-capita mobility using personal vehicles.

See response to comment 2-14.

- I-18 The commenter states it would be useful to see VMT/SP figures from other cities of similar demographics on p 190 and p 317-8.

As mentioned in Chapter 2, Introduction, of the DEIR states the document is a Program EIR that examines the potential environmental impacts for the Downtown Davis Specific Plan which is defined as the 132-acre Specific Plan Area located in central Davis.

- I-19 The commenter suggests that given that many of the 2010 CAAP objectives are quantitative, it would be good to quantitatively estimate project consistency.

As this comment addresses changes to the Downtown Davis Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- I-20 The commenter asks if the Specific Plan increases density of both residential and commercial spaces in Downtown, then would it reduce VMT travel in the rest of Davis, e.g., by reducing out-of-town trips.

2. Response to Comments

Impact TRAF-2 on page 4.13-10 of the DEIR, presents Table 4.13-1 which shows the project-generated VMT per service population would measure more than 15 percent below the average VMT per service population generated by the City of Davis, by the City of Davis with UC Davis, and by the SACOG region.

I-21 The commenter states page 41 notes six goals, but more than 6 are listed.

The DEIR states the proposed Specific Plan includes six overarching goals which serve as a framework for guiding policies and implementing actions which would facilitate anticipated growth in the Specific Plan Area. Those goals are considered and integrated to the project objectives for the EIR, which notes 10 objectives.

2. Response to Comments

LETTER J – Larry Guenther President of Old East Davis Neighborhood Association (7 pages)

September 16, 2022

Larry Guenther, President
Old East Davis Neighborhood Association
[REDACTED]

To: Eric Lee, Planner
RE: Comments on the Davis Downtown Specific Plan DEIR

Dear Eric: On behalf of the Old East Davis Neighborhood Association, I submit the following comments on the DEIR.

1. Changes to the 2019 Public Review Downtown Plan, recommended by the Downtown Plan Advisory Committee during their final meeting in January, 2020, are improperly recorded as “Errata” in Project documents attached to the DEIR. The DEIR does not state how these recommendations are, or are not, incorporated in the analysis of impacts, raising questions about the potential for additional, un-analyzed impacts.

The final DPAC recommendations were included as Attachment #2 in an April 14, 2020, Staff Report for the City Council and Planning Commission. The recommendations were the result of a deliberative process, followed by DPAC votes. DEIR Appendix 3-1 improperly represents a number of these recommendations (notably, the recommendation to allow building heights up to four stories in the Core Transition East Neighborhood Medium zone, among others) as “Errata”, or corrections to, the October, 2019 Public Review Downtown Davis Specific Plan. This representation suggests that deviations between the Public Review Plan, and the Project analyzed in the DEIR, are the result of clerical errors in the Public Review Plan. This is misleading and must be rectified. The procedural record connecting the Public Review Plan, the DPAC recommendations, and the Project analyzed in the DEIR, must be transparently described. Are the DPAC recommendations part of the Project analyzed in the DEIR? When and where were the decisions about Project features subject to environmental review made, and how were these decisions communicated to the environmental analysts? Do the DPAC recommendations, if implemented in the Project, lead to impacts not analyzed in the DEIR?

J-1

2. The DEIR contains inconsistent and contradictory descriptions of Project features in the Core Transition East, and fails to reconcile, or clearly distinguish, projects having seemingly different features in this zone. Ultimately, it is unclear which project the DEIR analyzes.

J-2

2. Response to Comments

Table 3-2 and Figure 3-3 (pdf pages 43 and 44) of the DEIR both show a three story maximum height for the Neighborhood Medium building form in the Core Transition East subzone, to the east of the railroad tracks. These are consistent with Figure 4.13 and Table 4C of the 2019 Public Review Downtown Davis Specific Plan.

The subsequent description of the G Street neighborhood in the DEIR creates ambiguity about building heights in this subzone: "The properties in the transition area east of the railroad tracks would have building heights up to three stories or under one potential scenario, up to four stories." What is the provenance of this "potential scenario", and what is its role in the DEIR?

In contradiction to Table 3-2 and Figure 3-3, the DEIR's description of the Reduced Height Alternative states: "The Reduced Height Alternative assumes that there would be a reduction in height of 1 to 2 stories within the following areas: East N-M Transition Area / Proposed Project: up to 4 stories / Reduced Height Alternative: up to 3 stories" (pdf pg. 362). Here, the "Proposed Project" seemingly analyzed in the DEIR is characterized by 4 stories in the Core Transition East, and the 3-story Neighborhood Medium subzone in the Core Transition East is a feature of the "Reduced Height Alternative". Only one of these Projects can be the main subject of the DEIR, and this Project's features must be stable and definite. Is the project described in the October, 2019 Public Review Plan the Project analyzed in the DEIR, or is another Project the subject of the DEIR?

The disposition of the Core Transition East in the forthcoming Specific Plan is of interest to Old East Davis residents, thus the inconsistencies we find here are salient for us. We have not examined the DEIR for inconsistencies in its description of Project features in zones that are less familiar to us. We urge the consultants, City staff and decision-makers to carefully review the DEIR at this level of detail, to find and resolve all other inconsistencies. The features of the Project analyzed in the DEIR must be internally consistent.

3. Concerning AES-3, the DEIR incorrectly asserts that "Implementation of the proposed project in an urbanized area would not conflict with applicable zoning and other regulations governing scenic quality." In fact, the proposed project arguably contravenes General Plan Policy UD 2.3, requiring an architectural 'fit' with Davis' existing scale for new development projects.

J-2

J-3

2. Response to Comments

Davis' General Plan will still be in effect when a new Downtown Davis Specific Plan is approved, and the DEIR acknowledges GP Policy UD 2.3 in its description of applicable policies. However, the DEIR's claim-- that build-out under the Project would not conflict with applicable policies governing scenic quality-- fails to grapple with the potential juxtaposition of buildings of four or more stories next to small, single-story, traditional houses that remain in large numbers in and around the Project area, defining, in part, the character and feeling of downtown Davis. Juxtapositions of this kind could occur particularly in University/Rice Lane, where traditional houses near the UCD campus are compactly set on small lots adjacent to properties designated under the Project for intensive use; and in the Old East Davis neighborhood along the railroad tracks, where small, single story homes share an alley with properties of the Neighborhood Medium Transition East zone.

J-3
CONT'D

The DEIR's analysis of impacts on scenic quality, leading to its finding of "Less than significant" impacts without mitigation, rests on broad and general language restating high-level Project goals. The DEIR does not, however, analyze how GP Policy UD 2.3, requiring compatibility of scale, contemplates, or allows for, buildings several orders of magnitude greater in scale to be placed next to small, single story houses, as could occur under the proposed Project. A plain reading of GP Policy UD 2.3 strongly suggests that juxtapositions of this kind are not permitted under "... applicable zoning and other regulations governing scenic quality."

J-4

4. The DEIR findings for Air Quality make it imperative that assessments and mitigation plans for construction phase impacts be made available for public review and comment.

The DEIR finds significant and unavoidable impacts on air quality due to land use and development. No feasible mitigation measures for these impacts are available, per the DEIR. Turning to the Project's construction phase, the DEIR finds that: "...construction-related regional air quality impacts associated with implementation of the proposed project are considered potentially significant and would cumulatively contribute to the nonattainment designations of the SVAB for ozone and particulate matter during construction" (pdf page 95). Mitigation Measure AQ-2.1 (pdf page 96) applies to the construction of individual building projects under the Downton Plan, requiring applicants to submit an assessment of construction-related impacts on air quality, but this measure applies only to projects subject to discretionary approval. Only some projects will require this level of review.

J-5

2. Response to Comments

These circumstances seemingly leave only a limited role for City planners and decision-makers to monitor and mitigate the Project's air quality impacts. The ability of City residents to weigh in also appears to be circumscribed. The public CEQA process, where applicable, remains: the Downtown Plan and supporting regulations must ensure that this process is codified and enforced.

J-5
CONT'D

5. The mitigation measures for historical resources proposed in the DEIR are inadequate.

OEDNA agrees with the analysis that the proposed project has potentially significant and unavoidable impacts to historical resources. However, we contend that the mitigation measures proposed can be substantially improved to lessen, although not fully avoid, significant impacts.

The proposed Form Based code in Downtown Code Section 14.40.080, Historic Resource Adjacency Standards, is a significant improvement with respect to specificity over existing City ordinances.

The plan, however, identifies over 40 properties/areas that have yet to be surveyed within the planning area. The proposed mitigation measure (CUL-1) would, in effect, enable project applicants to address impacts to historical resources in a piecemeal fashion on a project-by-project basis. We propose that the city adopt an additional mitigation measure that would address the presently unknown existing conditions of the properties/areas that have yet to be surveyed and develop a more wholistic approach, through the recommendations of the Historical Resources Management Commission. We suggest the following mitigation measure:

J-6

Mitigation Measure CUL-2 : Within 3 years of adoption of the plan, the City shall complete an historical resources survey for the over 40 additional properties/areas identified in the Downtown Specific Plan area that should be surveyed, to determine their potential as historic resources; and within 1 year of completion of said surveys, the Historic Resources Management Commission shall review them and submit to the City Council a report of recommended measures to reduce or avoid impacts to these surveyed properties/areas.

6. The DEIR findings for GHG strongly suggest that the final Downtown Davis Specific Plan must strengthen the related implementation actions, if the City is to meet its goals for GHG reductions.

J-7

2. Response to Comments

A detailed set of Implementation Actions under the Specific Plan is described in DEIR Section 4.6.1.2 (pdf pages 182-185), but the DEIR finds that: "... due to the uncertainty of the Specific Plan's sustainability actions being implemented to the extent shown in the model, the project may generate a net increase in GHG emissions, creating a significant impact on the environment" (pdf page 188). The weakness of the Plan is that these actions are not required or mandated, but instead it is suggested/recommended that they be implemented over time. The DEIR informs City planners and decision-makers that the Project in its current form will likely prevent attainment of GHG benchmarks. Attainment of benchmarks would almost certainly be more likely under mandated, instead of recommended, actions.

J-7
CONT'D

7. The DEIR's reasoning for the choice of the "More Residential" Alternative as the environmentally superior alternative is inadequate. The "Reduced Height" Alternative is clearly competitive, and needs to be reconsidered as the environmentally superior alternative.

It is difficult to follow the process for choosing the Environmentally Superior Alternative (ESA) in section 5 of the DEIR: Alternatives and Table 5-7, which evaluates the ability of each alternative project to meet the Downtown Plan's objectives. Based on an impartial analysis, the "No Project Alternative" was the ESA. This alternative was rejected, however, because it did not accomplish all of the Downtown Plan's objectives. The "More Residential (No New Commercial) Alternative" (MRNNCA) similarly does not accomplish all of the Plan's objectives (failing objective two), yet it was selected as the ESA. The "Reduced Height Alternative" (RHA) is scored positively for every objective, including the provision of housing for the projected number of new downtown residents, but was not chosen as the ESA. The rationale for choosing the ESA is not transparent, based on the information in the DEIR.

J-8

A major goal of the Downtown Plan Advisory Committee was to create a thriving neighborhood where single-occupancy-vehicles (SOV) would be unnecessary. Given the amount of residential expansion projected as one of the Project goals, the availability of goods and services would also need to increase under any viable plan. Requiring people to go further to receive goods and services would increase VMT and GHG as a consequence of greater SOV use. This is a fundamental trade-off tied to the goal for a greener downtown. While the downtown core may not be completely self-contained, in order to reduce the carbon footprint of the added residential component, sufficient commercial opportunities

J-9

2. Response to Comments

must exist nearby, to provide for most of the day-to-day goods and services required by downtown residents.

In addition to objective two, which is not met by the MRNNCA, there are objectives where the potential success of the MRNNCA is overstated. Specifically, objective six ("Encourage residents to use Downtown instead of driving across town or to nearby cities for jobs, experiences, dining, and shopping"), objective seven ("Provide a variety of housing options at all levels of affordability..."), and objective nine ("Create a sense of place that balances new development with historic character.") are not well served by the MRNNCA. Building an overly tall downtown, creating 'concrete canyons,' will not encourage residents to remain, or non-residents to visit the downtown, nor will it encourage the preservation of historic resources and city character. Greatly increasing the number of residents without increasing the amount of commercial/retail will drive residents out of the downtown to obtain the goods and services they need. Creating the largest possible buildings while maintaining density restrictions will encourage the creation of the largest possible residential units within new buildings, which will not help realize a "variety of housing options".

J-10

The RHA, however, accomplishes all the objectives of the plan, including providing housing for the number of new residents projected for the downtown. With smaller residential units than a larger building would usually offer, smaller buildings would still accommodate all of the residents projected in the Downtown Plan, and would accommodate a broader array of income levels in the downtown. This would not only be more environmentally friendly-- from the standpoint of using fewer materials to construct the buildings-- it would also require less energy in perpetuity because there would be less conditioned space. Rents for residential units are much more tied to location and quality than to square footage. Given that the location (within the downtown) would remain the same, and the buildings would be just as new, a wider array of unit sizes would allow a wider array of rents.

J-11

We therefore take issue with the analysis presented in table 5-7. Regarding the RHA, objective two could in fact be accomplished in a manner equal to the Project objectives. Regarding objective three, while the differences between comparative building heights would be lessened under the RHA, to claim that this diminishes the "development hierarchy" in the downtown is pedantic. There would still be a well-established "hierarchy" of downtown building forms, and there would certainly be promotion of non-vehicular travel, and creation of a sense of place, equal to the Project objectives. We therefore claim that the RHA should be scored "Yes" for each objective in Table 5-7. The MRNNCA should

2. Response to Comments

continue to score "No" for objective two, but we believe the evidence warrants the following corrections; "No" for objective six, "Yes, but to a much lesser extent" for objective nine, and "Yes, but to a lesser extent" for objectives one and seven.

The "Reduced Height Alternative" (RHA) is positive in every objective, while the MRNNCA does not achieve several of the objectives to the degree that the RHA does. We therefore contend that the Reduced Height Alternative should, in fact, be considered the Environmentally Superior Alternative. It would also be the 'Superior Place Making Alternative'.

J-11
CONT'D

8. Downtown Plan regulations should include provisions for public comment on the City's evaluation of the compliance of individual projects proposed under the Plan.

For individual projects deemed not subject to discretionary approval under the Downtown Plan, a process for transparent communication to the public of the City's evaluation of project compliance, and subsequent decision-making, should be included in the Plan's regulatory policies. This will support a greater level of trust between residents affected by Plan implementation and the City, as well as garner public support for the Plan going forward.

J-12

Thank you for your consideration of these comments.

Sincerely,
Larry Guenther

2. Response to Comments

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2. Response to Comments

J. **Response to Comment from Larry Guenther, President of Old East Davis Neighborhood Association, dated September 16, 2022**

J-1 The commenter states Changes to the 2019 Public Review Downtown Plan, are improperly recorded as “Errata” in Project documents attached to the DEIR. The DEIR does not state how the recommendations are, or are not, incorporated in the analysis of impacts, raising questions about the potential for additional, un-analyzed impacts.

The Downtown Plan Advisory Committee (DPAC) was formed as a key component for community engagement in the Downtown Davis Specific Plan process (City Council Resolution No.17-113). The members of DPAC were appointed to broadly represent a diversity of interests as well as the Davis community at large. DPAC made recommendations which included either about the process or for the decision makers to consider.

Recommendations provided by the DPAC that could affect land use, were considered, or mentioned in the EIR, such as:

- The addition of properties in the University Avenue/Rice Lane neighborhood, which is described in the Project Description (pg. 3- 10 of the DEIR) for that neighborhood. Those properties were also included in that list in the cultural resources section.
- The Trackside property which isn’t specifically mentioned in the Project Description but is within the G Street neighborhood. The property is not currently proposed for rezoning with the Downtown Davis Specific Plan but could be and if it were, it would have the same zoning as the other adjacent properties on the east side of the tracks and would not create or add any new issues.
- Allow more intensive development for the Davis Community Church, which is mentioned in the Project Description (pg. 3-10 of the DEIR) for North-West Downtown.
- The recommendation to not impose a cap on the number of units for the different building types. This recommendation would be provided to decision makers for consideration. If the change is adopted, it doesn’t affect the EIR analysis, which is based on the 1,000 total new units envisioned.

As this comment addresses changes to the Downtown Davis Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

J-2 The commenter states The DEIR contains inconsistent and contradictory descriptions of Project features in the Core Transition East, and fails to reconcile, or clearly distinguish, projects having different features in this zone. The commenter states there are inconsistencies with the 2022 Downtown Davis Specific Plan DEIR and the 2019 Public Review Downtown Specific Plan.

2. Response to Comments

The DEIR discusses information regarding the Zoning and Land Use Overview of the Downtown Davis Specific Plan. As stated in the DEIR, page 3-7, the proposed land use and zoning designations allow for a range of both residential and non-residential uses in the various zones. As this comment addresses changes to the Downtown Davis Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

Regarding the building height on referenced for the area east of the railroad tracks, the next to last sentence on page 3-9 under G Street in the DEIR has been amended to eliminate "...or under one potential scenario, up to four stories." As this is incorrect. This change is included in the errata section of this FEIR.

- J-3 The commenter states the conclusions made under Impact AES-3 conflict with the General Plan Policy UD 2.3.

Policy UD 2.3 states to require an architectural "fit" with Davis's existing scale for new development projects. Impact AES-3 discloses once adopted the Downtown Davis Specific Plan would amend the Davis General Plan and serve as the overarching policy document that guides the long-term development and infrastructure within Downtown Davis. Therefore, the Davis Downtown Specific Plan would have its own guidelines for development. In addition, all potential future development that is subject to discretionary approval would be required to undergo environmental and design review prior to project approval. Therefore, implementation of the proposed project would not conflict with Policy UD 2.3 and impact would remain less than significant.

- J-4 The commenter states the DEIR does not, however, analyze how GP Policy UD 2.3, requiring compatibility of scale, contemplates, or allows for, buildings several orders of magnitude greater in scale to be placed next to small, single-story houses, as could occur under the proposed Project.

See response to comment J-3. Impact AES-3 discloses that while development from the proposed project could result in changes in character in the Specific Plan Area, development would be required to adhere to the provisions of the proposed Specific Plan and associated Downtown Code. In addition, all proposed development under the Specific Plan has discretionary approval and would be required to undergo environmental and design review prior to project approval. As this comment does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- J-5 The commenter states the DEIR findings for Air Quality make it imperative that assessments and mitigation plans for construction phase impacts be made available for public review and comment.

2. Response to Comments

See response to comment K-11. After considering the final EIR and in conjunction with making findings under 14 CCR Section 15091, the City of Davis as the lead agency may decide whether or how to approve or carry out the project. A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either the project as approved will not have a significant effect on the environment, or the agency has: eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093. City staff have discretionary approval over future projects and therefore can require changes to mitigation measures.

- J-6 The commenter suggests the addition of the following mitigation measure for historical resources:

Mitigation Measure CUL-2: Within 3 years of adoption of the plan, the City shall complete an historical resources survey for the over 40 additional properties/areas identified in the Downtown Specific Plan area that should be surveyed, to determine their potential as historic resources; and within 1 year of completion of said surveys, the Historic Resources Management Commission shall review them and submit to the City Council a report of recommended measures to reduce or avoid impacts to these surveyed properties/areas.

As stated by the DEIR on page 4.4-10, there are no feasible measures that would reduce the potential impacts on known and currently unknown historic resources to a less than significant level therefore impact would remain significant and unavoidable. Addition of the mitigation measure proposed by the commenter would not result in a change to the conclusions made by the DEIR, therefore no changes are necessary. Comment is noted and will be forwarded to the City for further consideration.

- J-7 The commenter states the DEIR findings for GHG strongly suggest that the final Downtown Davis Specific Plan must strengthen the related implementation actions if the City is to meet its goals for GHG reductions.

See response to comment 7-6.

- J-8 The commenter states The DEIR's reasoning for the choice of the "More Residential" Alternative as the environmentally superior alternative is inadequate. The "Reduced Height" Alternative is clearly competitive and needs to be reconsidered as the environmentally superior alternative.

As stated on page 5-15 in the DEIR, the "Reduced Height" Alternative was rejected because this alternative would keep the same land distribution, therefore not meeting the proposed Specific Plan and Associated Form-Based Code objective to create a clear building and

2. Response to Comments

hierarchy in the downtown while the “More Residential (No New Commercial) Alternative would change the land use configuration to meet this objective.

- J-9 The commenter states the More Residential (No Commercial) Alternative would increase VMT and GHG as a consequence of greater single -occupancy vehicles and residents going further to receive goods and services.

As stated on page 5-25 in the DEIR, greenhouse gas emissions under More Residential (No Commercial Alternative) would be reduced as traffic associated with non-residential uses would be eliminated. The commenter dismisses that there are existing commercial uses within the Downtown which existing and future residents can use. The commenter does not describe any inadequacies from conclusions made in the DEIR, therefore no changes are necessary.

- J-10 The commenter states the DEIR overstates the success of objectives under the More Residential (No Commercial) Alternative specifically for objective six, seven, and nine. The commenter reiterates that increasing the number of residents without increasing the amount of commercial and retail will drive residents outside of the downtown for goods and services.

As stated on page 5-33 in the DEIR, the More Residential (No New Commercial) Alternative would place more housing units in the Specific Plan area that would result in more potential employees and customers for the existing businesses. Existing and future residents could use the commercial areas that already exist in the Downtown. The commenter does not describe any inadequacies from conclusions made in the DEIR, therefore no changes are necessary.

- J-11 The commenter states the Reduced Height Alternative would accomplish all objectives. The commenter disagrees with Table 5-7 stating that this alternative would achieve objectives two and three but to a lesser extent. The commenter recommends changes to the ability to meet objectives for the More Residential (No Commercial) Alternative. The commenter recommends the Reduced Height Alternative be considered the Environmentally Superior Alternative.

See response to comments J-8, J-9, and J-10.

- J-12 The commenter states the Downtown Plan regulations should include provisions for public comment on the City’s evaluation of the compliance of individual projects prosed under the Plan.

As this comment does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project and will be informed of all notices regarding the proposed project.

2. Response to Comments

LETTER K – Tree Commission (5 pages)

Item 6C

To whom it may concern,

On behalf of the City of Davis Tree Commission we submit specific edits, comments, and recommendations to the City of Davis General Plan EIR.

The EIR should require a mitigation plan that includes planning for trees in the Downtown Plan itself. The omission of trees in the downtown plan must be addressed, without a plan to increase the urban forest and maintain it, the mitigations called for in the draft EIR will not be accomplished. The Urban Forest Management Plan and updated Tree Ordinance are in the process of being developed and can be a counterpart to the Downtown Plan.

K-1

Comments in green are included as edits to the language of the EIR.

Aesthetics Goal UD-2

4.1-2

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.

4.1.1.2 Existing Conditions

There are no designated short-, medium-, or long-range views to visual resources outside of the Specific Plan Area. The developed nature of the Specific Plan Area and the number of trees that line the streets generally obstruct such views. Additionally, as determined in the Davis General Plan Update EIR and as noted in Section 4.1.1.1 above, the City of Davis has no officially designated scenic highways, corridors, vistas, or viewing areas in the Specific Plan Area. (Davis General Plan Update EIR, p. 5A-1).

K-2

The statement about trees obstructing a view is subjective and contravenes the city values principle going back to the 1960s, to provide shade and aesthetics for our community. The statement would benefit from the removal of the second sentence, as it is indicated that there are no views to obstruct. The Commission considers trees to be scenic.

4.2.3.2 Plans, Programs and Policies

Downtown davis specific plan

Methodology/Step 1D: Design all streets to maximize opportunities to support natural ecosystems and urban greenery; protecting existing trees, planting new trees, and incorporating shade strategies wherever feasible.

K-3

2. Response to Comments

The existing statement is less of a specific plan and more aspirational. At the very least, we recommend adding “maintaining trees” to the list. Would also recommend changing “shade strategies” to “canopy cover” and “feasible” to “possible.”

K-3
CONT'D

BIOLOGICAL RESOURCES

Goal UD 2: *Maintain an aesthetically pleasing environment and manage a sustainable community forest to optimize environmental, aesthetic, social, and economic benefits.*

Policy UD 2.2: *Maintain and increase the amount of greenery, especially trees, in Davis, both for aesthetic reasons and to provide shade, cooling, habitat, air quality benefits, and visual continuity.*

We recommend more specific terms to include under Policy UD2.2 to include reduce heat island effects, climate preparedness, and drought tolerance.

Standards

Removal of street trees to accommodate an increase in vehicular traffic shall occur only as a last resort, after review by appropriate boards and commissions.

We recommend adding the addition language to the end of the sentence: including but not limited to the Tree Commission.

Actions

Maintain existing street trees and implement a program of replacement street tree planting using large canopy deciduous trees where appropriate. In redevelopment or new development areas, plant trees and other vegetation to the greatest extent possible, with a minimum of pavement.

