

WILDHORSE RANCH PROJECT

SCH# 2007072020

FINAL ENVIRONMENTAL IMPACT REPORT

PREPARED FOR



JULY 2009

PREPARED BY



**Wildhorse Ranch Project
Final Environmental Impact Report**

SCH# 2007072020

Prepared For
The City of Davis

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1

INTRODUCTION AND LIST OF COMMENTERS

1.0 INTRODUCTION

This Final Environmental Impact Report (FEIR) contains public and agency comments received during the public review period of the Wildhorse Ranch Project Draft Environmental Impact Report (Draft EIR). This document has been prepared by the City of Davis, as lead agency, in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Section 15132). Chapter 1 discusses the background of the Draft EIR, the organization of the FEIR, and lists the fifteen comment letters received.

1.1 BACKGROUND

The Wildhorse Ranch Project Draft EIR contains the following environmental analysis sections:

- Land Use and Agricultural Resources;
- Population, Housing, and Employment;
- Transportation and Circulation;
- Air Quality;
- Noise;
- Biological Resources;
- Aesthetics;
- Hydrology, Water Quality, and Drainage;
- Public Services and Utilities; and
- Climate Change.

The City used several methods to solicit public input on the Draft EIR. These methods included the distribution of a Notice of Preparation (NOP) on July 5, 2007, Public Scoping Meeting on July 18, 2007, and the distribution of the Draft EIR for a 45-day comment period from April 24, 2009 to June 8, 2009. The Draft EIR was distributed to applicable public agencies, responsible agencies, and interested individuals. Copies of the document were made available at the public counter of the Community Development Department, located at 23 Russell Boulevard, Davis, California 95616 and posted on the City of Davis website. In addition, a Planning Commission meeting to receive comments on the DEIR was held on Wednesday, June 3, 2009 at 7 pm in the Community Chambers.

1.2 ORGANIZATION OF THE FINAL EIR

The FEIR is organized into the following chapters:

1. Introduction and List of Commenters

Chapter 1 provides an introduction and overview of the document, describing the background and organization of the FEIR. Chapter 1 also provides a list of commenters who submitted letters in response to the Draft EIR.

2. Revisions to the DEIR Text

Chapter 2 is intended to summarize changes made to the Draft EIR text either in response to comment letters or minor staff edits that do not change the intent or content of the analysis or effectiveness of mitigation measures.

3. Responses to Comments

Chapter 3 presents all of the comment letters received, and responses to each comment. In addition, the chapter includes responses to the verbal comments received at the Planning Commission hearing that was held regarding the Wildhorse Ranch Draft EIR. Each comment letter received has been numbered at the top and then bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1.

4. Mitigation Monitoring Plan

The Mitigation Monitoring Plan (MMP) in Chapter 4 includes a description of the requirements of the California Environmental Quality Act. The intent of the MMP is to prescribe and enforce the proper and successful implementation of the mitigation measures as identified within the Environmental Impact Report for this project.

1.3 LIST OF COMMENTERS

The following comment letters were received during the comment period for the Wildhorse Ranch Project Draft EIR:

| | |
|-----------------|---|
| Letter 1 | Jonathan A. Kerr – Resident |
| Letter 2 | Christina A. Frank – Resident |
| Letter 3 | Bridget Binning – California Department of Public Health |
| Letter 4 | Pamela S. Nieberg – Resident |
| Letter 5 | Susan Monheit and David Balgobin – Water Quality Specialist and Wastewater Treatment and Recycled Water Engineer |
| Letter 6 | Walter A. Bunter Jr. – Resident |
| Letter 7 | Alyssa Begley – Department of Transportation |
| Letter 8 | Albert Lin – Resident |
| Letter 9 | Phil Wyels – Resident |
| Letter 10 | Mark F. Braly – Planning Commission |

Letter 11 Karen Hewett and William Vance – Residents
Letter 12 Tansey Thomas – Resident
Letter 13 Ananya Choudhuri – Planning Commission
Letter 14 Whitman F. Manley – Remy, Thomas, Moose, and Manley, LLP
Letter 15 Planning Commission Hearing – Transcript

1.4 RECIRCULATION

CEQA requires recirculation of an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but before certification (Section 15088.5). New information is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (Section 15088.5).

Because this FEIR did not result in the identification of any new significant environmental impacts, or a substantial increase in the severity of an environmental impact, this FEIR does not contain “significant new information,” and a recirculation of the Draft EIR is not required prior to approval.

2

REVISIONS TO THE DEIR TEXT

2.0 INTRODUCTION

This chapter presents all of the revisions made to the Draft EIR in response to comments received or minor staff edits. It should be noted that the following revisions do not change the intent or content of the analysis or effectiveness of the mitigation measures presented in the Draft EIR.

2.1 DESCRIPTION OF CHANGES

New text is double “underlined”, and deleted text is ~~“struck through”~~. Text changes are presented in the page order in which they appear in the DEIR.

1. INTRODUCTION

Chapter 1 of the DEIR, page 1-1, first paragraph is hereby revised as follows:

...The City of Davis is the lead agency for the environmental review of the Wildhorse Ranch project (proposed project) evaluated herein and has the principal responsibility for approving the project...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 1 of the DEIR, page 1-2, is hereby revised as follows:

Attached single-family townhome, 78 units (~~3630~~ are Middle Income for sale-attached units)

The above changes are for clarification purposes only and do not alter any of the conclusions contained within the DEIR.

Chapter 1 of the DEIR, page 1-3, fourth paragraph is hereby revised as follows:

The Final EIR is made available for a 10-day review by the public and commenting agencies.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 1 of the DEIR, page 1-3, last paragraph is hereby revised as follows:

A Notice of Preparation (NOP) for this Draft EIR was released July 5, 2007 for a 30-day review (Appendix A). A public scoping meeting was held on July 18, 2007. Comments provided by the public and public agencies in response to the NOP were received by the City of Davis and are provided in Appendix B. In addition, an Initial Study was prepared to focus the scope of the Wildhorse Ranch EIR. It should be noted that the Initial Study was prepared for buildout of 259 residential units on the project site. The Initial Study was included as an attachment to the NOP (See Appendix A to this Draft EIR)...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 1 of the DEIR, page 1-5, second paragraph is hereby revised as follows:

...The Initial Study prepared for the proposed project concluded that several environmental issues would result in a less-than-significant impact. The complete text of the Initial Study is contained in Appendix A as an attachment to the NOP. (See Chapter 4.0, Intro to Analysis for a list of discussion of impacts dismissed from the Initial Study from further analysis)

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

2. EXECUTIVE SUMMARY

Chapter 2 of the DEIR, page 2-1, last paragraph is hereby revised as follows:

...73 detached single-family residences, and 78 two to three story attached single-family townhome units (including ~~36~~30 middle-income units) on 11.95-acres and 1.92-acres of attached affordable housing for a maximum of 40 units at ~~20~~1 du/ac...

The above changes are for clarification purposes only and do not alter any of the conclusions contained within the DEIR.

The following table beginning on page 2-10 of the Executive Summary chapter is hereby revised as follows:

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|--|--|
| 4.1 Land Use and Agricultural Resources | | | |
| 4.1-1 Consistency with the City of Davis General Plan. | LS | <i>4.1-1 None required.</i> | N/A |
| 4.1-2 Consistency with the Davis Planned Development district process. | LS | <i>4.1-2 None required.</i> | N/A |
| 4.1-3 Loss of prime agricultural land. | S | <i>4.1-3 The project applicant shall set aside in perpetuity active agricultural acreage at a minimum ratio of 2:1 based on the total project footprint of 25.79 acres, through granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the City and/or a qualifying entity approved by the City. The mitigation acreage shall be set aside prior to recordation of the final map(s). The location and amount of active agricultural acreage for the proposed project would be subject to the review and approval of the City Council.</i> | SU |
| 4.1-4 Incompatibilities between future residential uses on the project site and surrounding uses. | S | <i>4.1-4(a) Consistent with Action AG 1.1(g) of the General Plan and the Davis Right-to-Farm Ordinance, the applicant/developer shall inform and provide recorded notice to prospective buyers within 1,000 feet of agricultural land in writing and prior to purchase, as prescribed by the City's Right to Farm Ordinance, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that Davis and Yolo County are agricultural areas and residents of the</i> | LS |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|---|--|
| | | <p><i>property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, and from pursuit of agricultural operations, including, but not limited to cultivation, irrigation, plowing, spraying, aerial application, pruning, harvesting, crop protection, and agricultural burning which occasionally generate dust, smoke, noise, and odor. The language and format of such notification shall be reviewed and approved by the Community Development Director prior to recording final maps. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.</i></p> <p>4.1-4(b) <i>Prior to the use of pesticides on the orchard, the Home Owner’s Association and contractor(s) shall obtain a permit and comply with all regulations from the Yolo County Agricultural Commissioner. In addition, signage shall be posted at the perimeter of the orchard notifying the public that pesticides have been recently applied. The signage shall remain posted for the appropriate length, as determined during the permit process.</i></p> <p>4.1-4(c) <i>Prior to recordation of final map(s), in the event the Davis Sports Park is constructed adjacent and east of the proposed project, the applicant shall prepare and submit a disclosure statement for the review and approval of the Community Development Director which shall disclose the operations associated with the Davis Sports Park Project which will include ballfield</i></p> | |

| TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES | | | |
|--|--|--|---|
| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
| | | <i>lights, weekly games, tournaments etc. Language shall be included on the final map(s) to ensure that the disclosure of the Sports Park runs with the land, and is therefore provided to all prospective buyers of property.</i> | |
| 4.1-5 Long-term impacts to Prime Farmland from the proposed project in combination with existing and future developments in the Davis area. | S | 4.1-5 <i>Implement Mitigation Measure 4.1-3.</i> | SU |
| 4.1-6 Consistency with the City of Davis' plans, policies, or ordinances. | LS | 4.1-6 <i>None required.</i> | N/A |
| 4.2 Population, Housing, and Employment | | | |
| 4.2-1 Inconsistency with City of Davis affordable housing policies and Affordable Housing Ordinance. | LS | 4.2-1 <i>None required.</i> | N/A |
| 4.2-2 Inconsistency with Growth Management Action "e" of the Davis General Plan. | LS | 4.2-2 <i>None required.</i> | N/A |
| 4.2-3 Impacts to employment and housing. | LS | 4.2-3 <i>None required.</i> | N/A |
| 4.2-4 Long-term impacts to population, housing, and employment from the proposed project in combination with existing and future developments in the Davis area. | LS | 4.2-4 <i>None required.</i> | N/A |

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--|---|--|--|
| 4.3 Transportation and Circulation | | | |
| 4.3-1 Impacts to study intersections and roadways. | LS | 4.3-1 <i>None required.</i> | N/A |
| 4.3-2 Impacts related to the provision of efficient site access and circulation. | S | 4.3-2 <i>Prior to approval of the Tentative Map, the project applicant shall ensure that the following items are incorporated into the project design, for the review and approval by the City Engineer:</i> <ul style="list-style-type: none"> • <i>Provision of adequate sight distance at both project access intersections, by setting back any barrier walls far enough from the curb, and by ensuring that existing and new plantings do not obstruct drivers' views;</i> • <i>Design of the internal roadways to meet City standards, and inclusion of internal traffic calming elements as may be determined to be necessary, subject to the review and approval of the City Engineer; and</i> • <i>Provision of traffic control devices, if and where needed in the internal roadway system, based on an analysis of the internal traffic turning movements to be prepared when the project design is more detailed.</i> | LS |
| 4.3-3 Impacts related to pedestrian and bicycle access and circulation. | S | 4.3-3 <i>Prior to approval of the Tentative Map, the project applicant shall ensure that the pathway and sidewalk network meets ADA accessibility requirements, subject to the review and approval by the City Engineer.</i> | LS |
| 4.3-4 Impacts related to transit access. | LS | 4.3-4 <i>None required.</i> | N/A |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--|---|---|--|
| 4.3-5 Impacts to traffic flow from construction traffic associated with grading and development of the project site. | S | 4.3-5 <i>Prior to any on-site construction activities, the project applicant shall prepare a Construction Traffic Management Plan subject to the review and approval by the City Engineer. The Construction Traffic Management Plan shall include all measures for temporary traffic control, temporary signage and striping, location points for ingress and egress of construction vehicles, haul routes, staging areas, and shall provide for the timing of construction activity that appropriately limits hours during which large construction equipment may be brought onto or taken off of the site.</i> | LS |
| 4.3-6 Cumulative impacts regarding the deterioration of the Second Street / Mace Boulevard intersection LOS. | S | 4.3-6 <i>Prior to the issuance of building permits, or such other time as may be approved at the time of Tentative Map, the project applicant shall pay a fair share fee, as determined by the City Public Works Department, for improvements to the intersection of Second Street and Mace Boulevard; these improvements may include, but are not necessarily limited to: construction of a second left-turn lane on the northbound approach to the intersection of Second Street and Mace Boulevard, re-striping of the eastbound through lane to a shared through-left turn lane, and modification of the signal phasing to allow eastbound and westbound split phasing.</i> | LS |
| 4.4 Air Quality | | | |
| 4.4-1 Exhaust emissions and fugitive dust emissions from project- | S | 4.4-1 <i>Prior to commencement of any ground disturbing activities, the applicant shall submit a dust control plan</i> | LS |

