RESOLUTION NO. 20-124, SERIES 2020

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

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

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

WHEREAS, the Final Environmental Impact Report (SCH #2018112044) consisting of the Draft EIR, responses to comments, edits, clarifying information, erratum, mitigation monitoring and reporting plan, and the Appendix to University Commons Final EIR, prepared on August 20, 2020, was prepared and processed pursuant to the California Environmental Quality Act (CEQA; Public Resources Code § 21000 et seq.) (the "Final EIR"); and

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

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

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

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

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

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

WHEREAS, the Final EIR identified and evaluated certain significant and potentially significant adverse effects on the environment caused by the project relative to air quality, biological resources,

cultural resources, GHG emissions, hazardous materials, hydrology, noise, and transportation impacts and incorporated appropriate mitigation measures. The Final EIR identified significant and unavoidable impacts related to transportation, which requires adoption of a statement of overriding considerations and all other impacts were determined to be less than significant or less than significant with mitigation; and

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

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

WHEREAS, on July 21, 2020 and August 18, 2020, the City Council held a duly noticed public hearing and reviewed the Final EIR prepared for the project, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes or comments, reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

WHEREAS, on August 18, 2020, the City Council passed a motion to approve the University Commons project at reduced building height with a five floor maximum and other project adjustments, with direction for staff to bring back final approval documents at the meeting on August 25, 2020, to reflect the revisions to the project ("Revised Project").

WHEREAS, on August 20, 2020, an Appendix to University Commons Final EIR was prepared to analyze the environmental impacts of the Revised Project. The Appendix concludes that the Revised Project would not affect the adequacy of the EIR analysis and that the impacts from the revised project are within the scope of that which was studied in the EIR. The Appendix is appended to and included in the Final EIR.

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

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

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

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

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

1. Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the Revised Project. The City Council hereby adopts these various findings of fact, attached hereto as Exhibits A and B.

2. Exhibit A of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable". The City Council hereby adopts the Statement of Overriding Considerations contained within Exhibit A.

3. The City Council has determined that the Revised Project is consistent with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) pursuant to SB 375, complies with the requirements of Section 21159.28, 21155.2, and 21099 of CEQA Guidelines and is eligible for CEQA streamlining benefits as a qualifying "transit priority project" and "residential or mixed-use residential project."

4. After considering the Final EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the Revised Project will result in significant effects on the environment, however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.

5. The City Council has considered alternatives to the Revised Project and finds based on substantial evidence in the record that the Project is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.

6. Responses to comments received on the Draft EIR adequately addressed the comments and minor additions and clarifications were provided, but did not result in any significant new information requiring recirculation of the EIR pursuant to Section 15088.5.

7. Revisions to the project requested by the City Council on August 18, 2020 were analyzed in the Appendix to the University Commons Final EIR prepared on August 20, 2020 and incorporated into the Final EIR further concluded that the Final EIR analysis was adequate to cover the Revised Project and that the impacts of the Revised Project are within the scope of the Final EIR. The Appendix is attached as Exhibit C.

8. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.

9. The Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit B, is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

10. The City Council finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.

11. The City Council hereby certifies the Final EIR in accordance with the requirements of CEQA.

12. A Notice of Determination shall be filed immediately after final approval of the project.

13. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:

    a) A copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files with the City of Davis Department of Community Development and Sustainability;
    b) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA "responsible" agencies.

PASSED AND ADOPTED by the City Council of the City of Davis on this 25h day of August, 2020 by the following vote:

AYES: Carson, Lee, Partida

NOES: Arnold, Frerichs

Gloria J. Partida
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION FOR THE

UNIVERSITY COMMONS PROJECT

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

I. INTRODUCTION

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

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

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

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

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

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

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

II. GENERAL FINDINGS AND OVERVIEW

Procedural Background

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

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

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

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

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

Record of Proceedings and Custodian of Record

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

- The NOP, IS, comments received on the NOP, NOA, and all other public notices issued by the City in relation to the University Commons Project Draft EIR.
- The University Commons Project Final EIR, which consists of the Draft EIR, comment letters on the Draft EIR, responses to comments, revisions made to the Draft EIR text, Mitigation Monitoring and Reporting Program, technical materials cited in the document, and the Appendix to University Commons Final EIR prepared August 20, 2020 to address requested revisions to the Project by City Council on August 18, 2020.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Davis and consultants in relation to the EIR.
- Minutes of the discussions regarding the proposed project and/or project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the proposed project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

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

Consideration of the Environmental Impact Report

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

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Findings, or their application to other actions related to the University Commons Project, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. TRANSPORTATION AND CIRCULATION

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

(a) Potential Impact. The potential for the proposed project to cause a substantial adverse impact to bicycle facilities under Existing Plus Project conditions is discussed on pages 4.6-43 through 4.6-53 of the Draft EIR.

(b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the EIR, make infeasible additional mitigation measures or project alternatives identified in the EIR. (State CEQA Guidelines, Section 15091(a)(3).)

(c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds impacts related to bicycle facilities under Existing Plus Project conditions cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, project bicycle trips would be routed through nearby existing bicycle facilities, particularly the bike lanes on Sycamore Lane and Anderson Road, the shared-use paths on the south side of Russell Boulevard and the west side of La Rue Road, and crossing facilities at the Russell Boulevard/Sycamore Lane and Russell Boulevard/Anderson Road/La Rue Road intersections. The aforementioned facilities currently experience very high levels of peak hour bicycle and pedestrian volumes and when combined with the dimensions of path and crossing facilities results in crowding, which degrades the performance of the facilities for both bicyclists and pedestrians. Worsened crowding could result in increased competition for physical space between the modes, which in turn could increase the potential for conflicts, including conflicts involving bicyclists, and further degrade the performance of bicycle facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Potential Impact. The potential for the proposed project to cause a substantial adverse impact to pedestrian facilities under Existing Plus Project conditions is discussed on pages 4.6-54 through 4.6-55 of the Draft EIR.

(b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the EIR, make infeasible additional mitigation measures or project alternatives identified in the EIR. (State CEQA Guidelines, Section 15091(a)(3).)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Potential Impact. The potential for the proposed project to cause a substantial adverse impact to study intersections under Cumulative Plus Project conditions is discussed on pages 4.6-64 through 4.6-71 of the Draft EIR.

(b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. AIR QUALITY

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

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

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

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

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

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

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

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

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

B. GREENHOUSE GAS EMISSIONS AND ENERGY

1. GENERATE GREENHOUSE GAS (GHG) EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, OR CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GHGS (EIR IMPACT 4.2-3).

(a) Potential Impact. The potential for the proposed project to generate GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs is discussed on pages 4.2-31 through 4.2-39 of the Draft EIR.