Develop a street tree master plan that specifies the species of trees to be planted on each roadway segment in Davis and provides a strategy for funding, maintenance and replacement. Evaluate existing street trees for adequate canopies, and consider streets found to be lacking sufficient canopy for street tree improvement programs.

Establish a tree gift program which encourages the use of potted trees or plants to be donated to the City for planting (i.e., Christmas trees).

Implement a program to replace trees in a timely fashion on streets with significant existing trees that could be expected to die soon.

In the sentence “using large canopy deciduous trees where appropriate”, we recommend being more specific about tree height to prevent street light blockage, and adding language to include heat island effect and drought tolerance. The following sentence about pavement should be more specific as to tree root needs. This will require a careful look at the setback and frontage allowances in all building types presented in Article 40.13.

Policy HAB 1.1: *Protect existing natural habitat areas, including designated Natural Habitat Areas. Standards (lettering is from General Plan)*

Heritage oak trees and City-designated signature trees shall be protected. Sensitive biological resource should be protected.

Goal ENERGY 1: *Reduce per capita energy consumption in Davis.*

K-4

K-5

2. Response to Comments

Policy ENERGY 1.4: Continue to enforce landscaping requirements that facilitate efficient energy use or conservation.

Call out trees specifically for their ability to contribute to energy conservation through their ability to shade and cool buildings.

Standards

a. City projects should be designed with accompanying trees and other vegetation to minimize pavement, provide shade and reduce energy use.

b. Energy efficient landscaping and preservation of existing shade trees is encouraged on all building sites.

Add “drought tolerant” after energy efficient. Would suggest the addition of “and plant new shade trees.”

K-5
CONT'D

Actions c. Provide information and education to residents on how, what type, and where to plant trees to reduce energy demand.

Add “increase drought tolerance” after energy demand. Consider adding “The City, where possible, should provide trees.” “Property owners” should replace “residents” in the first sentence.

GOAL POS 5: Respect natural habitat areas and agricultural land in planning and maintaining the City's park system.

Policy POS 5.1 Protect and retain wildlife habitat, agricultural land and open space when planning and maintaining City park lands.

Include urban forest in addition to habitat, agricultural lands and open space.

4.1.1.2 Existing Conditions

Downtown Davis, including the Specific Plan Area, is currently urbanized and built out, and developed with a variety of uses, such as public and semi-public uses, parks and plazas, retail, office, service commercial, and residential. Development in the Specific Plan Area is generally one to two stories in height, with scattered buildings of three stories or greater. Buildings generally front onto the sidewalk, with others set back from the sidewalk. The streets in the Specific Plan Area are relatively wide, with onstreet parking and bike lanes, wide sidewalks and street trees which contribute to a distinct pedestrian character. Existing sources of light and glare in the Downtown Specific Plan area include existing buildings, automobiles, and street lights

K-6

After “street trees which contribute to a distinct pedestrian character” include “trees which reduce heat island effects and provide habitat”

BIO-5 Implementation of the proposed project would not conflict with local policies or ordinances pertaining to tree preservation.

The City's General Plan, Municipal Code, and the proposed Downtown Davis Specific Plan and proposed Downtown Code contain policies and standards regarding the preservation of trees.

One of the purposes of the proposed Downtown Specific Plan and proposed Downtown Code is to adopt development standards for future projects in the Specific Plan Area. Future project implementation would be required to comply with the City's policies regarding the preservation

K-7

2. Response to Comments

of trees. For example, the General Plan contains actions and standards that require the preservation of historic trees; landscaped strips with trees on new local streets, collector streets, and arterial streets; and the protection of heritage trees. Additionally, both Chapter 37 of the City’s Municipal Code and the proposed Downtown Davis Specific Plan call for planting new trees to mitigate for tree removal and preserving existing trees. Moreover, the proposed Downtown Code provides requirements for the minimum number of trees to be replaced or infilled on the City’s streetscape for new development as well as development subject to additions or renovations.

K-7
CONT'D

We recommend additional language of benefits of trees to include habitat, psychological and health benefits, and reduce urban heat island effect in addition to providing shade.

General comments and recommendations by City of Davis Tree Commissioners (not intended as edits)

Aesthetics (pp. 61-68)

- The EIR summarizes general plan goals, including **UD 2** and **UD 2.2** which includes the statement “*Maintain an aesthetically pleasing environment and manage a sustainable community forest to optimize environmental, aesthetic, social, and economic benefits*” and refers specifically to increasing greenery especially trees. Yet in the Heart Of Downtown and in G Street neighborhoods tall buildings (5+ stories) have “no front setbacks” and are “set at or near the sidewalk.” This seems to preclude greenery, especially trees. This is a huge impact not noted in the EIR.
- **AES-1** refers to “*scenic vista*” which means views of the Sierra. It neglects city streets as “scenic vistas.” The EIR omits the impact of tall buildings changing the aesthetics of Heart Of Downtown from village-like to city-like.
- **AES-4** mentions the impact of glare but neglects including tall street trees as a mitigating measure. Page 3-9 mentions that the downtown plan “highlights the Heart of Downtown neighborhood as engaging pedestrians through active building frontages shaded with awnings and galleries” (not trees).

K-8

K-9

K-10

Air Quality (pp. 69-109)

- Trees reduce pollutants and sequester them. The EIR cites actions proposed in the downtown plan including “*Methodology/Step 1A: Design the street network to make bicycling, walking and using transit safe and comfortable for everyone.*” Trees would encourage such active transportation, so this suggests that trees do impact or mitigate air quality. Hence perhaps trees should be listed as a mitigation measure for AQ-1.

K-11

Biological Resources (pp. 111-125)

- The EIR begins the section by stating “*Central Park, and street trees that provide shade over many sidewalks, including over 80 trees that have been designated by the City as Landmark Trees.*” So trees are important resources but the EIR seems to assume no trees would be removed. The potential removal of trees must be considered in the EIR.

K-12

2. Response to Comments

Energy (pp. 141-160)

- The EIR explicitly recognizes the value of trees in providing shade and reducing energy use in **Policy Energy 1.4**. The EIR seems to ignore the fact that increased residential and commercial density will increase energy demand and that increasing the urban forest in downtown would help mitigate this. The EIR refers to the 2010 CAAP and should instead refer to the 2022 draft CAAP. K-13

Greenhouse Gas Emissions (pp. 161-195)

- The EIR states that the downtown plan recognizes the importance of “street design” in “*Methodology/Step 1A: Design the street network to make bicycling, walking, and using transitsafe and comfortable for everyone.*” Neither the downtown plan nor the EIR explicitly connect trees to this design goal. The EIR should connect trees to this design goal. K-14
- **GHG-1** states that the downtown plan will increase GHG emissions but states that there are “*no feasible mitigation measures.*” Expanding the urban forest downtown should be listed as a mitigation measure as it would reduce the heat island effect and promote active transportation. K-15
- **GHG-2** (Conflict with an applicable plan, policy, or regulation...) fails to refer to the 2022 draft CAAP which calls for expanding the urban forest. K-16

2. Response to Comments

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2. Response to Comments

K. Response to Comments from Tree Commissioner dated September 16, 2022

- K-1 The commenter states the EIR should require a mitigation plan that includes planning for trees in the Downtown Plan and that the omission of trees in the downtown plan must be addressed. The commenter notes that without a plan to increase the urban forest and maintain it, the mitigations called for in the DEIR will not be accomplished. The commenter also notes the Urban Forest Management Plan and Tree Ordinance are in the process of being developed and can be a counterpart to the Downtown Plan.

As this comment addresses changes to the Downtown Davis Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-2 The commenter references Policy UD 2.2 of the City's General Plan and provides an excerpt of the aesthetic existing conditions of the Specific Plan Area on page 4.1-4. The commenter states the DEIR's statement about trees obstructing a view is subjective and contravenes the city values principle. The commenter suggests the removal of the second sentence, as it indicates that there are no views to obstruct. The Commission considers trees to be scenic.

The sentence in the DEIR is correct that trees obstruct views of the horizon. This is a fact and not a subjective determination. The DEIR makes no value judgement or determination of trees as not being of importance to the City. As this comment does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-3 The commenter states the Methodology/Step 1D is less of a specific plan and more aspiration. The commenter recommends adding "maintain trees: to the list and changing "shade strategies" to "canopy cover" and "feasible" to "possible".

As this comment addresses changes to the Downtown Davis Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-4 The commenter recommends changes to the City's General Plan goals, policies, actions. And standards.

Changes to goals, policies, actions, and standards from the General Plan would need to be approved by the City. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. This comment

2. Response to Comments

will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-5 The commenter recommends changes to the City’s General Plan goals, policies, actions. And standards.

Changes to goals, policies, actions, and standards from the General Plan would need to be approved by the City. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-6 The commenter suggests after “street trees which contribute to a distinct pedestrian character” include “trees which reduce heat island effects and provide habitat” on page 4.1-4 of the DEIR.

Section 4.4.1.2 Existing Condition of the DEIR describes the existing setting of the character quality of the Downtown area. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-7 The commenter recommends additional language of benefits of trees to include habitat, psychological and health benefits, and reduce urban heat island effect in addition to providing shade under Impact BIO-5.

This comment recommends adding language that describes the environmental benefits of trees but does not describe any inadequacies to the DEIR. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-8 The commenter states in the Heart of Downtown and in G Street neighborhoods tall buildings (5+ stories) have “no front setbacks” and are “set at or near the sidewalk.” Which goes against the Goal UD 2 and Policy UD2.2 of the General Plan. The commenter states that this is a huge impact not noted in the EIR.

Comment regarding setbacks are not issues analyzed under CEQA nor does it lead to an environmental impact. At this time, no specific project, development, or builder has been proposed for the Downtown Davis Specific Plan. The Specific Plan establishes the standards and guidelines that future owners must comply with (permitted uses, setbacks, landscape and open space requirements, etc.). Community members will have opportunities to comment on specific proposals when that are submitted by property owners for consideration.

2. Response to Comments

- K-9 The commenter states the DEIR AES-1 refers to “*scenic vista*” which means views of the Sierra. It neglects city streets as “scenic vistas.” The EIR omits the impact of tall buildings changing the aesthetics of Heart Of Downtown from village-like to city-like.

Impact AE-3 on page 4.1-6 of the DEIR discloses the potential impacts with the implementation of the proposed project. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. The commenter has been added to the distribution list for the proposed project.

- K-10 The commenter states Impact AES-4 mentions the impact of glare but neglects including tall street trees as a mitigating measure. The commenter also notes that on page 3-9, mentions the downtown plan to “highlights the Heart of Downtown neighborhood as engaging pedestrians through active building frontages shaded with awnings and galleries” (not trees).

Page 4.1-7 of the DEIR establishes feasible, practical, and effective mitigation measures under Mitigation Measure AES-4 for reducing glare. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-11 The commenter states trees reduce pollutants and sequester them. The commenter suggests adding trees as a mitigation measure for AQ-1.

The proposed goals, policies, and implementation actions would reduce air pollutant emissions to the extent feasible; but impact AQ-1 would remain significant and unavoidable due to the magnitude of the overall land use development under the Downtown Davis Specific Plan. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-12 The commenter states the EIR seems to assume no trees would be removed and suggests EIR consider the potential removal of trees.

The DEIR determines the potential of tree removal with Mitigation Measure BIO-1 which prevents or postpones tree removal of those identified to have nesting birds or roosting bats in trees or buildings. In addition, the DEIR mentions on page 4.3-7 of the City of Davis Municipal Code Chapter 37, Tree Planting, Preservation and Protection, which sets regulations for the preservation of trees and their removal. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

2. Response to Comments

- K-13 The commenter states the DEIR explicitly recognizes the value of trees in providing shade and reducing energy use in Policy Energy 1.4. The commenter states the DEIR seems to ignore the fact that increased residential and commercial density will increase energy demand and that increasing the urban forest in downtown would help mitigate this. The EIR refers to the 2010 CAAP and should instead refer to the 2022 draft CAAP.

Impact EN-1 on page 4.5-12 of the DEIR provides discussion regarding the existing and proposed energy demand from the proposed project including residential and commercial. Table 4.5-3, *Downtown Davis Specific Plan Annual Electricity and Natural Gas Demand*, of the DEIR presents the estimates net electricity and natural gas consumption for the Specific Plan Area. The DEIR uses 2010 CAAP because it has been adopted while the 2022 CAAP has yet to be adopted. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-14 The commenter states neither the downtown plan nor the EIR explicitly connect trees to the design goals in Methodology/Step 1A.

See response to comment K-8. This comment is directed at the Downtown Davis Specific Plan and not issues analyzed under CEQA. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- K-15 The commenter states the GHG-1 states the downtown plan will increase GHG emission but there are no feasible mitigation measures. The commenter suggests explaining the urban forest downtown should be listed as a mitigation measure.

See response to comment F-1.

- K-16 The commenter states GHG-2 fails to refer to 2022 draft CAAP which calls for expanding the urban forest.

The 2010 Climate Action and Adaptation Plan is the most recent adopted plan. The 2020-2040 Climate Action Plan is still in review, and therefore is not yet applicable. As this comment does not describe any inadequacies in the CEQA analysis of conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

2. Response to Comments

LETTER 1 – Jonathan Hammond (3 pages)

indigo

HAMMOND+PLAYLE
ARCHITECTS, LLP

July 21, 2022

Sherri Metzker

Interim Community Development Director



Re: Comment - Draft EIR Downtown Specific Plan EIR

Dear Sherri

I am pleased to see that the proposed Downtown Specific Plan has only minor environmental impact per the Draft EIR. In fact, when compared the alternative for housing Davis's growing population, which would be continued urban sprawl, increasing density in the downtown area will greatly reduce carbon impacts due to automobile use, preserve agg. land, and improve the quality of life for the people of Davis.

1-1

Now, it is time for the City of Davis to adopt the Specific Plan asap. The downtown has stagnated for far too long.

Sincerely,

Jonathan Hammond, AIA, C 27227

2. Response to Comments

Exhibit A

2. Response to Comments

EXHIBIT A. FEE BREAKDOWN FOR FIRE STATION 32										
Scope of Work, Tasks	Architecture			Mechanical, Electrical & Plumbing Engineering			TOTALS			
	Est. Hours (hrs)	Avg. Rate (\$/hr)	Cost (\$)	Est. Hours (hrs)	Avg. Rate (\$/hr)	Cost (\$)	Est. Hours (hrs)	Cost (\$)	Cost (\$)	
REVISIONS										
I. REVISE PLANS (T&M basis)										
1. Prepare Plan Revisions.	90	\$190	\$17,100	6	\$150	\$900	96	\$18,000		
2. Prepare Plans and Calculations	1	\$190	\$190	20	\$150	\$3,000	21	\$3,990		
3. Prepare Addenda	6	\$190	\$1,140	1	\$150	\$150	7	\$1,290		
SUBTOTAL FROM ABOVE	97	\$570	\$18,430	27	\$450	\$4,050	124	\$22,480		
EXPENSES										
MARKUP 15%			\$2,765			\$615		\$3,380		
MARKUP									\$620	
TOTAL REVISIONS			\$18,739			\$4,751		\$23,549		
BIDDING										
I. BIDDING (Allowance basis)										
1. Attend the Pre-Bid Meeting (1 meeting)	4	\$190	\$760	0	\$180	\$0	4	\$760		
2. Review and respond to Bidder questions. (includes 12)	6	\$190	\$1,520	2	\$150	\$300	10	\$1,820		
3. Prepare Addenda content for issuance by City. (includes 1)	6	\$190	\$1,140	2	\$150	\$300	8	\$1,440		
4. Assist City with its Bid Evaluation process. (assumes by CM)	0	\$190	\$0	0	\$150	\$0	0	\$0		
SUBTOTAL FROM ABOVE	18	\$190	\$3,420	4	\$150	\$600	22	\$4,020		
EXPENSES										
MARKUP 15%			\$513			\$120		\$633		
MARKUP									\$92	
TOTAL BIDDING			\$3,488			\$704		\$4,192		
CONSTRUCTION SUPPORT										
I. CONSTRUCTION SUPPORT (Allowance basis)										
1. Attend Pre-Construction Meeting. (assumes 1)	4	\$190	\$760	0	\$150	\$0	4	\$760		
2. Review and respond to Contractor submittals. (includes 6)	12	\$190	\$2,280	2	\$150	\$300	14	\$2,580		
3. Review and respond to Contractor Requests for Information. (includes 1)	12	\$190	\$2,280	0	\$150	\$0	12	\$2,280		
4. Review and respond to Contractor PCO's. (includes 3)	12	\$190	\$2,280	0	\$150	\$0	12	\$2,280		
5. Issue Architectural Supplemental Instructions ASI. (includes 3)	12	\$190	\$2,280	1	\$150	\$150	13	\$2,430		
6. Issue Proposal Requests. (includes 0)	0	\$190	\$0	0	\$150	\$0	0	\$0		
7. Maintain Submittal, RFI, ASI and CCO logs. (assumes by CM)	0	\$190	\$0	0	\$150	\$0	0	\$0		
8. Attend construction project progress meetings. (includes 9 meetings)	18	\$190	\$3,420	0	\$150	\$0	18	\$3,420		
9. Conduct periodic site observations. (trips included above)	6	\$190	\$1,140	1	\$150	\$150	7	\$1,290		
10. Conduct preliminary observation and issue Punch List. (includes 1 meeting)	8	\$190	\$1,520	0	\$150	\$0	8	\$1,520		
11. Assist in preparation of Notice of Substantial Completion. (assumes by CM)	5	\$190	\$950	0	\$150	\$0	5	\$950		
12. Prepare project close-out. (assumes by CM)	8	\$190	\$1,520	0	\$150	\$0	8	\$1,520		
13. Prepare project close-out. (assumes by CM)	8	\$190	\$1,520	0	\$150	\$0	8	\$1,520		
14. Prepare CAD record drawings based on documents submitted by contractor. (assumes by CM)	10	\$190	\$1,900	4	\$150	\$600	14	\$2,500		
15. Allowance for communications not included above. City's DRT CM will be onsite handling day-to-day affairs of construction.	16	\$190	\$3,040	0	\$150	\$0	16	\$3,040		
SUBTOTAL ALLOWANCE HOURS	126	\$190	\$23,940	12	\$150	\$1,800	138	\$25,740		
EXPENSES										
MARKUP 15%			\$3,591			\$275		\$3,866		
MARKUP									\$775	
TOTAL CONSTRUCTION SUPPORT			\$27,531			\$2,075		\$29,606		
TOTAL CONSTRUCTION SUPPORT			\$27,531			\$2,075		\$29,606		
SUBTOTAL BIDDING & CONSTRUCTION SUPPORT PHASES	144	\$518	\$45,790	16	\$403	\$6,450	160	\$62,200		
SUBTOTAL ESTIMATED EXPENSES			\$916			\$129		\$1,050		
MARKUP @ 15%									\$987	
TOTAL T&M Not-to-Exceed			\$46,706			\$7,566		\$54,272		

2. Response to Comments

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2. Response to Comments

1. Response to Comments from Jonathan Hammond, dated July 21, 2022.

1-1 The commenter is pleased that the Downtown Specific Plan has only minor environmental impacts. The commenter states that by increasing density in the downtown area will reduce carbon impacts from automobile uses, preserve agricultural lands, and improve the quality of life. The commenter requests the City to adopt the Downtown Specific Plan.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

2. Response to Comments

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2. Response to Comments

LETTER 2 – Greg Rowe (5 pages)

MEMO

TO: Eric Lee, Planner
 FROM: Greg Rowe, Planning Commissioner
 DATE: September 4, 2022
 SUBJECT: Comments - Downtown Davis Specific Plan Draft Environmental Report Dated June 14, 2022

The comments below appear in the same order as the DEIR. A list of possible typos is at the end of this memo.

Page	Section	Subject	Comments
4.6-24	4.6.1.2 GHG	Implementation Actions - Sustainability	<p>Action 1 pertains to “Electrify Downtown Buildings by 2040.” Methodology Step 1B states that all restaurants, commercial, office and residential uses will transition to electric space and water heating, appliances, etc., including heat pumps for new or replacement boilers and other energy efficient technology. This leads to the question as to whether this transition and the assumed time frame are realistic. In terms of restaurants, many chefs reportedly prefer to cook with natural gas, and that may not change in the near future. The DEIR fails to mention this.</p> <p>In terms of converting appliances and equipment for space and water heating, California is currently experiencing tremendous stress on electrical energy production facilities and the distribution grid. With predicted future shortages of snowmelt runoff needed for reservoir storage, it has been well documented that some reservoirs are already unable to produce as much hydroelectric energy as in the past. This calls into question the ability of such reservoirs to provide an appreciable amount of reliable electrical energy in the future, which is something the DEIR should disclose and engage in an examination of the potential repercussions relative to the Downtown Plan. Higher summer temperatures are causing higher demand for air conditioning, resulting in multiple flex alerts. And as is occurring this very week, parts of the distribution grid have been taken off-line due to fires. Due to stress on the grid, owners of electric vehicles are even being asked to charge their vehicle batteries outside high electrical demand hours; i.e., typically after 9:00 PM., due to stress on the grid.</p> <p>The DEIR provides information on projected increases in population and electrical energy demand. This increased demand, coupled with static supplies of electrical energy, calls into question the assumption that it will be possible to fully electrify downtown Davis to the extent assumed in the Downtown Davis Specific Plan (Downtown Plan) and the DEIR. The DEIR is potentially deficient because it makes little attempt to explore the assumed implementation actions relative to the current and projected imbalance between electrical</p>
			2-1
			2-2
			2-3
			2-4

2. Response to Comments

Page	Section	Subject	Comments	
			demand and supply. Bottom line, it will be difficult for the City of Davis (City) to mandate transitions away from natural gas usage to electrical equipment if there is not a sufficient, reliable supply of electricity. The DEIR does not address this important issue, which in my mind makes it a deficient analysis. It does not ask the question, "What if there is not enough electricity available?" And although not a subject for analysis pursuant to CEQA, it is worth asking at some point whether commercial and residential developers may simply decide to develop elsewhere (i.e., in other nearby competing cities), rather than dealing with the energy conversion costs contemplated in the Downtown Plan.	2-4 CONT'D
4.6-25	Action 6 – Zero Waste	Methodology 6E	This action states "Provide adequate space for businesses to properly sort their waste." The importance of this action cannot be overstated. Given the density assumptions in the Downtown Plan, such facilities could be an easily overlooked necessity.	2-5
4.6-26	4.6.1.3	GHG Impact Analysis	The second paragraph in this section describes the assumption for the number of new residential units and square feet of new non-residential development, along with the resulting generation of ADT and VMT per day compared to 2019 baseline conditions. Do these ADT and VMT projections take into account the variability of vehicle travel in downtown Davis according to the day of the week and time of day? For example, anyone who has lived in Davis for more than a few years is aware that vehicle traffic in downtown Davis is greater on Friday afternoons and evenings than other days of the week. To some extent this is related to people visiting from out-of-town to patronize downtown Davis restaurants and bars. I am thus far unaware whether the Downtown Plan and the DEIR take this phenomenon into account. This dynamic is easily observable, as I experienced on Russell Blvd/5 th Street at about 4:00 PM on a recent Friday. Such traffic congestion also has implications for variability of emissions of criteria air pollutants and GHG on a daily basis.	2-6
4.6-26	4.6.1.3	GHG Impact Analysis	The next paragraph states that "Sustainability implementation actions include transitioning all restaurants, commercial and residential uses to electric space and water heating and appliances..." There is, however, no information how this will be done. Who will pay for it? Will there be a sufficient supply of electrical power to achieve this goal? These are important questions that are not addressed, particularly with regard to the ever more evidence that there may simply not be enough electricity to meet our ambitious goals for transitioning away from fossil fuels.	2-7
4.6-27	2.3	GHG Impact Analysis	The top paragraph on this page states that "Implementation actions for this goal includes requiring transportation demand management plans and setting standards for reducing motor vehicle trips from new developments...". The Downtown Plan and DEIR are silent, however, on the specifics of how TDM plans will be	2-8