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--|---|--|--|
| <p>associated construction activities.</p> | | <p><i>to the City Engineer and the Yolo-Solano Air Quality Management District <u>and the dust control plan shall be approved by the Yolo-Solano Air Quality Management District.</u> This plan shall ensure that adequate dust controls are implemented during all phases of project construction. The dust control best management practices (BMPs) may <u>shall</u> include but are not necessarily limited to the following:</i></p> <ul style="list-style-type: none"> • <i>Apply nontoxic soil stabilizers according to manufacturer’s specifications to all inactive construction areas (previously graded areas inactive for ten days or more);</i> • <i>Reestablish ground cover in disturbed areas quickly;</i> • <i>Water recently disturbed construction areas (ground disturbed within 10 days) at least twice daily to avoid visible dust plumes;</i> • <i>Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;</i> • <i>Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</i> • <i>Enforce a speed limit of 15 MPH for equipment and vehicles operated in unpaved areas;</i> • <i>All vehicles hauling dirt, sand, soil, or other</i> | |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|--|--|
| | | <p><i>loose materials shall be covered or should maintain at least two feet of freeboard; and</i></p> <ul style="list-style-type: none"> • <i>Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads; <u>and</u></i> • <i><u>All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer on site a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecast to be greater than 15 mph.</u></i> | |
| 4.4-2 New air pollutant emissions within the air basin resulting from operation of the proposed project. | LS | 4.4-2 <i>None required.</i> | N/A |
| 4.4-3 Increased carbon monoxide concentrations at project-area intersections. | LS | 4.4-3 <i>None required.</i> | N/A |
| 4.4-4 Long-term air quality impacts from the proposed project in combination with existing and future developments in the Davis area. | LS | 4.4-4 <i>None required.</i> | N/A |

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|--|--|
| 4.5 Noise | | | |
| 4.5-1 Impacts associated with an increase of existing traffic noise levels on surrounding roadways. | LS | 4.5-1 <i>None required.</i> | N/A |
| 4.5-2 Noise impacts associated with existing agricultural activities. | LS | 4.5-2 <i>None required.</i> | N/A |
| 4.5-3 Short-term noise impacts from construction activities. | S | <p>4.5-3 <i>Compliance with the following measures shall be incorporated within the Final Planned Development with specific criteria and standards to be reviewed and approved by the Planning Commission:</i></p> <ul style="list-style-type: none"> • <i>Construction activities shall be scheduled to occur during normal daytime working hours (i.e., 7:00 AM to 7:00 PM Monday through Friday and 8:00 AM to 8:00 PM Saturday and Sunday). These criteria shall be included in the Improvement Plans prior to initiation of construction. Exceptions to allow expanded construction activity hours shall be reviewed on a case-by-case basis as determined by the Community Development Director;</i> • <i>All heavy construction equipment and all stationary noise sources (such as diesel generators) shall be fitted with factory-specified mufflers; and</i> • <i>Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences as</i> | LS |

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--|---|--|--|
| | | <i>feasible.</i> | |
| 4.5-4 Noise impacts associated with greenbelt and orchard maintenance activities. | S | 4.5-4 <i>Prior to recordation of final map, disclosure statements advising that periods of orchard and greenbelt maintenance could result in elevated noise levels, shall be prepared and submitted for the review and approval of the Community Development Director. A copy of the approved disclosure statements shall be provided to all prospective buyers of property within the Wildhorse Ranch Subdivision. Language shall be included on the Final Map to ensure that the disclosure of elevated noise levels are provided at the time of all future sales.</i> | LS |
| 4.5-5 Cumulative impact of traffic noise levels. | LS | 4.5-5 <i>None required.</i> | N/A |
| 4.5-6 Cumulative impact of traffic noise levels at outdoor activity areas proposed within the 60 dB Ldn contours. | LS | 4.5-6 <i>None required.</i> | N/A |
| 4.5-7 Cumulative impact of traffic noise levels at interior residential uses proposed within the 60 dB Ldn contours. | LS | 4.5-7 <i>None required.</i> | N/A |
| 4.6 Biological Resources | | | |
| 4.6-1 Potential Impacts to the American Badger. | S | 4.6-1(a) <i>A qualified biologist shall conduct pre-construction surveys for American badger in all construction areas identified as potential habitat located within the project area two weeks prior to initiation of construction activities. If an American badger or active burrow, indicated by the presence of badger sign (i.e. suitable</i> | LS |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|--|--|
| | | <p><i>shape and burrow-size, scat) is found within the construction area during pre-construction surveys, the CDFG shall be consulted to obtain permission for animal relocation.</i></p> <p>4.6-1(b) <i>If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.</i></p> <p>4.6-1(c) <i>If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.</i></p> <p><u><i>Prior to initiating passive relocation efforts, adjacent lands will be evaluated to confirm that suitable habitat and refugia for badgers is present adjacent to the active den site. If necessary, artificial dens will be created in suitable areas within close proximity (as close as is feasible) to reduce exposure to predation during relocation. If passive relocation is ineffective, active relocation techniques will be coordinated with CDFG</i></u></p> | |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|--|--|
| | | <p><i>and carried out by a qualified biologist. A suitable relocation site will be found in the vicinity of the project site and a relocation plan designed to minimize stress to the animal will be developed for approval by CDFG and the City.</i></p> <p>4.6-1(d) <i>If badger are determined to be actively using the site, a qualified biologist shall provide project contractors and construction crews responsible for site demolition and/or grading operations with a worker-awareness program before any ground disturbance work within the project area. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.</i></p> | |
| 4.6-2 Potential Impacts to Western Burrowing Owl. | S | <p>4.6-2(a) <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities and within 15 days of initiation of any grading or other construction activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area and within 250 feet of the project boundary. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to the CDFG and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed.</i></p> | LS |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|---|--|
| | | <p>4.6-2(b) <i>If potentially nesting burrowing owl are present during pre-construction surveys conducted between February 1 and August 31, grading or other construction related disturbance shall not be allowed within 250 feet of any active nest burrows during the nesting season (February 1 – August 31) unless approved by CDFG.</i></p> <p>4.6-2(c) <i>If burrowing owl are detected during pre-construction surveys outside the nesting season (September 1 – January 31), passive relocation and monitoring may be undertaken by a qualified biologist following the CDFG and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone of the impact area. A minimum of one week shall be allowed to accomplish this task and allow for owls to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1 - August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.</i></p> <p><u><i>If passive relocation is unsuccessful, the feasibility of active relocation will be discussed with CDFG and an alternate strategy evaluated. Any active relocation efforts must be approved by CDFG and the City, and</i></u></p> | |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|--|--|
| | | <p><i>carried out by a qualified biologist with similar burrowing owl relocation experience and according to an approved plan.</i></p> <p>4.6-2(d) <i>If burrowing owl or sign of burrowing owl are detected at any time on the project site, a minimum of 6.5 acres of foraging habitat per pair or individual resident bird, shall be acquired and permanently protected to compensate for the loss of burrowing owl habitat. The acreage shall be based on the maximum number of owls observed inhabiting the property for any given observation period, pre-construction survey, or other field visit. The protected lands shall be occupied burrowing owl habitat and at a location acceptable to CDFG. A report shall be submitted to the City describing the agreed upon location. First priority for habitat preservation shall be accomplished on-site. If the required acreage cannot be preserved on-site, second priority shall be given to habitat preservation at an off-site location within the Davis city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Davis city limits. Habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of burrowing owl habitat on the project site. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an</i></p> | |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|--|--|
| | | <p><i>approved mitigation bank, or an approved Habitat Conservation Plan (HCP).</i></p> <p>4.6-2(e) <i>If burrowing owl are determined to be actively using the site, a qualified biologist shall conduct an education session for project contractors and construction crews responsible for site demolition and/or grading operations before any ground disturbance work within the project area. The education session, shall include includes photos of burrowing owl for identification purposes, habitat description, limits of construction activities in the project area, and guidance regarding general measures being implemented to conserve burrowing owl as they relate to the project. A qualified biologist shall provide materials and instructions to train new workers whose jobs involve initial ground disturbance, grading, or paving. Training for personnel finalizing exteriors and interiors would not be required.</i></p> <p>4.6-2(f) <i>A monitoring report of all activities associated with pre-construction surveys, avoidance measures, and passive relocation of burrowing owls shall be submitted to the City and CDFG no later than three days before initiation of grading.</i></p> | |
| 4.6-3 Potential Impacts to Nesting Birds. | S | 4.6-3(a) <i>The removal of any buildings, trees, or shrubs shall occur from September 1 through December 15, outside of the avian nesting season. If removal of buildings, trees, or shrubs occurs, or construction begins between February 1 and August 31 (nesting season for passerine</i> | LS |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--|---|---|--|
| | | <p><i>or non-passerine land birds) or between December 15 and August 31 (nesting season for raptors), a nesting bird survey shall be performed by a qualified ornithologist within 15 days prior to the removal or disturbance of a potential nesting structure, tree, or shrub, or the initiation of other construction activities. During this survey, a qualified biologist shall inspect all potential nesting habitat (trees, shrubs, structures, grasslands, etc.) for nests in and immediately adjacent to the impact areas. A report of the survey findings shall be provided to the City and CDFG.</i></p> <p>4.6-3(b) <i>All vegetation and structures with active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nest site. The size of the buffer zone shall be determined by the project biologist in consultation with CDFG and shall depend on the species involved, site conditions, and type of work to be conducted in the area.</i></p> <p>4.6-3(c) <i>A qualified biologist shall monitor active nests to determine when the young have fledged and are feeding on their own. The project biologist and CDFG shall be consulted for clearance before construction activities resume in the vicinity.</i></p> | |
| 4.6-4 Potential Impacts to Special-Status Bat Species. | S | 4.6-4(a) <i>A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to any removal of trees or structures on the site. If no active roosts are found, then no further action would be</i> | LS |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|---|--|
| | | <p>warranted. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, the following mitigation measures shall be implemented.</p> <p>4.6-4(b) <i>If active maternity roosts or hibernacula are found in trees or structures which will be removed as part of project construction, the project shall be redesigned to avoid the loss of the tree or structure occupied by the roost to the extent feasible as determined by the City. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied tree or structure, demolition shall commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones, as determined by a qualified biologist in coordination with CDFG, shall be observed during the maternity roost season (March 1 - July 31).</i></p> <p>4.6-4(c) <i>If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition shall then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential</i></p> | |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|--|--|
| | | <p><i>predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.</i></p> <p>4.6-4(d) <i>If special-status bats are found roosting within trees or structures on-site that require removal, appropriate replacement roosts shall be created at a suitable location on site or off site in coordination with a qualified biologist, CDFG, and the City.</i></p> | |
| 4.6-5 Potential Impacts to Nesting Swainson’s Hawk. | S | <p>4.6-5(a) <i>In order to ensure that nesting Swainson’s hawks will not be affected by construction on the project site, a qualified biologist shall conduct pre-construction surveys according to the CDFG and Swainson’s hawk Technical Advisory Committee guidelines (2000). Survey Period I occurs from January 1 – March 20, Period II from March 20 – April 5, Period III from April 5 – April 20, Period IV from April 21 – June 10, and Period V from June 10 – July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project’s initiation and shall encompass the area within one half mile of the project site.</i></p> <p>4.6-5(b) <i>Because of the potential for Swainson’s hawk to nest on-site, potential adverse affects to this species shall be avoided by establishment of CDFG approved buffers around any active nests. No construction activities shall take place within 0.25 mile of the nest until the young</i></p> | LS |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--|---|---|--|
| | | <p><i>have fledged, or authorization has been obtained from CDFG. Weekly monitoring reports summarizing nest activities shall be submitted to the City and CDFG until the young have fledged and the nest is determined to be inactive. Trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (late September to March) and in accordance with the CDFG “Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California,” November 8, 1994.</i></p> <p>4.6-5(c) <i>Replacement trees for any potential Swainson’s hawk nest trees removed as part of project construction must be planted either on-site or at a nearby site, and/or an in-lieu fee must be paid to the City of Davis Tree Preservation Fund as detailed in Mitigation Measure 4.6-7. <u>The implementation of this measure is not intended to be duplicative of the mitigation for loss of trees contained in Mitigation Measure 4.6-7(c).</u> Accordingly, mitigation provided under MM 4.6-7(c) may also serve as mitigation under this measure, provided that the standards of this measure are met.</i></p> | |
| 4.6-6 Potential Impacts to Swainson’s Hawk Foraging Habitat. | S | <p>4.6-6(a) <i>The applicant shall be responsible for mitigating the loss of any Swainson’s hawk foraging habitat. The extent of any necessary mitigation shall be determined by the City in consultation with CDFG; past recommended mitigation for loss of foraging habitat has been at a ratio of one acre of suitable foraging habitat for every one acre utilized by the proposed project. An “Agreement</i></p> | LS |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|--|--|
| | | <p><i>Regarding Mitigation for Impacts to Swainson's Hawk Foraging Habitat in Yolo County" was executed in August, 2002, between the Cities of Davis, West Sacramento, Winters, Woodland, the County of Yolo, and CDFG. The agreement currently requires 1.0 acre of habitat management lands as mitigation for each 1.0 acre of Swainson's hawk foraging habitat lost.</i></p> <p>4.6-6(b) <i>The project proponent will compensate for the loss of Swainson's hawk foraging habitat by providing Habitat Management lands (HM lands) to CDFG as defined in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (published by California Department of Fish and Game in 1994). If the proposed project is located within 1 mile of an active nest (<u>used during one or more of the last five years</u>, to be determined with preconstruction surveys) the loss of habitat will be compensated at a ratio of 1:1 (HM lands:urban development). The project proponent will provide HM lands through an in-lieu fee process prior to <u>commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, groundbreaking</u> per the Agreement to Yolo County HCP/NCCP Joint Powers Agency. Credits will be purchased through the in-lieu fee program due to the lack of mitigation credits currently available at a bank. As of January 2007, the cost per acre for the in-lieu fee is \$8,660 payable to the Joint Powers Agency. Should</i></p> | |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|---|--|
| | | <p><i>the in-lieu fee be increased prior to clearance to grade the project site, the project proponent shall pay the in-lieu fee in effect at that time. The project proponent will issue a check to the Joint Powers Agency if mitigation is required. It is estimated that a total of 15.5 acres of Swainson's hawk foraging habitat would be removed as a result of the project. The applicant shall pay the in-lieu fee for the 15.5 acres based on the removal of this Swainson's hawk foraging habitat.</i></p> <p style="text-align: center;"><i>-Or-</i></p> <p><i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the project proponent shall place and record one or more Conservation Easements that meet the acreage requirements of CDFG's Swainson's Hawk foraging habitat mitigation guidelines. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The City may, at its discretion, also be a party to the conservation easement(s). The conservation easement(s) shall be reviewed and approved in writing by CDFG prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk.</i></p> | |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--|---|--|--|
| 4.6-7 Potential Impacts to Tree Removal. | S | <p>4.6-7(a) <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, a tree preservation plan, in compliance with Ordinance 37.03.010 in the City of Davis Municipal Code, shall be submitted to the Community Development Department and City Arborist for review and approval, which shall ensure the following measures:</i></p> <ul style="list-style-type: none"> • <i>Trees shall be cordoned off with chain link fence prior to construction as specified;</i> • <i>Soil compaction under trees is to be avoided;</i> • <i>The fence shall prevent equipment traffic and storage under the trees and should extend beyond the drip-line;</i> • <i>Excavation within this zone shall be accomplished by hand, and roots ½” and larger shall be preserved;</i> • <i>Proper fertilization and irrigation prior to and during the construction period shall be provided as specified;</i> • <i>New landscaping under existing trees shall be carefully planned to avoid any grade changes and any excess moisture in trunk area. Existing plants which have compatible irrigation requirements and which complement the trees’ color, texture and form are to be saved;</i> • <i>Trenching within the drip-line shall be</i> | LS |