(b) Findings. Less than cumulatively considerable with mitigation incorporated. (Draft EIR, pg. 4.2-36). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that the proposed project's incremental contribution to the significant cumulative impacts related to GHG emissions will be mitigated to a less-than-cumulatively considerable level. In order to demonstrate compliance with the City's adopted GHG emissions reduction goal, project related non-mobile operational emissions must be reduced to carbon neutrality by the year 2040. Should project emissions be shown to achieve a downward trajectory from the anticipated emissions level in the year 2024 to carbon neutrality by the year 2040, project operations would be considered in compliance with the City's adopted GHG emissions reduction goal and the City's Climate Action and Adaptation Plan. Implementation of Mitigation Measures 4.2-3(a) and 4.2-3(b) would achieve a downward trajectory of operational emissions, assuring that project implementation would not result in long-term operational impacts related to GHG emissions

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

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

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

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

Year	Maximum Permitted Net Project Emissions ($MTCO_2e$)	Emissions Reductions Achieved ($MTCO_2e$)
2024	326.69	0.00
2025	306.27	20.42
2026	285.85	40.84
2027	265.44	61.25
2028	245.02	81.67
2029	224.60	102.09
2030	204.18	122.51
2031	183.76	142.93
2032	163.35	163.35
2033	142.93	183.76
2034	122.51	204.18
2035	102.09	224.60
2036	81.67	245.02
2037	61.25	265.44
2038	40.84	285.85

2039	20.42	306.27
2040	0	326.69
Total Emissions Reductions		2,776.87

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

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

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

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

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

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

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

C. NOISE

1. GENERATION OF A SUBSTANTIAL TEMPORARY INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES (EIR IMPACT 4.4-1).

(a) Potential Impact. The potential for the proposed project to cause a substantial temporary increase in ambient noise levels in excess of the applicable standards is discussed on pages 4.4-17 through 4.4-19 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-19). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to temporary noise increases will be mitigated to a less-than-significant level upon implementation of Mitigation Measure 4.4-1. Project construction activities could result in periods of elevated ambient noise levels that could exceed the Noise Ordinance standards for construction noise (e.g., noise levels at any point outside of the property plane of the proposed project shall not exceed 86 dBA), which would be considered a substantial increase in ambient noise levels in the project vicinity. Mitigation Measure 4.4-1 requires noise-reduction practices that would reduce construction noise to levels consistent with the City's Noise Ordinance, which would be considered acceptable. Any remaining impacts related to a temporary increase in ambient noise levels after implementation of Mitigation Measure 4.4-1 would not be significant.

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

4.4-1 Prior to issuance of any grading permit, the applicant shall submit a construction noise management plan, identifying proposed noise-reduction practices for review and approval by the Department of Community Development and Sustainability. The following measures shall be utilized to reduce the impact of construction noise:

- Comply with the hours of operations between 7:00 AM and 7:00 PM on Mondays through Fridays, and between the hours of 8:00 AM and 8:00 PM on Saturdays and Sundays;
- All equipment shall not exceed 86 dBA outside of the property line. Based upon Table 4.4-7, compactors, dozers and excavators shall

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

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

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

(a) Potential Impact. The potential for the proposed project to cause a substantial permanent increase in ambient noise levels in excess of applicable standards is discussed on pages 4.4-19 through 4.4-25 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-24). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that the proposed project's permanent increase in ambient noise levels would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.4-2(a) and 4.4-2(b). The increase in noise levels associated with operational noise from the proposed project, including truck circulation noise related to deliveries, pallet or baling equipment, and HVAC equipment, is anticipated to be 58 dB L_{eq} at the nearest sensitive receptors, which would exceed the daytime (7:00 AM to 9:00 PM) threshold of 55 dB L_{eq}. However, according to the Environmental Noise Assessment prepared for the proposed project, a barrier of eight feet in height would reduce overall noise levels associated with loading docks, truck circulation, and other outdoor noise sources to the daytime (7:00 AM to 9:00 PM) standard of 55 dBA L_{eq}, and a 10-foot barrier would be required to reduce noise levels to the nighttime (9:00 PM to 7:00 AM) standard of 50 dB L_{eq}. Any remaining impacts

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

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

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

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

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

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

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

D. TRANSPORTATION AND CIRCULATION

1. IMPACTS TO TRANSIT FACILITIES AND SERVICES UNDER EXISTING PLUS PROJECT CONDITIONS (EIR IMPACT 4.6-4).

(a) Potential Impact. The potential for the proposed project to result in impacts to transit facilities and services under Existing Plus Project conditions is discussed on pages 4.6-56 through 4.6-57 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-57). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to transit facilities and services under Existing Plus Project conditions will be mitigated to a less-than-significant level. The additional transit use associated with the proposed project could conflict with operations at the southbound bus stop on Anderson Road, located on the eastern project site boundary. The existing southbound bus stop on Anderson Road is currently outfitted with a bus stop sign, but lacks a shelter, seating, or dedicated passenger waiting area, which results in dwelling passengers waiting in the sidewalk or in the adjacent landscaped area. The addition of project-generated transit passenger demand would exacerbate the existing conditions, which could lead to more substantial blocking of the sidewalk by dwelling passengers, as well as dwelling passengers physically blocking passengers who wish to deboard buses as passengers arrive at the stop. However, Mitigation Measure 4.6-4 requires that the project applicant enhance the existing bus stop on southbound Anderson Road to improve operations by adding shelter, seating, a waste receptable, and an expanded dedicated waiting area. Such improvements would sufficiently prevent the anticipated issues related to project-generated transit demand. Any remaining impacts to transit facilities and services under Existing Plus Project conditions after implementation of Mitigation Measure 4.6-4 would not be significant.

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

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

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

(a) Potential Impact. The potential for the proposed project to result in transportation and circulation impacts due to construction vehicle traffic is discussed on pages 4.6-59 through 4.6-60 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-59). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to construction vehicle traffic will be mitigated to a less-than-significant level. Project construction activities would disrupt vehicle, pedestrian, bicycle, and emergency vehicle access to and from on-site and adjacent uses active during construction, particularly Trader Joe's and the ARCO gas station. In addition, project construction activities would disrupt pedestrian, bicycle, and transit stop access on highly-utilized facilities on the east side of Sycamore Lane and the west side of Anderson Road. As such, implementation of Mitigation Measure 4.6-7 requires preparation of a Traffic Control Plan that would ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. Any remaining impacts related to construction vehicle traffic after implementation of Mitigation Measure 4.6-7 would not be significant.

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

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

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

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

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

3. SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT) (EIR IMPACT 4.6-8).

(a) Potential Impact. The potential for the proposed project to substantially increase hazards due to geometric design features or incompatible uses under Existing Plus Project conditions is discussed on pages 4.6-60 through 4.6-63 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-63). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to a substantial increase in hazards due to a geometric design feature or incompatible uses under Existing Plus Project conditions will be mitigated to a less-than-significant level. Potential hazards related to vehicle queuing and site

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

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

4.6-8(a) Prior to the issuance of demolition permits, the project applicant shall extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park Drive intersection. The extension will enable the eastbound left-turn pocket to accommodate the maximum queue of 325 feet under Existing Plus Project conditions. The timing of this modification is necessary to accommodate the considerable number of truck trips related to the project's demolition and construction.

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

- Southern Sycamore Lane Driveway
    - Parking stalls along the Retail 6 frontage shall be eliminated; and

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

4. SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT) (EIR IMPACT 4.6-11).

(a) Potential Impact. The potential for the proposed project to substantially increase hazards due to geometric design features or incompatible uses under Cumulative Plus Project conditions is discussed on pages 4.6-72 through 4.6-73 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-73). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to a substantial increase in hazards due to a geometric design feature or incompatible uses under Cumulative Plus Project conditions will be mitigated to a less-than-significant level. Implementation of the proposed project would increase AM and PM peak hour vehicle traffic at local intersections throughout the study area under Cumulative Plus Project conditions. Consequently, as noted in the Transportation Impact Study, the proposed project would increase vehicle demand for the eastbound left-turn at the Russell Boulevard/Sycamore Lane intersection. Under Cumulative Plus Project conditions, peak hour maximum queues for this movement would spill back to a distance of 350 feet and 375 feet during the AM and PM peak hours, respectively, beyond the 300 feet of available left-turn pocket storage capacity, and block the adjacent eastbound through travel lane on Russell Boulevard. However, according to the Transportation Impact Study prepared for the proposed project, implementation of Mitigation Measure 4.6-11, which would extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection to a length of 375 feet, would sufficiently avoid design hazards. Any remaining impacts related to hazards due to geometric design features or incompatible uses under

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

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

4.6-11 Implement Mitigation Measure 4.6-8.

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

4.6-8(a) Prior to the issuance of demolition permits, the project applicant shall extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park Drive intersection. The extension will enable the eastbound left-turn pocket to accommodate the maximum queue of 325 feet under Existing Plus Project conditions. The timing of this modification is necessary to accommodate the considerable number of truck trips related to the project's demolition and construction.