2. Response to Comments

Page	Section	Subject	Comments	
			<p>developed and implemented, and by whom. What obligations will be imposed on developers and employers, and how will they be impacted by the cost and logistics of developing and implementing such programs? In a similar vein, how will the City go about “setting standards for reducing vehicle trips from new developments”? Once set, how will such standards be monitored and reported, and what penalties—if any—will be invoked for exceedances of those standards? In this respect, both the Downtown Plan and the DEIR are vague to the point of being of no practical reliance for the purposes of planning and environmental review.</p> <p>And, such potential draconian measures may not be needed. As pointed out in the first paragraph on the top of page 4.6-28, uniformly applied regulatory requirements for cleaner and more efficient cars and turnover of older and more polluting vehicles to cleaner vehicles will produce air quality and GHG emission benefits. Why make people and institutions incur unknown costs and administrative burdens when federally mandated air quality and fuel efficiency standards will achieve the same results? For similar discussion, see “CARB Scoping Plan,” pages 4.6-28 and 4.6-29. Also, as pointed on page 4.15-24, California’s Advanced Clean Car program will mandate that by 2025, new automobiles will emit 34% fewer GHG emissions and 75% smog-forming precursor emissions.</p>	2-8 CONT'D
4.6-31 And 5-27	Table 4.6-11 And 5.4.5.13	Land Use and Buildings And Alternatives to Proposed Project - Transportation	<p>Objective 3 says, in part, that “Compact development would support more self-sustained communities where people live close to employment and entertainment opportunities.” This statement overlooks the fact that in many households comprised of two or more workers, one of the workers may not be employed near the place of residence. For example, when I worked in downtown Sacramento, a colleague lived in Fairfield because while he worked in Sacramento, his spouse commuted to a job in downtown San Francisco. For them, a home midway between their two jobs made logical sense.</p> <p>Similarly, a couple may decide to live in downtown Davis, and while one of them may be capable of walking or biking to work, the other person may commute by motor vehicle to a job elsewhere in the Sacramento metropolitan area—or even to a job as far away as the Bay Area. Such commuting patterns may lead to an overstatement of the degree to which emissions will be reduced through more dense downtown Davis residential development. I contend that the DEIR may be deficient for not recognizing and attempting to quantify this phenomenon.</p> <p>This subject is to some extent addressed in Section 5.3.5.13 (page 5-27), in a passage that admits that it may be possible that some new residents may work outside the proposed project site and may need to commute, but it goes on to imply that it may be reasonable to assume that most daily trips associated with living in the</p>	2-9 2-10 2-11

2. Response to Comments

Page	Section	Subject	Comments	
			Specific Plan Area could be managed by walking or biking. Again, it would be beneficial if some empirical evidence for this statement could be provided.	2-11 CONT'D
4.9-3	Policy UD 2.4	Standard d.	It states that multi-family housing complexes should have no more than 150 units, but does not provide the rationale for this policy/requirement. This standard seems completely antithetical to the goal of increasing downtown residential density in order to achieve an entire range of desirable goals and objectives.	2-12
4.9-6	LU-2	Jobs-Housing Ratio	This is an illuminating discussion. It provides the underlying rationale for promulgating a Downtown Plan that aims to increase both residential and commercial space, to overcome the current "jobs poor" status.	2-13
4.14-7	UTIL-1	Utilities and Service Systems	Action Item 5A: Graywater Plan: Graywater integration with landscaping is a great idea, but it suffers from the lack of a fiscal feasibility analysis. Integrating the capture and transport of graywater from activities such as clothes washing and dishwashing may impose an infeasible cost on developers of new commercial and residential property downtown. Again, this discussion suffers from such a fiscal analysis, although such an analysis is admittedly not within the purview of a CEQA document. As with many other aspects of the Downtown Plan and the DEIR, left unaddressed is the question of how and by whom various aspects of the projected development will be financed. Affordability of development in Davis is heavily influenced by multiple well-intentioned but fiscally difficult to achieve requirements.	2-14
5.10	5 - Alternatives	Introductory Paragraph	The sentence starting on line 5 with the words "The proposed project would consolidate existing land use designations and create a more predictable review and development process..." provides the single best justification and rationale for adopting and implementing the Downtown Plan.	2-15
5.24	5.3.5.1	Aesthetics	The second sentence in the first paragraph under this heading states that "The potential of more housing in the Specific Plan area would likely increase the number of properties that would be redeveloped as part of the proposed project." This statement needs explanation. What is the reason for reaching this conclusion? How was it reached? How can this be proved; i.e., is there empirical evidence for this statement? Please explain this statement by adding more detail.	2-16
5.24	5.4	Environmentally Superior Project	The discussion on this page indicates that the "More Residential (No New Commercial) Alternative would place more housings in the Specific Plan area, which would result in more potential employees and customers for the existing businesses. It goes on to say that more people in a compact urban form will also encourage more walking and biking. This is a very important point that perhaps warrants greater articulation. In	2-17

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Page	Section	Subject	Comments
			<p>the aftermath of COVID-19, it is clear that permanent retail shopping and employment trends have emerged. Because a growing percentage of retail shopping occurs through online purchases, it may be a mistake to assume that a great deal of new commercial development is likely to occur in downtown Davis.</p> <p>Likewise, many employees and employers are discovering myriad advantages to working from home—a trend that shows little likelihood of retrenchment. Because many workers have expressed strong reservations about returning to the office, some cities are now discovering that there is a glut of vacant office space. Downtown businesses that rely on a steady stream of office workers for dining and shopping are likewise suffering. This paragraph goes on to say, "...this Alternative meets most of the project objectives, and has reduced environmental impacts when compared to the proposed project." I suggest that this finding may warrant reevaluation of the proposed Downtown Plan; a "reality check" in the wake of a post-COVID commercial and residential environment may lead to a more realistic plan better matched with today's realities.</p>
4.2-3	Typo	First line in Lead section	Insert the letter "A" before the lower case "t" so that the sentence reads: "At the national level..."
4.8-8	Typo	Section 4.8.2, 3. d	Delete the "?" after the word "flows."
4.14-8	Typo	Utilities	Second paragraph, line 4. Delete the letter "S" in the word "manages."
4.15-25	Typo	Standards	Item "a" has the word "deigned" after the words "...should be." The letter "s" is missing. It would be a good idea to do a word search on the word "deigned" because I believe that this error occurs on several other pages of the DEIR.
5-9	Typo	Section 5.3.1.14	Go to the 4 th line, in the sentence that on the left side of the page starts with the word "network." If you read the entire sentence, it appears that some additional verbiage is needed at the end of the sentence on line 6 after the word "network," probably something like "would likewise not occur."
5-24	Typo	Section 5.3.5.1	In the first paragraph, line 10: insert the word "the" between the words "beyond" and "core."
5-29	Typo	Section 5.3.6.4	In line 3, make the word "office" plural by adding an "s".
5-31	Typo	Section 5.3.6.12	In line 3, delete the word "the" before the word "most."
6-11	Typo	1 st bulleted paragraph	In last sentence, add the word "of" between the words "life" and "such."

2-17
CONTD

2-18

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2. Response to Comments

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2. Response to Comments

Response to Comments from Greg Rowe, dated September 04, 2022.

2-1 The commenter addresses concerns regarding implementation actions proposed by the Downtown Davis Specific Plan, specifically Table 8H Implementation Action: Sustainability, Action 1, Methodology/Step 1B (page 4.6-24). The commenter questions whether the transition to energy efficient technology is realistic and that many chefs prefer to use natural gas.

The use of specific appliances and equipment is a preference issue, not an environmental issue. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

2-2 The commenter states problems with energy production facilities, distribution grids, and future snowmelt runoff shortages in California. The commenter states the DEIR fails to disclose the reservoirs' ability to provide hydroelectric power for the Downtown Davis Specific Plan.

As shown in Table 4.5-1 of the DEIR, the existing energy uses demand only lists electricity and natural gas. As stated on page 4.5-8 of the DEIR, the Pacific Gas and Electric under Electricity report the sources of electricity sold by PG&E under the base plan in 2019 include 27% hydroelectric power.

2-3 The commenter lists inconvenience from failing distribution grids due to increasing summer temperatures such as removal of parts of the distribution grids and owners of electric vehicles are even being asked to charge their vehicle batteries outside high electrical demand hours.

Section 4.5, *Energy*, of the DEIR, discusses the possible impacts to energy resources from the proposed project, specifically page 4.5-13 which provides analysis of the long-term operation impacts to energy resources such as electricity and natural gas. The analysis determined that while implementation of the Downtown Davis Specific Plan would increase energy demands compared to existing conditions, the proposed project includes implementation measures that could increase energy efficiency and replacing older buildings with new buildings designed with applicable building standards. In addition, future developments under the project would be required to comply with latest applicable building codes standards. This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

2-4 The commenter states the DEIR fails to analyze if the implementation actions will be feasible to implement under current conditions. The commenter states the DEIR fails to ask what if there is not enough electricity available. The commenter is concerned that

2. Response to Comments

developers may decide to develop elsewhere rather than energy conversion costs with the Downtown Plan.

See response to comments 2-3. The DEIR states all future development under the proposed project implements requirements of the 2019 Building Efficiency Standards and the 2019 CALGreen standards and would be required to comply with other applicable federal, state, and local measures aimed at reducing fossil fuel consumption and the conservation of energy. Furthermore, as described in Impact EN-1 and Impact EN-2, the proposed project includes components that would support increasing renewable sources of energy and energy efficiency that would also contribute to minimizing wasteful energy consumption. Furthermore, buildout of the Downtown Davis Specific Plan is not linked to a specific development timeframe but is assumed over a 20-year project horizon. In addition, developers would be required to comply with the newest California Building Code energy regulations such as new energy efficiency standard at the time of construction.

2-5 The commenter agrees with Action 6- Zero Waste Methodology 6E.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

2-6 The commenter asks if the ADT and VMT projections in the impact analysis on page 4.6-26 considers the variability of vehicle travel in downtown Davis according to the day of the week and time of day. The commenter states that vehicle travel in downtown is greater on Friday afternoons and evenings compared to other days of the week and wonders if this was considered in the analysis.

Transportation conditions during other day types or times of the year were not considered in the preparation of the DEIR transportation impact analysis or ADT and VMT estimates. This is due to the substantial variability in transportation conditions within the Specific Plan Area that occurs during other day types or times of the year. For example, transportation conditions within the Specific Plan Area on Fridays vary substantially week-to-week due to variations in Downtown Davis events/programming, the UC Davis academic calendar/holidays, and regional bypass traffic diverted from eastbound I-80 through the Specific Plan Area as a result of incidents on I-80 near Davis, recreational/weekend traffic, etc., among other factors.

Trip generation and VMT data is provided by Fehr and Peers, Inc. and attached as Appendix 4.13-1 of this Draft EIR. This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

2-7 The commenter states the DEIR does not provide information such as who will pay for or whether there will be sufficient supply for electrical power regarding Table 8H Implementation Action: Sustainability, Action 1, Methodology/Step 1B.

2. Response to Comments

At this time, no specific project, development, or builder has been proposed for the Downtown Davis Specific Plan. The Specific Plan establishes the standards and guidelines that future owners must comply with such as the proposed actions. Future development proposed on the project site would be required to undergo the appropriate environmental documentation/review, at which time, interested parties can comment on those developments.

- 2-8 The commenter states the Downtown Plan and DEIR are vague on the specifics of how transportation demand management (TDM) plans will be developed and implemented. The commenter asks specific questions regarding how the TDM will be enforced with developers and employers. The commenter also asks about the standards for reducing vehicle trips from new developments and once set, how will such standards be monitored, reported, enforced.

Page 4.2-22 of the DEIR presents Table 8E, Implementation Actions: Parking and Transportation Demand Management which lists actions and methodologies for TDM in the Downtown Davis Specific Plan. In regard to specifics about the TDM, at this time, no specific project, development, or builder has been proposed for the Downtown Davis Specific Plan. The Specific Plan establishes the standards and guidelines that future owners must comply with a guiding policies and action items.

- 2-9 The commenter asks why make people and institutions incur costs and administrative burdens when federally mandated air quality and fuel efficiency standards will achieve the same results. The commenter states the CARB Scoping Plan has similar discussion and the California's Advanced Clean Car program states new automobiles will emit 34% fewer GHG emissions and 75% smog-forming precursor emissions by 2025.

The DEIR impact analysis page 4.6-28 states vehicle emission standards will be different in 2040 compared to 2019 due to changes in federal and state regulations and more efficient cars in the future. This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

- 2-10 The commenter states the Davis Downtown Specific Plan Guiding Policy 2.1 overlooks residents who work outside of Davis area and commute longer distances. The commenter states the DEIR may be deficient for not recognizing and attempting to quantify this phenomenon.

See response to comment I-10 for how average trips are calculated. The GHG analysis was based upon the traffic study and therefore includes all types of trips, including those going out of town. The Draft EIR includes the Downtown Davis Specific Plan Transportation Impact Study prepared by Fehr & Peers which addressed the transportation associated with future development that could occur by adopting and implementing the proposed project. The study is included in the Appendix 4.13-1 of the DEIR.

2. Response to Comments

2-11 The commenter states Section 5.3.5.13 on page 5-2, of the DEIR addresses that new residents from the proposed project may work outside the project area and thus commute longer distances. However, the commenter reiterates that providing empirical evidence would be beneficial for this statement.

See response to comment 2-10.

2-12 The commenter states the standard set of no more than 150 units to a multi-family housing complex seems antithetical to the goal of increasing downtown residential density.

This standard is set under the Davis General Plan and is a critique for the City not the DEIR. This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

2-13 The commenter states the job-housing ratio is an illuminating discussion because it provides rationale for the Downtown Plan and aims to increase residential and commercial space.

This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

2-14 The commenter states Action Item 5A: Greywater Plan discussion suffers from a fiscal analysis. The Commenter states the Davis Downtown Specific Plan and DEIR does not address questions such as how and by whom various aspects of the project development will be financed.

At this time, no specific project, development, or builder has been proposed for the Downtown Davis Specific Plan. The Specific Plan establishes the standards and guidelines that future owners must comply with a guiding policies and action items.

2-15 The commenter states the sentence “The proposed project would consolidate existing land use designations and create a more predictable review and development process...” provides the single best justification and rationale for adopting and implementing the Downtown Plan.

This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

2-16 The commenter states, “the potential of more housing in the Specific Plan area would likely increase the number of properties that would be redeveloped as part of the proposed project” needs more explanation and reason for reaching this conclusion.

2. Response to Comments

As stated on page 5-23 of the DEIR, under the more residential (no new commercial) alternative, would eliminate the new commercial component of the plan and only add residential units to the Specific Plan Area. Under this alternative rather than constructing the 600,000 square feet of non-residential development, the 600,000 square feet would be used for apartments resulting in approximately 800 units at an average apartment size of 750 square feet. Therefore, under this alternative more properties would be redeveloped to increase housing units.

- 2-17 The commenter states the decision to make the More Residential (No Commercial) alternative the superior alternative should be reevaluated based on COVID-19 trends. The commenter outlines changes to the commercial, employment, and residential experiences as a result of the COVID-19 and states those trends may continue and affect the proposed project. The commenter states the discussion regarding this alternative should be reevaluated to include how post-COVID-19 commercial and residential trends will affect the Davis Downtown Specific Plan.

The commenter expresses an opinion with no evidence to support the conclusions, or to suggest that COVID would continue to affect future commercial trends. While foreseeing all future development is not possible, the lead agency uses its best efforts to find out and disclose all that it reasonably can (CEQA Guidelines, Section 15144). This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR; therefore, no changes to the DEIR are necessary.

- 2-18 The commenter correct typos and grammar issues.

This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

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2. Response to Comments

LETTER 3 – Ron Glick (1 page)

From: Ron Glick [REDACTED]
Sent: Saturday, September 10, 2022 7:11 AM
To: DowntownPlan <downtownplan@cityofdavis.org>
Subject: paid parking downtown

Paid parking downtown is a bad idea that won't go away even though the citizens of Davis have vigorously spoken out against it. It also isn't worth the trouble. Most of the money goes to buying the meters, maintaining them and paying for enforcement. Parking downtown is only congested a few hours a day when UC is in session but to make the meters work economically they need to be enforced 12 hours a day, seven days a week. That is an absurd model.

3-1

I object to meters as a management tool. Having them changes the experience of being downtown in a way that detracts from what is fun about being downtown.

As a senior who lives in West Davis it is not easy to get downtown by bus. There is no easy or timely way to take a bus downtown without going to the university and transferring. What takes me less than ten minutes at low speeds by car takes more than half an hour by bus. While I am not mobility impaired enough to get a handicapped placard I am disabled enough that biking is not an option.

3-2

Sincerely,

Ron Glick
[REDACTED]

2. Response to Comments

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2. Response to Comments

Response to Comments from Ron Glick, dated September 10, 2022.

- 3-1 The commenter disagrees with the paid parking system in the downtown area. The commenter objects to meters as management tool and argues by having them changes the experience of being downtown.

This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, and therefore, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration.

- 3-2 The commenter states that bus transportation is not an ideal way to get to around downtown because of long commutes and route transfers. The commenter also adds that biking is also not an option due to mobility issues.

The DEIR provides guiding policies proposed by the Davis Downtown Specific Plan which allows improvements of other modes of transportation such as Guiding Policy 6.1. Furthermore, the Downtown Davis Specific Plan contains implementation actions aim to design streets to be more accessible by all users. This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, and therefore, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration.

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2. Response to Comments

LETTER 4 – Becky Hibbert, Jane Hibbert Hadley, Molly Hibbert Snyder (1 page)

September 13, 2022

Eric Lee, Planner

City of Davis Department of Community Development and Sustainability

[REDACTED]

[REDACTED]

RE: Downtown Davis Specific Plan and Form Based Code Draft EIR

Hibbert Lumber began in 1947 and was located in a rented quonset hut and barn at Third and I Streets. The business relocated in 1955 to a tiny metal shed on the south side of Fifth Street. In 1959 our parents purchased the property on Fifth and G Streets and built the building for the store at the corner. Fast forward 63 years.

We retired and closed Hibbert Lumber in 2019. We believe the building should also be retired. The building itself has no historic merit. Change is good, our vision has evolved, and it would be suitable to have an accessible, fun, welcoming and useful building at Fifth and G Streets.

We encourage the city staff and council to finalize and adopt the EIR and Downtown Specific Plan. The concept of improved pedestrian access and walkability with a substantial increase in downtown housing is a new, and good idea. The “highest and best use” for the corner of Fifth and G Streets is a facility that is extremely accessible with indoor and outdoor gathering. We expect a handsome building that also provides a great amount of adult and family housing.

There is serious interest in getting a project going.

Respectfully,

Becky Hibbert, Jane Hibbert Hadley, Molly Hibbert Snyder

4-1

2. Response to Comments

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2. Response to Comments

Response to Comments from Becky Hibbert, Jane Hibbert Hadley, Molly Hibbert Snyder, dated September 13, 2022.

4-1 The commenter provides background information regarding the property on Fifth and G Street. The commenter states the building located on Fifth and G street has no historic merit and should instead be demolished and build new development. The commenter approves of the improved pedestrian access and walkability from the proposed project and encourage the city staff and council to adopt the EIR and Downtown Specific Plan.

The DEIR's Section 4.4, *Cultural Resources*, provides information regarding the existing historical resources within the Downtown Davis Specific Plan including that there are 15 merit resources as stated in page 4.4-7 of this DEIR. This Section also addresses the potential impacts the proposed project may have on historically designated areas. Future development or demolition under the proposed project will be required to adhere to the City of Davis Ordinance, Article 8.19 as stated in page 4.4-9 of this DEIR. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project

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2. Response to Comments

LETTER 5 – Doug Buzbee, Becky Hibbert, Janet Hibbert Hadley, Molly Hibbert Snyder (2 pages)

September 14, 2002

Eric Lee, Planner
City of Davis Department of Community Development and Sustainability



Re: Downtown Davis Specific Plan and Form Based Code Draft EIR

Dear Eric,

Thank you for the opportunity to provide feedback on the draft EIR. This letter is submitted on behalf of the Hibbert sisters and myself, Doug Buzbee, as we are working together toward a purchase and sale and development of the Hibbert Lumber site. This letter provides comments to the Draft EIR as well as the Downtown Specific Plan and the Form Based Code.

Please feel free to reach out directly if you have any questions or concerns.

EIR Mitigation Measure CUL-1, Table 1.1, and Section 4.4, Cultural Resources

Mitigation Measure CUL-1 is a significant impediment to development of vacant properties in the downtown area including the Hibbert site. CUL-1 goes against the goal of the EIR stated in Section 1.3 to “consolidate regulatory processes for consistency, predictability, and to provide a comprehensive plan for development...”. This mitigation measure creates significant uncertainty in the timeframe required and the cost of developing a site such as the Hibbert parcel. This mitigation measure would require a formal and time consuming process to evaluate every adjacent house over the age of 50 years, regardless of whether or not evidence exists that any of the adjacent structures possess any historic value. The requirement to perform a formal analysis on every adjacent structure older than 50 years creates significant uncertainty to a potential developer and significantly increases the development risk of a project such as Hibbert. We believe that it is imperative to the achievement of the goals of the Specific Plan that any historic determination and mitigation requirements be identified and adopted concurrently with the Plan and its EIR.

5-1

A policy that requires a formal study and analysis for every building older than 50 years adjacent to a prospective development site will greatly impede the opportunity to create meaningful new development of housing and other resources in our downtown core. We believe a more reasonable approach would be an EIR mitigation measure that pertained only to buildings already listed on a Federal or State Historic Resource list. That would ensure that truly historic resources are protected and it would allow reasonable and timely redevelopment of non-listed properties in the downtown area.

EIR Section 4.4.1.2 - Existing Conditions, Historical Resources

This section identifies 40 properties (including all properties on the east side of G Street between 1st and 8th Streets) that have no known historic value as “priority” survey areas requiring further study. This level of additional analysis, if incorporated, would create significant risk and cost to future development within the downtown area. We request that any additional surveys of these properties be completed before adoption of the Final EIR and that mitigation measures pertaining to specific buildings on G Street be specifically articulated in the Final EIR.

5-2

2. Response to Comments

EIR Project Alternatives 5.4

We strongly disagree with the idea that no project is environmentally superior to the proposed project, as stated in this section. Given the acute shortage and high cost of housing in Davis, the fact that UC Davis is a regional employment and education center, and the fact that a lack of housing in Davis creates the need for thousands of people to commute to Davis from out of town every day, it seems obvious that providing more housing and services in the City core near UC Davis will benefit the environment. The EIR acknowledges this in the Energy section and acknowledges that that the project is projected to result in an overall reduction in vehicle miles traveled per service population from the present condition (see page 4.5-15). The annual UC Davis Campus Travel Surveys have repeatedly shown that people who live near campus are significantly more likely to bike, walk, or take transit than those that have to commute from outside of Davis. Section 5.2.2 of the EIR acknowledges that a reduced project in the core area would likely result in growth in other parts of the City and in neighboring communities and greater vehicle miles traveled overall.

The Hibbert Lumber site in particular provides an extraordinary opportunity for significant infill development, it is on a bus line and is only 3 blocks from the Amtrack and Multi-Modal Transit Hub.


Downtown Plan and Form Based Code

The Downtown Plan and the Form Based code make numerous references to the Hibbert Lumber site as a cultural resource of the downtown area. To my knowledge, neither the buildings nor the site have been determined to be a historic or cultural resource. This site represents one of the few sites with near-term development potential due to its size and location surrounded primarily by commercial uses. It is imperative to the timely implementation of the Specific Plan that said Plan resolve and clarify any historic constraints or mitigation measures simultaneously with the adoption of the EIR. The buildings on the Hibbert site are substandard and in need of demolition so that more energy efficient buildings and sustainable improvements that are environmentally superior can be developed at this site. We request that upon the adoption of the Final EIR, the City make a finding that the Hibbert Property and the adjacent buildings are not historic resources.

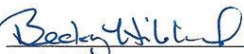
On page 169 of the Specific Plan, the Hibbert property is listed as a potential reserve site for a public parking structure. This site is only 1 block from the parking structure that was developed in conjunction with the USDA Building/Regal Theatre. There is no need for another parking structure so close to that facility. We request that the Hibbert site be removed from this list of sites for potential parking resources.

In **Figure 40.13.070.A Downtown Code Zoning Map**, we request that the City consider designating the two parcels owned by the Hibbert family as "Main Street-Medium Zone: Up to Five Stories" (MS-M 40.13.120). The two parcels include the large "L" shaped parcel that includes the Hibbert store and the lumber yard, and the former single-family house located at 506 G Street that served as office space for the Hibbert operation.


Thank you,



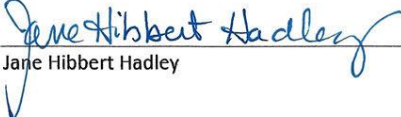
Doug Buzbee



Becky Hibbert



Molly Hibbert Snyder



Jane Hibbert Hadley

2. Response to Comments

Response to Comments from Doug Buzbee, Becky Hibbert, Janet Hibbert Hadley, Molly Hibbert Snyder, dated September 14, 2022.

5-1 The commenter states Mitigation Measure CULT-1 is a significant impediment to development specifically with the Hibbert site goes against the goal of the Specific Plan to, “consolidate regulatory processes for consistency, predictability, and to provide a comprehensive plan for development, infrastructure, and streamlined environmental analysis”. The commenter argues the policy requiring a study and analysis for buildings older than 50 years adjacent to prospective development site will impede development. The commenter suggests mitigation measures only for sites already listed on a Federal or State Historic Resource list.

See response to comment 4-1.

5-2 The commenter states the 40 properties identified as priority survey areas (on page 4.4-8 of this DEIR) with no known historic values would create risk and cost to future development. The commenter requests surveys from these properties should be completed before adoption of the Final EIR and mitigation measures pertaining to specific buildings should be articulated in the Final EIR

See response to comment 4-1. In addition, the property survey for the 40 sites has been prepared by the city and will be processed immediately sequential to the Downtown Specific Plan.