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|--|--|
| | | <p><i>performed only with prior approval of the Park and General Services Department. Boring is preferred when feasible;</i></p> <ul style="list-style-type: none"> • <i>All paving plans and specifications shall clearly prohibit the use of soil sterilants adjacent to preserved trees; and</i> • <i>Grade changes greater than one foot within the drip-line shall be avoided, and nothing other than a saw shall be used for root cutting.</i> <p>4.6-7(b) <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, a sheet shall be included with the project plans, which indicates all of the trees identified. The tree report with corresponding descriptions of each tree by species, health, etc. should also be included. In addition, notes shall be included on the plans which clearly state protection procedures for trees that are to be preserved. Any tree care practices, such as cutting of roots, pruning the top, etc., shall be adequately described and shall have the approval of a representative of the Parks and General Services Department prior to execution. In the event of damage to existing trees, a penalty clause shall be replacement tree(s) of equal size in D.B.H. unless specified otherwise by the Parks and General Services Department.</i></p> <p>4.6-7(c) <i>Trees identified on the site as Trees of Significance, that</i></p> | |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|--|--|
| | | <p><i>are proposed for removal, shall be replaced either on site or at a nearby site deemed acceptable by the Director of the City of Davis Parks and General Services Department. The Director may require an in-lieu fee to be paid to the City of Davis Tree Preservation Fund instead of or in addition to tree replacement. The recommendations for avoidance of trees contained in Chapter 37 of the City of Davis Municipal Code (Tree Planting, Preservation, and Protection) should be adopted if feasible. If infeasible, the applicant should identify trees slated for removal on the site plan, including those with encroachments within 30-feet of the drip line of trees and develop a tree replacement plan that shall be reviewed and approved by the City prior to issuance of the grading permit. Tree replacement shall be implemented according to options outlined in Section 37.03.070 of the City’s Municipal Code as follows:</i></p> <p style="margin-left: 40px;"><i>(i) Replanting a tree(s) on site: Trees shall be planted in number and size so that there is no net loss in tree diameter at breast height (DBH). For example, if one tree is removed with a 12-inch DBH size, mitigation may consist of a replacement of equal size, two trees each 6-inch DBH, or four trees each 3-inch DBH. The replanted tree(s) shall be minimum 5 gallon size and of a species that will eventually equal or exceed the removed tree in size.</i></p> <p style="margin-left: 40px;"><i>(ii) Replanting a tree(s) off site: If there is</i></p> | |

| TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES | | | |
|---|--|---|---|
| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
| | | <p><i>insufficient space on the property for the replacement tree(s), required planting shall occur on other property in the applicant's ownership or in City-owned open space or park, subject to the approval of the City Arborist and authorized property owners.</i></p> <p><i>(iii) Payment to the Tree Preservation Fund in lieu of replacement: If in the City Arborist's determination no feasible alternative exists to plant the required mitigation, or there are other considerations for alternative mitigation, the applicant shall pay into the Tree Preservation Fund an amount determined by the Director based upon the ISA appraisal guidelines or other approved method. If the Director approves another method of appraisal guideline, the Director shall publish notice of that approval and notify the permit applicant at the time the permit application is issued.</i></p> | |
| 4.6-8 Cumulative loss of biological resources in the City of Davis and the effects of ongoing urbanization in the region. | LS | 4.6-8 <i>None required.</i> | N/A |
| 4.7 Aesthetics | | | |
| 4.7-1 Impacts related to altering the existing character of the project site and obstructing views from existing homes. | S | 4.7-1 <i>None feasible.</i> | SU |

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|--|--|
| 4.7-2 Impacts related to light and glare. | S | <p>4.7-2(a) <i>Prior to issuance of the first building permit, the developer shall submit a street lighting plan for review and approval by the City Engineer. Street lightning shall be limited to reduced height low-profile fixtures. The Plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.</i></p> <p>4.7-2(b) <i>Prior to the issuance of building permits, the developer shall submit a lighting plan for the review and approval of the Chief Building Official of the City of Davis. The lighting plan shall include shielding on all light fixtures and shall address-limiting light trespass and glare through the use of shielding and directional lighting methods, including but not limited to, fixture location and height. The Plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.</i></p> | LS |
| 4.7-3 Impacts to scenic resources. | LS | 4.7-3 <i>None required.</i> | N/A |
| 4.7-4 Long-term impacts to the visual character of the region from the proposed project in combination with existing and future developments in the Davis area. | S | 4.7-4 <i>None feasible.</i> | SU |
| 4.8 Hydrology, Water Quality, and Drainage | | | |
| 4.8-1 Exposure of people and structures to flood hazards on the project site. | LS | 4.8-1 <i>None required.</i> | N/A |

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--|---|--|--|
| 4.8-2 Increased stormwater runoff from the project site contributing to downstream flooding. | S | 4.8-2 <i>In conjunction with the submittal of a tentative map, the project applicant shall submit a design-level engineering report on the stormwater detention and conveyance system to the City Engineer demonstrating that the proposed project peak flows into the existing 36-inch storm drain would not exceed 6.2 cfs. The report shall also demonstrate that peak flows from the site do not coincide with peak flows within Channel "A" and demonstrate how the system would function to adequately treat stormwater runoff prior to being discharged into Channel "A." Stormwater detention and conveyance plans shall be reviewed and approved by the City Engineer.</i> | LS |
| 4.8-3 Construction-related impacts to surface water quality. | S | 4.8-3 <i>Prior to commencement of construction, the applicant shall obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground disturbance. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation. A copy of the SWPP including BMP implementation provisions shall be submitted to the Chief Building Official.</i> | LS |

| TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES | | | |
|---|--|--|---|
| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
| 4.8-4 Long-term water quality degradation associated with urban runoff from the project site. | LS | 4.8-4 <i>None required.</i> | N/A |
| 4.8-5 Long-term increases in peak stormwater runoff flows from the proposed project in combination with existing and future developments in the Davis area. | LS | 4.8-5 <i>None required.</i> | N/A |
| 4.8-6 Cumulative impacts related to degradation of water quality. | S | 4.8-5 <i>Implement Mitigation Measures 4.8-2 and 4.8-3.</i> | LS |
| 4.9 Public Services and Facilities | | | |
| 4.9-1 Ability of Existing Water Conveyance Facilities to Meet Project Water Demands. | S | 4.9-1(a) <i>Prior to issuance of building permits, the East Area Tank, the East Area Main Upsize, and the West Area Main Upsize shall be included within the City's Capital Improvement Plan and fully funded for construction.</i> 4.9-1(b) <i>If the following is not included in the City's water connection charge at the time the water charge is paid for any unit in the project, then, in addition to the water connection charge, the project shall pay fair share fees for the above-listed improvements at the time of building permit issuance. This fair share shall include any additional costs that the City may incur to accelerate the timing of the above-listed projects.</i> | LS |
| 4.9-2 Long-term availability of water supply to meet the project water | S | 4.9-2 <i>The project applicant shall pay fair share fees for the future water supply project(s) required to meet City</i> | LS |

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|---|--|
| demand. | | <i>demand beyond 2020 at the time of building permit issuance.</i> | |
| 4.9-3 Increased demand for wastewater disposal. | S | 4.9-3 <i>Prior to the approval of a tentative map for the Wildhorse Ranch project, the applicant shall submit a design-level wastewater report for the proposed project that demonstrates how the project's wastewater will be delivered to the Wastewater Treatment Plant. Included in the report shall be a determination of the capacity of downstream sewer lines and what improvements, if any, need to be constructed to accommodate and convey the project's additional wastewater, and the construction and operational costs of the options. The wastewater report shall be subject to approval by the City Engineer. The applicant shall be required to fully fund and construct the necessary wastewater improvements determined by the wastewater report.</i> | LS |
| 4.9-4 Increased demand for fire protection services. | S | 4.9-4 <i>Prior to the issuance of building permits <u>Certificates of Occupancy</u>, the applicant shall contribute funds to the Davis Fire Department for the provision of facilities needed to provide adequate fire protection service to the proposed project. These facilities may include but are not necessarily limited to a fourth City fire station and a ladder truck. The amount of funding shall be pay all applicable major project impact fees per the impact fee schedule determined by the Community Development Director and the Davis Fire Chief.</i> | SU |
| 4.9-5 Increased demand for law enforcement protection services. | <u>LS</u> | 4.9-5 <i>Prior to the issuance of building permits, the project applicant shall contribute funding to the Davis Police Department needed to provide an additional 0.57</i> | <u>LSN/A</u> |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|--|--|
| | | <p>officer. Funding options include, but are not necessarily limited to the following:-</p> <ol style="list-style-type: none"> 1) Provide an endowment fund that would provide for the hiring of approximately 60 percent law enforcement officer and the support equipment and materials for the officer; 2) Contribute toward hiring new officers, their equipment and materials with the goal of improving community relations as a good steward of the community; or 3) The project applicant shall present an alternative and acceptable means, as determined by the Police Chief, whereby the required law enforcement officer will be provided in the long term. <p>The final funding mechanism and dollar amount shall be reviewed and approved by the Community Development Director and the Davis Police Chief. None required.</p> | |
| 4.9-6 Increased demand for school resources. | S | 4.9-6 Prior to the issuance of building permits, the applicant shall show proof to the Community Development Department of payment of current SB50 and AB 16 school impacts fees. | LS |
| 4.9-7 Increased demand for solid waste disposal/recycling services. | LS | 4.9-7 None required. | N/A |
| 4.9-8 Increased demand for park and recreation services and facilities. | S | 4.9-8 Prior to the issuance of building permits <u>Certificates of Occupancy</u> , the applicant shall pay in-lieu <u>Quimby fees</u> | LS |

| TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES | | | |
|--|--|--|---|
| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
| | | <i>for required park acreage.</i> | |
| 4.9-9 Impacts to gas and electric facilities. | LS | 4.9-9 <i>None required.</i> | N/A |
| 4.9-10 Long-term impacts to public services and facilities from the proposed project in combination with existing and future developments in the Davis area. | LS | 4.9-10 <i>None required.</i> | N/A |
| 4.10 Climate Change | | | |
| 4.10-1 Project impacts concerning the production of GHGs. | S | 4.10-1 <i>In conjunction with the submittal of a Tentative Map for the proposed project, the project applicant shall submit, for the review and approval of the Community Development Department, a sustainability plan, which demonstrates that the proposed project does not conflict with the goals and strategies of Executive Order S-3-05, the Attorney General’s suggested global warming mitigation measures, or City of Davis Resolution No. 08-166. The sustainability plan shall include, but not be limited to, the compliance measures <u>listed in the right column of included in Table 4.10-6, which is labeled “Wildhorse Ranch Compliance.”</u></i> | SU |
| Initial Study | | | |
| V. Cultural Resources. | S | V-1 <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, an archaeological monitor shall be retained by the applicant and approved by the City to train the</i> | LS |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------|---|--|--|
| | S | <p><i>construction grading crew prior to commencement of earth-grading activity in regard to the types of artifacts, rock, bone, or shell that they are likely to find, and when work shall be stopped for further evaluation. One trained crew member shall be on-site during all earth moving activities, with the assigned responsibility of “monitor.” If any earth-moving activities uncover artifacts, exotic rock, or unusual amounts of bone or shell, work shall be halted in the immediate area of the find and shall not be resumed until after the archaeologist monitor has inspected and evaluated the deposit and determined the appropriate means of curation. The appropriate mitigation measures may include as little as recording the resource with the California Archaeological Inventory database or as much as excavation, recordation, and preservation of the sites that have outstanding cultural or historic significance.</i></p> <p>V-2</p> <p><i>Prior to the approval of tentative map(s), the tentative map(s) shall state that during construction, if bone is uncovered that may be human; the Native American Heritage Commission in Sacramento and the Yolo County Coroner shall be notified. Should human remains be found, the Coroner’s office shall be immediately contacted and all work halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to</i></p> | LS |