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

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

E. INITIAL STUDY

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

1. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON A SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE (IS IMPACT IV.A).

   (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect on a species identified as a candidate, sensitive, or special-status species is discussed on pages 22 through 25 of the IS.

   (b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 23). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

   (c) Explanation. Based upon the IS and the entire record before this City Council, this City Council finds that implementation of the mitigation measures set forth in the IS would mitigate impacts to a less-than-significant level. Because the project site is currently fully developed, the potential for any special-status plant or wildlife species to be present on the site is low. While the project site does not provide significant value as wildlife foraging habitat, the mature trees located along the Russell Boulevard street frontage, as well as the mature trees along the site's perimeter and within the parking lot area could provide suitable nesting habitat for Swainson's hawk, as well as other migratory birds afforded protection under the federal Migratory Bird Treaty Act (MBTA). The mitigation measures below set forth procedures to ensure that adverse effects to the species would not occur, should any of the above species be found on the project site. Any remaining impacts related to having a substantial adverse effect on a species identified as a candidate, sensitive, or special status species in local or regional plans or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS) after implementation of Mitigation Measure IV-1 and IV-2 would not be significant.

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

Swainson's Hawk

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

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

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

Raptors and Nesting Migratory Birds

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

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

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

(a) Potential Impact. The potential for the proposed project to conflict with local policies or ordinances protecting biological resources is discussed on pages 25 through 29 of the IS.

(b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 27). Changes or alterations have been required in, or incorporated into, the proposed project which avoid

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

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

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

IV-3 The project applicant shall implement the following tree preservation measures prior to and during construction for the 16 on-site and eight off-site trees to be preserved.

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

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

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

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

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

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

(a) Potential Impact. The potential for the proposed project to cause a substantial adverse change in the significance of a unique archaeological resource, directly or indirectly destroy a unique paleontological resource or geological feature, or disturb any human remains is discussed on pages 33 through 35 of the IS.

(b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 33). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the IS and the entire record before this City Council, this City Council finds that the impacts related to an adverse change in the significance of a unique archaeological resource, destruction of a unique paleontological resource or geological feature, or disturbance of any human remains will be mitigated to a less-than-significant level with implementation of Mitigation Measures V-1, V-2, and V-3. Due to the disturbed

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

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

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

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

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

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

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

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

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

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

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

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

4. CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE LIKELY RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT (IS IMPACT VIII.B).

(a) Potential Impact. The potential for the proposed project to create a significant hazard to the public or the environment through release of hazardous materials into the environment is discussed on pages 41 through 44 of the IS.

(b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 43). Changes or alterations have been required in, or incorporated into, the proposed project which avoid

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IX-1 Prior to issuance of grading permits, the applicant shall submit to the City a plan, identifying permanent stormwater TCMs, SDMs, and Hydromodification Measures, for each DMA to be implemented on the project, as well as a copy of a stormwater maintenance agreement and corresponding maintenance plan signed and recorded by the County of Yolo Clerk's Office. The plan shall include LID measures consistent with the Preliminary Utility Study prepared for the project and shall be subject to review and approval by the Public Works Department.

6. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE SECTION 21074 AS EITHER A SITE, FEATURE, PLACE, CULTURAL LANDSCAPE THAT IS GEOGRAPHICALLY DEFINED IN TERMS OF THE SIZE AND SCOPE OF THE LANDSCAPE, SACRED PLACE, OR OBJECT WITH CULTURAL VALUE TO A CALIFORNIA NATIVE AMERICAN TRIBE, AND THAT IS:

A. LISTED OR ELIGIBLE FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES OR IN A LOCAL REGISTER OF HISTORICAL RESOURCES DEFINED IN PUBLIC RESOURCES CODE SECTION 5020.1(K) (IS IMPACT XVII.A).

B. A RESOURCE DETERMINED BY THE LEAD AGENCY, IN ITS DISCRETION AND SUPPORTED BY SUBSTANTIAL EVIDENCE, TO BE SIGNIFICANT PURSUANT TO CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE SECTION 5024.1? IN APPLYING THE CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE SECTION 5024.1, THE LEAD AGENCY SHALL CONSIDER THE SIGNIFICANCE OF THE RESOURCE TO A CALIFORNIA NATIVE AMERICAN TRIBE (IS IMPACT XVII.B).

(a) Potential Impact. The potential for the proposed project to cause a substantial adverse change in the significance of a tribal cultural resource is discussed on pages 62 and 63 of the IS.

(b) Findings. Less than significant with mitigation incorporated. (Initial Study, pg. 62). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the IS and the entire record before this City Council, this City Council finds that the impacts related to the proposed project causing a substantial adverse change in the significance of a Tribal Cultural Resource will be mitigated to a less-than-significant level with implementation of Mitigation Measure XVII-1. In compliance with Assembly Bill (AB) 52 (PRC Section 21080.3.1) and Senate Bill (SB) 18, project notification letters were distributed to the Ione Band of Miwok Indians and the Yocha Dehe Wintun Nation on June 5, 2018. Requests for consultation were not received prior to closure of the mandatory AB 52 30-day response period for consultation. However, the Yocha Dehe Wintun Nation subsequently provided a letter to the City stating that they were not aware of any known Tribal Cultural Resources near the project site, but suggested that cultural sensitivity training for personnel be conducted. Further comments were not received during the NOP or Draft EIR public comment period. The potential for unrecorded Tribal Cultural Resources to exist within the project site is relatively low based on existing developed site conditions, and Tribal Cultural Resources have not been identified within the vicinity of the project site. Nevertheless, the possibility exists that future development occurring on the proposed project site could result in a substantial adverse change in the significance of a Tribal Cultural Resource if previously unknown resources are uncovered during grading or other ground-disturbing activities. Mitigation Measure XVII-1, which requires implementation of Mitigation Measures V-1, V-2, and V-3, sets forth the necessary procedures should any Tribal Cultural Resources be uncovered on the site during project construction sufficient to ensure that a substantial adverse change in the significance of or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

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

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

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

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

1. USE OF NONRENEWABLE RESOURCES THAT WOULD COMMIT FUTURE GENERATIONS

The proposed project constitutes an infill development in an urban area. The proposed project would include a mixed-use development consisting of retail and residential components and, thus, would result in a commitment of energy resources associated with maintaining the proposed development over the lifetime of the buildings. A portion of the energy demand required of the proposed project would be supplied by non-renewable resources such as fossil fuels. Energy demands associated with operation of the proposed project are discussed in greater detail in Section 4.2, Greenhouse Gas Emissions and Energy, of this EIR. Section 4.2 of the EIR concludes that, although the proposed project operations would involve an increase in energy consumption, the proposed project would comply with all applicable standards and regulations regarding energy conservation and fuel efficiency, which would ensure that the future uses would be designed to be energy efficient. In addition, Mitigation Measures 4.2-3(a) and 4.2-3(b) would ensure that the proposed project would achieve carbon neutrality (zero $MTCO_2e$/yr) by the year 2040. Accordingly, the proposed project would not be considered to result in a wasteful, inefficient, or unnecessary usage of energy. Therefore, while the proposed

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

2 IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS

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

3 IRRETRIEVABLE COMMITMENTS OF NONRENEWABLE RESOURCES

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

VII. FINDINGS REGARDING GROWTH-INDUCING IMPACTS

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

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

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

VIII. FINDINGS REGARDING ENERGY CONSUMPTION

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

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

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

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

IX. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

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

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

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

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

A. IDENTIFICATION OF PROJECT OBJECTIVES

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

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

B. ALTERNATIVES CONSIDERED BUT DISMISSED

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

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

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

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

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

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

Off-Site Alternative

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

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

Conventional Apartments Alternative

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

C. ALTERNATIVES ANALYSIS IN EIR

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

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

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

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

D. GENERAL FINDINGS FOR PROJECT ALTERNATIVES

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

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

E. FINDINGS FOR REJECTION OF ALTERNATIVES

1. NO PROJECT ALTERNATIVE:

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

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

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

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

2. RETAIL PROJECT ONLY ALTERNATIVE:

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

(a) Findings: The Retail Project Only Alternative is rejected because it would not meet any of the objectives related to residential uses (Objectives 1, 2, 3, 5 and 8) and would not avoid the significant and unavoidable impacts identified for the proposed project.