5-3 The commenter disagrees with the idea that the no project is environmentally superior to the proposed project due to housing needs in Davis. The commenter states that Hibbert Lumber site would provide an opportunity for significant infill development.

On page 5-33 of the DEIR, the No Project Alternative is rejected, and the More Residential (No New Commercial) Alternative is chosen as the environmentally superior alternative. One of the reasons this alternative was chosen was because it would place more housing units in the Specific Plan area. This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary This comment will be forwarded to decisionmakers for their consideration.

5-4 The commenter disagrees with the Hibbert Lumber site being referenced as a cultural resource of the downtown area. The commenter states the Hibbert Lumber site is a great site for development under the Specific Plan. The commenter requests the Specific Plan resolve and clarify any historic constraints or mitigation measures with the adoption of the EIR. The commenter requests upon adoption of the Final EIR, the City make a finding that the Hibbert site and adjacent buildings are not historic.

See response to comment 4-1.

2. Response to Comments

5-5 The commenter requests the City consider designating the two parcels owned by the Hibbert family as “Main Street-Medium Zone: Up to Five Stories” in Figure 40.13.070. A Downtown Code Zoning Map.

This comment is a request changes to the Specific Plan and does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR. No changes to the DEIR are necessary This comment will be forwarded to decisionmakers for their consideration.

2. Response to Comments

LETTER 6 – David Watkins (1 page)

Hello,

I am writing to express my wholehearted support for the new downtown plan. It rightfully places downtown as the economic and cultural engine of the city, and the proposed form-based code provides room for downtown to evolve organically. The city as a whole, and downtown in particular, cannot be frozen in amber or immune to change. I also strongly support the focus on active transportation. Downtown should prioritize pedestrians and cyclists, while accommodating personal vehicles where necessary.

6-1

I have no issues with the EIR. In my view, the most significant environmental impacts of the downtown plan would occur if it fails to be implemented. The new housing and jobs enabled by the plan will enable more people to live and work in Davis, when they might otherwise be commuting by car from other regional suburbs.

Sincerely,
David Watkins

██████████

2. Response to Comments

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2. Response to Comments

Response to Comments David Watkins, dated September 14, 2022.

6-1 The commenter is in support of the Davis Downtown Specific Plan and approves of the proposed form-based code. The commenter is also in support of the focus on transportation and the prioritization of the pedestrians and cyclists. The commenter does not have an issue with the EIR and argues the most significant environmental impact would be not implementing the proposed project.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. The commenter has been added to the distribution list for the proposed project

2. Response to Comments

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2. Response to Comments

LETTER 7 – Planning Commissioner (2 page)

**Summary of Verbal Comments
Downtown Davis Specific Plan DEIR
September 14, 2022 Planning Commission Meeting**

Commissioner Comments

- Clarifications and questions related to the analysis and conclusions of noise during construction, historic resource impacts and determination of what is historic, and the purpose of the project alternatives and what part it can play in decision-making. | 7-1
| 7-2
| 7-3
- Concerns and questions related to (*see written comments submitted*):
 - a. Aesthetics and cultural resources and lack of clarity related to building design and compatibility of architecture and buildings. | 7-4
 - b. DEIR states there is no riparian habitat. However, the entrance to the arboretum is in close proximity to the specific plan area and contains riparian habitat and wildlife. | 7-5
 - c. No feasible mitigation measures for greenhouse gas emissions. Measures could be feasible such as all-electric bikes and scooter and other measures. | 7-6
 - d. The PG&E site at L Street and 3rd Street should be included in the list of Hazardous sites. | 7-7
 - e. Land Use and Planning Section has no mitigation measures. General Plan policies are outdated and the could be a conflict with the Specific Plan. | 7-8
 - f. Table 3-3 identifies a population increase under the project, but EIR does not identify significant impacts related to police services. | 7-9
 - g. Project description references different allowed building heights. Density bonuses may allow taller buildings and has that been considered? | 7-10
 - h. An analysis of the various fees cited in the DEIR should be provided. | 7-11
 - i. Policies call for land for schools but currently the school district is bringing in children from outside the district. | 7-12
- Provide more discussion of how the project will meet water demands. | 7-13
- Important for the plan to be flexible so it can respond to changing conditions. | 7-14
- Table 4.1 listing foreseeable projects should be updated. | 7-15
- Concern about policies that may adversely affect affordable projects, such as policies calling for innovative design. And question of how the EIR is affected if new general plan policies and new regulations are adopted. | 7-16
- Page 4.11-11 contains language “continue to evaluate” that sound like it could allow projects to challenge existing regulations. Provide clarification. | 7-16
- Page 4.11-12 Summary section first sentence typo: “would be able would be able.” | 7-16
- EIR should address how to encourage development without displacing residents. | 7-17

2. Response to Comments

- Table 3.3 for the development program does not address what happens if actual development exceeds the units listed for the neighborhoods. Would a supplemental EIR be necessary? It should be clarified. | 7-18
- Page 4.2-21 identifying Table 8-D air quality implementation actions, it lists a transportation impact fee in Step1H. Clarify if the fee is a one-time fee or annual fee. Step 3G has unclear language about what it means. | 7-19
- For air quality and greenhouse gas emission impacts, would new state ban on gas cars help to mitigate impacts or change the impact determination of cumulatively considerable impacts? It may be helpful to include it in the description. | 7-20
- Page 4.4-8, provide clarification on statement that “no additional or special requirements would apply if development applications are submitted for any of these properties.” | 7-21
- Does the EIR address direct impacts to historical resources, such as demolition of a resource? | 7-22
- For project alternatives, since all the land use zones allow residential, would there be a benefit to selecting the Residential Only Alternative as a preferred alternative? | 7-23

2. Response to Comments

Response to Comments from Planning Commissioner, dated September 07, 2022.

7-1 The commenter asks clarifications and questions related to the analysis and conclusions of noise during construction.

The DEIR's Section 4.10, *Noise*, includes analysis and discussion regarding the proposed project's noise impacts during construction on page 4.10-20.

7-2 The commenter asks clarifications and questions related to historic resource impacts and determination of what is historic.

The DEIR's Section 4.4, *Cultural Resource*, includes analysis and discussion regarding the proposed project's potential impacts to cultural resources during construction on page 4.10-20. This section also provides information on existing cultural resources within the Davis Downtown Specific Plan and what qualifies a site as a cultural resource under federal, state, and local regulations. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

7-3 The commenter asks what the purpose of the project alternatives and what part it can play in decision-making.

The DEIR's Chapter 5, Alternative to the Proposed Project, states the environmental impact report must include and discuss alternatives to a proposed project as required by CEQA Guidelines § 15126.6[a]. A DEIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. The City of Davis, as the lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. Alternatives must be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine the ones that could feasibly attain most of the basic objectives of the project. The City staff have discretionary approval over the DEIR and alternatives. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

7-4 The commenter states the aesthetics and cultural resources section lack clarity related to building design and compatibility of architecture and buildings.

The DEIR's Section 4.1, *Aesthetics*, includes an impact discussion of the impacts the proposed project would have on an urbanized area, zoning, and other regulations governing scenic quality. As stated on page 4.1-6, all future development under the proposed project would be subject to discretionary approval and required to undergo environmental and design review prior to project approval. The DEIR's Section 4.4, *Cultural Resources*, page 4.4-7 explains the Downtown and Traditional Neighborhood Overlay District's design guidelines are being replaced with those of the Specific Plan and

2. Response to Comments

Form Based Code. Project level information is not available and the EIR shouldn't engage in speculation about information that may not be known until a later phase, when specific development applications are known.

- 7-5 The commenter states the DEIR does not include riparian habitat; however, that the entrance to the arboretum is in close proximity to the specific plan area and contains riparian habitat and wildlife.

See page 4.3-1 of the DEIR which discusses riparian habitat and other sensitive natural communities, specifically Putah Creek which runs along the southern edge of the UC Davis Arboretum. As stated on page 4.3-11 of the DEIR, the Specific Plan Area nor Putah Creek contain sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. However, the DEIR addresses how development under the Specific Plan Area may impact Putah Creek therefore the Specific Plan Area would be required to comply with local, state, and federal regulations adopted to minimize impacts to potential sensitive natural communities such as the California Endangered Species Act and the California Native Plant Protection Act.

- 7-6 The commenter states there are no feasible mitigation measures for greenhouse gas emissions. The commenter suggest measures could be feasible such as all-electric bikes and scooter and other measures.

The DEIR's Section 4.13, Greenhouse Gas Emissions, impact discussion GHG-1 on page 4.6-28 does not include feasible mitigation measures because GHG reduction measures may be implemented over a longer time, delayed, or determined to be impractical for the City of Davis. As a result, projects could result in short-term increases in GHG emissions while the longer-term reduction measures are implemented. Therefore, GHG emissions impacts would be significant and unavoidable with no feasible mitigation measures.

Impact GHG-2 on page 4.6-28 is determined to be less than significant. Section 15126.4(a)(3), *Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects*, of the CEQA Guidelines does not require mitigation measures for impacts found to be less than significant or have no impact; therefore, the mitigation measures in this DEIR are only for impacts that were found to be significant and could be mitigated to less than significant with the addition of mitigation measures.

- 7-7 The commenter states PG&E site at L and 3rd Street should be included in list of Hazardous sites.

Table 4.7-1 and Figure 4.7-1 identify properties within the Specific Plan Area and a 0.25-mile radius of the Specific Plan Area using hazardous waste databases, including DTSC's EnviroStor, SWRCB Geotracker, EPA's EJScreen, and EPA's EnviroMapper. The PG&E Davis Service Center located 316 L Street is listed.

2. Response to Comments

- 7-8 The commenter states the land use and planning has no mitigation measures and that the General Plan policies are outdated and could be a conflict with the Specific Plan.
- Impact discussion LU-1, LU-2, and LU-3 are determined to be less than significant or no impact. Section 15126.4(a)(3), *Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects*, of the CEQA Guidelines does not require mitigation measures for impacts that are not found to be significant; therefore, the mitigation measures in this DEIR are only for impacts that were found to be significant and additional mitigation is not required. Also, consistency with the General Plan is not a CEQA issue. See *Stop Syar Expansion v. County of Napa* (2021) 63 Cal.App.5th 444.
- 7-9 The commenter states Table 3-3 identifies a population increase under the Specific Plan, but the EIR does not identify significant impacts related to police services.
- Impact discussion PS-3 on page 4.12-6, determines the proposed project would not result in significant impacts to police services despite increase population growth because the impact fees, property taxes sales, taxes, paid into the City's General Fund would be available for the Davis Police Department's operations and construction of new and/or expanded police stations as well as compliance with the City's Security Ordinance (Davis Municipal Code Article 8.14) would help to reduce the potential effects on police department resources.
- 7-10 The commenter states the project description references different allowed building heights. The commenter asks if the density bonuses may allow taller buildings and has that been considered.
- As stated in page 3-7 of the DEIR gives a Land Use Overview of the Specific Plan Area which would be implemented through the development standards in the Downtown Code and provides the requirements for the variety of building types that are allowed in each environment. As stated in page 4.11-2 of the DEIR, the State Density Bonus Law encourages the development of affordable and senior housing, including up to a 50 percent increase in project densities for certain projects, depending on the amount of affordable housing provided. Buildings could be taller as one of the concessions granted for a density bonus. The DEIR considers taller buildings with same land use distribution as an alternative on page 5-15.
- 7-11 The commenter states an analysis of the various fees cited in the DEIR should be provided.
- Payment of impact fees is not an environmental issue.
- 7-12 The commenter states policies call for land for schools but currently the school district is bringing in children from outside the district.

2. Response to Comments

The DEIR's impact discussion PS-5 on page 4.12-11 addresses the potential impact the implementation of proposed project would have on schools' services.

- 7-13 The commenter states to the DEIR should provide more discussion on how the project will meet water demands. The commenter also states it is important for the plan to be flexible so it can respond to changing conditions.

Impact HYD-2 discusses the impacts of water demands from the proposed project. As stated in page 4.8-10, the City's 2020 UWMP (Brown and Caldwell 2021) indicates that there would be sufficient water supplies to meet the water demands in single dry and multiple dry years. In addition, the proposed project prepared a Water Supply Assessment (WSA), attached as Appendix 4.8-1, it is estimated that the capacity of the City's available water supply without using the intermediate depth groundwater wells is sufficient for the City demand at full buildout in a normal year. In addition, as stated in Chapter 2, Introduction, the DEIR fulfills the requirements for a Program EIR (programmatic) which is more conceptual than a Project EIR with a more general discussion of impacts, alternatives, and mitigation measures. Use of a Program EIR gives the lead agency an opportunity to consider broad policy alternatives and program-wide mitigation measures, as well as greater flexibility to address project-specific and cumulative environmental impacts on a comprehensive scale.

- 7-14 The commenter states Table 4.1 listing foreseeable projects should be updated.

The commenter expresses an opinion with no evidence to support the conclusions, or to suggest that Table 4.1 listing foreseeable projects should be updated. While foreseeing all future development is not possible, the lead agency uses its best efforts to find out and disclose all that it reasonably can (CEQA Guidelines, Section 15144).

- 7-15 The commenter is concerned about policies that may adversely affect affordable projects, such as policies calling for innovative design. The commenter asks how the EIR is affected if new general plan policies and new regulations are adopted.

See page 4.11-9 of the DEIR which includes the proposed Downtown Davis Specific Plan's implementation actions pertaining to housing. Under the California Environmental Quality Act (CEQA), an EIR must be prepared whenever there is substantial evidence, in light of the whole record, that a project may have a significant effect on the environment. In general, aesthetic issues seldom result in environmental impacts. Changes to the design requirements would likely not affect the conclusions of the DEIR. As noted above however, the impact(s) of any design changes would be considered prior to adoption.

- 7-16 The commenter states page 4.11-11 contains language "continue to evaluate" that sound like it could allow projects to challenge existing regulations and to provide clarification. Also adds page 4.11-12 Summary section first sentence typo: "would be able would be able."

2. Response to Comments

As stated on page 4.11-11, the Specific Plan will continue to require affordable housing from new development according to the City's current Affordable Housing Ordinance meaning that the Specific Plan includes policies regarding including affordable housing with implementation of the Specific Plan. The errata section of this FEIR corrects the typographical error.

- 7-17 The commenter states the EIR should address how to encourage development without displacing residents.

The purpose of an EIR is provide the public and the decision-makers with detailed information about a project's environmental effects, ways to minimize the project's significant environmental effects, and reasonable alternatives to the project. The DEIR's Section 4.11, *Population and Housing*, page 4.11-12, includes a discussion impact on how the implementation of the proposed project would not substantially displace a substantial number of existing people or housing.

- 7-18 The commenter states Table 3.3 for the development program does not address what happens if actual development exceeds the units listed for the neighborhoods. The commenter asks if a supplemental EIR will be necessary.

The DEIR evaluates the total development program under the proposed Specific Plan which would provide up to 1,000 new residential units and up to 600,000 square feet of non-residential development. The DEIR on page 3-17, discloses that Table 3.3 is an approximate distribution based on opportunity sites and their proposed downtown zones, but is not intended as a development cap for the respective neighborhoods. Therefore, there is no change to the project and no assigned number of units or square footage to each development area. The EIR is adequate to the proposed project.

- 7-19 The commenter asks if transportation impact fee in Step1H in Table 8-D air quality implementation actions, is a one-time fee or annual fee.

The fee described in Step 1H will be a new fee. Typically, Impact fees are on-time and typically required at the time of issuance of a building permit.

- 7-20 The commenter asks if air quality and greenhouse gas emissions impacts be reduced if there was a new state ban on gas cars and to include this discussion in the DEIR.

The DEIR impact analysis on page 4.6-28 states vehicle emission standards will be different in 2040 compared to 2019 due to changes in federal and state regulations and more efficient cars in the future. While it is possible that emission impacts will be reduced, there is no evidence to support this conclusion.

- 7-21 The commenter asks to provide clarification, on statement that "no additional or special requirements would apply if development applications were submitted for any of these properties" on page 4.4-8 of the DEIR.

2. Response to Comments

Priority properties would not be subject to any specific requirements when compared with other sites within the Conservation Overlay District if these sites were to be developed. The provisions of the City's Municipal Code regarding historic resources such as landmarks and merit resources will still apply.

7-22 The commenter asks if the EIR addresses direct impacts to historical resources, such as demolition of a resource.

See response to comment 4-1.

7-23 The commenter states since all the land use zones allow residential, would there be a benefit to selecting the Residential Only Alternative as a preferred alternative.

See response to comment 5-3.

2. Response to Comments

LETTER 8 – Kemble Pope (1 page)

**Summary of Verbal Comments
Downtown Davis Specific Plan DEIR
September 14, 2022 Planning Commission Meeting**

Public Comments

Kemble Pope:

- Noise (page 4.10-25). Railway noise/exterior noise impact not fully addressed | 8-1
- Current General Plan exterior noise standards are outdated. | 8-2
- Suggest enacting a Quiet Zone for the railway.
- General Plan noise standards should be modified.
- Issues related to the transition zone on the east side of the railroad tracks and the Form-Based Code are not fully addressed. | 8-3

2. Response to Comments

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2. Response to Comments

Response to Comments from Kemble Pope, dated September 14, 2022.

8-1 The commenter states the railway noise/exterior noise impact is not fully addressed on page 4.10-25.

The DEIR's Section 4.10, *Noise*, discloses the methodology used to analyze the future railroad noise levels during the operation phase of the proposed project on page 4.10-24-4.10-25. The impact discussion determines that the proposed project could place future residential development within areas that would expose sensitive receptors to noise levels. The DEIR discloses measures to reduce noise level impacts from nearby railroads to future residential development such as Specific Plan polices, General Plan policies, and the City's Noise Ordinance Code.

8-2 The commenter states the current General Plan exterior noise standards are outdated and suggests enacting a quiet zone for the railway. The commenter also suggests noise standards should be modified.

The DEIR includes Downtown Specific Plan Policy 2.8 which would require the formation of a task force to consider the costs and benefits of applying for FRA Quiet Zone status along the at-grade crossings in the Plan Area (page 4.10-25). Changes to noise standards from the General Plan would need to be approved by the City.

8-3 The commenter states issues related to the transition zone on the eastside of the railroad tracks and the form-based code are not fully addressed.

As this comment addresses changes to the Downtown Davis Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

2. Response to Comments

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2. Response to Comments

LETTER 9 – Doug Buzbee (1 pages)

**Summary of Verbal Comments
Downtown Davis Specific Plan DEIR
September 14, 2022 Planning Commission Meeting**

Public Comments

Doug Buzbee:

- The mitigation measure requiring historic surveys of adjacent properties goes against the goal of the Specific Plan to streamline processes. Suggest revising the measure or having the city prepare the studies on key parcels.
- Request adjusting the Main Street-Medium zoning of the Hibbert site to allow up to 5 stories, where the current proposed project limits it to 4 stories,

9-1

9-2

2. Response to Comments

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2. Response to Comments

Response to Comments from Doug Buzbee, dated September 14, 2022.

- 9-1 The commenter states the mitigation measures requiring surveys of properties adjacent to historical sites goes against the goal of the Specific Plan to streamline process and suggests revising this mitigation measure or having the city prepare studies on key parcels.

The DEIR's Section 4.4, *Cultural Resources*, provides mitigation measures aimed to reduce potential impacts to historical resources from the proposed project – not to streamline the Specific Plan. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. The commenter has been added to the distribution list for the proposed project. However, it should be noted that several historical sites have been analyzed and the analysis is being processed for a determination as to whether or not the analyzed properties should be designated as historic resources by the City of Davis.

- 9-2 The commenter requests adjusting the main street medium zoning of Hilber site to allow 5 stories.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

2. Response to Comments

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2. Response to Comments

LETTER 10 – G Valencia (2 pages)

The following are my comments, highlighted in red, on the Draft EIR for the Downtown Specific Plan.

NOTE 1. Executive Summary – AES-2: ...damage of scenic resource related to historic buildings. Recognizing that when there is building the scenery of the specific plan area is going to change, how is the actual scene/look/architectural face of the historic building maintained. Example would be the old City Hall. This building, Spanish Revival design described in "A Field Guide to American Architecture", would not change. How is the actual resources character and face considered? 10-1

NOTE 2 Executive Summary – 4.3 Biological Resources. No comments

NOTE 3 Executive Summary – BIO-2. Proposed project would not have an adverse effect on riparian habitat or other sensitive natural communities. Does this comment take into account the proximity of the Arboretum to the downtown area. Has the University been consulted. How is this addressed? 10-2

NOTE 4 Executive Summary – Cul-1 for buildings that are at least 50 years...At a minimum the evaluation shall have a field survey...and recording of all buildings. I would add that the Architectural style and architect of the building be added to the field study and that the building would then guide the style of new buildings to be constructed in the downtown area. To protect the cultural, scenic nature of our downtown area. 10-3

NOTE 5 Executive Summary – GHG 103 state that implementation of the DDSP could generate a net increase in GHG emission that would have a significant impact and there are no feasible mitigation measures. There are measures that can be utilized or considered. The use of all electric vehicles for construction. The implementation of all electric scooters, bikes, for use in the downtown area vs gas engines are examples of ways to mitigate GHG.. 10-4

NOTE 6 Executive Summary – I only see the PG&E substation on L Street, what about the PG&E station on 3rd and L. Should this also be listed? 10-5

NOTE 7 - Land Use and Planning – No mitigation measures area required. What about the conflict with a General Plan written in 2012...wouldn't Land Use, circulation, conservation, housing conflict with the Downtown Plan. I.E. There is a conflict of PLANNING DOCUMENTS with the proposed Downtown specific Plan and the current General Plan. 10-6

NOTE 8 – no comment

NOTE 9 – Utilities and Service Systems – no need for additional water facilities, allocation, wastewater treatment, and no need for substantial increase in electrical services demands? How are these outcomes determined? With power outages, an unprecedented drought, the possibility of no hydro-electric power sources and more this feels a bit like the "Emperor has no clothes". How can this be addressed more honestly? 10-7

Reviewing the Actual Draft EIR document:

Page 3.9 G Street - The regulating plan includes a transitional reduction in scale and height to the east of the railroad tracks to encourage a smooth massing transition between the Specific Plan Area and the Old East neighborhood within and to the east of the Specific Plan Area. The properties in the transition area east of the railroad tracks would have building heights up to three stories or under one potential scenario, up to four stories. 10-8

Calif 1979 Density Bonus Law – grant permits and waive conflicting development standards for builders who commit to provide low income housing – 4th District Court ruled. The court made the ruling on Jan. 7 and on Wednesday certified it as a 10-8

2. Response to Comments

precedent for future court cases after hearing from the California Building Industry Association and others, the San Francisco Chronicle reported.

Developers Who Include Affordable Housing are Exempt From Many Local Height Limits: California Court -The case involved local opposition to a 20-story mixed-use project currently being built near Balboa Park in San Diego. The city approved a plan for a building more than 25% higher than local development standards normally would allow, with 204 housing units instead of 147, after the developer promised to make 18 units affordable.

10-8
CONT'D

Impact fees/Fair Share/Utility Mitigation Fund/Restoration of Historic Bldg's Fee – There are at least (4) different fees mentioned in the Draft EIR. None of which are bad in my mind. My comment is that there has been conversation for the past June ballot and then the November ballot regarding the possibility of a housing fee which has not happened.

10-9

Perhaps all of the impact, fair share, mitigation, restoration and Affordable Housing fees should be considered together for a comprehensive analysis and proposal by our City Council for a ballot measure.

Public Services and Recreation – page 4.12.8

4.12.3 SCHOOLS

Under local regulations the city of Davis General Plan.

The City of Davis General Plan contains the Youth and Education Element, which includes goals, policies, and actions to encourage school districts to maintain and enhance existing educational opportunities. The following goals and policies are applicable to the proposed project:

Goal Y&E 8. Plan for the costs of new school facilities when planning for specific new residential development.

10-10

Policy Y&E 8.1 It shall be the policy of the city to require to the extent legally permissible the full mitigation of school impacts resulting from new residential development within the boundaries of the city.

Goal Y&E 9. Construct new public schools to meet the needs of residential growth.

My question is have these goals, policies been evaluated against the fact that we have 1100 students currently coming in from outside our community attending schools in Davis?)

Policy Y&E 9.1 It shall be the policy of the City to take all legally permissible steps to ensure the full mitigation of impacts of new development on school facilities.

How does the school district and their Strategic Plan get consideration in this planning? I don't see an analysis of schools, condition of student population attending our schools.

10-11

2. Response to Comments

Response to Comments from G. Valencia, dated September 15, 2022.