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--------------------------------------|---|--|--|
| | | <i>determine the appropriate disposition of such remains.</i> | |
| VI Geology and Soils. | S | VI-1 <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the developer shall prepare a storm water pollution prevention plan (SWPPP), consistent with the State Water Resources Control Board NPDES requirements. A copy of the SWPPP shall be submitted to the City Engineer subject to review and comment.</i> | LS |
| | S | VI-2 <i>Prior to the approval of final map(s), a final design-level geotechnical report, with consideration of recommendations from the Wildhorse Geotechnical Investigation, shall be prepared and submitted to the Chief Building Official for review and comment. The recommendations of the final geotechnical report shall be incorporated into the project design prior to issuance of building permits for review and approval of the City Engineer and/or Chief Building Official.</i> | LS |
| VII Hazards and Hazardous Materials. | S | VII-1 <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the on-site septic systems and agricultural well(s) shall be located and properly destroyed by a licensed contractor in compliance with Yolo County Environmental Health Department standards. Confirmation of the destruction of such facilities shall be submitted to the City Engineer.</i> | LS |

3. PROJECT DESCRIPTION

Chapter 3 of the DEIR, page 3-1, second paragraph is hereby revised as follows:

... The site is identified by Yolo County Assessor’s Parcel Number (APN) 071-140-11. The current City of Davis General Plan (adopted May 2001) designation for the site is Agriculture (See Figure 4.1-1).

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-4, fourth paragraph is hereby revised as follows:

...73 detached single-family residences, and 78 two to three story attached single-family townhome units (including ~~3630~~ middle-income units) on 11.95-acres and 1.92-acres of attached affordable housing for a maximum of 40 units at ~~240~~ du/ac (See Table 3-1, Wildhorse Ranch Project Data and Figure 3-3, Wildhorse Ranch Site Plan).

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-5, Table 3-1 is hereby revised as follows:

| Project Residential Unit Types | Units |
|--|----------------------------|
| Detached Single-Family (3,600 square feet) | 73 |
| Attached Single-Family | 78* |
| Middle Income for Sale-Attached | (3630 * of 78) |
| Low/Very Low (Multi-family rental units) | 40* |

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-7, second paragraph is hereby revised as follows:

...If dedicated to the City, the land dedication site would be required to be at least ~~2.67~~1.92 acres. A land dedication site of ~~2.67~~1.92 acres for a 40-unit requirement is consistent with the City density calculations of ~~1520~~ du/acre in accordance with the Affordable Housing Ordinance...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-7, second paragraph is hereby revised as follows:

...The applicant proposes to apply to the City for a Project Individualized Plan (“PIP”) that would allow ~~it~~ the applicant to construct, own and manage the units. The applicant anticipates that part of its application will include a proposal to select a local housing non-profit who specializes in tax credit financed affordable housing projects as a partner in building and managing the apartment site housing...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-8, seventh and eighth bullets are hereby revised as follows:

- Roof orientation to maximize solar panel efficiency; ~~and~~
- The community provides a natural buffer edge that decreases the likelihood of further encroachment into the adjacent agricultural uses as well as increasing the amount of accessible open space in the project area, and
- Homeowner education on water use and conservation.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-8, last three bullets are revised as follows:

- Efficient hot water delivery (demand-initiated tankless heating/core plumbing system); and
- Limit amount of turf coverage per lot and open space areas, and/or require ‘water-budget’ landscape design; ~~and~~
- ~~Homeowner education on water use and conservation.~~

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-8, 8th bullet is hereby revised as follows:

- Energy Star rated appliances (to include dishwasher, and refrigerator ~~and clothes washer~~);

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-8, 12th bullet is hereby revised as follows:

- Low water-factor ~~clothes washers and~~ dishwashers;

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-9, first paragraph is hereby revised as follows:

Boulevard and Monarch Lane intersection is anticipated for signalization as part of the project and would allow full turn movements to and from the site. A secondary vehicle access point is proposed along East Covell Boulevard at the south end of the 65-foot additional buffer land dedication area. The intersection would be a “T”-intersection with a right-in and right-out only. The proposed project includes the construction of both access points. The exact alignments will be determined in consultation with the City Engineer and the public safety departments and then incorporated into the Site Plan. The two street access points from Covell Boulevard are the primary fire and police access points. A potential third Emergency Vehicle Access (EVA) is located at Caravaggio Place to the north (See Figure 3-3). The final number and location of EVAs will be determined at a later stage.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-9, first paragraph is hereby revised as follows:

...The East Covell Boulevard and Monarch Lane intersection is ~~anticipated~~ planned for signalization as part of the project and would allow full turn movements to and from the site...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Chapter 3 of the DEIR, page 3-13, second to last paragraph is hereby revised as follows:

Consistent with General Plan Policy UD2.2, where feasible all streets would be lined with shade trees, creating a well shaded street and green canopy that ~~slows traffic~~, reduces the heat island affect, and enhances the neighborhood aesthetics....

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

4.0 INTRODUCTION TO THE ANALYSIS

Chapter 4.0 of the DEIR, page 4.0-2, fourth bullet, is hereby revised as follows:

- *Hazards and Hazardous Materials (VII a., c.-f., h. p.33)*: The project site is not located within an airport land use plan, within two miles of an airport, or

located within an area where wildland fires occur. Therefore, the proposed project would result in no impacts pertaining to the aforementioned hazards. The Wildhorse Subdivision Hazards Assessment, which included the project site, noted that the project site had been used for agriculture in the past. The report analyzed project site samples for Organochlorine Pesticides using EPA method 8080. The report concluded no concentrations of DDT, DDD, toxaphene, dieldrin or any other EPA method 8080 constituents with the exception of DDE, which was detected in all samples at concentrations ranging from 0.043 to 0.083 parts per million (ppm). The presence of DDE in the soil was found to be well below the Total Threshold Limit Concentration of 1.0 ppm. Therefore, the pesticide residues are well below the Total Threshold Limit Concentration.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

4.1 LAND USE AND AGRICULTURAL RESOURCES

Section 4.1 of the DEIR, page 4.1-1, second to last paragraph is hereby revised as follows:

The City of Davis General Plan designates the 25.79-acre parcel on the project site as Agriculture (AG) (See Figure 4.1-1). The City of Davis General Plan definition for the Agriculture land use is:

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.1 of the DEIR, page 4.1-22, second to last paragraph is hereby revised as follows:

...The proposed project is consistent with the policy because the project includes 73 detached single-family residences, 78 two to three story attached single-family units (including ~~3630~~ middle-income units) on 11.95 acres, and 1.92 acres of attached affordable housing for a maximum of 40 units at ~~204~~ dwelling units per acre. Therefore, the proposed project would provide a mix of densities, price and rents, and housing types.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.1 of the DEIR, page 4.1-22, second to last paragraph is hereby revised as follows:

The project is consistent with *Policy LU A.3* of the General Plan which requires each new development to include a mix of housing types, densities, prices and rents, and designs. The proposed project is consistent with the policy because the project includes 73 detached single-family residences, 78 two to three story attached single-family units (including ~~3630~~ middle-income units) on 11.95 acres,

and 1.92 acres of attached ~~affordable-multifamily~~ housing for a maximum of 40 units (38 units are affordable) at 20 dwelling units per acre. Therefore, the proposed project would provide a mix of densities, price and rents, and housing types.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.1 of the DEIR, page 4.1-23, first paragraph is hereby revised as follows:

...Using this approach, a total of ~~3.92~~3.66 acres was subtracted from the 25.79-acre total site acreage, resulting in a greenbelt calculation acreage of ~~21.88~~20.52 acres...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.1 of the DEIR, page 4.1-26, second paragraph is hereby revised as follows:

...The affordable site is approximately 1.92-acres, and is anticipated to be dedicated to the City. The affordable housing site density, if intended to be dedicated, would be based on 20 units per acre. The dedication would be inconsistent with the Affordable Housing Ordinance (AHO) which requires 15 units per acre...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

4.2 POPULATION, HOUSING, AND EMPLOYMENT

Section 4.2 of the DEIR, page 4.2-10, third paragraph is hereby revised as follows:

...The affordable housing would be composed of ~~36~~30 units of attached for-sale middle-income units, and 1.92 acres of land designated for the development of affordable housing...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.2 of the DEIR, page 4.2-10, third paragraph is hereby revised as follows:

~~Forty (40)~~ Thirty six (36) percent of the project's housing would be affordable to very low and low as well as middle-income housing provided in accordance with the City's specifications and definitions of affordable and middle income housing. The City's Social Services Commission, Planning Commission, and City Council are in the process of reviewing reduction of required middle-income housing units for projects such as this, given the current market

conditions. The outcome could be a reduction in the number of required middle-income housing units for this project. The affordable housing site would likely be dedicated to the City. The affordable housing site density, if intended to be dedicated, would be based on 204 units per acre.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

4.3 TRANSPORTATION AND CIRCULATION

The commenter is correct that the reference to Table 4.3-8 should be Table 4.3-18. Section 4.3 of the DEIR, page 4.3-55, last paragraph is hereby revised as follows:

As shown in Table ~~4.3-8~~4.3-18, the Second Street / Mace Boulevard intersection operates at LOS C under both the Existing and Existing With Project scenarios...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.3 of the DEIR, page 4.3-25, third to last paragraph is hereby revised as follows:

...The primary access driveway would be on Covell Boulevard, aligned with Monarch Lane. To achieve an acceptable service level, this intersection is ~~assumed~~ planned for signalization ~~to be signalized~~...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.3 of the DEIR, page 4.3-29, fourth paragraph is hereby revised as follows:

The Covell Boulevard/Monarch Lane/Proposed Project Entrance #1 intersection ~~was assumed to be signalized~~ is planned for signalization in the Existing Plus Project scenario. The Existing Plus Project traffic volumes meet the peak hour signal warrant at this location, demonstrating the need for the proposed signal.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.3 of the DEIR, page 4.3-32, Table 4.3-11 is hereby revised as follows:

3. Intersection is SSSC in Existing No Project conditions, and ~~assumed to be signalized~~ planned for signalization in Existing Plus Project conditions.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

4.4 AIR QUALITY

Section 4.4 of the DEIR, page 4.4-11, mitigation measure 4.4-1 is hereby revised as follows:

4.4-1 Prior to commencement of any ground disturbing activities, the applicant shall submit a dust control plan to the City Engineer and the Yolo-Solano Air Quality Management District and the dust control plan shall be approved by the Yolo-Solano Air Quality Management District. This plan shall ensure that adequate dust controls are implemented during all phases of project construction. The dust control best management practices (BMPs) ~~may~~ shall include but are not necessarily limited to the following:

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.4 of the DEIR, page 4.4-12, Mitigation Measure 4.4-1 is hereby revised as follows:

- *All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard; ~~and~~*
- *Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads; and-*
- *All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer on site a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecast to be greater than 15 mph.*

The above change would further reduce this less-than-significant impact and does not alter any of the conclusions contained within the DEIR.

4.6 BIOLOGICAL RESOURCES

Section 4.6 of the DEIR, page 4.6-1, first paragraph is hereby revised as follows:

This section is primarily based on a Biological Resource Analysis (Appendix F),¹ a Habitat Assessment and Focused Winter Season Survey for Burrowing Owl (Appendix G),² and Focused Breeding Season Survey for Burrowing Owl (Appendix G)³ prepared by EDAW, Inc., a Tree Appraisal (Appendix H)⁴ prepared by Tree Associates, as well as the City of Davis General Plan,⁵ as well as Burrowing Owl Survey Protocol and Mitigation Guidelines.⁶

The above change would further reduce this less-than-significant impact and does not alter any of the conclusions contained within the DEIR.

Section 4.6 of the DEIR, page 4.6-39, Mitigation Measure 4.6-1(c) is hereby revised as follows:

4.6-1(c) *If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.*

Prior to initiating passive relocation efforts, adjacent lands will be evaluated to confirm that suitable habitat and refugia for badgers is present adjacent to the active den site. If necessary, artificial dens will be created in suitable areas within close proximity (as close as is feasible) to reduce exposure to predation during relocation. If passive relocation is ineffective, active relocation techniques will be coordinated with CDFG and carried out by a qualified biologist. A suitable relocation site will be found in the vicinity of the project site and a relocation plan designed to minimize stress to the animal will be developed for approval by CDFG and the City.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.6 of the DEIR, page 4.6-41, Mitigation Measure 4.6-2(c) is hereby revised as follows:

4.6-2(c) *If burrowing owl are detected during pre-construction surveys outside the nesting season (September 1 – January 31), passive relocation and monitoring may be undertaken by a qualified biologist following the CDFG and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone of the impact area. A minimum of one week shall be allowed to accomplish this task and allow for owls to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1 - August 31) and the site shall be monitored weekly by a qualified biologist until*

construction begins to ensure that burrowing owls do not re-inhabit the site.