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

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

3. EXISTING ZONING MIXED USE BUILD OUT ALTERNATIVE:

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

(a) Findings: The Existing Zoning Mixed Use Build Out Alternative is rejected because Objective 4 would only be partially met, the Alternative would result in a less efficient use of land compared to the proposed project, and the significant and unavoidable impacts identified for the proposed project would not be avoided.

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

4. LOW PARKING ALTERNATIVE:

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

(a) Findings: The Low Parking Alternative is rejected because Objective 9 would only partially be met and the significant and unavoidable impacts identified for the proposed project would not be avoided.

(b) Explanation: Due to the reduction in residential parking and smaller parking structure, the Low Parking Alternative would result in fewer impacts related to air quality, GHG emissions and energy. Because the Low Parking Alternative would involve demolition of the existing on-site structure and a similar overall area of disturbance as the proposed project, impacts related to noise would remain similar to those resulting from the proposed project. Reductions in vehicle traffic impacts would generally be offset by increased impacts related to alternative transportation modes. Thus, overall, the Low Parking Alternative would result in similar impacts related to transportation and circulation compared to the proposed project, including the significant and unavoidable impacts. While the majority of project objectives would generally be met, Objective 9, which aims to provide adequate parking, would only be partially met, as the Alternative would include substantially reduced residential parking relative to the City's standard requirements. The reduction in parking could hinder some renters, and, compared to other apartment projects in the City, would be a competitive disadvantage. In addition, reducing the amount of parking could result in residents illegally parking in spaces designated for commercial customers or parking off-site on nearby public streets or in nearby apartment communities. Thus, burdensome operational controls to patrol parking would be necessary. For the aforementioned reasons, the Low Parking Alternative is deemed operationally infeasible due to the burdens created by the parking restriction on residents, commercial tenants, and adjacent uses.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XI. CONCLUSION

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

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

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

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

1. All significant effects on the environment due to implementation of the proposed University Commons Project have been eliminated or substantially lessened where feasible;

2. There are no feasible alternatives to the proposed University Commons Project which would mitigate or substantially lessen the impacts; and

3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

XII. LIST OF ACRONYMS AND ABBREVIATIONS

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

A	
ACM	Asbestos Containing Materials
C	
CAMUTCD	California Manual on Uniform Traffic Control Devices
CARB	California Air Resources Board
CBSC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Davis
Council	City Council
D	
dB	Decibel
DMA	Drainage Management Area
E	
EIR	Environmental Impact Report
ESA	Environmentally Sensitive Area
F	
Findings	Findings of Fact
G	
GHG	Greenhouse Gas
I	
IS	Initial Study
L	
LBP	Lead-Based Paints
LED	Light-Emitting diode
LID	Low Impact Development
M	
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant(s)
MTP/SCS	Metropolitan Transportation Plan/Sustainable Communities Strategy

N

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

P

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

S

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

T

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

U

USFWS	United States Fish and Wildlife Service

Y

YSAQMD	Yolo Solano Air Quality Management District

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

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

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

4.2 COMPLIANCE CHECKLIST

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

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

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

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

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

4.3 MITIGATION MONITORING AND REPORTING PROGRAM

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

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

MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Clear Signage regarding idling restrictions should be placed at the entrances to the construction site.			
4.2 Greenhouse Gas Emissions and Energy					
4.2-3	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	*4.2-3(a) The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to the issuance of a building permit for the proposed project the project proponent shall implement the following steps:* *1. Model net non-mobile operational GHG emissions using CalEEMod, or another method accepted for the purpose of modeling GHG emissions for the proposed project, taking into account applicable building standards and other regulatory requirements, as well as building design, use of renewable energy, etc. The updated modeling shall take into account any updated project design measures incorporated in compliance with this mitigation measure or as proposed in future project design details.* *2. Based on the construction and operational schedules proposed at the time of building permitting, the*	City of Davis Department of Community Development and Sustainability	Prior to the issuance of a building permit On-going as needed	

MITIGATION MONITORING AND REPORTING PROGRAM
University Commons Project

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off

modeled emissions shall be compared to the maximum permitted emissions for the first year of occupancy, based on the Table below:

Year	Maximum Permitted Net Project Emissions ($MTCO_2e$)	Emissions Reductions Achieved ($MTCO_2e$)
2024	326.69	0.00
2025	306.27	20.42
2026	285.85	40.84
2027	265.44	61.25
2028	245.02	81.67
2029	224.60	102.09
2030	204.18	122.51
2031	183.76	142.93
2032	163.35	163.35
2033	142.93	183.76
2034	122.51	204.18
2035	102.09	224.60
2036	81.67	245.02
2037	61.25	265.44
2038	40.84	285.85
2039	20.42	306.27
2040	0	326.69
Total Emissions Reductions		2,776.87

3. *Should net operational emissions be shown to exceed the maximum*

MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		emissions levels presented in the table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to: • *Design of all or portions of the project without infrastructure to support natural gas appliances;* • *Installation of only all-electric, energy-star large appliances (i.e. ranges, ovens, water heating, and/or space heating equipment) in all or part of the project;* • *Require future refrigeration systems to only use low GWP potential gases;* • *Include electric outlets in outdoor areas sufficient to allow for the use of electric-powered landscaping equipment;* • *Construct all proposed loading docks with electric outlets sufficient to provide adequate electrical power for docking trucks;* • *Installation of on-site photovoltaic systems in*			

MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		excess of the City's standards in place at the time of this environmental analysis; • *Use of LED lights in proposed parking areas and other outdoor areas;* • *Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);* • *Implement a Transportation Demand Management Program in accordance with Section 22.15 of the City of Davis Municipal Code;* • *Provide electric vehicle charging infrastructure in excess of existing CBSC requirements; and/or* • *Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis.* 4. *The emissions reductions resulting from implementation of the above measures shall be calculated, using*			

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

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		City upon review and acceptance of implementation, shall issue the certificate of occupancy.			
		4.2-3(b) The owner of the project shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the project to demonstrate the project's compliance with the GHG emissions targets established by Mitigation Measure 4.2-3(a). The Report shall be submitted prior to the issuance of a certificate of occupancy for the first residential unit leased. The Report shall identify the following minimum items. Other documentation requirements may be added by the City if found to be necessary to satisfy this mitigation measure. *1. Projected annual net GHG emissions from the initial date of operations through the year 2040.* *2. Running total of project emissions reductions and reduction credits.* *3. Comprehensive database and summary of implemented reduction actions.* *Should the initial Report demonstrate that measures have been incorporated into the project sufficient to achieve the GHG emissions targets established by Mitigation Measure 4.2-3(a), further Reports are not required.*	City of Davis Department of Community Development and Sustainability	Prior to the issuance of a certificate of occupancy for the first residential unit leased and every five years until such time that demonstration is made that the project has achieved the required emissions reductions	