- 10-1 The commenter asks when a building will obstruct a scenic resource, how is the actual scene, look, architectural face of the historic building maintained. The commenter wants to know how the actual resources chapter and face considered.
- The DEIR's Section 4.1, *Aesthetics*, includes impact discussions AES-1, AES-2, AES-3 which detail the existing character of the Specific Plan area and analyzed the potential impacts the proposed project will have on scenic vistas, historical buildings, and scenic quality/character. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.
- 10-2 The commenter asks questions regarding the conclusion made about riparian habitat and other sensitive groups in BIO-2 of this DEIR. Specifically, if the proximity of the arboretum was considered and if the University was consulted.
- See response to comment 7.5. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.
- 10-3 The commenter recommends adding the architectural style and architect of the building to mitigation measure CUL-1 in the DEIR.
- As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration
- 10-4 The commenter states there are measures that can be utilized to mitigate the net increase GHG increase from the Specific Plan, such as use of all electric vehicles for construction, electric scooters, bikes in the downtown area.
- See response to comment 7-6. Impact discussion GHG-1 on page 4.6-16 of the DEIR includes Guiding Policies from the Davis Downtown Specific Plan aimed to reduce GHG in the downtown area; however. However, due to the uncertainty of the Specific Plan's sustainability actions being implemented to the extent shown in the GHG model, the project may generate a net increase in GHG emissions. Therefore, a significant impact on the environment. may be created. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration.
- 10-5 The commenter asks why the PG&E station on 3rd and L street is not listed as a hazardous site.
- See response to comment 7-7.

2. Response to Comments

10-6 The commenter states the Specific Plan would have a conflict with the City's General Plan written in 2012.

Consistency with the General Plan is not a CEQA issue. See *Stop Syar Expansion v. County of Napa* (2021) 63 Cal.App.5th 444. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

10-7 The commenter asks how the DEIR concluded that implementation of the proposed project would not result in additional water facilities, wastewater treatment, or increase in electrical service demands considering power outages unprecedented drought, and no hydroelectric power sources.

Impact discussion UTIL-1, UTIL-4, and UTIL-12 contain the discussion of the potential impacts from the implementation of the proposed project regarding water facilities, wastewater treatment, and electric sources respectively. The Impact discussion also includes the measures indicated in the proposed Specific Plan and General Plan to reduce impacts.

10-8 The commenter quotes the proposed development of G Street as stated on page 3-9 of the DEIR specifically the transitional reduction in scale and height to the east of the railroad tracks. The commenter also summarizes the California Density Bonus Law and an example of when developers were exempt from local height limits due to the inclusion of affordable housing units.

The Davis Downtown Specific Plan includes Methodology/Step 6E which aims to incentivize private developers to produce smaller and affordable housing units. In addition, Methodology/Step 6F states to continue to implement and evaluate updates to the City's Affordable Housing Ordinance to promote long-term housing affordability. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

10-9 The commenter asks questions about conversations regarding the possibility of a housing fees. The commenter suggests all of the impact, fair share, mitigation, restoration, and Affordable Housing fees should be considered together for a comprehensive analysis and proposal by our City Council for a ballot measure.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

2. Response to Comments

10-10 The commenter mentions goals and policies from the Davis General Plan's Youth and Education Element such as Goal Y&E8, Policy Y&E 8.1, Goal Y&E 9. The commenter asks if these goals, policies been evaluated against the fact that we have 1100 students currently coming in from outside our community attending schools in Davis.

On page 4.12-10 of the DEIR, Table 4.12-1, *DJUSD School Enrollment*, reports enrollment for schools in the Davis Joint Unified School District for the years 2020-2021. As mentioned in Impact discussion PS-5 on page 4.12-11 of the DEIR, the increased demand for additional school facilities would be accommodated through the payment of development fees. The State Legislature has declared that the payment of those fees constitutes full mitigation for the impacts generated by new development, per Government Code Section 65995.

10-11 The commenter references Policy Y&E 9.1 of the City's General Plan and asks how the schools and their strategic plan get considered into planning. The commenter notes there is no analysis of schools or condition of student population attending schools.

On page 4.12-10 of the DEIR, Table 4.12-1, *DJUSD School Enrollment*, reports enrollment for schools in the Davis Joint Unified School District for the years 2020-2021. Impact discussion PS-5 on page 4.12-11 of the DEIR analyzes if the Davis Downtown Specific Plan would result in the need for additional school facilities to service the student population.

2. Response to Comments

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2. Response to Comments

LETTER 11 – Jean Jackman (2 pages)

Dear Eric Lee, Planner,

Thank you for an opportunity to comment on the DEIR. My concern is about the death of birds in bird strikes against glass windows. And I believe in any new plans, we need to address this with specificity. The DEIR states:

As discussed in Chapter 3, *Project Description*, the Downtown Code would allow buildings up to seven stories in height in the southern portion of the Specific Plan Area, which exceeds the height of existing structures in the area and could potentially result in an increase in bird strikes by songbirds, raptors, and other migratory birds. However, a Downtown Specific Plan policy would require that new development incorporate bird-safe glazing, such as netting, permanent stencils, frosted glass, exterior screens, or physical grids placed on the exterior of glazing, for portions of buildings over 50 feet in height. This would minimize the potential for bird strikes such that there would not be a substantial adverse effect on species identified as candidate, sensitive, or special status. This impact would be less than significant.

11-1

The above seems vague and inadequate to me.

Windows are worse than invisible for birds. They reflect foliage or sky and look like an inviting place to fly into. According to Cornell Bird, up to about 1 billion birds die from window strikes in the U.S. each year.

The bird safe treatments should be for all buildings, not just those over 50 feet, but all buildings where glass reflects sky and foliage .

This is what Audubon says about bird safe glass:

A variety of approaches, such as fritting, silk-screening, or ultraviolet coating, create a pattern that breaks up the reflectivity of the glass and alerts birds to its presence. More important than the technique used to create the pattern is its spacing: Testing has shown that the “2x4 rule” is most effective—meaning that the silk, coating or markings are added across the pane, spaced two inches apart horizontally, and four inches apart vertically. Research has shown that birds will not fly through spaces less than two inches high or 4 inches wide.

11-2

What is the rationale behind bird safe measures for buildings over 50 feet in height? Ground floor windows can be equally or more dangerous, depending on what they reflect. Also, throughout the downtown, it would be worth the while to notice any areas where birds are routinely striking glass and when identified, be required to make them bird safe. In 2020, Madison, Wisconsin was the first place to enact bird safety windows. From 2018 to 2020, volunteers did 1300 hours of monitoring covering 22 buildings. They recorded 718 bird deaths and 44 injuries. So they adopted new requirements for buildings more than 10,000 square feet to incorporate a pattern such as dots to lines to

2. Response to Comments

prevent birds from colliding with the glass. They are little white dots that go on two inches by two inches and make the birds aware of the surface. Local developers filed a lawsuit in 2021 but a judge ruled the standards fall under zoning codes the city is allowed to make.

11-2
CONT'D

Many people in Davis care about our environment. Birds are having a hard time surviving. We have lost 30% since 1970. Let's make new rules, new codes, to protect our feathered friends.

11-3

Thank you,
Jean Jackman



2. Response to Comments

Response to Comments from Jean Jackman, dated September 11, 2022.

11-1 The commenter is concerned about the death of birds from strikes against windows and states the Davis Downtown Specific Plan policy addressing this issue is vague and inadequate.

At this time, no specific project, development, or builder has been proposed for individual or specific development under the Downtown Davis Specific Plan. The Specific Plan establishes the standards and guidelines that future owners must comply with such as the bird-safe glazing. As new buildings are proposed, each proposal will be required to demonstrate compliance with the mitigation measures and demonstrate how bird safe glazing has been incorporated.

11-2 The commenter quotes Audubon regarding different approaches to bird safe glass. The commenter states ground floor windows are equally or more dangerous to birds, recommends identifying areas where birds are routinely strike, and discusses an example of bird safety windows in 2020, Madison, Wisconsin.

See response to comment 11-1.

11-3 The commenter states that people in Davis care about the environment and that they have lost 30% of birds since 1970. The commenter requests making new rules to protect birds.

The DEIR's Section 4.3, *Biological Resources*, discusses potential impact to wildlife including birds and establishes feasible, practical, and effective mitigation measures under Mitigation Measure BIO-1 and BIO-2, to protect birds and their habitat within the Specific Plan.

2. Response to Comments

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2. Response to Comments

LETTER 12 – Alan Hirsch (16 pages)

TO: City of Davis Planning Staff 9-15-22
CC : Tree Commission. Planning Commission.

From: Alan "Lorax" Hirsch

RE: Draft EIR has gaps in assessing Downtown Specific Plan's impact on trees.



Climate change is no longer coming... it here as seen by series of "extreme heat days" we just had.

The result is, as the National Weather Bureau points out (see inset), that without tree shade in our hardscape- dominated downtown will become increasing undesirable location, even presenting dangerous place as unshaded concrete and asphalt- and bench and chairs will often become so hot it will burn skin on contact.

12-1

However, the Downtown Plan (DT Plan) largely ignores issue of tree shade. Draft EIR similarly ignore impact of this gap in shading in the plan by:

- > failing to assess the quantifiable decline in the urban forest under the city's current tree policies and practices in assessment of baseline "current conditions".
- > fails to assess how or even if policies it quotes are implemented (practices).
- > inaccurately relies on these unimplemented tree policies as proof of adequate mitigate for the DT Plan.

* * *

12-2

Impact of any changes in shade and trees should be considered in EIR along two dimensions:

- A. Economic impact:** Unshaded surfaces heat ambient air temperature. This effects shopping/café environment, aka the "Heat island effect. Greg McPherson and other have quantified impact on **retail sales** of shaded vs unshaded shopping areas. Also see research by Dr. Kathleen Wolf of the

WHEN THE AIR IS HOT THE GROUND IS HOTTER!

AIR TEMP	IN SUN	BLACKTOP	CONCRETE	BROWN GRASS	GREEN GRASS
102°	→	167°	163°	120°	106°

If the surface is too hot for you, it's too hot for your pets!

- 111° - Initial pain threshold for skin contact
- 118° - Skin receives first degree burn injury
- 131° - Skin receives second degree burn injury
- 144-158° - Temperature at which an egg is fried
- 160° - Minimum safe temperature for cooking ground beef
- 162° - Human skin is instantly destroyed

NWS SACRAMENTO

11:15 AM · Sep 2, 2022 · TweetDeck

2. Response to Comments

12-2
CONT'D

University of Washington¹ The lack of tree shade has been correlated by research by Dr. Greg McPherson on **cost of street maintenance**.² The shift of downtown trees species from medium and large tree to crepe myrtles will cost city road money.

- B. Human Health Hazard:** Unshaded concrete becomes 40-50 degrees or hotter than air temperature. Newly blacktopped surfaces can be 65 degrees hotter than the air. Parking lots and unshaded playgrounds and play structures, benches and cafés become dangerous places. Consider the shade-less play structures and benches at the food truck area in Central Park.

Reduced Tree shade increase the cost of pavement maintenance. (see appendix to this letter for full report US Forestry service reference and footnote on this page)

SCENARIO	SLURRY SEALS	TOTAL COST (\$)	SAVINGS (\$)
Unshaded	6	4,971	
Small trees	5	4,142	829
Large trees	2.5	2,071	2,900

Table 1: Savings per unit pavement surface for shaded vs. unshaded street segments over 30 years (area = 4,375 ft²).

With than preface, I want to note the Davis Downtown plan Draft EIR is missing the following specific components:

12-3

- Lacks a current assessment of tree and their environment in Davis downtown area.**
How can the EIR assess an impact if does not understand and describe the current tree situation? a) The Downtown Plan EIR study lacks any analysis of number of trees, their species, health, age. b) It lacks an analysis of how much shade is provided is omitted in different area of downtown. c) There is no discuss if there are hi wires over street impacting tree size selection. d) Exhibit 4a below shows a map of the over 40 parking lot in our downtown not conforming with 50% shade policy set by the city- a significant fact not noted as current condition. e) No discussion if empty or even planted tree holes have been compromised for future planting by pipes, etc. Exhibit 4e-2 show empty tree holes, many compromised by infrastructure. f) Soil type discussion is omitted – this effect tree growth and health.
In fact, the single quantitative number in EIR about trees is the number of officially designated “heritage trees” But the number cited is off by a factor of three. This glaring error indicate no one with who knows current conditions of the Davis urban forest has reviewed the draft EIR document.

¹ See piece by Kathleen Wolf: **Environmental Psychology of Shopping: assessing the value of trees.**
<https://academics.lmu.edu/media/lmuacademics/curres/urbanecolab/module10/The%20Environmental%20Psychology%20of%20Trees%20-%20Assessing%20the%20Value%20of%20Trees%20-%20GREEN%20DESIGN%20Vol%2014%20No.%203.pdf>

² US Forestry Dept: **Effects of Street Tree Shade on Asphalt Concrete Pavement Performance** <http://www.fs.fed.us/psw/programs/cufr/products/cufr639mcpherson-JOApavingshade.Pdf>

2. Response to Comments

12-4

2. **Lack a trend analysis to show sustainability of current tree shade canopy under current policies & practices.** Trees are a dynamic asset, so assessment of current condition you need assess how policy sustain our downtown tree canopy, i.e., a trend analysis. The sustainability of tree in our downtown canopy under current condition can be done by a) comparison of 2012 and 2018 city tree inventory, and b) comparison of how tree canopy have fared when construction has occurred—such as the downtown bulb-out project: has tree canopy increased or decreased?

12-5

3. **Lack an assessment of climate change impact on sustaining these existing trees.** With more heat and less water how will existing tree canopy be sustained under current and proposed conditions. How many of these trees are drought and heat tolerance? How many of trees have irrigation systems?
4. **Incorrectly relies on cities nominal tree policies to mitigation impact when practice show they are often ineffective, haphazardly enforced or even totally ignored. DT Plan EIR cannot rely on such nominal policies to as proof impacts will be mitigated.**

These are examples of Davis Tree Policies relied in the EIR but ignored in practice:

12-6

- A) The EIR list the city policy to plan for enough tree shade in parking lot to provide 50% tree shade in 15 years. This was first codified in the 1979 Tree Ordinance. Yet a survey of downtown’s 40 parking lots shows the city policy – even with its with retrofit provisions- has never been implemented. (see exhibit 4a Map of Downtown Parking Lots attached). Consider two projects in our downtown approved after 2002 Tree Ordinance update that have involved parking lots. 1) Helmut Optical building with a new parking lot was approved even though the parking lot is tree-free (2006), 2) redo of Bank of America parking lot in 2020 for Tesla chargers that allowed removal of trees with no mitigating shade on site. The Heat Island impacts of parking lots should be noted and assessed in the EIR as part of current conditions as well as impact of growth.

EIR should not rely on Promises “we are working on new parking policy” until it is reality: a new policy has been promised by city staff, as documented in city’s annual plans since 2012 and has still not been developed. The EIR should reflect current condition on some aspiration we will have a workable policy.



Decline of tree canopy downtown: Shade-free area in Central Park by Food Truck area

Trees were removed a few years ago but no plan to replant to create landmark tree but using suspended pavement to assure adequate soil and irrigation to grow a larger tree – Rec and Parks Dept instead seems focused on adding “water feature” in park.

2. Response to Comments

Exhibit 4a: Map of forty downtown parking lots that fail city policy of 50% shade -- and one parking lot that does comply (upper left) . Real practice not aspirational policy should be the basis for the EIR analysis.

12-6
CONT'D



2. Response to Comments

12-7

B) There is a legal requirement in tree ordinance to protect tree at a construction site by filing with city, posting on job site, and then implementing a "Tree Protection Plans" (TPP). This is rarely enforced so the EIR should not assume it as a mitigation.

Evidence of this: 1) City building department "checklist" of document require for a building permit does not include this document. 2) A public records request and review of city microfiche file find this document is not existence for most projects. 3) I have inquired with building supervisors at many constructions site and they have never produced this document which they are required to be on site per city tree code. 4) Tree Commission and City Council has been made aware of this by presentation (City Council January 2020 and Tree



Apartment complex rehab on F - no tree protection fence at construction site required by policy.

Commission February 2020) and taken no action indicating this is an accepted practice. 5) It remains current practice: The city failed to provide tree protection fence during construction of a bike path crossing at Tulip and Ponteverde St. This continues even when I pointed it out in phone calls to City Arborist and Public Works engineer in August.

NET: The EIR cannot rely on this policy to and assume no harm will come to legacy tree in our downtown by new construction. This should be acknowledged in the EIR.

12-7
CONT'D



DT Tree are being cemented up to trunk with DG in our downtown contra policy to reduce hardscape. NOTE: Some cities put flower in these planting hole areas to add greenery but not Davis.

C) The EIR lists a policy to decrease hardscape and increase greenery. In fact, in the last few years the city has done the contrary and decided to cement up all tree hole in our downtown up to very trunk of the tree with DG. Again, the EIR cannot reply on city policy that are not enforced to assume no impact. (EIR 4.3 action H)

12-8

2. Response to Comments

12-9

D) The Draft EIR cites a policy preference for large deciduous tree along street, yet plantings in downtown in recent years have been dominated by small trees: crepe myrtles (consider by many a shrub), desert willows and manzanita trees. An assessment of current tree condition and trends under actual practices would show a continuing decline of amount of tree shade as large legacy tree age out and are being replaced by small trees, not larger one per the nominal policy quoted in EIR 4.3 action policy G.

Nowhere in EIR is impact shorter tree that hide merchants' signs, corner banners discussed. Or public safety as these shorter trees inhibit street lighting.



The corner 2nd x E Brinly Block is typical with newly planted small trees, especially crepe myrtles replacing aging out medium size one. No larger deciduous trees to be seen among newly planted. The "larger deciduous tree" policy cited in EIR is not a reality.

2. Response to Comments

12-10

E) Downtown redevelopment in past has led to loss of "tree hole" - holes in sidewalk as strategic interval where tree is or theoretically should be planted. The loss is due to increase infrastructure conflict (see Exhibit 4E-1). Example of how development led to loss is the results of the "redo" the old Watermelon music building (E street north of 2nd) and the new pipes for the new freestanding bathroom room facilities across the street from this (in Parking lot). Infrastructure installed in tree holes negate the opportunity for planting. I have attached a map of empty tree holes I made (exhibit 4E-2). I was told by city Arborist Rob Cain 2/3 of these empty tree hole are no long be plantable due to infrastructure conflict. The EIR should assume increase development will continue to allow this loss of tree hole to happen as this de facto city practice and there is no policy IN PRACTICE to stop it. Other tree holes are made non-compatible via coverings that constrict tree size.



Failure to have plan for tree holes in our downtown sidewalk can lead to new developer installing infrastructure that inhibits growth. Here at 3rd near D an iron grate prevent a tree from reaching full size. Also see the deck in front of Mexican restaurant at H x 2nd. It has small holes in the deck boards that are now beginning to strangle the flowering pear trees.

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2. Response to Comments

12-10
CONT'D

**Exhibit 4E-1: No ENFORCED City Policy to prevent pipe from being installed in tree holes.
These new installations block growth of larger trees there- and future replanting.
New construction thus likely continues this practice that compromises downtown tree hole and
thus reduced tree canopy. As no changes in city policy & practice are noted in the DT Plan the in
EIR should reflect an acceleration of loss of tree hole as redevelopment happens.**

#2 Loss Tree Sites: Retrofit Infrastructure Conflict

**E street nr 3rd
What happens if the tree
Trunk grows big?**



Fun fact: while you will see pipes surface in sidewalk all over downtown Davis in tree holes, they are not to be seen on Main Street in Woodland.

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2. Response to Comments

12-10
CONT'D

Exhibit 4E-2 This is a map of Downtown Davis with 80 “x” for empty legacy “tree holes” in the sidewalks. In Spring 2021 I presented this to Davis City arborist Rob Cain (as well as council): Cain excused these missing trees by saying 2/3 of holes in pavement were no longer unusable as they are being used to install pipes and other infrastructure.

The EIR should assume downtown development will continue this trend of lost tree holes unless it is explicitly forbidden. Current condition assessment should assume continued failure to city internal administrative process avoid this. I believe we

should consider the loss of a tree hole as significant as cutting an actual tree. And Just when a homeowner wants a city tree removed from their front yard needs a public hearing at the Tree Commission so it should be for any for any tree hole.

#2 Permanent Loss of Tree Sites

City Arborist:
2/3 of 80 Empty
Sidewalk “Tree holes”
no longer usable

Permanent Holes in our Shade
canopy

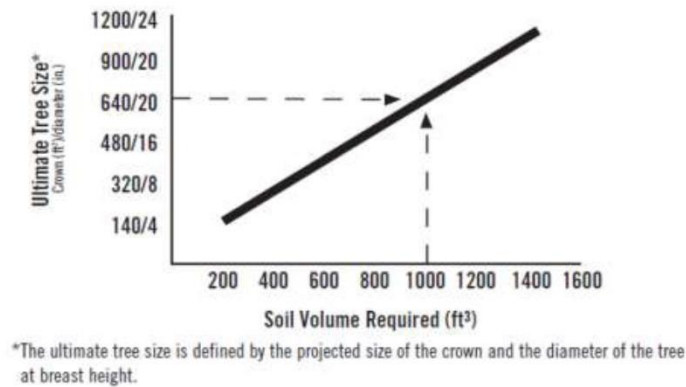


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2. Response to Comments

F) Tree Holes – fill and unfilled -- and tree sizes they will support is ignored by EIR. Just planting a large species tree in a cut out in the sidewalk- a “tree hole” -- won’t create a large tree as the city policy suggests. Research says the volume of uncompacted soil available—and water that the tree gets (via the unsealed surface or added irrigation), will determine the growth rate and the ultimate size of the tree planted inside walks. The city has not standards for soil volume and tree holes. The impact of this policy gap is not discussed in the EIR, (see below diagram from Forest Service).

12-10
CONT'D



Source: US Forest service brochure: Why Shade Streets: Unexpected Benefits.

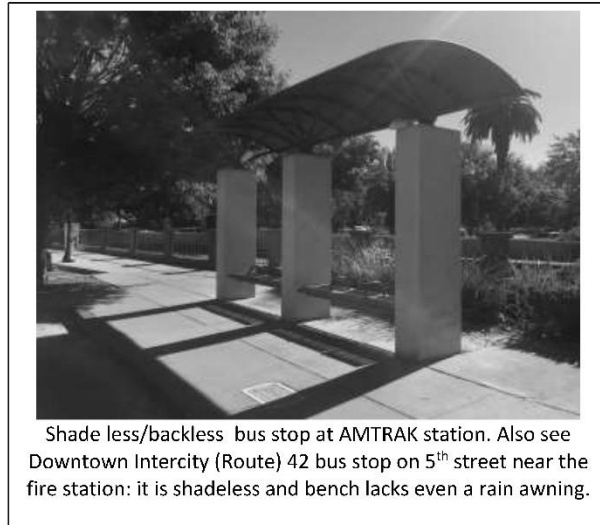
Also see book written based on a UC Davis conference on how to successfully plant tree in a hardscape environment: **Reducing Infrastructure Damage by Trees: a Compendium of Strategies.**³ The city could have included these practices in the DT Plan but have chosen no to, so the EIR should reflect this.

³ Costello, LR Jones, K.S. **Reducing Infrastructure Damage by Trees: A Compendium of Strategies.**

2. Response to Comments

12-11

- G) Lack of shading at Bus Stops Ignored. This would impact on travel behavior as temperatures increase. There is no policy in place to address.
- H) Failure to discuss how short trees planted at corner bulb outs imping and limit travel of double decker Unitrans transit bus as well as trucks is not discussed.



12-12

5. **Overall, the EIR Show a lack of local knowledge or review when it comes to trees.** The Draft EIR Davis at 4.3 page 6 summarizes Davis's Tree Protection Ordinance code chapter 37 and state this is evidence trees will be protected from changes brought on by the DT Plan. But strangely in the one paragraph summary of contents of that lengthy ordinance section the EIR writers choose to call out the fact it is legally forbidden to attach lines and wires to trees. **This section is ignored in practices, like many parts of the ordinance.** *Love them or hate them* a visit to downtown Davis shows how hundreds of our downtown trees have twinkle lights on wires - which are wound, taped, zip tied, and stapled onto tree in violation of Tree Ordinance. The writers and reviewer of this Draft EIR clearly did not personally examine our downtown trees. This also show that previous city arborist, Rob Cain did have a hand in reviewing this document.

* * *

Summary: The draft EIR regarding trees:

12-13

- Fails to examine the current condition of tree in the downtown including trends.
- Fails to example how climate change will affect our tree downtown.
- Fails to interrogate if nominal tree policies to mitigate the DT Plan it list are effective, consistently implemented or enforced over life of the lifetime of the trees they are to protect.

2022 09 EIR comments focused 2 11

2. Response to Comments

Next Steps

The city needs to have an experienced licensed arborist to review our downtown and revised the EIR to address the gaps I have noted.

I have talked with our new city arborist Charles Murphy, and he agrees on the need for an DT tree assessment beyond the UFMP review. I urge the city to support him by contracting with an outside arborist to fill in this gap in the environmental impact study before city council approves the Downtown Plan.