If passive relocation is unsuccessful, the feasibility of active relocation will be discussed with CDFG and an alternate strategy evaluated. Any active relocation efforts must be approved by CDFG and the City, and carried out by a qualified biologist with similar burrowing owl relocation experience and according to an approved plan.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.6 of the DEIR, page 4.6-45, second paragraph is hereby revised as follows:

4.6-5(c) *Replacement trees for any potential Swainson's hawk nest trees removed as part of project construction must be planted either on-site or at a nearby site, and/or an in-lieu fee must be paid to the City of Davis Tree Preservation Fund as detailed in Mitigation Measure 4.6-7. The implementation of this measure is not intended to be duplicative of the mitigation for loss of trees contained in Mitigation Measure 4.6-7(c). Accordingly, mitigation provided under MM 4.6-7(c) may also serve as mitigation under this measure, provided that the standards of this measure are met.*

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.6 of the DEIR, page 4.6-45, Mitigation Measures 4.6-6(a) is hereby revised as follows:

~~4.6-6(a) — The applicant shall be responsible for mitigating the loss of any Swainson's hawk foraging habitat. The extent of any necessary mitigation shall be determined by the City in consultation with CDFG; past recommended mitigation for loss of foraging habitat has been at a ratio of one acre of suitable foraging habitat for every one acre utilized by the proposed project. An "Agreement Regarding Mitigation for Impacts to Swainson's Hawk Foraging Habitat in Yolo County" was executed in August, 2002, between the Cities of Davis, West Sacramento, Winters, Woodland, the County of Yolo, and CDFG. The agreement currently requires 1.0 acre of habitat management lands as mitigation for each 1.0 acre of Swainson's hawk foraging habitat lost.~~

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR. Upon City Staff's further review, Mitigation Measure 4.6-6(a) is redundant with the more detailed Mitigation Measure 4.6-6(b) addressing Swainson's hawk foraging habitat mitigation.

Section 4.6 of the DEIR, page 4.6-45, Mitigation Measures 4.6-6(b) is hereby revised as follows:

~~4.6-6(b)~~ *The project proponent will compensate for the loss of Swainson's hawk foraging habitat by providing Habitat Management lands (HM lands) to CDFG as defined in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (published by California Department of Fish and Game in 1994). If the proposed project is located within 1 mile of an active nest (used during one or more of the last five years, to be determined with preconstruction surveys) the loss of habitat will be compensated at a ratio of 1:1 (HM lands:urban development). The project proponent will provide HM lands through an in-lieu fee process prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, ~~groundbreaking~~ per the Agreement to Yolo County HCP/NCCP Joint Powers Agency. Credits will be purchased through the in-lieu fee program due to the lack of mitigation credits currently available at a bank. As of January 2007, the cost per acre for the in-lieu fee is \$8,660 payable to the Joint Powers Agency. Should the in-lieu fee be increased prior to clearance to grade the project site, the project proponent shall pay the in-lieu fee in effect at that time. The project proponent will issue a check to the Joint Powers Agency if mitigation is required. It is estimated that a total of 15.5 acres of Swainson's hawk foraging habitat would be removed as a result of the project. The applicant shall pay the in-lieu fee for the 15.5 acres based on the removal of this Swainson's hawk foraging habitat.*

~~-Or-~~

Prior to commencement of construction-related activities ~~for the project including, but not limited to, grading, staging of materials, or earthmoving activities~~, the project proponent shall place and record one or more Conservation Easements that meet the acreage requirements of CDFG's Swainson's Hawk foraging habitat mitigation guidelines. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The City may, at its discretion, also be a party to the conservation easement(s). The conservation easement(s) shall be reviewed and approved in writing by CDFG prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.6 of the DEIR, page 4.6-49, endnotes is hereby revised as follows:

1. EDAW, Inc., *Biological Resource Analysis*, February 13, 2007.
2. EDAW, Inc., *Habitat Assessment and Focused Winter Season Survey for Burrowing Owl*, April 9, 2007.
3. EDAW, Inc., *Focused Breeding Season Survey for Burrowing Owl*, September 26, 2007.
4. Tree Associates, *Tree Appraisal*, September 15, 2006.
5. City of Davis, *City of Davis General Plan*, May 2001.
6. California Burrowing Owl Consortium, *Burrowing Owl Survey Protocol and Mitigation Guidelines*, April 1993.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

4.7 AESTHETICS

Section 4.7 of the DEIR, page 4.7-8, second bullet is hereby revised as follows:

- 78 two- to three-story attached single-family units (including ~~3630~~ middle-income units) on 11.95 acres; and
- 1.92 acres of attached affordable housing for a maximum of 40 units at ~~204~~ dwelling units per acre (du/ac).

The above changes are for clarification purposes only and do not alter any of the conclusions contained within the DEIR.

4.9 PUBLIC SERVICES AND UTILITIES

Based upon the comment and further consideration by City Staff, Mitigation Measure 4.9-4 on page 4.9-28 of the DEIR is hereby revised for clarification purposes as follows:

- 4.9-4 *Prior to the issuance of ~~building permits~~ Certificates of Occupancy, the applicant shall ~~contribute funds to the Davis Fire Department for the provision of facilities needed to provide adequate fire protection service to the proposed project. These facilities may include but are not necessarily limited to a fourth City fire station and a ladder truck. The amount of funding shall be~~ pay all applicable major project impact fees per the impact fee schedule determined by the Community Development Director and the Davis Fire Chief.*

It is important to note that the DEIR did not determine that Mitigation Measure 4.9-4 would reduce the project's impact to fire protection services to a less-than-significant level. The above revised Mitigation Measure 4.9-4 would also not be expected to reduce the proposed project's impacts to fire protection services, but rather, the measure would serve to reduce the project's

fire services impact to the extent feasible. Therefore, the DEIR conclusions remain unchanged in the respect that the project's impacts to fire protection services would be significant and unavoidable.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Based upon the comment, further consideration has been given by City Staff regarding the fact that police service is an issue that is evaluated and addressed at a city-wide level. The City currently collects impact fees from new development and reviews the adequacy of impact fees on an annual basis. Payment of the applicable impact fees by the project applicant would ensure that project impacts to police services are less-than-significant. As a result, Impact Statement 4.9-2 on page 4.9-29 of the DEIR is hereby revised as follows:

4.9-5 Increase demand for law enforcement protection services.

The proposed project involves the construction of 191 residential units, which would result in a population increase in the City of Davis of 474 persons. According to the Davis Police Department, the City's service ratio standard is 1.2 officers per 1,000 population and the existing service level is roughly 0.88 officers per 1,000 population. Utilizing the City's service ratio standard, the project would generate the need for an additional 0.57 officers (Officers required = total project population/1,000 x 1.2). The Davis Police Department has indicated that it does not have adequate resources to meet its current obligations.ⁱ However, police service is an issue that is appropriately evaluated and addressed at a city-wide level. The City currently collects impact fees from new development based upon projected impacts from that development and reviews the adequacy of impact fees on an annual basis. The City also adopts an annual budget allocating resources to police services and other City services based upon community needs. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would ensure that project impacts to police services are less-than-significant. Therefore, the additional demand created by the proposed project would have a *significant* impact to police protection services.

Mitigation Measure(s)

~~Implementation of the following mitigation measures would reduce the above impact to a *less than significant* level. None required.~~

~~4.9-5 ——— *Prior to the issuance of building permits, the project applicant shall contribute funding to the Davis Police Department needed to provide an additional 0.57 officer. Funding options include, but are not necessarily limited to the following:*~~

- ~~1) Provide an endowment fund that would provide for the hiring of approximately 60 percent law enforcement officer and the support equipment and materials for the officer;~~
- ~~2) Contribute toward hiring new officers, their equipment and materials with the goal of improving community relations as a good steward of the community; or~~
- ~~3) The project applicant shall present an alternative and acceptable means, as determined by the Police Chief, whereby the required law enforcement officer will be provided in the long term.~~

~~The final funding mechanism and dollar amount shall be reviewed and approved by the Community Development Director and the Davis Police Chief.~~

The above changes are for clarification purposes only and do not alter any of the conclusions contained within the DEIR.

For clarification purposes, Section 4.9 of the DEIR, page 4.9-31, third paragraph is hereby revised as follows:

One Community Park, Mace Ranch Community Park, is located within a half mile or less of the subject site, and two Neighborhood Parks, Slide Hill Park, and Robert Arneson Park, are located within a quarter of a mile of the subject site. Slide Hill Park includes swimming pools, tennis courts, and a Girl Scout Cabin.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.9 of the DEIR, page 4.9-31, last paragraph is hereby revised as follows:

...Using this approach, a total of ~~3.923.66~~ acres was subtracted from the 25.78-acre total site acreage, resulting in project acreage of ~~21.8820.52~~ acres...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.9 of the DEIR, page 4.9-32, Mitigation Measure 4.9-8 is hereby revised as follows:

4.9-8 *Prior to the issuance of ~~building permits~~ Certificates of Occupancy, the applicant shall pay in-lieu Quimby fees for required park acreage.*

The above change is staff-initiated and is for clarification purposes regarding the timing of Mitigation Measure 4.9-8, and does not alter any of the conclusions contained within the DEIR.

4.10 CLIMATE CHANGE

Comment noted. Based on Comment 14-73, Table 4.10-4, Carbon Allowances, on page 4.10-13 of the DEIR is hereby revised as follows:

| Table 4.10-4 Carbon Allowances | | | |
|--|----------------------------------|--|--|
| Target Year Minimum / Desired | Target | Carbon Allowance to Meet GHG Reduction Target (annual metric tonnes per dwelling unit and per person) | |
| | | Residential Type | |
| | | New Residential | Percent Reduction Over Existing |
| Existing / Base Year (2010) | N/A | <u>16.5</u> 20.25 per unit / <u>6.6</u> 8.1 per person | <u>0%</u> 20.25 per unit / <u>0%</u> 8.1 per person |
| 2012 (minimum) 2012 (desired) | 1998 level 7% below 1990 | <u>15.0</u> 18.6 / <u>6.0</u> 7.4 <u>8.61</u> 1.25 / <u>3.4</u> 4.5 | <u>9%</u> 18.75 / 7.5 <u>48%</u> 11.75 / 4.7 |
| 2020 (minimum) 2020 (desired) | 1990 level 28% below 1990 | <u>9.25</u> 12.0 / <u>3.7</u> 4.8 <u>6.7</u> 8.75 / <u>2.7</u> 3.5 | <u>44%</u> 12.75 / 5.1 <u>59%</u> 9.25 / 3.7 |
| 2030 (minimum) 2030 (desired) | 28% below 1990 53% below 1990 | <u>6.7</u> 8.75 / <u>2.7</u> 3.5 <u>4.35</u> 5.75 / <u>1.75</u> 2.3 | <u>59%</u> 9.25 / 3.7 <u>74%</u> 6.0 / 2.4 |
| 2040 (minimum) 2040 (desired) | 53% below 1990 80% below 1990 | <u>4.35</u> 5.75 / <u>1.75</u> 2.3 <u>1.85</u> 2.5 / <u>0.75</u> 1.0 | <u>74%</u> 6.0 / 2.4 <u>89%</u> 2.5 / 1.0 |
| 2050 (minimum) 2050 (desired) | 80% below 1990 Carbon neutral | <u>1.85</u> 2.5 / <u>0.75</u> 1.0 Net 0 | <u>89%</u> 2.5 / 1.0 <u>100%</u> Net 0 |
| * Assumes 2.5 persons per dwelling unit and an annual growth rate of 1% per year. (Source: City of Davis GHG Inventory and Forecast Report, May 2008). | | | |
| Sources: City of Davis, City Council Staff Report, November 4, 2008 <u>April 21, 2009</u> ; and Deb Niemeier, Ph.D., P.E., Carbon Development Allowances, Final Report, September 2008. | | | |

In addition, page 4.10-14 of the DEIR is hereby revised as follows:

New Residential Projects

Pursuant to the April 21, 2009 City Council staff report regarding GHG emission thresholds and standards for new residential development, the Staff is in the process of drafting initial guidelines for GHG reduction standards for new residential projects have been set by the City of Davis. The guidelines use the GHG inventory and allowances to set standards for new residential projects. The intent of the guidelines is to ensure that new residential projects move the City toward its long-term GHG reduction targets. The draft guidelines are currently in the early development stages. The guidelines establish multiple paths for meeting the overall requirements and include suggested mitigation measures to help achieve meaningful reductions in GHG emissions.

Conclusion

Because ~~The City recognizes~~ that implementation of programs to reduce residential GHG emissions ~~will~~ requires development of a set of standards, measures, and tools to educate and guide existing residents and developers of new residential projects, the City developed recommended GHG emissions standards for new residential projects. ~~Establishment of the allowances is a critical first step, but it must be followed by programs that provide certainty and adequate flexibility to give developers and residents a viable chance of achieving the per-capita targets. According to the April 21, 2009 City Council staff report (p. 08-6),~~ “The recommended general GHG emissions standard for new residential projects is a phased approach that provides meaningful GHG reductions and rewards creative design that takes advantage of existing community form. The general standard includes two paths: the first is a package approach that the City would recognize as sufficient to satisfy GHG emissions standards. The second would be a project-specific calculation of GHG emissions and customized mitigation program to reduce project GHG emissions to target year levels.”