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			If the initial Report does not demonstrate that measures have been incorporated into the project sufficient to achieve the aforementioned emissions targets at the time of initial occupancy, the owner shall be required to submit subsequent Reports every five years until such time that demonstration is made that the project has achieved the required emissions reductions. Subsequent Reports shall contain the same content as required of the initial Report, and demonstrate the implementation of additional measures sufficient to reduce project GHG emissions in compliance with Mitigation Measure 4.2-3(a). Upon demonstration that the project has achieved the required emissions reductions, further Reports are not required.			
4.4 Noise						
4.4-1	Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	*4.4-1*	*Prior to issuance of any grading permit, the applicant shall submit a construction noise management plan, identifying proposed noise-reduction practices for review and approval by the Department of Community Development and Sustainability. The following measures shall be utilized to reduce the impact of construction noise:* • *Comply with the hours of operations between 7:00 AM and 7:00 PM on Mondays through Fridays, and between the hours of 8:00 AM and*	City of Davis Department of Community Development and Sustainability	Prior to issuance of any grading permit	

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		8:00 PM on Saturdays and Sundays; • *All equipment shall not exceed 86 dBA outside of the property line. Based upon Table 4.4-7, compactors, dozers and excavators shall maintain a distance of 50-feet from the north property line. Concrete saws and jackhammers shall maintain a distance of 100-feet from the nearest property line. If equipment such as compactors, dozers and excavators need to be within 50 feet of the north property line, temporary barriers such as "Noise Soaker" curtains may be applied at the construction site fence. The barriers shall be eight feet in height along the north property line.* • *In accordance with City Code Section 24.02.040(b)(3), certain exceptions to these standards may be granted for impact tools and equipment providing either a housing or muffler, or other type of noise suppression equipment recommended by the manufacturer and approved by the Director of Public Works as best accomplishing maximum noise attenuation.*			
4.4-2	Generation of a substantial permanent increase in ambient noise levels in the vicinity of the	*4.4-2(a) Prior to building permit issuance, the construction drawings shall include a noise barrier located along the north property line of the project site where trucks circulate for the*	City of Davis Department of Community Development	Delivery hours and sound wall height prior to approval of the Final Planned	

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	project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	*loading docks. The partial loading dock walls may be eliminated, if desired. Based upon the Environmental Noise Assessment (October 2, 2019) prepared for this EIR, the noise barrier height requirements would be different depending upon the delivery hours, as follows:* • *Daytime deliveries only (7:00 AM to 9:00 PM): An eight-foot wall shall be required along the north property line of the project site to meet the City's 55 dB L_{eq} daytime noise standard.* • *Daytime (7:00 AM to 9:00 PM) <u>AND</u> Nighttime (9:00 PM to 7:00 AM): A 10-foot wall shall be required along the north property line of the project site to meet the City's daytime (55 dB L_{eq}) and nighttime 50 dB L_{eq} noise standards.* *The delivery truck hours and sound wall height shall be finalized prior to City approval of the Final Planned Development for the project. In the event that an opening in the barrier is included to provide access to the pedestrian/bicycle pathway on the adjacent property, the opening shall be designed by an acoustical consultant to ensure that the City's above-specified daytime and nighttime standards can still be met at the nearest sensitive receptors. Final design and height of the barrier shall be incorporated in the*	and Sustainability	Development. Final design and height of the wall prior to issuance of any building permit	

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

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		City of Davis Department of Community Development and Sustainability.			
4.6 Transportation and Circulation					
4.6-2	Impacts to bicycle facilities under Existing Plus Project conditions.	*4.6-2(a)* *Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Sycamore Lane intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Improvements shall either physically separate bicyclists and vehicles, or more clearly demarcate the existing bicycle-vehicle mixing zone if the City is unable to physically separate bicyclists and vehicles. Potential improvement alternatives include (but shall not be limited to):* *1. Switch the placement of the southbound right-turn lane and the bike lane. Consistent with CAMUTCD standards (for a bicycle facility adjacent to a right-turn lane), such a configuration would place a Class IV separated bikeway immediately against the curb, enabling bicyclists to queue against the curb prior to crossing during the exclusive bicycle crossing signal phase (during which southbound right-turns for vehicles are prohibited). This configuration would eliminate the need for*	City Engineer	Prior to issuance of certificates of occupancy	

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

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

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

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		bicycle-pedestrian, pedestrian-vehicle, and bicycle-vehicle conflicts. Because intersection modifications would affect right-of-way on the UC Davis campus, the City shall coordinate with UC Davis to identify the ultimate modifications. Improvements shall, to the extent feasible, physically separate bicyclists, pedestrians, and vehicles and reduce bicycle crossing distances and exposure time. Potential improvement alternatives include (but are not limited to): 1. *For all intersection crosswalks, widen crosswalks to increase the capacity for crossing bicyclists and pedestrians and reduce the frequency of meeting and passing events that diminish the performance of the crosswalks.* 2. *Reconfigure the intersection into a protected intersection with corner refuge islands, setback crossings, and exclusive bicycle and pedestrian crossing phases (i.e., vehicles would not be permitted to turn on red during this phase). For all intersection crosswalks, physically separate bicyclists and pedestrians by installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle crossing zones, increase the capacity for crossing bicyclists and pedestrians,*			

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

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

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

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		Yolobus, and local emergency service providers for their input before approving the Plan. The Plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. At a minimum, the Plan shall include: • *The number of truck trips, time, and day of street closures;* • *Time of day of arrival and departure of trucks;* • *Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;* • *Provision of a truck circulation pattern;* • *Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);* • *Maintain safe and efficient access routes for emergency vehicles;* • *Manual traffic control when necessary;* • *Proper advance warning and posted signage concerning street closures; and*			

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		• *Provisions for bicycle, pedestrian, and transit access and safety.* *A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.*			
4.6-8	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	*4.6-8(a) Prior to the issuance of demolition permits, the project applicant shall extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park Drive intersection. The extension will enable the eastbound left-turn pocket to accommodate the maximum queue of 325 feet under Existing Plus Project conditions. The timing of this modification is necessary to accommodate the considerable number of truck trips related to the project's demolition and construction.* *4.6-8(b) Prior to issuance of grading plans, the project improvement plans shall reflect the modifications listed below, or equivalent measures based on the final site design, to reduce vehicle queuing spillback at the project driveways, to the satisfaction of the City Engineer. The modifications may*	City Engineer City Engineer	Prior to the issuance of demolition permits Prior to the issuance of grading plans	

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		include, but are not limited to, the following: • *Southern Sycamore Lane Driveway* o *Parking stalls along the Retail 6 frontage shall be eliminated; and* o *Exclusive outbound left-turn and right-turn lanes shall be provided.* • *Southern Anderson Road Driveway* o *Parking stalls along the Retail 1, 2, and 3 frontages shall be angled.* • *Western Russell Boulevard Driveway* o *The drive aisle shall be aligned north into the parking garage, shifted further east into the project site to provide additional throat depth for the southern Sycamore Lane driveway, and access for the southernmost east-west drive aisle shall be closed off to/from the west (opposite the Trader Joe's loading dock).*			
4.6-9	Impacts to study intersections under Cumulative Plus Project conditions.	*4.6-9* *Modifications to Russell Boulevard shall be implemented to reduce peak hour vehicle delay at the Russell Boulevard/Orchard Park Drive, Russell Boulevard/Anderson Road/La Rue Road, and Russell Boulevard/California Avenue intersections:* • *Prior to issuance of certificates of*	City Engineer	Prior to issuance of	

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

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		of the City Engineer, to cover the proportionate cost of improvements described in Alternatives 1, 4, 5, 6, and 7 above, the requirements of which are listed below.[1] The funding shall be submitted to the City of Davis: o *At the Russell Boulevard/Orchard Park Drive intersection, either:* *a. Prohibit northbound left-turns, or* *b. Prohibit northbound left-turns and westbound left-turns (i.e., right-in/right-out only).* o *At the Russell Boulevard/Anderson Road/La Rue Road intersection, either* *a. Install five-section traffic signal for the northbound right-turn lane and an accompanying bicycle/pedestrian signal to control crossing movements across the northbound*			