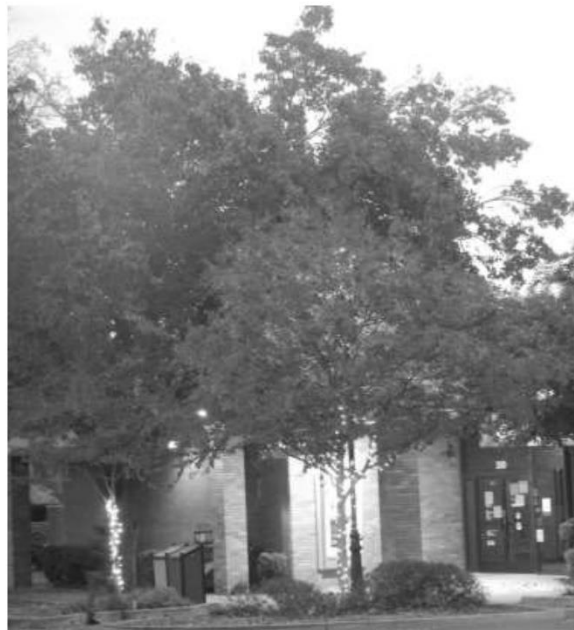
I acknowledge the city council has earmarked \$1.2 Million of the American Rescue Plan funds for downtown landscaping. I fear it will be misspent without a DT tree plan - as evidenced by many failures of tree planting in downtown e.g., SW corner 2nd x G) and decision to plant small crepe myrtles as part of the bulb out project (see photo).

I am optimistic our new arborist can turn Downtown tree around, but you need to give him support by first revising the EIR and using this to add tree supportive policies in the DT Plan and the form-based code.

Thanks for your consideration.

Alan "Lorax" Hirsch

Typical corner in Davis downtown (3rd x F) after the multmillion dollar bulbout project: small trees hide signs merchant sign, street lights, banners, and imping on bus and truck travel and won't ever get tall and large enough to overhang street tree and sidewalk to provide shade.



Alternative vision for Davis:
Midtown Sacramento with larger tree and hi canopies.



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2. Response to Comments



2. Response to Comments

THE RESEARCH QUESTION:

Is there an inexpensive way to slow the rate of deterioration of streets and extend the time between treatments? We thought there was, so we asked the question: Is the condition of pavement on tree-shaded streets better than on unshaded streets – all other things being equal? And...the answer is YES.

During our research in Modesto, CA, we found that an unshaded street segment required 6 slurry seals over 30 years, while an identical one planted with small-crowning trees required 5 slurry seals, and one with large-crowning trees required only 2.5 slurry seals. We also found that the shade from the large-crowning trees was projected to save \$0.66/ft² over the 30-year period compared to the unshaded street.



The benefits of shade from large-stature trees compared to small-stature trees illustrate the value of investing in large-stature trees.



As pavement conditions deteriorate, maintenance and repair costs become increasingly more time intensive and costly.



SHADED ASPHALT IS CHEAPER ON THE BUDGET

Assuming slurry seal applications cost \$0.19/ft², and this price remains fixed over a 30-year period, each application will cost \$829 per street segment. A typical segment was 125 ft. by 35 ft. We found that the cost of maintaining the unshaded street segment over 30 years was \$4,971, while the cost of maintaining the pavement on the street segment with small-stature trees was \$4,142, and on the street segment with large-stature trees was only \$2,071. Thus, shade on the street segment with large-stature trees will reduce costs for repaving by \$2,900 (58%) over the 30-year period compared to the unshaded street. Shade from the small-stature trees is projected to save only \$829 (17%).

Road engineers have long recognized the economic importance of maintaining optimum levels of pavement condition. For example, in Modesto the average lifespan of a shaded residential street is 40 years. Pavements that are well maintained last longer and ultimately require less maintenance. In addition, as pavement conditions deteriorate, maintenance and repair costs become increasingly more expensive.

It was evident from our results in Modesto that greater tree shade was associated with better pavement condition. **Shady streets are happier streets.**

SCENARIO	SLURRY SEALS	TOTAL COST (\$)	SAVINGS (\$)
Unshaded	6	4,971	
Small trees	5	4,142	829
Large trees	2.5	2,071	2,900

Table 1: Savings per unit pavement surface for shaded vs. unshaded street segments over 30 years (area = 4,375 ft²).

2. Response to Comments

Our Research Document
Effects of Street Tree Shade on Asphalt Concrete Pavement Performance
<http://www.fs.fed.us/psw/programs/cufr/products/cufr639mcperson-JOA-pavingsshade.pdf>

Additional Resources
Trees for Green Streets
<http://www.metro-region.org/article.cfm?articleid=263>
Reducing Infrastructure Damage by Tree Roots – A Compendium of Strategies
<http://secure.isa-arbor.com/store/Diagnosis-Disorders-and-Plant-Health-Care-C19.aspx>
SelecTree: A tree selection guide
<http://selectree.calpoly.edu/>

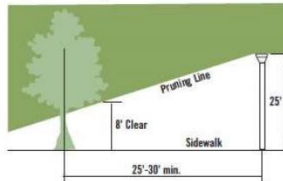
Limitations of This Research
Application of our research results outside California's Central Valley are to be considered limited, due to differences in pavement types, pavement wear, and regional climates.

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<http://www.wf.fs.fed.us/psw/programs/cufr/>

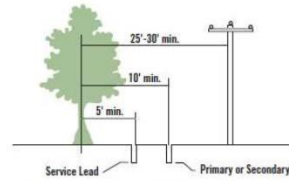
HOW TO FIT TREES ON STREETS

- Start by establishing very clear goals for your street trees including shade and other functions, longevity, stress tolerance, rainfall interception, air pollution uptake, level of maintenance, and infrastructure conflicts.
- Increase your community-wide tree canopy by targeting shade for streets, as well as parking lots, and other paved surfaces.
- Large trees can shade a greater area than smaller trees can but should be used only where space permits. Remember that a tree needs space for both branches and roots.
- Avoid locating trees where they will block illumination from streetlights or views of street signs in parking lots, commercial areas, and along streets.
- Check with local transportation officials for sight visibility requirements. Keep trees at least 30 ft away from street intersections to ensure visibility.

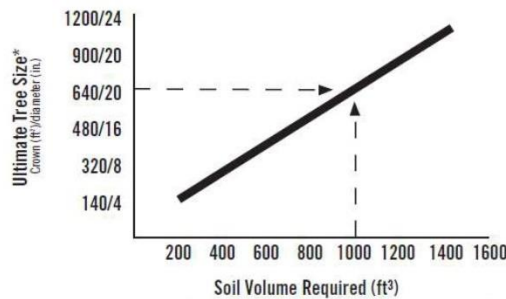


- Avoid planting shallow-rooting species near sidewalks, curbs, and paving. Tree roots can heave pavement if planted too close to sidewalks and patios. Generally, avoid planting within 3 ft of pavement.

- Be aware of strategies to reduce infrastructure damage by tree roots such as meandering walks around trees and selecting deep-rooting species. (Costello and Jones 2003).



- Select only small trees (<25 ft tall) for location under overhead power lines. Do not plant directly above underground water and sewer lines.
- Match each tree to the site. Maintenance requirements and public safety issues influence the type of trees selected for public places. The ideal public tree is not susceptible to wind damage and branch drop, does not require frequent pruning, produces negligible litter, is deep-rooted, has few serious pest and disease problems, and tolerates a wide range of soil conditions, irrigation regimes, and air pollutants (SelecTree).
- Provide adequate soil volume. For trees to deliver benefits over the long term, they require enough soil volume to grow and remain healthy. Matching tree species to the site's soil volume can reduce sidewalk and curb damage as well.



*The ultimate tree size is defined by the projected size of the crown and the diameter of the tree at breast height.

2. Response to Comments

Bibliography: Impact of Trees on shopping center sales

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Kathleen Wolf is a research social scientist at the University of Washington, Seattle. Her work focuses on the human dimensions of urban forests and ecosystems. Information about Her research program can be found online (at www.cfr.washington.edu/research.envmind).

2. Response to Comments

Response to Comments from Alan Hirsch, dated September 15, 2022.

- 12-1 The commenter references the National Weather Bureau regarding tree shade and climate change. The commenter states the Downtown Plan ignores issues of tree shade and the DEIR ignores impact of tree shade to the Specific Plan.
- Impact discussion BIO-1 and BIO-5 of the DEIR discusses mitigation measures to protect trees and their inhabitants and compliance with the local policies and ordinances protecting trees; respectively.
- 12-2 The commenter states that impact of any changes in shade and trees should be considered in the EIR specifically analyzing the economic impact and human health hazard.
- See response to comment 12-1.
- 12-3 The commenter states the Davis Downtown Plan DEIR lacks a current assessment of trees and their environment in the Davis downtown area. The commenter also states the DEIR lacks mention of detailed description of existing trees, how much shade exists in the downtown area, discussion of future planting, and soil type. The commenter states the number of officially designated heritage trees is off by a factor of three. The commenter also includes Exhibit 4a which is a map showing the amount of parking lots in the downtown area.
- See response to comment 12-1. Furthermore, Chapter 6, CEQA Mandated Sections, includes impacts to geology and soils which were determined to be less than significant during the scoping of the EIR.
- Comments made are addressed to the Davis Downtown Specific Plan and not to the DEIR, therefore no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.
- 12-4 The commenter states the DEIR lacks a trend analysis to show sustainability of current tree shade canopy under current policies and practices.
- See response to comment 12-1.
- 12-5 The commenter states the DEIR lacks an assessment of climate change impact on sustaining existing trees. The commenter asks how many trees drought and heat are tolerant or have irrigation systems.
- See response to comment 12-1.

2. Response to Comments

12-6 The commenter states the DEIR incorrectly relies on the city's nominal tree policies to mitigate impacts when practice shows they are often ineffective, haphazardly enforced or even totally ignored. The commenter includes examples of when these policies failed.

Enforcing or ensuring the Downtown Davis Specific Plan follows the City's policies and ordinances is not within the powers of the DEIR. The commenter has been added to the distribution list for the proposed project.

12-7 The commenter states that the requirements under the City's tree ordinance is rarely enforced and the EIR should not assume it as a mitigation measure. The commenter also provides five evidence points that the City's tree ordinance is ineffective at protecting trees.

See response to comment 12-6.

12-8 The commenter states the EIR lists a policy to decrease hardscape and increase greenery; however, the commenter points out that the city has done the contrary of this policy. The commenter states the EIR cannot rely on city policies that are not enforceable to assume no impact.

See response to comment 12-6. The DEIR determines that implementation of the proposed project would have less than significant impacts regarding conflicts with local policies and ordinances – not “no impact” as stated in the comment. Comments made are addressed to the Davis Downtown Specific Plan and to the DEIR, therefore no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

12-9 The commenter references the City's General Plan action regarding the larger deciduous trees along streets on page 4.3-4 of the DEIR. The commenter suggests an assessment of current tree conditions and trends to demonstrate the action is not being followed. The commenter states nowhere in the EIR analyzes the impact of short trees.

See response to comment 12-1 and 12-6.

12-10 The commenter states the EIR should assume increased development will continue to allow for loss of trees to continue to occur. The commenter provides Exhibit 4E-2 which is a map of empty tree holes. The commenter also states that 2/3rd of empty tree holes are no longer plantable due to infrastructure conflicts.

See response to comment 12-1 and 12-6. While foreseeing all future development is not possible, the lead agency uses its best efforts to find and disclose all that it reasonably can (CEQA Guidelines, Section 15144). This comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR; therefore, no changes to the DEIR are necessary.

2. Response to Comments

12-11 The commenter states the DEIR ignores the lack of shading at bus stops and fails to discuss how short trees impact transportation.

These issues are not topics analyzed by CEQA. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

12-12 The commenter states the EIR shows a lack of local knowledge or review of trees. The commenter states page 4.3-7 of the DEIR includes a paragraph regarding the City's Municipal Code, Chapter 37, Tree Planting, Preservation and Protection, yet many of the regulations of the code are violated. The commenter states the reviewers and writers of the DEIR do not examine the downtown trees.

See response to comment 12-6.

12-313 The commenter summarizes that the DEIR fails to examine current conditions of trees in the downtown, and should include a discussion on how climate change will affect trees, and interrogate if nominal tree policies to mitigate the Downtown Specific Plan are effective. The commenter suggests having an experienced licensed arborists review the downtown and revise the EIR.

As stated in Chapter 2, Introduction, the DEIR fulfills the requirements for a Program EIR (programmatic) which is more conceptual than a Project EIR with a more general discussion of impacts, alternatives, and mitigation measures. Use of a Program EIR gives the lead agency an opportunity to consider broad policy alternatives and program-wide mitigation measures, as well as greater flexibility to address project-specific and cumulative environmental impacts on a comprehensive scale. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project

2. Response to Comments

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2. Response to Comments

LETTER 13 – Heather Bischel & Nicolas Fauchier-Mangan (4 pages)

Heather Bischel & Nicolas Fauchier-Mangan
[REDACTED]

September 15, 2022

Sent via email

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

Dear Eric,

We submit these comments on the Draft Environmental Impact Report for the Downtown Davis Specific Plan and Form-Based Code (July 2022).

1. Historic resources clarification

In the DEIR, Figure 3-1 “Proposed Land Use and Planning” is misleading in how the historic resources are shown. Our home at 516 G St is shown as a historic resource when it is not. Our house was included on a long list of *potential* historic resources that were suggested for evaluation for the designation. We kindly request that the figure remove locations that are not currently designated historic resources and/or update the legend to clarify the status as properties suggested for further evaluation. It has still not been clarified why our house was placed on the list of potential historic resources in the first place. While we agree our house has charm, the architectural style is not unique nor do we believe it meets the requirements for designation as a historical resource based on our review of historical information on our property and the Old North Davis neighborhood.

13-1

2. Housing development density: mitigation through green space and people space

Increased density of housing is encouraged by the Downtown Davis Specific Plan. Policies for increasing park areas within the downtown area are also discussed, due in part to an overall deficit of park acreage within the city¹. We believe it is especially important to mitigate impacts of increased housing density by increasing access to public green space, increasing the width of pedestrian walkways, and reducing traffic speeds and volumes on streets **immediately adjacent to new housing developments**. The City of Davis is known for its network of green belts – vast areas of greenways throughout low-density housing areas. The spirit of the green belt can be continued into the downtown, with a “greenway” connecting G Street all the way from 1st Street to 8th St via Sweetbriar, and continuing on H St from 8th to Covell Blvd and beyond. This would provide comfortable and safe access to green space within the perimeter of the Downtown Plan.

13-2

¹ DEIR page 4.12-17: “The City currently has 191.6 acres of community parks, neighborhood parks, and mini parks, (excluding special use parks), which represents an existing deficit of 154.4 acres of parkland.”

2. Response to Comments

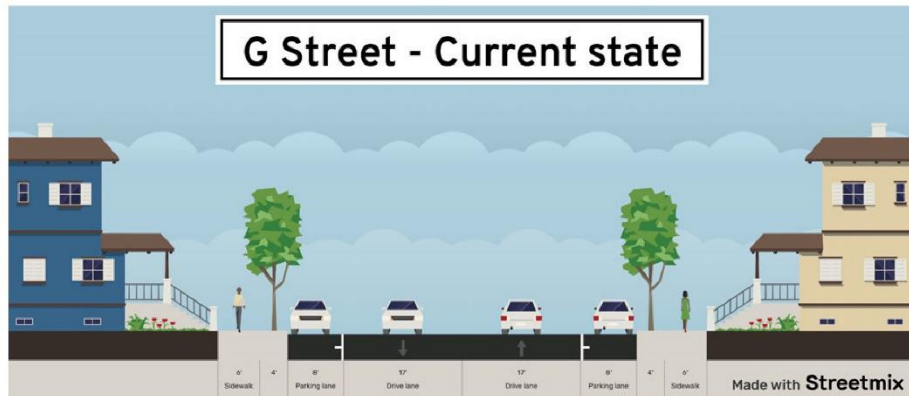
We note specifically that the North G street neighborhood—one of the more residential areas within the Downtown Specific Plan—is likely to experience increased housing density, likely beyond the 100 additional units projected in Table 3-3. G street also has unnecessarily wide roads, with excessively wide vehicle lanes of about 17 ft each (City of Davis Street Standards calls for 10-ft wide vehicle lanes as a maximum) and two parking lanes dedicated to storage of private vehicles. A meaningful mitigation measure for the increased population density should include re-allocating space on city streets from vehicle space to people-oriented space, including sidewalks, benches, protected bike lanes, activity spaces. Such re-allocation will increase the liveability and well being of residents downtown and will also reduce traffic speed and volumes. This mitigation measure will also result in lower traffic noise levels, instead of the increased traffic noise levels projected in Table 4.10-10.

13-3

Page 4-11.2 also references the State Density Bonus Law when affordable housing represents a specified fraction of the new development. We encourage the city to especially consider equity in access to public green space and “third spaces” immediately adjacent to higher density housing areas and affordable housing areas. Green space promotes good mental health and physical well being—let’s make these goals accessible for all.

13-4

2. Response to Comments



Current space allocation on G Street, between 5th and 8th Streets



Equitable space allocation for G Street, providing people-oriented space for walking, biking, rolling and socializing while maintaining access for vehicles

2. Response to Comments

3. Train noise mitigation

The DEIR explicitly acknowledges that because of the sound of train horns, "future residential development could be placed within areas that would expose sensitive receptors to noise levels in excess of established standards."² Measurements conducted in June 2021 and presented in the DEIR show that train horns **produce sound level in excess of 100 dBA in areas adjacent to the tracks**. Horn blows from switch trains are referred to as "minimal" in quantity. We disagree with this characterization: multiple horns sounded on a daily basis at levels well above unacceptable limits causes more than minimal disturbance for residences and businesses in Downtown.

13-5

While we appreciate that the City worked with CFNR in 2021 on an agreement to limit train horn sounds during the nighttime, more work still needs to be done to establish a Quiet Zone through the Federal Railroad Administration, and eliminate train horn sounds all together - as over 60 cities in California have successfully done³.

The DEIR proposes no mitigation measures for this **significant and avoidable impact** to future residents of the downtown area (especially those located on G street between 1st and 8th Streets). The DEIR only references Policy 2.8 from the Downtown Specific Plan that "would require the formation of a task force to consider the costs and benefits of applying for FRA (Federal Railway Authority) Quiet Zone status...". This policy is insufficient considering the number of existing and future residents who are and will be exposed to the extremely high noise levels from train horns. Applying for Quiet Zone status should be a required mitigation measure to be undertaken by the City, in cooperation with other local agencies.

13-6

Obtaining Quiet Zone status will require implementing safety measures at the five at-grade crossings contained in the Downtown Plan. 63 other cities large and small in California have successfully qualified for Quiet Zone status after improving the protection of their at-grade railroad crossings. This is a very doable and reasonable mitigation measure that should absolutely be an explicit outcome of this plan.

Sincerely,

Nicolas Fauchier-Magnan and Heather Bischel

² DEIR section 4.10.3, Operational Noise - Rail Noise, page 4.10-25

³ "Quiet Zone Locations by City and State", Federal Railroad Administration - <https://railroads.dot.gov/elibrary/quiet-zone-locations-city-and-state-1>

2. Response to Comments

Response to Comments from Heather Bischel & Nicolas Fauchier-Magnan, dated September 15, 2022.

- 13-1 The commenters states Figure 3-1 “Proposed Land Use and Planning” is misleading in how the historic resources are shown. The commenter states their home is shown as a historic resource. The commenters request that the figure remove locations that are not designated historic resource and/or update the legend to clarify the status. The commenters state it is not clear why their home is placed on the list of potential historic resources.

The DEIR’s Section 4.4, *Cultural Resources*, on page 4.4-9 addresses the potential impacts the proposed project may have on historically designated properties. Properties identified as “priority” site areas are areas that will be surveyed to determine their potential as a historic resource. Impact discussion CULT-1 also includes measures aimed to reduce potential impacts to historical resources from the proposed project. For example, future development or demolition under the proposed project will be required to adhere to the City of Davis Ordinance, Article 8.19 aimed to protect existing historical resources from construction activities under the Specific Plan.

- 13-2 The commenter proposes to mitigate impacts of increased housing density by increasing access to public green space, increasing the width of pedestrian walkways, and reducing traffic speeds and volumes on streets immediately adjacent to new housing developments. The commenter recommends continuing greenway from 1st Street to 8th Street

The DEIR’s impact discussion PS-9 and PS-10 on page 4.12-18, includes applicable laws and regulations which would reduce impacts related to future growth and adequate parkland and recreational services. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project

- 13-3 The commenter states North G Street neighborhood is likely to experience increased housing density beyond the 100 additional units projected in Table 3-3. The commenter proposed a mitigation measure for the increased population density to include re-allocating of space on city streets from vehicle space to people-oriented space. The commenter states this mitigation measure will increase the livability, well being, and reduce traffic speed, volumes, and noise levels.

At this time, no specific project, development, or building has been proposed for the Downtown Davis Specific Plan. The Specific Plan establishes the standards and guidelines that future developers must comply with (permitted uses, setbacks, landscape and open space requirements, etc.). This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

2. Response to Comments

- 13-4 The commenter references the State Density Bonus Law on page 4-11.2 of the DEIR. The commenter encourages the city consider equity in access to public green space and “third spaces” immediately adjacent to higher density housing areas and affordable housing areas.

See response to comment 13-3. As this comment is addressed to the design guidelines of the Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decisionmakers for their consideration. The commenter has been added to the distribution list for the proposed project.

- 13-5 The commenter disagrees with the statement that horn blows from switch trains are minimal in quantity. The commenter states that multiple horns sound on a daily basis at beyond unacceptable limits. The commenter expressed appreciation with the City’s work with the CFNR in 2021 regarding limiting train noise during the night hours however states more work still needs to be done to establish a Quiet Zone through the Federal Railroad Administration and eliminate train horn sounds as have been done in 63 other cities in California.

The rail noise is an existing condition and there is nothing in the proposed project that would increase the number of trains or use of train horn. The request for a Quiet Zone will be forwarded to the decisionmakers for their consideration.

- 13-6 The commenter states the DEIR proposes no mitigation measures for this significant and avoidable impact to future residents specifically those located on G Street between 1st and 8th Streets (page 4.10-24). The commenter states Policy 2.8 from the Downtown Specific Plan is insufficient and requires an additional mitigation measure to apply for a Quiet Zone status.

See response to comment E-5. As shown in Table 4.10-10, *Traffic Noise Increases in the Specific Plan Area*, of the DEIR, all traffic noise increases in the Specific Plan Area would not go beyond the significant thresholds based on existing ambient noise levels; therefore, traffic noise increases along the listed roadways would be less than significant. Policy 2.8 from the Downtown Davis Specific Plan would require the task force to determine whether to applying for an FRA Quiet Zone which considers the issues addressed by the commenter. There is nothing associated with the proposed project that would increase the number of trains. Therefore, the train noise is an existing condition of the environment and mitigation is unnecessary.

2. Response to Comments

LETTER 14 – Larry D. Guenther (2 pages)

To whom it may concern,

Though I am a member of the the Downtown Plan Advisory Committee, member of the Sustainability Subcommittee of the DPAC, board President of the Old East Davis Neighborhood Association, a board member of Tree Davis, and a Tree Commissioner, among other things, the following comments on the Draft EIR for the Downtown Plan are my own.

14-1

The absence of Trees in the Downtown Plan is an egregious omission, especially since trees and increasing the Urban Forest in the downtown are listed as mitigation measures in the DEIR. Similarly the lack of a Tree Technical manual, enforcement measures or consequences for non-compliance to the City's Tree Ordinance, and any viable means for saving existing downtown trees during redevelopment of the downtown make naming trees as mitigation measures meaningless.

Additionally, the Draft EIR shows that air quality and GHG emission impacts would be significant and unavoidable, and goes further to state that there are “no feasible mitigation measures.” (See Table 1-1, p. 1-6) Yet Table 8H, Implementation Actions: Sustainability within the Draft EIR lists measures to reduce GHG and improve air quality by electrifying buildings and fleets. Further, by densifying downtown, there should be fewer emissions associated with commuting. These measures were presented by the DPAC Sustainability Review Team on October 24, 2018. The group consisted of Christine Granger, Catherine Brinkley, Deema Tamimi and Larry Guenther (DPAC), Richard McCann and Lorenzo Kristov (energy experts; Utility Rate Advisory Commissioners) and Evan Schmidt (Natural Resources Commissioner). Members of that Sustainability Review Team prepared these comments to provide more specificity to implementing those measures in a manner that would mitigate air quality and climate change impacts to levels below significance. (I am one of those members and others are submitting similar comments individually.)

14-2

The DEIR notes it is being conservative in showing emission increases “due to the uncertainty of the Specific Plan’s sustainability actions being implemented to the extent shown in the model, the project may generate a net increase in GHG emissions, creating a significant impact on the environment.” (p. 4-6.28).

14-3

On the one hand, the DEIR states that the emissions would be reduced by implementing the sustainability elements listed but on the other, it seems to exclude these actions from the GHG inventory analysis and states that there are no feasible mitigation measures.