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Page 4.10-14 of the DEIR is hereby revised as follows:

Pursuant to Senate Bill 97, Chapter 185 (2007), the California Office of Planning and Research (OPR), the agency responsible for development and updates to the CEQA Guidelines, is not required to have a draft set of guidelines for climate change until July 1, 2009 (pursuant to Senate Bill 97, Chapter 185, 2007). Senate Bill 97 directs OPR to propose CEQA guidelines advising local agencies how to mitigate GHG emissions. Draft amendments to the CEQA Guidelines were issued by OPR in April 2009; the amendments are to be adopted by January 2010. The draft amendments direct lead agencies to identify significance thresholds, but do not indicate what those thresholds should be.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

In addition, the following text is hereby added to page 4.10-16 of the DEIR:

City of Davis GHG Emissions Standards for New Residential Projects

Based on City Council-adopted residential growth guidelines and working from an assumption that 250 residential units will be built per year between 2010 and 2013, the City recommends that new residential projects of less than five percent of the total units assumed to be built in a particular year (12 units), are exempt as a de minimus impact. Projects of up to 10 percent of the total units assumed to be

built in a particular year (25 units), may pay a GHG mitigation in lieu fee of the cost of achieving 35 percent better than 2005 Title 24, plus \$1,000 per unit to fund implementation of community GHG emission reduction programs with no further requirement Projects over 10 percent of the total units assumed to be built in a particular year (25+ units), are required to mitigate under one of the two following paths:

- Meet standards for LEED Neighborhood Development Gold certification. The City considers this certification process consistent with the intent of the City's GHG standards.

Or

- Achieve 1990 level project GHG allowances for the house portion of the proposed project (33% of total residential GHG emissions) as specified in Table 4.10-4.

If the second path is selected, the City encourages a majority of GHG savings to occur on-site. The advantage of on-site mitigation is based on the premise that it is much more cost effective to make improvements in houses and infrastructure during construction than to retrofit at a later date. This reduces the likelihood that the City will need to develop and fund programs in the future to retrofit the newly developed portion of the community housing stock in the decades ahead. In addition, it is anticipated that a more efficient home would provide benefits when homes are marketed, and serve as an example for other builders and homeowners.

In addition, page 4.10-16 of the DEIR is hereby revised as follows:

It should be noted that ~~the Davis NRC is in the process of making recommendations to the City Council regarding which GHG reduction target year should be adopted for new development occurring prior to 2010 (See Table 4.10-2)~~ due to the City seeking a balance between project viability and meaningful GHG reductions, the recommended initial target year is 1990. Based on Table 4.10-4, each project would receive a per unit carbon "allowance" equal to 1990 levels. If the project achieved better than 1990 level reductions, the project could trade with other future projects. The City recommends that this initial target be in effect until December 2010. Beginning in January 2011, the target would automatically roll to the next target year based on a linear interpolation to achieve the next key target year (e.g. 2012, 2020 etc.). Review of the target year would be incorporated into regular review of the standard.

The above changes are for clarification purposes only and do not alter any of the conclusions contained within the DEIR.

Based on Comment 14-80, page 4.10-16, fifth paragraph, fourth sentence, of the DEIR is hereby revised as follows:

Based on the URBEMIS-2007 information, the proposed project was estimated to generate approximately 3,823.54 tons of CO₂ per year. It should be noted that this estimate is based on the proposed project without implementation of the project's future sustainability plan (or any other mitigation).

It should be noted that, as discussed in Response to Comment 14-74, the final sustainability plan for the proposed project has not yet been submitted or approved by the City. Pursuant to Mitigation Measure 4.10-1 in the DEIR, in conjunction with the submittal of a Tentative Map, the project applicant is required to submit the sustainability plan for the project, for review and approval by the Community Development Department. At the time of submittal of the sustainability plan, quantification of CO₂ reductions that would be attributable to the sustainability plan will be feasible. In addition, it should be noted that the DEIR does indicate, on pages 4.10-17 through 4.10-19, by what approximate percentage each of the items of the preliminary sustainability plan (i.e., passive solar design, building systems and equipment, on-site photovoltaic systems, and transportation) would reduce project-related GHG emissions.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Based on Comment 14-79, the following text is hereby added to page 4.10-17 of the DEIR, above the Wildhorse Ranch Sustainability Plan header:

Senate Bill 375

As discussed in the Regulatory Context section above, SB 375 requires CARB to work with metropolitan planning organizations within the State to align their regional transportation, housing, and land use plans, and prepare sustainable communities strategies to reduce the amount of vehicle miles traveled in their respective regions and demonstrate each region's ability to attain its GHG emission reduction targets. The SACOG Preferred Blueprint Scenario, which was adopted in 2004, provides an indication of the planning principles that are likely to be incorporated into the sustainable communities strategy for the Sacramento region.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Page 4.10-20 of the DEIR is hereby revised as follows:

Conclusion

~~As discussed above, the City is still in the process of establishing GHG reduction targets for new development occurring prior to 2010. Therefore, the City does not currently have an established threshold of significance against which the proposed project can be evaluated. Although the proposed project would implement several design standards to~~

reduce energy use well below 2009 Title 24 standards, as well as ensure overall consistency with the latest GHG reduction measures identified by the California Attorney General, a single project cannot, on its own, feasibly mitigate impacts associated with the large-scale issue of global climate change; therefore, impacts related to GHG emissions and global climate change would remain *significant*.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.10 of the DEIR, page 4.10-21, Table 4.10-6 is hereby revised as follows:

| Energy Efficiency | |
|---|---|
| Design buildings to be energy-efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use. | As part of compliance with the Green Building Ordinance, <u>all buildings in</u> the proposed project would include buildings <u>shall be</u> designed to exceed existing Title 24 <u>energy standards by a minimum of 15 percent</u> . Building Roofs would <u>shall</u> be oriented to ensure solar efficiency. |

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.10 of the DEIR, page 4.10-22, Table 4.10-6 is hereby revised as follows:

| Land Use Measures | |
|---|--|
| Include mixed-use, infill, and higher density in development projects to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods. | The proposed project includes attached single-family townhomes, and a multi-family housing area that could be developed at a density of <u>20+</u> units per acre. |

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Section 4.10 of the DEIR, page 4.10-24, mitigation measure 4.10-1 is hereby revised as follows:

4.10-1 In conjunction with the submittal of a Tentative Map for the proposed project, the project applicant shall submit, for the review and approval of the Community Development Department, a sustainability plan, which demonstrates that the proposed project does not conflict with the goals and strategies of Executive Order S-3-05, the Attorney General’s suggested global warming mitigation measures, or City of Davis Resolution No. 08-166. The sustainability plan shall include, but not be limited to, the compliance measures listed in the right column of included in Table 4.10-6, which is labeled “Wildhorse Ranch Compliance.”

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

6.0 ALTERNATIVES ANALYSIS

In response to the comment, the “Land Use and Agricultural Resources” discussion under the Infill Site Alternative on page 6-15 of the DEIR is hereby revised as follows:

The potential infill sites have been designated for urban uses, such as schools and residential development, and are currently surrounded by other urban uses; therefore, development of any combination of the potential sites would not result in impacts related to agricultural compatibility issues. The Simmons and Nugget Fields would require General Plan Amendments and changes of zoning; however, because the amendment(s) to the General Plan do not necessitate re-designating a property currently designated Agriculture the entitlements would not include Measure J approval. It should be noted, however, that these sites may have soils that are considered of prime agricultural significance, as is the case for the Wildhorse project site. ~~Therefore~~ Overall, the Infill Site Alternative would ~~substantially~~ reduce impacts as compared to the Proposed Project in the area of Land Use and Agricultural Resources.

The above changes do not alter the conclusions of the DEIR, but serve to better describe the characteristics of the Infill Alternative sites.

Page 6-17 of the DEIR is hereby revised as follows:

The Measure J Alternative project site is located in Yolo County, north and east of the City of Davis City limits, southwest of the curve where East Covell Boulevard becomes Mace Boulevard. The Alternative site is comprised of approximately 47 acres. ~~Similar to~~ Unlike the Proposed Project, the Measure J site would need to be annexed to the City of Davis, ~~and~~ Both the Proposed Project and this Alternative would require public approval pursuant to Measure J. The site is not currently owned by the current project applicant. The Measure J Alternative would result in the construction of the same number and type of residential units. However, both the dedicated greenbelt/open space and single-family detached lots sizes would be increased to fill the approximately 21 additional acres.

The above changes serve to more accurately describe the Measure J Alternative in the DEIR. The DEIR’s analysis of the potential impacts of the Measure J Alternative relative to the Proposed Project remains unchanged.

¹ Davis Police Department, Landy Black, Davis PD, May 30, 2007.

3

RESPONSES TO COMMENTS

This chapter includes responses to each of the comment letters received on the Wildhorse Ranch Project Draft Environmental Impact Report (Draft EIR). Each bracketed comment letter is followed by numbered responses to each bracketed comment. If revisions to the Draft EIR text are required, added text is double underlined and removed text is ~~struck through~~.

Letter 1

Monday, May 11, 2009

Ike Njoku
City of Davis Community Development Department
23 Russell Boulevard
Davis, CA 95616

Re: Wildhorse Ranch Draft Environmental Impact Report

Dear Mr. Njoku,

I hereby submit my comments on the DEIR that was prepared for the proposed Wildhorse Ranch development project.

1-1

The air quality analysis underestimates the level of maximum daily fugitive PM₁₀ dust emissions that would be generated by construction of the project in Impact 4.11-1. The analysis assumes that a maximum of 6.45 of the 25.79-acre site would be graded in a single day as stated in sheet 9 of Appendix D (which is page 8 of the URBEMIS output file). While URBEMIS's default assumption is that the maximum daily acreage disturbed is 25% of the total project site, this assumption is not reasonable for smaller sites such as the proposed project. It would be more reasonable to assume that the entire site would be graded in one single day, particularly because the site is not covered with dense vegetation or large quantities of rock or debris that would require extensive clearing and limit the speed of grading. Construction crews typically do not want to have equipment on site longer than needed and, therefore, would likely attempt to grade the entire 25.79-acre site in one single day. Thus, the amount of fugitive PM₁₀ dust generated during the site grading phase of construction is underestimated by a factor of four. Therefore, based on the URBEMIS modeling presented in Appendix D, it is more likely that site grading would generate 516 lb/day of fugitive PM₁₀ dust emissions instead of 129 lb/day (without implementation of dust control measures). This difference is not nominal and the city should all attempts to disclose the full extent of the impact in the DEIR. If the

1-2

City believes that no more than 6.45 acres would be graded in a single day, then this limitation should be included in the project description or in Mitigation Measure 4.11-1 with an appropriate enforcement mechanism.

1-3

In addition, the reduction achieved by the dust control measures of Mitigation Measure 4.11-1 is not accurately estimated and/or adequately explained. Page 4.4-11 of the DEIR states that "Implementation of the following Mitigation Measure based on the dust control measures recommended in the YSAQMD Air Quality Handbook would reduce emissions of PM₁₀ to approximately 39.82 lbs/day." However, it does not appear that YSAQMD's recommended mitigation measures, and associated percent reductions, were used to calculate the level of PM₁₀ emission with mitigation. YSAQMD's *Handbook for Assessing and Mitigation Air Quality Impacts (CEQA Handbook)* provides detailed guidance about how to estimate the reductions achieved by a variety of Construction Dust Mitigation Measures in Table 5 of Section 6.1. However, sheet 17 of Appendix D (which is labeled as page 16 of the URBEMIS output file) shows that the construction dust mitigation was estimated using the default mitigation measures and default percent-reduction values in the mitigation module of URBEMIS. Unfortunately, there is no consistency between the measures stated in Mitigation Measure 4.4-1, the default mitigation measures in URBEMIS (which are stated in