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

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		channelized right-turn lane, or *b. Implement Alternative 2 described in Mitigation Measure 4.6-2(d) (conversion of the Russell Boulevard/Anderson Road/La Rue Road intersection to a protected intersection).* o *At the Russell Boulevard/Oak Avenue intersection, prohibit eastbound U-turn movements and convert the eastbound left-turn movement from a permitted to a protected left-turn signal phase.* o *At the Russell Boulevard/College Park/Howard Way intersection, convert the northbound and southbound approaches to split phase operations and eliminate the west leg crossing.* o *At all signalized intersections on Russell Boulevard, increase the PM peak hour cycle length from 90 to 100 seconds to match the existing AM peak hour cycle length. The signal timing adjustment*			

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

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

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		raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks. *If this project involves pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent shall conduct a preconstruction survey that is consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during the preconstruction survey, no tree pruning or removal of the nest tree shall occur during the period between March 1 and August 30, unless a qualified biologist determines that the young have fledged and the nest is no longer active.* *Raptors and Nesting Migratory Birds* *IV-2 The project applicant shall implement the following measures to avoid or minimize impacts to raptors and federally-protected nesting migratory birds:* • *If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, a preconstruction survey for active*	City of Davis Department of Community Development and Sustainability	If any site disturbance or construction activity is scheduled to begin between February 1 and August 31, then within 14 days prior to site disturbance or construction	

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		nests shall not be required. • *If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior to site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 100-foot radius for MBTA birds, and a 500-foot radius for birds of prey. If an active nest of a bird of prey, MBTA bird, or other protected bird is not found, then further mitigation measures are not necessary. The preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review.* • *If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction or an injured or killed bird is found, the project applicant shall immediately:* o *Stop all work within a 100-foot*		activity	

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		radius of the discovery. o *Notify the City of Davis Department of Community Development and Sustainability.* o *Do not resume work within the 100-foot radius until authorized by the biologist.* o *The biologist shall establish a minimum 500-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active.*			
IVe.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	*IV-3* *The project applicant shall implement the following tree preservation measures prior to and during construction for the 16 on-site and eight off-site trees to be preserved.* • *Tree Protection Zones (TPZs): The surveyed trunk locations and TPZs / tree protection fencing shall be*	City of Davis Department of Community Development and Sustainability	Prior to and during construction and demolition activities	

MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		indicated on all construction plans for trees to be preserved; • *Modified TPZs: Modified TPZs are areas where proposed infrastructure is located within protection zones. These Modified TPZs and fencing shall be indicated as close to infrastructure as possible (minimize overbuild);* • *The Consulting Arborist shall revise development impact assessment (as needed) for trees to be preserved once construction plans are drafted;* • *Grading, compaction, trenching, rototilling, vehicle traffic, material storage, spoil, waste, or washout, or any other disturbance within TPZs shall be avoided to the maximum extent feasible;* • *Any work that is to occur within the TPZs shall be monitored by the Consulting Arborist;* • *A meeting shall be conducted to discuss tree preservation guidelines with the Consulting Arborist and all contractors, subcontractors, and project managers prior to the initiation of demolition and construction activities;* • *Prior to any demolition activity on-site, tree protection fencing shall be installed in a circle centered at the*			

MITIGATION MONITORING AND REPORTING PROGRAM University Commons Project					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		tree trunk with a radius equal to the defined TPZ as indicated in the Arborist Report; • *Tree protection fences should be made of chain-link with posts sunk into the ground, and shall not be removed or moved until construction is complete;* • *Any pruning shall be performed per recommendations in the Arborist Report by an ISA Certified Arborist or Tree Worker. Pruning for necessary clearance should be the minimum required to build the project and performed prior to demolition by an ISA Certified Arborist;* • *If roots larger than 2 inches or limbs larger than 3 inches in diameter are cut or damaged during construction, the Consulting Arborist shall be contacted immediately to inspect and recommend appropriate remedial treatments; and* • *All trees to be preserved shall be irrigated once every two weeks, spring through fall, to uniformly wet the soil to a depth of at least 18 inches under and beyond the canopies of the trees.* *The tree preservation measures shall be included in the notes on construction drawings.*			

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

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

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

MITIGATION MONITORING AND REPORTING PROGRAM
University Commons Project

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

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

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

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

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

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

Appendix to University Commons Final EIR

August 20, 2020

Introduction

On August 18, 2020, the Davis City Council passed a motion to approve the University Commons project at a reduced building height with a five floor maximum and other project adjustments, with direction for staff to bring back final approval documents (e.g., revised Development Agreement, revised CEQA Resolution) at the next meeting (August 25, 2020), which would reflect Council's motion. In support of the revised CEQA Resolution, this Appendix to the Final EIR has been prepared to provide substantial evidence that the revised project would not affect the adequacy of the EIR analysis, and that the impacts from the revised project are within the scope of that which was studied in the EIR.

Summary of Project Revisions

The project revisions can be summarized as follows:

- Maximum building height revised from 80 feet down to 72 feet (to the highest floor plate); and a maximum of five floors of retail and residential uses, consisting of:
    - One-story retail podium with the parking structure located behind the retail uses. The retail podium may contain one or two retail levels.
    - Up to four stories of residential uses located above the retail podium. However, in no case shall the building exceed 5 floors of combined retail and residential uses.
- Subject to final design, the total retail square footage, not including the existing 13,200-sf Trader Joes building, could range from 112,800 sf to 136,800 sf of retail uses (the EIR analysis assumed a maximum of 136,000 sf of retail uses).
- Consideration of a gated pedestrian access to the project site from the north to maintain existing access.
    - The access shall be considered in the detailed site design, which is required as part of the Final Planned Development and Design Review application.
    - The ultimate inclusion of a pedestrian gate shall be evaluated in light of potential issues relating to location, land use compatibility, noise attenuation, lighting, hours of operation, safety and security.

Note that the following primary components are expected to remain unchanged:

- 412,500 sf for the residential square footage and would be the same with 894 total beds in approximately 622 bedrooms and 264 units.
- 246,000 sf for the garage square footage would be the same.
- Proposed vehicle parking to remain the same.

The following section of this Appendix provides a discussion of those CEQA topics identified in the EIR as having significant project impacts. The discussion identifies whether the above-discussed revised project would result in reduced or increased impacts to these CEQA topics. As will be shown, the revised project would result in reduced project-related environmental impacts for all discussed topics. For those topics not discussed, it is noted that the revised project would similarly be expected to result in reduced impacts. For example, while not determined to be a

significant impact in the EIR due to CEQA streamlining,[1] reducing the building height from 80 feet to 72 feet, would reduce the aesthetic effects related to the building. A reduction in retail square footage would also reduce the demand on utilities, such as water and wastewater, though impacts to these systems were determined to be less than significant in the EIR.

Air Quality

The air quality analysis within the EIR (Section 4.1, Air Quality) includes air quality emissions estimates for the operation of the proposed project, based on trip generation and vehicle miles traveled (VMT) estimates included in the project-specific traffic study prepared by Fehr & Peers. As shown in Table 4.6-12 of the EIR, the trip generation (and VMT) estimates prepared by Fehr & Peers appropriately focuses on the net new trips that would be generated by the proposed project. In other words, the existing University Mall trips, which are part of the CEQA baseline, were netted out of the trip generation and VMT estimates. As shown in Tables 1 and 2 in the Transportation section of this Appendix, a potential reduction in retail square footage down to 112,800 sf (assuming the residential units remain constant at 264 units and 622 bedrooms) would result in a reduction in vehicle trips and VMT. Given that the air quality modelling is based on trip generation and VMT inputs, it follows that the criteria pollutant emissions that would be generated by 112,800 sf of retail uses would be reduced from those estimates included in Table 4.1-8 of the EIR. It is important to note that the EIR determined the criteria pollutant emissions resulting from the original project description, with up to 136,000 sf of retail, would be below the air district's thresholds, and thus, less-than-significant.