1. We urge City Council to respond by **supplying specific dates, timelines and funding for achieving the sustainability goals in Table 8H in order to commit the city to reduce GHG and improve air quality** (see below)

14-4

2. Response to Comments

- | | |
|---|------|
| 2. We also urge the city to adopt the sustainability measures in Table 8H specifically as City ordinances and baseline features. | 14-5 |
| 3. Last, we encourage the city to consider calling out environmental justice features of the Downtown Specific Plan in order to help highlight efforts for a future General Plan. For example, the plan could highlight the inclusive housing actions that will build from state density bonus laws. | 14-6 |

Very sincerely,

Larry D. Guenther

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2. Response to Comments

Response to Comments from Larry D. Guenther, dated September 16, 2022.

14-1 The commenter makes note that all comments on the DEIR for the Downtown Davis Specific Plan are entirely their own. The commenter states the absence of trees in the Downtown Davis Specific Plan is egregious omission especially since trees and increasing urban forest are listed as mitigation measures in the DEIR. The commenter adds the lack of a Tree technical manual, enforcement measures, or consequences for noncompliance to the City's Tree Ordinance makes mitigation measures meaningless.

Comments made address the design of the Downtown Davis Specific Plan and not the DEIR. Impact discussion BIO-5 on page 4.3-12 of the DEIR discusses compliance with the local policies and ordinances protecting trees. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary.

14-2 The commenter states the DEIR determines impacts would be significant and unavoidable with no feasible mitigation measures for air quality and GHG emissions. The commenter references Table 8H, Implementation Actions and densifying downtown as an adequate mitigation measure. The commenter states that these measures were presented by the DPAC Sustainability Review Team on October 24, 2018.

See response to comment 7-6. Page 4.2-26 of the DEIR discloses that there are no additional mitigation measures identified beyond the Downtown Davis Specific Plan goals, policies, and implementation actions. The proposed goals, policies, and implementation actions would reduce air pollutant emissions to the extent feasible; but impact AQ-1 would remain significant and unavoidable due to the magnitude of the overall land use development under the Downtown Davis Specific Plan.

14-3 The commenter quotes the DEIR statement on page 4-6.28 regarding using a conservative approach when analyzing the net increase in GHG emissions from the Downtown Davis Specific Plan. The commenter states that the DEIR excludes actions from the GHG inventory analysis and instead state that there are no feasible mitigation measures.

See response to comment 7-6.

14-4 The commenter urges the City Council to respond by supplying specific dates, timelines, and funding for achieving the sustainability goals in Table 8H in order to commit the city to reduce GHG and improve air quality.

As stated in Chapter 2, Introduction, the DEIR fulfills the requirements for a Program EIR (programmatic) which is more conceptual than a Project EIR with a more general discussion of impacts, alternatives, and mitigation measures. Use of a Program EIR gives the lead agency an opportunity to consider broad policy alternatives and program-wide mitigation measures, as well as greater flexibility to address project-specific and cumulative

2. Response to Comments

environmental impacts on a comprehensive scale. Project level information is not available and the EIR shouldn't engage in speculation about information that may not be known until a later phase, when specific development applications are known.

14-5 The commenter urges the City to adopt the sustainability measures in Table 8H specifically as City ordinances and baseline features. As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration. The commenter has been added to the distribution list for the proposed project.

14-6 The commenter encourages the City to consider calling out environmental justice features of the Downtown Specific Plan in order to help highlight efforts for a future General Plan. The commenter explains the Specific Plan could highlight the inclusive housing actions that will build from state density bonus laws.

As this comment addresses changes to the Downtown Davis Specific Plan and does not describe any inadequacies to the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration. The commenter has been added to the distribution list for the proposed project.

2. Response to Comments

LETTER 15 – Richard J. McCann (4 pages)

To the City of Davis City Council,

The Draft EIR shows that air quality and GHG emission impacts would be significant and unavoidable, and goes further to state that there are “no feasible mitigation measures.” (See Table 1-1, p. 1-6) Yet Table 8H, Implementation Actions: Sustainability within the Draft EIR lists measures to reduce GHG and improve air quality by electrifying buildings and fleets. Further, by densifying downtown, there should be fewer emissions associated with commuting. These measures were presented by the DPAC Sustainability Review Team on October 24, 2018. The group consisted of Christine Granger, Catherine Brinkley, Deema Tamimi and Larry Guenther (DPAC), Richard McCann and Lorenzo Kristov (energy experts; Utility Rate Advisory Commissioners) and Evan Schmidt (Natural Resources Commissioner). Members of that Sustainability Review Team prepared these comments to provide more specificity to implementing those measures in a manner that would mitigate air quality and climate change impacts to levels below significance. (I am one of those members and others are submitting similar comments individually.)

15-1

The DEIR notes it is being conservative in showing emission increases “due to the uncertainty of the Specific Plan’s sustainability actions being implemented to the extent shown in the model, the project may generate a net increase in GHG emissions, creating a significant impact on the environment.” (p. 4-6.28).

15-2

On the one hand, the DEIR states that the emissions would be reduced by implementing the sustainability elements listed but on the other, it seems to exclude these actions from the GHG inventory analysis and states that there are no feasible mitigation measures.

1. We urge City Council to respond by **supplying specific dates, timelines and funding for achieving the sustainability goals in Table 8H in order to commit the city to reduce GHG and improve air quality** (see below)

15-3

2. We also urge the city to **adopt the sustainability measures in Table 8H specifically as City ordinances and baseline features.**

3. Last, we encourage the city to consider calling out **environmental justice features of the Downtown Specific Plan** in order to help highlight efforts for a future General Plan. For example, the plan could highlight the inclusive housing actions that will build from state density bonus laws.

15-4

The following comments describe further elaboration on the Sustainability Implementation Actions contained in Table 8H that would lead to concrete reductions in air pollutant and GHG emissions in compliance with CEQA.

15-5

2. Response to Comments

____ Updates to Table 8H for consideration _____

Table 8H, Implementation Actions: Sustainability

- Action 1: Electrify Downtown Buildings by 2040, With Exceptions as Deemed Necessary
 - Methodology/Step 1B: Transition all restaurants, commercial, office and residential uses to electric space and water heating, appliances, etc., including heat pumps for new or replacement boilers and other energy efficient technology. **This step will be achieved through city ordinance adopted for implementation in 2023, enforced through building inspection at point of sale with requirements to replace gas appliances that have served 80% or more of their rated service life with electric appliances before sale and when modification to a building requires City inspection.**
 - Methodology/Step 1C: Incentivize new and emerging technologies in building design and energy efficiency for new and retrofit projects. (See **Action 3 for establishing a Carbon Mitigation Fund**). The incentive program would be designed under the direction of the Natural Resources Commission with the assistance of the appropriate City departments, and would entail either direct payments to eligible building owners or monetary awards to HVAC and energy efficiency installation contactors. The program would be established simultaneously with the Carbon Mitigation Fund in Action 3.
 - Methodology/Step 1D: Require net zero energy for new and retrofit construction, beyond current Title 24 and CALGreen requirements. **This step will be achieved through city ordinance adopted in 2023, enforced through building code inspection.** Achieving net zero energy may be done through payments to the Carbon Mitigation Fund described in Action 3 if doing so is not technically possible within the footprint of the building and its associated infrastructure.
 - Methodology/Step 1E: Implement energy production (e.g. solar) requirements on all buildings (residential and non-residential/commercial) where not currently required. **This requirement could be satisfied with a shared or “community” energy production and storage facility that serves multiple buildings. This step will be achieved through city ordinance adopted in 2023, enforced through building code inspection.**
 - Methodology/Step 1F: Explore collaboration with UC Davis’ plans for district heating system. **This step can be achieved with a joint planning process and construction with UCD to expand its project to update its district heating system to be carbon neutral by 2025.**
- Action 2: Create a Downtown that is Microgrid and Storage-Ready. **The intent of this action is to enable all buildings in the entire downtown area to have continuous electricity service when utility grid outages occur.**

15-5
CONT'D

15-6

2. Response to Comments

- Methodology/Step 2A: Coordinate microgrid feasibility and planning with local utilities. **Planning Commission to work with Planning and Public Works Departments to develop this plan and coordinate with Pacific Gas & Electric and Valley Clean Energy Alliance. Planning would commence in 2023 with the plan finalized by 2025.**
- Methodology/Step 2B: Consider electric vehicle (EV) fleet as part of electric load demand management. **Public Works to create a program for public and private EVs to participate in operation of the downtown microgrid(s) as part of Action 4/Step 4A. Public Works should collaborate with VCE to design the program to contribute also to VCE's energy procurement and operational needs.**
- Methodology/Step 2C: Embed microgrid and storage requirements in zoning, and building codes. **This step will be achieved through (1) a requirement for new construction to be microgrid-ready in 2023 and (2) a collaborative planning process with VCE and microgrid experts to be started in 2024 and completed in 2026, followed by adoption of City ordinances adopting these requirements in its Reach Code for residential and non-residential buildings and its development agreements.**
- Action 3: Create a Carbon Mitigation Fund **by 2025, to be designed starting in 2023 under the direction of the Natural Resources Commission. Such a fund would be used to pay for retrofits in Downtown buildings earlier than and beyond those that are required under City ordinances in general and as specified as part of this Sustainability Plan. The funds would be disbursed as described above in Action 1/Step 1C.**
 - Methodology/Step 3A: Municipal fund: Cost savings from energy efficiency and greenhouse gas (GHG) savings go into a fund to be used to spur further investments in reducing energy use **through an incentive system designed as part of the Carbon Mitigation Fund development. Municipal savings would be collected in the fund beginning in 2023.**
 - Methodology/Step 3B: Residential/commercial fund: Implement developer impact fees (See Utility Rate Advisory Commission (URAC) minutes from January 15, 2020 minutes: [Item-5A-Minutes-2020-01-15-Utilities-Commission-Approved](#) for recommended language on districtwide mitigation fund). **To the extent that such a fund is adopted as an action in the City's Climate Action and Adaptation Plan, the two funds can be merged for ease of operation. The developer impact fee fund would be established in 2023 at the time that other fees are set for the Specific Plan.**
- Action 4: Aim to Electrify All Fuel-Dependent Downtown Transportation by 2040
 - Methodology/Step 4A: Plan for electric vehicle (EV) charging for all vehicles (personal, shared, commercial, bus/ shuttle), and ensure electrical infrastructure to handle loads. **Public Works to create an EV charging plan by 2025 in cooperation with Valley Clean Energy with full**

15-6
CONT'D

15-7

15-8

2. Response to Comments

implementation satisfied by 2030. Planning should consider including on-site generation (e.g., solar PV) and stationary storage so that charging stations can also serve as supply and load management assets for VCE.

- o Methodology/Step 4B: Aim to fully electrify City of Davis fleet and Unitrans fleet **by 2030. Funding sources are to be identified by 2024, including from investment and operational savings for the fleets to repay debt financing; available state and federal grants that the City, Yolo County and UCD may be eligible for; investment vehicles such as micro bonds to mobilize resident participation; and special taxes, fees or charges on City residents and businesses.**
- o Methodology/Step 4C: Embed EV infrastructure requirements in zoning, and building codes for the Specific Plan area **by 2025. These requirements will include being fully capable of bi-directional charging to the extent allowed and determined by state law and regulations, and are to be updated as technology and regulations evolve.**

RICHARD J. MCCANN


15-8
CONT'D

2. Response to Comments

Response to Comments from Richard J. McCann, dated September 16, 2022.

- 15-1 The commenter states the DEIR determines impacts would be significant and unavoidable with no feasible mitigation measures for air quality and GHG emissions. The commenter references Table 8H, Implementation Actions and densifying downtown as an adequate mitigation measure. The commenter ass that these measures were presented by the DPAC Sustainability Review Team on October 24, 2018.
- See response to comment 14-2.
- 15-2 The commenter quotes the DEIR statement on page 4-6.28 regarding using a conservative approach when analyzing the net increase in GHG emissions from the Downtown Davis Specific Plan. The commenter states that the DEIR seems to exclude actions from the GHG inventory analysis and instead state that there are no feasible mitigation measures.
- See response to comment 14-3.
- 15-3 The commenter urges the City Council to respond by supplying specific dates, timelines, and funding for achieving the sustainability goals in Table 8H in order to commit the city to reduce GHG and improve air quality. The commenter also urges the City to adopt the sustainability measures in Table 8H specifically as City ordinances and baseline features.
- See response to comment 14-4 and 14-5.
- 15-4 The commenter encourages the City to consider calling out environmental justice features of the Downtown Specific Plan in order to help highlight efforts for a future General Plan. The commenter explains the Specific Plan could highlight the inclusive housing actions that will build from state density bonus laws.
- See response to comment 14-6.
- 15-5 The commenter describes further elaboration on the Sustainability Implementation Actions contained in Table 8H specifically Action 1: Electrifying Downtown Buildings by 2040, With Expectations as Deemed Necessary and Methodology/Step 1B-F.
- As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration. The commenter has been added to the distribution list for the proposed project.
- 15-6 The commenter describes further elaboration on the Sustainability Implementation Actions contained in Table 8H specifically Action 2: Create a Downtown that is Microgrid and Storage-Ready and Methodology/Step 2A-C.

2. Response to Comments

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration. The commenter has been added to the distribution list for the proposed project.

- 15-7 The commenter describes further elaboration on the Sustainability Implementation Actions contained in Table 8H specifically Action 3: Create a Carbon Mitigation Fund and Methodology/Step 3A-B.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration. The commenter has been added to the distribution list for the proposed project.

- 15-8 The commenter describes further elaboration on the Sustainability Implementation Actions contained in Table 8H specifically Action 4: Aim to Electrify All Fuel-Dependent Downtown Transportation by 2040 and Methodology/Step 4A-C.

As this comment does not describe any inadequacies in the CEQA analysis or conclusion in the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration. The commenter has been added to the distribution list for the proposed project.

3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the DEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of DEIR publication; and/or (3) typographical errors. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the DEIR. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the DEIR. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR.

Page 1-9, Chapter 1, *Executive Summary*, Table 1-1, *Summary of Impacts and Mitigation Measures*. Mitigation Measure BIO-1 is revised as follows in response to Comment C-3 and Comment C-4, from Kevin Thomas, Regional Manager, California Department of Fish and Wildlife, dated September 8, 2022.

Mitigation Measure BIO-1: If grading, tree trimming or removal, and/or demolition or construction activities would occur during the migratory bird nesting season (~~February 1 – August 31~~ March 15 – August 15) or bat roosting season (~~April 1-September 30~~), the project applicant shall provide preconstruction surveys to identify active bird nests or roosting bats conducted by a qualified biologist within ~~44~~ three (3) days prior to construction initiation on specific project sites. Focused surveys must be performed by a qualified biologist for the purpose of determining the presence/absence of active nest sites within the proposed impact area and a 200-foot buffer (if accessible). Surveys shall be repeated if construction activities are delayed or postponed for more than ~~30~~ 15 days.

If active nest sites are identified within ~~200~~ 250 feet of project activities, project applicants shall consult with a qualified biologist to impose a 100-foot setback for all active nest sites prior to commencement of any project construction activities to avoid construction or access-related disturbances to bird nesting activities. The distance of the setback shall depend on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule as determined by the qualified biologist. The minimum distance for the setback shall be 250 feet. Project-related activities (i.e., vegetation removal, earth moving, and construction) shall not occur within setbacks until the nest is deemed inactive by a qualified biologist. Activities permitted within and the size (i.e., ~~400~~ 250 feet minimum) of setbacks may be adjusted through consultation with the CDFW and/or the City.

3. Revisions to the Draft EIR

Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged, are foraging independently, and are no longer dependent on the nest, as determined by the qualified biologist. The qualified biologist shall regularly monitor the nest and shall have stop work authority if construction activities are having an adverse impact on the nest.

Should a project within the Specific Plan Area qualify as a covered activity under the Yolo HCP/NCCP, the project applicant shall prepare and submit an HCP/NCCP application package including all applicable Avoidance and Minimization Measures recommended in the HCP/NCCP.

Page 1-9, Chapter 1, *Executive Summary*, Table 1-1, *Summary of Impacts and Mitigation Measures*. Mitigation Measure BIO-1 is revised as follows in response to Comment C-6, Comment C-7, Comment C-8, and Comment C-9, from Kevin Thomas, Regional Manager, California Department of Fish and Wildlife, dated September 8, 2022.

Mitigation Measure BIO-2: If the project requires tree trimming or removal, and/or building demolition, six months prior to such activities, a qualified biologist shall survey the project site for potentially suitable bat roosting habitat. If suitable bat habitat is identified, the bat biologist shall survey the potential roosting habitat for occupied roosts ~~provide preconstruction surveys to identify roosting bats conducted within 14 days~~ 48 hours prior to the start of any project activities that may directly or indirectly impact potentially suitable roosting habitat. ~~project initiation on specific project sites.~~ Focused surveys must be performed by a qualified wildlife biologist for the purpose of determining the presence/absence of roosting bats within the proposed impact area. Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days. If roosting bats are discovered during the surveys, the following would be implemented to avoid impacts to bat species:

- a) The qualified biologist shall establish a no-disturbance buffer around the roost. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.
- b) The pruning or removal of living trees or snags or the demolition of buildings should not occur during the maternity season between April 15 and September 1 to minimize the disturbance of young that may be present and unable to fly. During the non-maternity season, bats roosting in buildings must be passively excluded within 48 hours of building demolition or disturbance.
- c) **Bat Exclusion:** The qualified bat biologist should prepare a plan for the passive exclusion of the bats from the roost. Exclusion should be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). If project activities occur outside these periods, the qualified bat biologist should monitor the roost prior to exclusion to confirm that it does not support a maternity colony or hibernaculum. If a maternity colony or hibernaculum is or may be present, the roost should be avoided until it is no longer active, or until the qualified bat biologist can confirm that no maternity colony or hibernaculum is present.

3. Revisions to the Draft EIR

- d) **Tree trimming and/or removal:** The pruning or removal of living trees or snags ~~must~~ shall only occur either (1) between approximately March 1 and April 15, (between the hours of 12 p.m. and sunset on days after nighttime nights when low temperatures of were 50°F or warmer cooler and when rainfall less than 1/2 inch in 24 hours occurs to minimize impacting bats that may be present in deep torpor); or (2) between September 1 and October 15 prior to hibernation (or between the hours of 12 p.m. and sunset on days after nighttime low temperatures of 50°F or cooler and onset of rainfall greater than 1/2 inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist. Trees should be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches should be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures should be avoided, and only branches or limbs without those features should be removed. On the second day, the entire tree should be removed.
- When it is necessary to perform crown reduction on trees over 12 inches in diameter breast height or remove entire trees or branches over 6 inches in diameter, there shall be preliminary pruning of small branches less than 2 inches in diameter performed the day before. The purpose of this is to minimize the probability that bats would choose to roost in those trees the night before the work is performed.
 - If it is not possible to implement Measures c ~~and/or d~~, then a qualified wildlife biologist will be required to conduct tree cavity surveys and humanely and passively evict roosting bats within 24 hours of vegetation management activities. Measure a, i.e., avoidance of maternity season, is critical as young bats that are not able to fly cannot be humanely evicted.
- e) **Bat exclusion from structures:** Exclusion devices be installed on structures between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than 1/2 inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than 1/2 inch in 24 hours) to prevent bats from accessing the structures. Actively used openings should have a one-way door installed to allow the bats to leave the roost, but not re-enter. After 7 to 10 days, the one-way doors should be removed and the opening blocked or sealed. The qualified biologist should monitor the roost prior to exclusion to confirm that it does not support a maternity colony. If a maternity colony is or may be present, the roost should be avoided until it is no longer active, or until the qualified biologist can confirm that no maternity colony is present. Because of the large variability in the way bats use structures, CDFW recommends that a plan on how to monitor and exclude bats be developed by a qualified biologist and submitted to CDFW for review and approval.

Page 4.3-10, Section 4.3, *Biological Resources*. Mitigation Measure BIO-1 is revised as follows in response to Comment C-3 and Comment C-4, from Kevin Thomas, Regional Manager, California Department of Fish and Wildlife, dated September 8, 2022.

Mitigation Measure BIO-1: If grading, tree trimming or removal, and/or demolition or construction activities would occur during the migratory bird nesting season (~~February 1 – August 31~~ March 15 – August 15) or bat roosting season (April 1-September 30), the project applicant shall provide preconstruction surveys to

3. Revisions to the Draft EIR

identify active bird nests or roosting bats conducted by a qualified biologist within 44 ~~three (3)~~ days prior to construction initiation on specific project sites. Focused surveys must be performed by a qualified biologist for the purpose of determining the presence/absence of active nest sites within the proposed impact area and a 200-foot buffer (if accessible). Surveys shall be repeated if construction activities are delayed or postponed for more than ~~30~~ 15 days.

If active nest sites are identified within ~~200~~ 250 feet of project activities, project applicants shall consult with a qualified biologist to impose a 400-foot setback for all active nest sites prior to commencement of any project construction activities to avoid construction or access-related disturbances to bird nesting activities. The distance of the setback shall depend on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule as determined by the qualified biologist. The minimum distance for the setback shall be 250 feet. Project-related activities (i.e., vegetation removal, earth moving, and construction) shall not occur within setbacks until the nest is deemed inactive by a qualified biologist. Activities permitted within and the size (i.e., ~~400~~ 250 feet minimum) of setbacks may be adjusted through consultation with the CDFW and/or the City.

Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged, are foraging independently, and are no longer dependent on the nest, as determined by the qualified biologist. The qualified biologist shall regularly monitor the nest and shall have stop work authority if construction activities are having an adverse impact on the nest.

Should a project within the Specific Plan Area qualify as a covered activity under the Yolo HCP/NCCP, the project applicant shall prepare and submit an HCP/NCCP application package including all applicable Avoidance and Minimization Measures recommended in the HCP/NCCP.

Page 4.3-10 and 4.3-11, Section 4.3, *Biological Resources*. Mitigation Measure BIO-2 is revised as follows in response to Comment C-6, Comment C-7, Comment C-8, and Comment C-9, from Kevin Thomas, Regional Manager, California Department of Fish and Wildlife, dated September 8, 2022.

Mitigation Measure BIO-2: If the project requires tree trimming or removal, and/or building demolition, six months prior to such activities, a qualified biologist shall survey the project site for potentially suitable bat roosting habitat. If suitable bat habitat is identified, the bat biologist shall survey the potential roosting habitat for occupied roosts ~~provide preconstruction surveys to identify roosting bats conducted within 14 days~~ 48 hours prior to the start of any project activities that may directly or indirectly impact potentially suitable roosting habitat. ~~project initiation on specific project sites.~~ Focused surveys must be performed by a qualified wildlife biologist for the purpose of determining the presence/absence of roosting bats within the proposed impact area. Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days. If roosting bats are discovered during the surveys, the following would be implemented to avoid impacts to bat species:

3. Revisions to the Draft EIR

- a) The qualified biologist shall establish a no-disturbance buffer around the roost. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.
- b) The pruning or removal of living trees or snags or the demolition of buildings should not occur during the maternity season between April 15 and September 1 to minimize the disturbance of young that may be present and unable to fly. During the non-maternity season, bats roosting in buildings must be passively excluded within 48 hours of building demolition or disturbance.
- c) **Bat Exclusion:** The qualified bat biologist should prepare a plan for the passive exclusion of the bats from the roost. Exclusion should be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). If project activities occur outside these periods, the qualified bat biologist should monitor the roost prior to exclusion to confirm that it does not support a maternity colony or hibernaculum. If a maternity colony or hibernaculum is or may be present, the roost should be avoided until it is no longer active, or until the qualified bat biologist can confirm that no maternity colony or hibernaculum is present.
- d) **Tree trimming and/or removal:** The pruning or removal of living trees or snags ~~must~~ shall only occur either (1) between approximately March 1 and April 15, (between the hours of 12 p.m. and sunset on days after nighttime nights when low temperatures of ~~were~~ 50°F or warmer cooler and when rainfall less than ½ inch in 24 hours occurs to minimize impacting bats that may be present in deep torpor); or (2) between September 1 and October 15 prior to hibernation (or between the hours of 12 p.m. and sunset on days after nighttime low temperatures of 50°F or cooler and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist. Trees should be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches should be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures should be avoided, and only branches or limbs without those features should be removed. On the second day, the entire tree should be removed.
- When it is necessary to perform crown reduction on trees over 12 inches in diameter breast height or remove entire trees or branches over 6 inches in diameter, there shall be preliminary pruning of small branches less than 2 inches in diameter performed the day before. The purpose of this is to minimize the probability that bats would choose to roost in those trees the night before the work is performed.
 - If it is not possible to implement Measures c ~~and/or d~~, then a qualified wildlife biologist will be required to conduct tree cavity surveys and humanely and passively evict roosting bats within 24 hours of vegetation management activities. Measure a, i.e., avoidance of maternity season, is critical as young bats that are not able to fly cannot be humanely evicted.