Letter 1 Cont'd

| | |
|-----------------------|---|
| 1-3 Cont'd | Appendix D), and the measures recommended by YSAQMD. The percent reductions provided by in Table 5 of YSAQM's <i>CEQA Handbook</i> were not used to calculate the level of PM ₁₀ emissions that would occur with implementation of Mitigation Measure 4.4-1. In order to properly disclose the degree to which construction activity would adversely affect air quality in the region, calculation of the reductions achieved by implementation of YSAQMD-recommended measures should be performed using the percent reductions provided Table 5 of YSAQM's <i>CEQA Handbook</i> . |
| 1-4 | When the level of maximum daily PM ₁₀ emissions is estimated using more reasonable assumptions about the maximum daily acreage disturbed amount, and the reductions associated with YSAQMD-recommended dust control measures are properly calculated it is very likely that the unmitigated <i>and mitigated</i> levels of maximum daily PM ₁₀ emissions would exceed YSAQMD's threshold of 80 lb/day. Therefore, construction-generated emissions of PM ₁₀ would be significant and unavoidable and the City shall be required to implement <i>all feasible mitigation to reduce these emissions.</i> According to |
| 1-5 | Section 15088.5 of the XXXXX, this change in the impact conclusion may justify the need for the DEIR to be recirculated so that the public is not deprived of a meaningful opportunity to comment upon a substantiated adverse environmental affect of the project or a feasible way to mitigate or avoid such an affect that the project's proponent has declined to implement. |
| 1-6 | Because construction-generated emissions of PM ₁₀ would be significant and unavoidable the project proponent shall be required to implement <i>all feasible mitigation</i> to reduce these emissions. |
| 1-7 | Regardless, the following text changes in the opening paragraph of Mitigation Measure 4.11-1 on page 4.4-12 should be made in order to ensure that construction-generated PM ₁₀ emissions would be reduced to the extent feasible and that Mitigation Measure 4.11-1 is enforceable: Prior to commencement of any ground disturbing activities, the applicant shall submit a dust control plan to the City Engineer and the Yolo-Solano Air Quality Management District <u>and the dust control plan shall be approved by the Yolo-Solano Air Quality Management District.</u> This plan shall ensure that adequate dust controls are implemented during all phases of project construction. The dust control best management practices (BMPs) may <u>shall</u> include but are not necessarily limited to the following: |
| 1-8 | I also recommend that the following measure be added to the bulleted list of measures in Mitigation Measure 4.11-1: <ul style="list-style-type: none"> • All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer on site a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecast to be greater than 15 mph. <p>High concentrations of dust have been observed at other construction sites in Davis, including the construction of the new Target store, on days when wind speeds are high,. This measure would be appropriate for this project because, as stated on page 4.4-11 of the DEIR, "the project site is immediately adjacent to the backyards of the residences located north and west of the project site." Given that basic handheld anemometers cost \$50-\$150 this measure is not considered to be excessive.</p> |

Letter 1 Cont'd

1-9

The level of criteria air pollutant and precursor emission associated with project operations is also understated in Impact 4.11-2. Sheets 19 and 38 of the in Appendix D (pages 18 of both URBEMIS output files) indicate that the URBEMIS model run used to estimate operational mobile-source emissions included the optional correction for pass-by trips. As stated on page 21 of YSAQMD's *CEQA Handbook*, the emissions from [pass-by] trips will be lower than for primary trips (due to shorter trip lengths), resulting in lower emissions. For the proposed project, however, it is not appropriate to assume any of its trips would be pass-by trips unless otherwise supported by a detailed traffic study. The proposed project would consist only of residential land uses and would not include any "through" roads that would be used by vehicles merely passing through the site. Therefore, it is unreasonable to think that any of the project-generated trips would be trips that would otherwise occur or already occur in the town because no trips would "pass by" the project site and decide to stop at one of the residential land uses simply as a function of passing by the site. Such "pass-by" driving behavior is more typical for a supermarket, gas station, or convenience store, but not for isolated residential land uses. Instead, all the vehicle trips generated by the residential dwellings proposed by the project would either originate or terminate at the project site. While it is unlikely that this correction would affect the impact conclusion, it would state more fully the extent of the project's impact to air quality in the region.

1-10

The DEIR should be commended for evaluating whether the greenhouse gas emissions generated by the proposed project would be considered a substantial contribution to the cumulative impact that is global climate change. However, the language of Mitigation Measure 4.10-1 needs to be written more clearly so that the measures will be implemented in an effective and meaningful way:

4.10-1 In conjunction with the submittal of a Tentative Map for the proposed project, the project applicant shall submit, for the review and approval of the Community Development Department, a sustainability plan, which demonstrates that the proposed project does not conflict with the goals and strategies of Executive Order S-3-05, the Attorney General's suggested global warming mitigation measures, or City of Davis Resolution No. 08-166. The sustainability plan shall include, but not be limited to, the compliance measures listed in the right column of ~~included in~~ Table 4.10-6, which is labeled "Wildhorse Ranch Complex."

1-11

The detailed measures listed in Table 4.10-6 need to be written more clearly in order to serve as mitigation measures. For instance, the following text changes are needed for the first item in the table:

As part of compliance with the Green Building Ordinance, all buildings in the proposed project ~~would include buildings shall be~~ designed to exceed existing Title 24 energy standards by a minimum of 20%. All building Rroofs ~~would shall~~ be oriented to ensure solar efficiency.

1-12

Furthermore, the fourth item in the Table 4.10-6, which indicates that "all units would include energy-efficient heating/cooling systems and appliances" fails to indicate important details. How energy-efficient must these systems be? Should the appliances be energy-star rated? Does this apply to *all* heating/cooling systems and appliances in the project or do the units have to include *some* energy-efficient heating/cooling systems and appliances. These details are necessary in order to ensure that the intent of the mitigation is achieved. Please consider a measure that requires all appliances installed in buildings on the project site be EnergyStar qualified.

1-13

Similarly, critical detail is needed in the text of the first measure under Water Conservation and Efficiency subsection of Table 4.10-6. The following text would be appropriate, feasible, enforceable, and effective:

**Letter 1
Cont'd**

**1-13
Cont'd**

Provide water efficient landscape irrigation design to reduce the outdoor use of potable water by a minimum of 50% beyond that of the established water budget, where the established water budget for landscape irrigation is consistent with the Department of Water Resources' Model Water Efficient Landscape Ordinance. If desired, measures to achieve a 50% reduction may include, but are not limited to the installation and use of rooftop rain collection cisterns or other water collection devices that store rainwater or storm water for landscape irrigation, or the use of gray water produced on site.

1-14

While the GHG analysis presented in Impact 4.10-1 fails to address indirect GHG emissions associated with the consumption of water, which is recommended in the Governor's Office of Planning and Research's technical advisory *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act Review* [<http://opr.ca.gov/index.php?a=ceqa/index.html>]), any reduction of potable water use from conventional water supply system grid would result in a reduction of GHG emissions.

1-15

These are just a few examples of how the measures required by Mitigation Measure 4.10-1 shall be written more clearly. The City shall refer to the measures listed in the California Air Pollution Control Officer's January 2008 white paper, *CEQA & Climate Change*, for recommendations about how greenhouse gas reduction measures can be written more clearly and effectively. This white paper is available at www.capcoa.org. Appendix B of the white paper offers a comprehensive list of greenhouse gas reduction measures that have been substantiated by research. Due to the high level of useful detail in this list, there is no need to wait for defer the development of a sustainability plan or a greenhouse gas reduction plan. The measures that will be implemented to reduce the project's operation greenhouse gas emissions shall be presented in the DEIR and the public shall have the opportunity to comment on them in a meaningful way. The greenhouse gas reduction measures shall not be deferred.

1-16

Lastly, the language of Mitigation Measure 4.10-1 shall clearly state that the applicant is responsible for any funding required to implement these greenhouse gas reduction measures.

I appreciate the opportunity to comment on the DEIR.

Cordially,
Jonathan A. Kerr
1121 Auburn Drive
Davis, CA 95616

LETTER 1: JONATHAN A. KERR, RESIDENT

Response to Comment 1-1

The commenter is correct that should the applicant grade the project site in one day, grading would generate 516 lbs/day of fugitive PM10. However, implementation of mitigation measures in the DEIR would reduce PM10 emissions to 76.65 lbs/day, which is less than the 80 lbs/day threshold. Therefore, even under this worst case scenario, the conclusions in the DEIR would remain less-than-significant.

Response to Comment 1-2

Please see Response to Comment 1-1. The mitigation included in the DEIR is adequate to reduce grading the entire site in one day to a less-than-significant level.

Response to Comment 1-3

As noted on page 26 of the YSAQMD *Handbook for Assessing and Mitigating Air Quality Impacts*, the mitigation measures discussed and emission reductions identified in the Handbook compliment the measures and methodology utilized by URBEMIS. In addition, the recommended mitigation are by no means the only measures the lead agency uses and the handbook encourages the lead agency to explore and incorporate additional feasible mitigation measures where appropriate. Therefore, the reductions identified in the DEIR are consistent with YSAQMD guidance.

Response to Comment 1-4

Please see Response to Comment 1-1 and 1-3.

Response to Comment 1-5

Please see Response to Comment 1-1 and 1-3. The mitigation measures reduce the impact to a less-than-significant level; therefore, the conclusions in the DEIR are unchanged and recirculation is not necessary.

Response to Comment 1-6

Please see Response to Comment 1-1 and 1-3. Mitigation measures to reduce the impacts to a less-than-significant level have been required.

Response to Comment 1-7

Section 4.4 of the DEIR, page 4.4-11, Mitigation Measure 4.4-1, is hereby revised as follows:

Prior to commencement of any ground disturbing activities, the applicant shall submit a dust control plan to the City Engineer and the Yolo-Solano Air Quality

Management District and the dust control plan shall be approved by the Yolo-Solano Air Quality Management District. This plan shall ensure that adequate dust controls are implemented during all phases of project construction. The dust control best management practices (BMPs) ~~may~~ shall include but are not necessarily limited to the following:

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 1-8

Section 4.4 of the DEIR, page 4.4-12, mitigation measure 4.4-1 is hereby revised as follows:

- *All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard; ~~and~~*
- *Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads; and-*
- *All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer on site a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecast to be greater than 15 mph.*

The above change would further reduce this less-than-significant impact and does not alter any of the conclusions contained within the DEIR.

Response to Comment 1-9

Table 3 on page 17 of the Urbemis2007 for Windows Users' Guide Version 9.2 shows that for residential uses, pass-by trips represent five percent of the total vehicle trips. Therefore, the use of pass-by trips would be appropriate. However, URBEMIS was rerun for the project without pass-by trips included. The resulting emissions for ROG are 7.37 tons/year, 7.44 tons/year of NO_x, and 62.22 lbs/day of PM₁₀, which equates to a maximum increase of 1.06 tons/year (NO_x) and 4.5 lbs/day (PM₁₀). Therefore, even with the increase, emissions would still remain below the YSAQMD thresholds, and would not change the conclusions presented in the DEIR.

Response to Comment 1-10

Section 4.10 of the DEIR, page 4.10-24, mitigation measure 4.10-1 is hereby revised as follows:

- 4.10-1 In conjunction with the submittal of a Tentative Map for the proposed project, the project applicant shall submit, for the review and approval of the Community Development Department, a*

sustainability plan, which demonstrates that the proposed project does not conflict with the goals and strategies of Executive Order S-3-05, the Attorney General's suggested global warming mitigation measures, or City of Davis Resolution No. 08-166. The sustainability plan shall include, but not be limited to, the compliance measures listed in the right column of included in Table 4.10-6, which is labeled "Wildhorse Ranch Compliance."

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 1-11

As indicated in Table 4.10-5 on page 4.10-15 of the DEIR, the project already includes that all buildings will exceed Title 24 by a minimum of 15 percent. Additionally, page 4.10-17 of the DEIR indicates that the current project proposal includes a reduction program that is intended to reduce GHG emissions and energy use 25 percent below 2009 Title 24 standards. For clarification purposes, Table 4.10-6, Greenhouse Gas Emissions Measures – Wildhorse Ranch Project, on page 4.10-21 of the DEIR is hereby revised as follows:

As part of compliance with the Green Building Ordinance, all buildings in the proposed project ~~would include buildings~~ shall be designed to exceed existing Title 24 energy standards by a minimum of 15 percent. Building Roofs ~~would~~ shall be oriented to ensure solar efficiency.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 1-12

As stated under impact discussion 4.10-1, project impacts concerning the production of GHGs, on page 4.10-18 of the DEIR, the project residential heating and cooling systems would use passive thermal designs combined with high efficiency HVAC systems or radiant heating and cooling systems to reduce heating and cooling use well under 2009 standards.

Response to Comment 1-13

There are various ways of designing water efficient landscapes. The detailed design of the landscaping will be determined during the City's review of the tentative map for the project. Pages 4.9-24 to 4.9-26 of the DEIR, discuss inside and outside water conservation and efficiency measures, including but not limited to low-flow fixtures, low water use dishwashers, efficient hot water delivery systems, pressure regulators, homeowner education on water use and conservation, and HOA-maintained landscape irrigation via the existing shallow agricultural well. The above measures would reduce the project's water demand to approximately 120 gallons per capita per day (gcd), less than the City's average water use of 190 gcd.

Response to Comment 1-14

Please refer to Response to Comment 1-13.

Response to Comment 1-15

Appendix B of the *CEQA and Climate Change* California Air Pollution Control Officer Association (CAPCOA) white paper identifies existing and potential mitigation measures. Page 79 of the *CEQA and Climate Change* white paper states that Appendix B (of the white paper) provides a brief description of the potential mitigation measure and not all strategies may be applicable to each project. Mitigation measure 4.10-1 on page 4.10-24 of the DEIR states that the sustainability plan shall include, but not limited to, the compliance measures included in Table 4.10-6. Thus, feasible greenhouse gas reduction measures were presented and the public had an opportunity to comment on the measures listed in Table 4.10-6.

Response to Comment 1-16

The responsibility of funding for the greenhouse gas reduction measures is inferred from “the project applicant shall.”

Letter 2

May 9, 2009

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City of Davis
Planning & Building

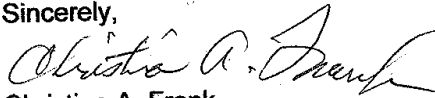
Ike Njoku
Community Development Department
City of Davis
23 Russell Blvd.
Davis, Ca 95616

I have read and reviewed the Draft EIR findings for Wildhorse Ranch, and as a neighbor and Davis resident, have serious concerns regarding the project.