With respect to construction emissions, the reduced building height would result in a reduction in on-site construction activity. While not anticipated to be substantial, the reduced construction activity would result in a reduction in construction emissions from those estimated in the EIR.

Greenhouse Gas Emissions and Energy

A potential reduction in retail square footage from 136,000 sf to a low of 112,800 sf would reduce project-specific VMT, as already discussed, and shown below in Table 2 of this Appendix. Given that a project's operational GHG emissions are largely governed by vehicle trips and VMT, reducing on-site retail square footage would result in a reduction in the project's operational GHG emissions. However, as noted on page 4.2-21 of the EIR, the proposed project is consistent with SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and is eligible for CEQA streamlining. One benefit of the CEQA streamlining process is that projects that are consistent with the MTP/SCS do not have to consider project specific or cumulative impacts involving vehicle emissions related to the project on global warming.[2] Therefore, the EIR does not include analysis of mobile source GHG emissions. GHG emissions from all other sources, such as energy consumption, wastewater treatment, water consumption, and area sources, were considered in the EIR GHG analysis. The project would continue to be consistent with the MTP/SCS, assuming the above-discussed, potential reduction in retail square footage. Therefore, similar to the EIR, the focus of the GHG discussion is appropriately centered on GHG emissions related to non-mobile sources. A reduced retail footprint would result in a reduction in non-mobile GHG emissions due to the proportional reduction in energy demand (e.g., less space to heat and cool), lighting, need for water delivery and wastewater treatment, etc. As a result, the

[1] As discussed on page 3-18 of the EIR, aesthetic and parking impacts should not be considered significant impacts on the environment for projects consistent with an adopted sustainable communities strategy (see PRC 21099(d)(1)).

[2] Sacramento Area Council of Governments. *SB 375 CEQA Streamlining*. Available at: http://www.sacog.org/sb-375-ceqa-streamlining. Accessed May 2018.

revised project would result in a reduction in GHG emissions related to non-mobile sources, as compared to the original project description.

Noise

The EIR included the results of a traffic noise analysis, whereby j.c. brennan & associates, inc. estimated the increase in traffic noise levels attributable to the proposed project under the existing and cumulative traffic scenarios. The traffic noise modeling used traffic volume data provided by the project-specific traffic study prepared by Fehr & Peers. The "Plus Project" traffic volumes provided by Fehr & Peers for the traffic noise modelling included the vehicle trips attributable to the proposed project, as described in the EIR (i.e., 136,000 sf of retail and 264 residential units).[3] The EIR traffic noise analysis determined that the project's incremental contribution of traffic noise on the surrounding roadway network would not result in significant traffic noise level increases (see Tables 4.4-8 and 4.4-10 of the EIR); thus, the impact was found to be less than significant. Because a reduction in retail square footage from 136,000 sf to a potential low of 112,800 sf would result in a reduction in project-related vehicle trips, as shown in Table 1 of this Appendix, the traffic noise on the surrounding roadway network, attributable to this reduction, would similarly be reduced, as compared to the original project description.

With respect to operational noise, the findings in the EIR would be anticipated to remain the same, as a potential reduction in retail square footage due to reducing the building height, would not decrease operational noise. For example, the EIR determined that the proposed project's operational noise would be significant within the northerly loading dock area. This impact would be expected to remain under the revised project, as loading dock activity would not be significantly reduced. Similar to the proposed project, however, the impact could be reduced to a less-than-significant level through implementation of the mitigation measures included in the EIR (Mitigation Measures 4.4-2(a) and (b)).

Transportation and Circulation

The transportation related effects of up to 136,000 sf of retail uses on-site was fully evaluated in the EIR. In order to assess the effects of the potential low end of the range of retail square footage, Fehr & Peers prepared trip generation and vehicle miles traveled (VMT) estimates for 112,800 sf of retail uses (see Attachment 1 for the complete memo prepared by Fehr & Peers). The number of on-site residential units assumed in these estimates is equivalent to the number of units identified in the EIR. It is also important to note that, similar to the EIR, these estimates appropriately focus on the net retail square increase attributable to the revised project (i.e., less the existing University Mall retail square footage), as further discussed in Attachment 1.

The below table compares the AM peak hour, PM peak hour, and daily net new vehicle trip generation of the revised project to that of the original University Commons project description analyzed in the EIR. Relative to the original University Commons project description, the revised project, containing 112,800 sf of retail, would result in a reduction of 11 AM peak hour, 46 PM peak hour, and 536 daily net new vehicles trips. Based on the below, it can be seen that reducing the retail square footage to 112,800 sf would result in a concomitant reduction in vehicle trips, and thus reduced congestion on the surrounding roadway network, as compared to amount of retail evaluated in the EIR (136,000 sf). Furthermore, it can be stated that any reduction in retail square footage within the range considered in this Appendix (112,800 sf to 136,000 sf) would result in a related reduction in vehicle trips, and thus, reduced transportation impacts.

3 As a reminder, the retail square footage used in the trip generation estimates is the net retail square footage (i.e., less the existing University Mall retail square footage).

Table 1

University Commons Project – Reduced Retail Scenario – Net New Trip Comparison							
Category	**Daily**	**AM Peak Hour**			**PM Peak Hour**		
	Total	**Total**	**In**	**Out**	**Total**	**In**	**Out**
Reduced Retail Scenario	2,442	80	28	52	162	78	84
Original Project Description	2,978	91	37	54	208	103	105
Difference	**-536**	**-11**	**-9**	**-2**	**-46**	**-25**	**-21**

Source: Fehr & Peers, 2020.

Fehr & Peers also considered the effect on VMT related to reducing on-site retail. In order to assess the effects of the potential low end of the range of retail square footage, Fehr & Peers prepared a VMT estimate for 112,800 sf of retail uses (see Attachment 1 for the complete memo prepared by Fehr & Peers).

The below table compares the daily VMT that would be generated by 112,800 sf of retail uses (holding the residential units constant at 264 units, 622 bedrooms, 894 beds) to the original University Commons project description. Relative to the original University Commons project description, the revised project would result in a reduction of 2,702 weekday VMT and 1.7 weekday VMT per capita. As shown, the weekday VMT per capita is estimated to be 14.5 for the revised project (with 112,800 sf of retail) and 16.2 for the original project (with 136,000 sf of retail). Based on the below, it can be seen that reducing the retail square footage to 112,800 sf would result in a reduction in VMT, as compared to amount of retail evaluated in the EIR (136,000 sf). Furthermore, it can be stated that any reduction in retail square footage within the range considered in this Appendix (112,800 sf to 136,000 sf) would result in a related reduction in VMT.

Generally, the reason for this reduction in project-generated VMT is due to the reduction in vehicle trips associated with on-site retail uses, which in turn would reduce VMT (VMT is calculated by multiplying vehicle trips by average trip length). Similarly, the reduction in VMT per capita is due to the reduction in VMT and employees associated with on-site retail uses. For the purposes of this project, VMT per capita is expressed as a weighted average of VMT and residents/employees associated with the residential and commercial components of the project. The residential component would generate a lower VMT per capita than the commercial component. Thus, a reduction in the size of the commercial component (and its share of the overall project) would result in an associated reduction in the VMT per capita weighted average calculation.

Table 2

University Commons Project – Reduced Retail Scenario – Weekday Project-Generated VMT Comparison		
Category	**Weekday VMT**	**Weekday VMT per Capita[1]**
Reduced Retail Scenario	13,793	14.5
Original Project Description	16,495	16.2
Difference	**-2,702**	**-1.7**

Notes:
[1] For the purposes of this analysis, "capita" represents service population (i.e., residents plus employees). Service population calculated as follows:
Reduced Retail Scenario = 894 residents + 55 employees (at 275 square feet per retail employee) = 949 service population
Original Project Description = 894 residents + 125 employees = 1,019 service population
Source: Fehr & Peers, 2020.