3. Revisions to the Draft EIR

- b) **Bat exclusion from structures:** Exclusion devices be installed on structures between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours) to prevent bats from accessing the structures. Actively used openings should have a one-way door installed to allow the bats to leave the roost, but not re-enter. After 7 to 10 days, the one-way doors should be removed and the opening blocked or sealed. The qualified biologist should monitor the roost prior to exclusion to confirm that it does not support a maternity colony. If a maternity colony is or may be present, the roost should be avoided until it is no longer active, or until the qualified biologist can confirm that no maternity colony is present. Because of the large variability in the way bats use structures, CDFW recommends that a plan on how to monitor and exclude bats be developed by a qualified biologist and submitted to CDFW for review and approval.
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Page 4.3-13, Section 4.3, *Biological Resources*. The following text presenting the Avoidance and Mitigation Measures related to Swainson's Hawks from the Yolo HCP/NCCP is added to the analysis of Impact BIO-6 in response to Comment C-10 from Kevin Thomas, Regional Manager, California Department of Fish and Wildlife, dated September 8, 2022.

BIO-6 Implementation of the proposed project would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other habitat conservation plan.

The Specific Plan is within the area covered by the Yolo HCP/NCCP, which encompasses Yolo County and a 1,174-acre expanded Plan Area for riparian conservation in Solano County. This plan is intended to conserve the natural open space and agricultural landscapes that provide habitat for many special status and at-risk species found within the habitats and natural communities in Yolo County. Development within the Specific Plan area would be considered a covered activity under the HCP/NCCP if it has a reasonable potential or likelihood to affect a covered species adversely. Covered activities must adopt the applicable Avoidance and Minimization Measures in order to receive coverage under the Yolo HCP/NCCP. These include general project design features, general construction and operations maintenance activities, measures that minimize impacts to sensitive natural communities, and measures that minimize adverse effects on each of the 12 covered species. As described under Impact BIO-1 above, implementation of the Specific Plan could result in disturbance to trees and buildings which could thereby cause the harassment, injury, or mortality of covered species, primarily nesting birds. To ensure compliance with the HCP/NCCP, projects under the Specific Plan would be required to retain a qualified biologist to conduct planning-level surveys and identify natural communities and important elements of covered species habitat in the area of impact. If the surveys determines that the project would result in adverse impacts to covered species, the project would be required to adopt applicable Avoidance and Minimization Measures (AMM's). The following AMM's for nesting birds would be required under the Yolo HCP/NCCP:

3. Revisions to the Draft EIR

TABLE 4.3-1 AVOIDANCE AND MINIMIZATION MEASURES FOR NESTING BIRDS FROM THE YOLO HCP/NCCP

<u>Covered Species</u>	<u>Planning Level Surveys</u>	<u>Design Requirements</u>	<u>Preconstruction Surveys</u>	<u>Construction and Operations and Maintenance Requirements</u>
<u>Swainson’s hawk and white-tailed kite</u>	<u>Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts of HCP/NCCP) in and within 1,320 feet of project footprint. Identify suitable nest trees.</u>	<u>Avoid potential nesting trees, with 1,320-foot setbacks from the trees during nesting, to the extent practicable. Up to 20 Swainson’s hawk nest trees (documented nesting within the last 5 years) may be removed during the course of the permit term, but not while occupied by Swainson’s hawks during the nesting season.</u>	<u>For construction, if activity would occur within 1,320 feet of nesting habitat, conduct preconstruction surveys for active nests, consistent with Swainson’s Hawk Technical Advisory Committee (2000). Survey period: March 15– August 30 For operations and maintenance, if activity involves pruning or removal of suitable nest trees, conduct preconstruction surveys for active nests, consistent with Swainson’s Hawk Technical Advisory Committee (2000). Survey period: March 15– August 30</u>	<u>For construction, from March 15 to August 30, no activity within 1,320 feet of active nests (as identified through preconstruction surveys), unless a qualified biologist has determined that the young have fledged and the nest is no longer active or the Conservancy, USFWS, and CDFW agree to a lesser buffer distance. For operations and maintenance, if occupied nest sites are present within 1,320 feet, tree pruning and removal will be deferred until the nest is no longer being used by adults and young.</u>
<u>Western yellowbilled cuckoo</u>	<u>Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 500 feet of project footprint. If project, as designed, will not avoid habitat by 500 feet (or a lesser distance if approved by the Conservancy) and there are no breeding records for the species within one-quarter mile of the site from the previous three years, conduct planning-level surveys, consistent with USFWS protocol (Appendix L of the HCP/NCCP), to determine if an occupied territory is present. Survey period: June 1– August 30</u>	<u>For construction projects, avoid or minimize activities within 500 feet of suitable nesting habitat. If the covered activity would encroach within 500 feet of habitat and an occupied territory is identified during planning-level surveys, or there are records of the species occurring within one-quarter mile of the activity within the last three years, the project must be designed to avoid activities within 500 feet of suitable nesting habitat, unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. For operations and maintenance activities, follow the same requirements as for construction, unless activity does not remove habitat or occur during nesting season (June 1–August 30). If activity does not remove habitat or occur</u>	<u>For construction, if activity within 500 feet of nesting habitat (whether or not active nests were discovered during planning-level surveys) must occur between June 1 and August 30, conduct preconstruction surveys, consistent with USFWS protocol (Appendix L), during the same season when the activity will occur. For operations and maintenance, same as above, unless activity does not remove habitat and happens outside the nesting season.</u>	<u>From June 1 to August 30, avoid activity within 500 feet of active nests (as identified through preconstruction surveys).</u>

3. Revisions to the Draft EIR

TABLE 4.3-1 AVOIDANCE AND MINIMIZATION MEASURES FOR NESTING BIRDS FROM THE YOLO HCP/NCCP

<u>Covered Species</u>	<u>Planning Level Surveys</u>	<u>Design Requirements</u>	<u>Preconstruction Surveys</u>	<u>Construction and Operations and Maintenance Requirements</u>
		during the nesting season, no design requirements are necessary.		
<u>Western burrowing owl</u>	<p><u>Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts of the HCP/NCCP) in and within 500 feet of project footprint. If the activity will occur in western burrowing habitat, a qualified biologist will conduct planning-level surveys for occupied habitat, consistent with CDFW guidelines for Phase II burrow surveys (California Department of Fish and Game 2012).</u></p> <p><u>Survey period: February 1–August 31 during the breeding season; December 1–January 31 during nonbreeding season</u></p>	<p><u>Design project to minimize activities in the vicinity of occupied burrows, consistent with Table 4-2 of the HCP/NCCP.</u></p>	<p><u>If burrows cannot be avoided, consistent with Table 4-2, a qualified biologist will conduct preconstruction surveys up to 30 days prior to construction to identify active burrows in the area of impact (area of impact is defined in Section 8.4.1.2, Land Cover Fee of the HCP/NCCP).</u></p>	<p><u>Avoid all nest sites during the breeding season (February 1 to August 31) with a buffer consistent with Table 4-2 of the HCP/NCCP, or as otherwise approved by the Conservancy and wildlife agencies. Construction may occur inside the disturbance buffer if the project proponent develops an avoidance, minimization, and monitoring plan, as described in AMM18, Minimize Take and Adverse Effects on Habitat of Western Burrowing Owl (Section 4.3.4, Covered Species of the HCP/NCCP). Avoid all occupied burrows outside the breeding season (February 1 to August 31) with a 250-foot buffer, unless specific criteria are met, as described in Section 4.3.4 of the HCP/NCCP. A qualified biologist will monitor the site, as described in Section 4.3.4 of the HCP/NCCP. Passive relocation (or active relocation upon wildlife agency approval) may be implemented, as described in Section 4.3.4 HCP/NCCP.</u></p>
<u>Least Bell’s vireo</u>	<p><u>Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 500 feet of project footprint. If project, as designed, will not avoid habitat by 500 feet (or a lesser distance if approved by the Conservancy, USFWS, and CDFW) and there are no</u></p>	<p><u>For construction projects, avoid or minimize activities within 500 feet of suitable nesting habitat. If the covered activity would encroach within 500 feet of habitat and an occupied nest is identified during planning-level surveys, or there are records of the species occurring within one-quarter mile of the activity</u></p>	<p><u>For construction, if activity within 500 feet of nesting habitat (whether or not active territories were discovered during planning-level surveys) must occur between April 1 and July 15, conduct preconstruction surveys, consistent with USFWS (2012), during the same season when the activity will occur. For operations and</u></p>	<p><u>From April 1 to July 15, avoid activity within 500 feet of active nests (as identified through preconstruction surveys), unless a lesser distance is approved by the Conservancy, USFWS, and CDFW.</u></p>

3. Revisions to the Draft EIR

TABLE 4.3-1 AVOIDANCE AND MINIMIZATION MEASURES FOR NESTING BIRDS FROM THE YOLO HCP/NCCP

<u>Covered Species</u>	<u>Planning Level Surveys</u>	<u>Design Requirements</u>	<u>Preconstruction Surveys</u>	<u>Construction and Operations and Maintenance Requirements</u>
	<u>breeding season (or nesting) records for the species within one-quarter mile of the site from the previous three years, conduct planning-level surveys, consistent with USFWS (2001), to determine if an occupied territory is present. Survey period: April 1–July 15</u>	<u>within the last three years, the activity must be designed to avoid activities within 500 feet of suitable nesting habitat, unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. For operations and maintenance activities, follow the same requirements as for construction, unless activity does not remove habitat or occur during nesting season (April 1 to July 15). If activity does not remove habitat or occur during the nesting season, no design requirements are necessary.</u>	<u>maintenance, same as above, unless activity does not remove habitat and happens outside the nesting season</u>	
<u>Bank swallow</u>	<u>Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 500 feet of project footprint. If project cannot avoid nesting habitat by 500 feet, conduct visual surveys to determine if an active colony is present. CDFW will be notified of any active colony located during surveys. Survey period: March 1–August 15 If project, as designed, will not avoid nesting habitat by 500 feet, check records maintained by Conservancy and CDFW to determine if bank swallow nesting colonies have been active within the previous five years. Operations and maintenance activities with temporary effects or other temporary activities that do not remove or modify nesting habitat and do not occur during the nesting season (March 1 to August 15) do not</u>	<u>If active colony is present or has been present within the last five years, design project to avoid adverse effects within 500 feet of the colony site(s), unless a shorter distance is approved, based on site-specific conditions, by the Conservancy, USFWS, and CDFW. If colony is not present or has not been present within the last five years, a 500-foot buffer is not necessary.</u>	<u>None</u>	<u>From March 1 to August 15, no activity within 500 feet of nesting colony that has been active within the last five years (as identified through planning level surveys and record search), unless approved by the Conservancy, USFWS and CDFW. From July 31 to April 14, a buffer distance of less than 200 feet may be applied if approved by the Conservancy, USFWS, and CDFW.</u>

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TABLE 4.3-1 AVOIDANCE AND MINIMIZATION MEASURES FOR NESTING BIRDS FROM THE YOLO HCP/NCCP

<u>Covered Species</u>	<u>Planning Level Surveys</u>	<u>Design Requirements</u>	<u>Preconstruction Surveys</u>	<u>Construction and Operations and Maintenance Requirements</u>
	<p><u>need to conduct nest surveys and do not need to implement additional avoidance measures for this species.</u></p>			
<u>Tricolored blackbird</u>	<p><u>Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 1,300 feet of project footprint.</u> <u>If project, as designed, will not avoid nesting habitat by 1,300 feet, conduct planning-level surveys, consistent with Kelsey (2008), to determine if an active colony is present.</u> <u>Survey period: March 1–July 30</u> <u>If project, as designed, will not avoid nesting habitat by 1,300 feet, check records maintained by Conservancy to determine if there have been active tricolored blackbird nesting colonies within the previous five years</u></p>	<p><u>If active colony is present or has been present within the last five years, design project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved, based on site-specific conditions, by the Conservancy, USFWS, and CDFW.</u></p>	<p><u>None</u></p>	<p><u>From March 1 to July 30, no activity within 1,300 feet of nesting colony that has been active within the last five years (as identified through planning level surveys and record search).</u></p>

Source: Yolo Habitat Conservancy, Yolo HCP/NCCP, Section 4.3, Table 4-1

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As stated within Mitigation Measure BIO-1, if a future project in the Specific Plan area is considered a covered activity under the HCP/NCCP, it would be required to submit an application package for coverage within the Yolo HCP/NCCP and implement all additional mitigation necessary to meet the requirements of the HCP/NCCP.

As implementation of the proposed project would not conflict with the Yolo HCP/NCCP or any other habitat conservation plans, impacts would be less than significant.

Page 4.4-8, Section 4.4, *Cultural Resources*. The following revision is made to Section 4.4.1.2, *Existing Conditions* in response to Comment E-2 from Kemble K. Pope and Steven J. Greenfield, on behalf of Trackside Center LCC, dated September 14, 2022.

Page 4.4-8, Section 4.4, *Cultural Resources*. The following revision is made to Section 4.4.1.2, *Existing Conditions* in response to Comment H-8 from Corinne I. Calfee on behalf of Opterra Law dated September 16, 2022.

In addition, the City has identified 40 additional properties/areas in the Downtown Specific Plan area that should be surveyed to determine their potential as historic resources and identified these as “priority” survey areas. However, no additional or special requirements would apply if development applications are submitted for any of these properties. These “priority” properties or areas include:

- Amtrak station
- Davis Commons
- All properties on ~~east-west~~ side of G Street within the Downtown Plan area (from 1st Street to East 8th Street)
- All properties on west side of G Street from 2nd Street to 5th Street
- All properties within block bound by: 2nd Street, E Street, 3rd Street, and F Street
- All properties within block bound by 2nd Street, F Street, 3rd Street, and G Street
- All properties within block bound by 3rd Street, E Street, 4th Street, and F Street
- Properties fronting on the north side of 3rd Street between E Street and F Street
- ~~■ 901 3rd Street~~
- 907 4th Street
- 904 4th Street
- 912 5th Street
- 412 C Street
- 500 5th Street
- 512 5th Street
- 413 E Street
- 255 2nd Street
- 239 2nd Street
- 204 University Ave
- 212 University Ave
- 218 University Ave

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- 222 University Ave
- 232 University Ave
- 220/226 3rd Street
- 232 3rd Street
- 236 3rd Street
- 240 3rd Street
- 241 B Street
- 301 B Street
- 329 B Street
- 247 B Street
- 235 3rd Street
- 231 3rd Street
- 307 University Ave
- 312 University Ave
- 207 3rd Street/302 A Street
- 230 A Street
- 224 A Street
- 214 A Street
- 209 2nd Street

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The following are additional revisions that have been made to the Draft EIR.

Page 1-2, Chapter 1, *Executive Summary*. The following revision is made to the sixth bullet in Section 1.1.1, *EIR Organization*, to clarify the manner in which cumulative impacts are discussed in Chapter 6, *CEQA Mandated Sections*.

- **Chapter 6: CEQA-Mandated Sections.** Discusses growth inducement, ~~cumulative impacts~~, unavoidable significant effects, cumulative impacts that are significant and unavoidable, and significant irreversible changes as a result of the proposed project.

Page 1-4, Chapter 1, *Executive Summary*. The following revisions are made to the second paragraph in Section 1.3, *Project Summary*.

The primary purposes of the proposed project are to replace the outdated Core Area Specific Plan (CASP), to extend the buildout horizon in the Specific Plan Area to year 2040, and to update guiding policies and implementing actions and zoning so that they meet current State requirements and community priorities. The proposed project will become the new guide to long term development and infrastructure for Downtown Davis. It evaluates and addresses existing development policies, codes, and guidelines, addresses recurring challenges

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to the development process, and will enhance the quality of life in Davis. The proposed Specific Plan includes ~~six~~ ten overarching goals which serve as a framework for guiding policies and implementing actions which would facilitate anticipated growth in the Specific Plan Area. The goals, ~~which serve as the~~ serve to inform the following project objectives for the EIR, ~~are~~ as follows:

Page 1-8, Chapter 1, *Executive Summary*. The following revisions are made to the impact statement of AQ-4 in Table 1-1, *Summary of Impacts and Mitigation Measures*.

AQ-4: Implementation of the Downtown Davis Specific Plan would Result in other emissions (such as those ~~leading generating~~ odors) but would not adversely affect a substantial number of people.

Page 3-5, Chapter 3, *Project Description*. The following revisions are made to the first paragraph in Section 3.1.1.3, *Project Objectives*.

The primary purposes of the proposed project are to replace the outdated Core Area Specific Plan (CASP), to extend the buildout horizon in the Specific Plan Area to year 2040, and to update guiding policies and implementing actions and zoning so that they meet current State requirements and community priorities. The proposed project will become the new guide to long term development and infrastructure for Downtown Davis. It evaluates and addresses existing development policies, codes, and guidelines, addresses recurring challenges to the development process, and will enhance the quality of life in Davis. The proposed Specific Plan includes ~~six~~ ten overarching goals which serve as a framework for guiding policies and implementing actions which would facilitate anticipated growth in the Specific Plan Area. The goals, ~~which serve as the~~ serve to inform the following project objectives for the EIR, ~~are~~ as follows:

Page 3-9, Chapter 3, *Project Description*. The following revision is made to the paragraph under G Street.

The G Street neighborhood is located to the east of the Heart of Downtown neighborhood, located along the eastern edge of the Specific Plan Area. The G Street neighborhood has historical characteristics that ties the railroad, which runs through the G Street neighborhood, with industrial-style architecture. The proposed Specific Plan envisions the G Street neighborhood as a flex district with scalable spaces close to services and amenities to support commercial, service, and entrepreneurial land uses. Development of a maximum five stories would be allowed in the G Street neighborhood, set at or near the sidewalk, with active ground floor uses and facades that engage pedestrians, though building heights could potentially increase to up to seven stories within the blocks located between Third and Second Streets under one potential scenario in the plan. The regulating plan includes a transitional reduction in scale and height to the east of the railroad tracks to encourage a smooth massing transition between the Specific Plan Area and the Old East neighborhood within and to the east of the Specific Plan Area. The properties in the transition area east of the railroad tracks would have building heights up to three stories ~~or under one potential scenario, up to four stories~~. Streetscape improvements in existing right-of-way in the G Street neighborhood would ensure ample pedestrian/bicycle space, green infrastructure, and increased safety while landscaping and parklet improvements are proposed to complement the built environment.

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Page 4.4-8, Section 4.4, *Cultural Resources*. The following revisions are made to the second paragraph under *Historical Resources* in Section 4.4.1.2, *Existing Conditions*.

In addition, the City has identified 40 additional properties/areas in the Downtown Specific Plan area that should be surveyed to determine their potential ~~as additional~~ historic resources and identified these as “priority” survey areas. The evaluation and potential designation of historic resource would be conducted in accordance with city requirements. The City’s Historical Resources Management Ordinance regulates changes to designated resources. However, no additional or special historical requirements would otherwise apply if development applications are submitted for any of these properties or other properties that have been adequately evaluated.

Page 4.5-7, Section 4.5, *Energy*. The following revision is made to the paragraph under *City of Davis 2010 Climate Action and Adaptation Plan* in Section 4.5.1.1, *Regulatory Framework, Local Regulations*.

The City of Davis adopted the Davis Climate Action and Adaptation Plan (CAAP) in June 2010, which was prepared as a guide to achieve the greenhouse gas emissions reduction targets set for the City. (Davis 2010). The City is currently undergoing a comprehensive 2020-2040 CAAP Update, which will include measurable and enforceable actions to reduce greenhouse gases and increase energy efficiency. The CAAP is projected to be ~~completed in early~~ adopted by the City Council by the end of 2022. The 2010 CAAP identifies various objectives across nine sectors to meet the GHG reduction targets and includes the following objectives related to energy.

Page 4.5-14, Section 4.5, *Energy*. The following revision is made to the third paragraph under *Non-Transportation Energy* in Section 4.5.3.3, *Impact Analysis, Impact EN-1, Long Term Operation Impacts*.

Under the 2019 Building Energy Efficiency Standards, future residential buildings of three stories and less in the Plan Area would be required to install solar PV systems. Additionally, under the 2022 Building Energy Efficiency Standards ~~are adopted~~, the PV systems requirement would extend to more residential land use types and would also extend to certain non-residential land uses. Section 8.01.066 of the Davis Municipal Code further requires that new single-family and low-rise multifamily “mixed-fuel” dwellings meet a specified Total Energy Design Rating and include capacity for a future retrofit to facilitate the installation of all electric appliances, and Section 8.01.067 requires that new high-rise multifamily dwellings and non-residential buildings comply with the Tier 1 requirement for energy efficiency, include a PV system sized to offset a portion of energy used, and incorporate EV charging stations.

Page 4.12-2, Section 4.12, *Public Services*. The following revision is made to the text describing Standard a. of Policy POLFIRE 3.2, under *City of Davis General Plan* in Section 4.12.1.1, *Environmental Setting, Regulatory Framework, Local Regulations*.

Standards

- a. All new development shall comply with the ~~first fire~~ fire safety requirements of the California Fire Code and California Building Code as adopted by the City of Davis.

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Page 4.12-3, Section 4.12, *Public Services*. The following revisions are made to the three paragraphs under *Existing Conditions* in Section 4.12.1.1, *Environmental Setting*.

The City of Davis Fire Department is staffed by ~~36~~ 39 shift personnel (9 captains and ~~27~~ 30 firefighters); the department's facilities include three fire stations located in Central, West, and South Davis (Davis 2021a). The Davis Fire Department Headquarters is located at 530 Fifth Street in the Specific Plan Area. Department apparatus consists of 3 engines, 1 rescue, 1 squad, 2 grass/wildland units, 1 water tender, 2 reserve engines, 3 command vehicles, ~~2~~ 1 fire prevention staff vehicle, 1 utility vehicle, 1 staff vehicle, and 2 antique fire apparatus. The Fire Department has contractual agreements with the East Davis County Fire Protection District, the Springlake Fire Protection District, and the No Man's Land Fire Protection District for emergency response to these areas (Davis 2021a).

The Department has an automatic aid agreement with UC Davis, the Cities of Woodland, West Sacramento, and Dixon and a mutual aid agreement with all other fire protection agencies in Yolo County and the State of California (Davis 2021a).

The City ~~relies on~~ has a total response time goal of responding to calls for service within 6:00 minutes for Emergency Medical Services (EMS) calls and 6:20 minutes for fire calls, 90 percent of the time, consistent with the National Fire Protection Agency (NFPA) 1710. The 6:20 minute response time goal for fire calls and NFPA 1710 were adopted by City Council in January 2013 (City of Davis 2013).

Page 4.12-3, Section 4.12, *Public Services*. The following revisions are made to the fourth sentence in the paragraph under *Impact PS-2* in Section 4.12.1.4, *Cumulative Impacts*.

As noted previously, the Specific Plan Area is currently served by the Davis Fire Department and specifically with Station 31, which is located within the Specific Plan Area, and modifications to Station 31 will be needed to accommodate the 100-foot ladder truck authorized by the Davis City Council.

Page 4.14-9, Section 4.14, *Utilities and Service Systems*. The following revision is made to Section 4.14.2.1, *Existing Conditions*, to provide updated information regarding the City's Wastewater Treatment Plant.

Existing Conditions

The City's Wastewater Treatment Plant (WWTP) is located about 4.8 miles northeast of the Specific Plan Area along County Road 28H. The WWTP was constructed in 1970 and provides primary and secondary treatment by oxidation ponds and overland flow. The WWTP was modified in 1980 by the addition of an overland flow treatment step and again in 1989, with a new chlorination/dechlorination system. The initial design and construction of the WWTP allows the City of Davis to treat an average dry weather flow of up to 7.5 mgd and a peak wet weather flow of 12.6 mgd.

The wastewater collection system in the City is a network of pipes and lift stations that transport wastewater from its source to the treatment plant. The WWTP was updated to activated sludge treatment with Title 22 tertiary filtration and disinfection in 2017. All effluent is either discharged to Willow Slough Bypass or is sent

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to 400 acres of constructed wetlands for additional treatment and potential discharge to Conaway Toe Drain (CTD).

The WWTP has recently been upgraded to ensure compliance with all existing and anticipated wastewater discharge standards. The City's WWTP upgrade project included design and construction of improvements to the City's WWTP in order to meet State and federal regulatory discharge requirements contained in the City's adopted 2013 NPDES permit. With completion of the upgrade, the WWTP was sized to accommodate 6.0 mgd of average dry weather flow (ADWF). ADWF is defined as the average of the three consecutive lowest-flow calendar months, which for the City usually coincides with the period of July through September.

However, the original 6.0 mgd ADWF design condition for the WWTP represents a larger population than it did previously due to ongoing increased water conservation. Specifically, the 6.0 mgd ADWF design condition was based on 85,700 people and a per capita ADWF of 70 gallons per day per capita (gpdpc). Recent analysis completed for the City by West Yost Consultants documents a revised per capita ADWF of 62 gpdpc. Applying this number to a population of 85,700 people results in a 5.3 mgd ADWF, which is well within the expected increase in population of the project. The recent capacity analysis documents that the WWTP has available capacity at or above this revised design target of 5.3 mgd influent ADWF.