Conclusion

This Appendix demonstrates that a revised project, containing anywhere from 136,000 sf to 112,800 sf of retail uses, and assuming the same amount of residential units, bedrooms, and beds, would result in reduced environmental impacts when compared to the original project description evaluated in the EIR. No new significant environmental impacts would result, nor would a previously identified significant impact be substantially increased in severity. Thus, recirculation of the EIR would not be required under CEQA Guidelines Section 15088.5.

The environmental analysis contained within the EIR is adequate for purposes of fully evaluating the physical environmental impacts associated with a project containing a range of on-site retail from 112,800 to 136,000 sf, and up to 264 residential units, with 622 bedrooms and up to 894 beds.

FEHR PEERS

MEMORANDUM

Date: August 20, 2020

To: Nick Pappani, Raney Planning & Management

From: Greg Behrens, AICP, Fehr & Peers

Subject: ***University Commons Project Reduced Retail Scenario Trip Generation***

RS18-3681

This memorandum summarizes the estimated trip generation of a reduced retail scenario for the proposed University Commons project. This scenario assumes the construction of 112,800 square feet of new retail space, excluding the existing Trader Joe's. For comparison, the project description analyzed in the University Commons EIR assumed the construction of 136,800 square feet of new retail space, excluding the existing Trader Joe's. Overall, the reduced retail scenario would result in 24,000 square feet less retail space at the project site compared to the original University Commons project description.

Trip Generation

Daily, AM peak hour, and PM peak hour trip generation estimates for the reduced retail scenario were derived utilizing the same methodology documented in the January 4, 2019 technical memorandum entitled *University Mall Redevelopment Project Travel Characteristics*.

Table 1 summarizes the expected peak hour trip generation of the project commercial component under the reduced retail scenario, controlling for the trip generation of the existing retail uses (or equivalents) that would remain on-site as part of the project.

Table 2 summarizes the estimated daily, AM peak hour, and PM peak hour, and daily vehicle trip generation for the combined residential and commercial components of the project under the reduced retail scenario, less the trip generation of the existing University Mall. When accounting for vehicle trips currently generated by the existing University Mall, the project would generate an estimated 85 AM peak hour, 198 PM peak hour, and 2,829 daily gross vehicle trips beyond what University Mall currently generates today.

Table 3 summarizes the estimated project AM peak hour, PM peak hour, and daily net new vehicle trip generation resulting from pass-by trip adjustments. Pass-by trips are trips already on the network that are diverted to and from a commercial or retail land use, and therefore would not be considered as new trips generated by the project., The pass-by trip adjustments represent 34 percent of the gross increase in project vehicle trips attributed to the project commercial component only. This adjustment factor is based on data provided in the ITE *Trip Generation Handbook* for shopping center land uses. When accounting for pass-by trips, the project would generate an estimated 80 AM peak hour, 162 PM peak hour, and 2,442 daily net new vehicle trips. These figures represent the total new vehicle trips generated by the project that would be added to the surrounding roadway network.

Table 1
Project Commercial Component – Reduced Retail Scenario – Vehicle Trip Generation

Category	Occupied KSF	AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out
Trader Joe's[1]	13.200	179	92	87	505	255	250
Starbucks or Equivalent[2]	1.435	141	73	68	86	41	45
Remaining Retail Uses[3]	111.365	121	91	30	462	259	203
Project Commercial Component	**126.000**	**441**	**256**	**185**	**1,053**	**555**	**498**

Notes:
[1] Derived from existing University Mall Trader Joe's observed peak hour vehicle trip generation.
[2] Derived from existing University Mall Starbucks observed peak hour vehicle trip generation. While the current project description does not explicitly include a Starbucks, the existing University Mall Starbucks is successful, and it or an equivalent coffee shop use would presumably be included as an element of the redeveloped University Mall.
[3] Calculated as follows based on the adjusted vehicle trip rates to reflect increased internal trips associated with larger shopping center size:
AM Peak Hour T = 1.09(X), with 75% inbound and 25% outbound.
PM Peak Hour T = 4.15(X), with 56% inbound and 44% outbound.
Where T = trip ends and X = occupied KSF.
Source: Fehr & Peers, 2020.

Table 2
University Commons Project – Reduced Retail Scenario – Vehicle Trip Generation

Category	Units	Daily	AM Peak Hour			PM Peak Hour		
		Total	Total	In	Out	Total	In	Out
Residential Component	622 bedrooms	1,690	69	20	49	93	39	54
Commercial Component	126.000 occ. KSF	13,574	441	256	185	1,053	555	498
Project Total (Gross)		**15,264**	**510**	**276**	**234**	**1,146**	**594**	**552**
Existing University Mall	96.436 occ. KSF[1]	-12,435	-425	-244	-181	-948	-495	-453
Project Total (Gross Increase)		**2,829**	**85**	**32**	**53**	**198**	**99**	**99**

Note:
[1] Includes existing Trader Joe's and all other occupied space at the existing University Mall.
Source: Fehr & Peers, 2020.

Table 3 University Commons Project – Reduced Retail Scenario – Pass-By Trip Adjustment							
Category	**Daily**	**AM Peak Hour**			**PM Peak Hour**		
	Total	**Total**	**In**	**Out**	**Total**	**In**	**Out**
Project Total (Gross Increase)	2,829	85	32	53	198	99	99
Project Total (Pass-By)[1]	-387	-5	-4	-1	-36	-21	-15
Project Total (Net Increase in New Trips)[2]	**2,442**	**80**	**28**	**52**	**162**	**78**	**84**

Notes:
[1] Calculated as 34 percent of the gross increase in project vehicle trips attributed to the project commercial component only.
[2] Represents the total new vehicle trips generated by the project that would be added to the surrounding roadway network.
Source: ITE *Trip Generation Handbook*, 2017; Fehr & Peers, 2020.

Table 4 compares the AM peak hour, PM peak hour, and daily net new vehicle trip generation of the reduced retail scenario to that of the original University Commons project description analyzed in the EIR. Relative to the original University Commons project description, the reduced retail scenario would result in a reduction of 11 AM peak hour, 46 PM peak hour, and 536 daily net new vehicles trips.

Table 4 University Commons Project – Reduced Retail Scenario – Net New Trip Comparison							
Category	**Daily**	**AM Peak Hour**			**PM Peak Hour**		
	Total	**Total**	**In**	**Out**	**Total**	**In**	**Out**
Reduced Retail Scenario	2,442	80	28	52	162	78	84
Original Project Description	2,978	91	37	54	208	103	105
Difference	**-536**	**-11**	**-9**	**-2**	**-46**	**-25**	**-21**

Source: Fehr & Peers, 2020.

Vehicle Miles Traveled

Table 5 compares the daily vehicle miles traveled (VMT) that would be generated by the reduced retail scenario compared to the original University Commons project description. Relative to the original University Commons project description, the reduced retail scenario would result in a reduction of 2,702 weekday VMT and 1.7 weekday VMT per capita.

Table 5
University Commons Project – Reduced Retail Scenario – Weekday Project-Generated VMT Comparison

Category	Weekday VMT	Weekday VMT per Capita[1]
Reduced Retail Scenario	13,793	14.5
Original Project Description	16,495	16.2
Difference	**-2,702**	**-1.7**

Notes:
[1] For the purposes of this analysis, "capita" represents service population (i.e., residents plus employees). Service population calculated as follows:
Reduced Retail Scenario = 894 residents + 55 employees (at 275 square feet per retail employee) = 949 service population
Original Project Description = 894 residents + 125 employees = 1,019 service population
Source: Fehr & Peers, 2020.

Summary

Overall, the reduced retail scenario would result in fewer net new vehicle trips and less VMT and VMT per capita than the original University Commons project description. Accordingly, the reduced retail scenario would not result in new significant transportation impacts beyond those disclosed in the University Commons EIR, including impacts to VMT and vehicle delay/level of service (LOS).