- | | |
|-----|---|
| 2-1 | 1. <u>Traffic.</u> It will greatly impact the traffic on Covell Blvd., and more stop lights would have to be installed. |
| 2-2 | 2. <u>Water Pressure.</u> Water pressure is already poor since Lake Alhambra Estates was built. My sprinkler system is sometimes not adequate because of the low pressure; the sprinklers were spaced for more water pressure when my house was built at the end of 1999. |
| 2-3 | 3. <u>The Open Fields.</u> The lovely green openness will disappear, replaced by paved streets with big houses side by side. The rural beauty will be gone. This was one of the main reasons for moving to Davis from the concrete city of San Francisco. |
| 2-4 | 4. <u>Poor Housing Market.</u> Where will all the new owners come from and where will they be finding jobs? Davis has no large industry to provide local jobs for all these families. Would this help promote Davis as a commuters' city? Is this what we want? Who would be able to afford the large "estates" that are planned for Wildhorse Ranch? Are we destined to be a suburb of Sacramento? I certainly hope not! |

These are just my major concerns, but there are many other smaller issues that also bother me about this expansion.

Sincerely,



Christina A. Frank
3046 Audubon Circle
Davis, CA 95618-7605

LETTER 2: CHRISTINA A. FRANK, RESIDENT

Response to Comment 2-1

The commenter is correct that the proposed project would increase traffic on East Covell Boulevard. However, as stated on page 4.3-50 of the DEIR the proposed project would have a less-than-significant impact to existing roadways and intersections. In addition, the proposed project includes signalization of the project access intersection of East Covell Boulevard and Monarch Lane. All other intersections along East Covell Boulevard would not warrant signalization as a result of project traffic.

Response to Comment 2-2

As can be determined on page 4.9-22 of the DEIR, the City's water supply and distribution system is currently operating sufficiently at off-peak times. However, the DEIR acknowledges that the possibility exists that the overall system pressure could be below the minimum standard during peak water demand. The DEIR also notes a lack of sufficient water pressure would only occur during a major fire in the summer. In addition, the DEIR requires implementation of Mitigation Measures 4.9-1(a) and (b), which prohibit the issuance of any project building permits until the East Area Tank, the East Area Main Upsize, and the West Area Main Upsize are included within the City's Capital Improvement Plan, fully funded for construction and the applicant has paid the project's fair-share fees.

Response to Comment 2-3

Aesthetic impacts are discussed in Section 4.7, Aesthetics, of the DEIR. The DEIR concluded that the project would result in a change in the character of the project site from an agricultural horse ranch setting to an urban setting. Although the project includes landscaping and open spaces areas to increase the aesthetic quality of the project, the change in visual character would be permanent and a significant and unavoidable impact would occur.

Response to Comment 2-4

The comment speaks to the marketability of the project and the appropriateness of the City approving the project. This comment does not address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration during project review.



MARK B HORTON, MD, MSPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

Letter 3

May 14, 2009

Ike Njoku
City of Davis
Community Development Department
23 Russell Boulevard
Davis, CA 95616

RECEIVED

MAY 18 2009

City of Davis
Planning & Building

Dear Njoku:

RE: WILDHORSE RANCH - SCH#:2007072020

3-1

The California Department of Public Health (CDPH), Environmental Review Unit (ERU) is in receipt of the Draft Environmental Impact Report for the above project. As a responsible agency under the California Environmental Quality Act (CEQA), we appreciate the opportunity to comment.

3-2

The CDPH, Division of Drinking Water and Environmental Management is responsible for issuing water supply permits administered under the Safe Drinking Water Program. A new or amended Water Supply Permit may need to be issued for the above referenced project if it includes an increase in water supply, storage, or treatment of drinking water. These future developments may be subject to separate environmental review.

For questions or information on the Water Supply Permit application process, please contact the CDPH Sacramento District office at (916) 449-5600.

Sincerely,

Bridget Binning
CDPH Environmental Review Unit

Cc:

Project File
Dave Lancaster

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LETTER 3: BRIDGET BINNING, CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Response to Comment 3-1

This comment is an introductory paragraph, and does not address the adequacy of the DEIR.

Response to Comment 3-2

This comment does not address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration. Should an amended water supply permit be needed, one will be obtained by the project applicant prior to operation of the project.

Letter 4

From: Pam Nieberg
3010 Loyola Drive
Davis, CA 95618
530-756-6856

May 28, 2009

To: Ike Njoku
City of Davis Community Development Department
23 Russell Boulevard
Davis, CA 95616

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Re: Wildhorse Ranch Draft Environmental Impact Report SCH# 2007072020

Thank you for the opportunity to review the Draft EIR for the Wildhorse Horse Ranch project. I have read the document and have several comments on the project. I would like to state up front that this is an interesting DEIR. Though in general, it seems fair in its assessments of the project, in some instances, analyses and conclusions presented by the consultant, Raney Planning and Management, Inc., sound as though they were written by opponents of the project. This is troubling, in that it suggests some bias rather than a balanced review of the project, its impacts and proposal of realistic and appropriate mitigations.

4-1

In general, I like the proposed project. I am generally opposed to most development, other than appropriate infill and redevelopment projects, especially where it results in sprawl onto farm land on our periphery. But this project is infill, and is one of the better proposals I have seen since I have been involved in land use issues in Davis. It is an innovative project and represents a return to the ideas of the 1960's and '70's where we saw such forward-thinking and environmentally conscious proposals as Village Homes, renowned world-wide for its environmental features. We talked then about more dense development, growing up and not out, green features, solar, passive orientation, and more, and adopted much of this as policy in our city. Unfortunately, we lost our progressive leaders, and subsequent generations of elected officials allowed our progressive development policies to fall away, yielding to pressure by developers and other special interests to return to the old post-war model of sprawl development, resulting in permanent loss of valuable farmland and open space. This project recaptures many of those original goals for sustainable, green, environmentally sound planning.

The Project.

4-2

The proposal is for a 25.8 acre infill development with a mix of housing types to meet the diverse needs of our community. The proposal is for a total of 191 units, including apartments. More than 37% of the project will be set aside as open space, including a buffer with trees between the project and existing development, an addition to the existing Urban Agricultural Transition Area, greenbelts and bike trails. It is planned as a sustainable community with many features to reduce its GHG emissions.

This is an innovative and well-planned project. It proposes to incorporate many green features such as active and passive solar design to reduce energy demand, strategic building orientation, use of green building materials and design, energy efficient building systems and equipment, and solar water heating and photovoltaics. It incorporates sustainability components that reduce its GHG emissions by 75% below Title 24 standards and exceeds the City of Davis Green Building Requirements with a score of 310 points. In addition, the

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units are affordable by design—smaller square footage and efficient design principles. It reduces its total footprint with increased density and incorporation of 2 and 3 story units—growing up, not out.

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If we are going to have to provide more growth in Davis, something I always question, but I am sure our council majority will continue to push it, we should be looking at this type of development. We cannot continue with the old sprawl model that results in the continued paving over of our valuable, and irreplaceable farmland and open space. This is especially important now with potential impacts from global climate change and the effects these will have on agriculture. If we don't want to become dependent on other countries for all of our food, we have to rethink how and where we grow. The short definition of smart growth is dense, sustainable, green communities within easy access to transit and amenities. The proposed Wildhorse Ranch project is an example of this type of growth and could serve as a model for future growth in Davis.

Land Use and Agricultural Resources.

4-3

This project incorporates approximately 25.8 acres within the city of Davis. The site is surrounded by urban uses on three sides, the north, west and south. It is adjacent to agricultural land that is actively farmed to the east. The site is included in the Wildhorse EIR as a horse ranch. Current permitted uses include boarding and breeding horses and farming. The soil types on the site are predominantly Class I and II with some Class IV—prime farmland if irrigated. *However, it is not and has not for decades been utilized as productive farmland and probably never will be. No owner has ever expressed a desire to farm it.*

The proposed project is designated as a Planned Development under the original Wildhorse zoning designations. Since the site is designated as Agriculture in the Davis General Plan, the proposal for the project includes a General Plan amendment to re-designate the site from agriculture to medium and high residential, greenbelt, natural area and Urban Agricultural Transition Area.

4-4

Section 40A.03.010 of the Davis Municipal Code states that it is the City's policy to protect agricultural land, especially in areas presently farmed or having Class 1, 2, 3 or 4 soils. Though the project site's soils are within this range, *the site is not currently being farmed and most likely never will be.* However, it is designated as agricultural land and City of Davis ordinance requires preservation of agricultural land on a two to one basis to mitigate for the conversion of prime farm land to urban uses. *The project proponent is providing that mitigation.*

The DEIR states that despite mitigating for the loss of the ag land, the project would still present a significant and unavoidable impact because there would still be a net loss in prime farm land. *However, as stated above, this land has not been farmed in decades. It has been used as various iterations of a horse ranch, and if this project is denied, it will continue to be a horse ranch until someone else is successful in developing the land.*

4-5

The project complies with City of Davis General Plan Residential Land Use policies for infill projects to respect setbacks, preserve existing greenbelts and to respect existing uses and privacy on adjacent parcels. *In fact, the project proponent went out of his way to work with the neighbors to provide a large buffer of trees and shrubbery between the existing and proposed development.* It more than meets the Planned Development Requirements

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including development of housing for low, medium and high income levels, a mix of housing styles and costs, creative approaches to land use, more efficient use of open space, and utilization of advances in technology which are innovative to land development. In compliance with the City's Right to Farm Ordinance, the project will also provide an addition to the existing Urban Agricultural Transition Area, increasing the ag buffer between the project and adjacent farmland. If the project is implemented after council and voter approval, a less than significant impact would result.

Development of the project would place residential uses adjacent to existing agricultural operations east of the site. However, a 135 foot buffer already exists between the eastern boundary of the site and the proposed residential development. The project proponent proposes to add another 65 feet to this buffer creating a 200 foot wide agricultural buffer between the future housing and agricultural uses.

Population, Housing and Employment.

The SACOG RHNA numbers for the City of Davis from January 2006 to June 2013 are for 498 dwelling units. The city is currently updating its housing element to ensure that the city has sufficient land designated for residential development to meet RHNA requirements. There are already approximately 200 housing units approved or about to be approved at the Verona, Simmons and Grande sites. *The addition of 191 units here would be consistent with the RHNA allocation.*

4-6

This proposal also meets all relevant housing policies in the General Plan and is consistent with the City of Davis affordable housing policies and its Affordable Housing Ordinance. Forty percent of the project's housing would be affordable to very low, low, moderate and middle-income in accordance with the city's specifications. The project is also consistent with current general plan policies related to growth management, as it does not exceed the number of single family dwellings or the growth rate established in the GP and is consistent with proposed city council growth limits. The project would also not alter the existing jobs/housing balance. Therefore the project has a less than significant impact on population, housing and employment in Davis.

The project also results in a less than significant impact on cumulative impacts to population, housing and employment in Davis, as build out of the project would not impact the Growth Management Action "e". Build out of the project would not result in exceeding the anticipated number of 15,500 units by June 2013.

Transportation and Circulation

The site is surrounded by good access for pedestrians and bicyclists, including sidewalks, crosswalks, signals, bike paths, lanes and routes. The site is well-served by public transit provided by YoloBus and Unitrans. Several routes pass the site and connect it to downtown, south Davis, and other communities.

4-7

Several intersections and roadway/freeway sections were analyzed for project impacts. The study also evaluated impacts on the Mace Boulevard over crossing.

Intersections were analyzed for peak hour level of service. Davis' General Plan calls for maintaining a LOS E or better level of service for both signalized and unsignalized intersections.

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For signalized intersections, significant impacts at the intersection would occur if addition of project traffic caused signalized intersection operations to fall from a LOS E to LOS F or if it exacerbated existing LOS F conditions by increasing delay by 5 seconds or more.

For unsignalized intersections, the addition of project traffic would produce significant impacts if worst-case movement deteriorated from LOS E to LOS F and caused it to meet the MUTCD peak hour signal warrant; or by exacerbating conditions at intersections that already operate at LOS F and meet the MUTCD warrant by increasing the intersection's volume by more than one percent; or for intersections that operate at LOS F but do not meet the MUTCD warrant by adding enough volume to meet the peak hour signal warrant.

For freeway facilities, significant impacts on freeway segments would occur if addition of the project traffic caused operating levels to fall from LOS E to LOS F or caused traffic on a segment already at LOS F to increase by more than 5 percent.

For roadway operations, significant impacts would occur if the addition of the project caused traffic flow on any affected roadway segment to fall from LOS E to LOS F.

Significant impacts on transit, bicycle and/or pedestrian travel would occur if the project conflicted with existing, planned or possible transit, bicycle and/or pedestrian facilities or services; conflicted with or created a demand for public transit beyond what is already provided; the path of travel between the project and transit sites did not meet California Title 24 handicap accessibility standards, or it did not provide connections to existing bicycle and pedestrian circulation systems.

Other significant impacts would occur if the parking demand exceeded supply; if the site plan did not accommodate truck maneuvers; if there was not sufficient emergency vehicle access; or if construction related traffic caused significant intersection impacts.

Project traffic projections, net trip generation estimates for 191 units are 2448 daily trips; 47 peak hour a.m. in and 190 out for a total of 187 trips; 156 peak hour p.m. in and 91 out with a total of 247 trips.

Intersections.

In a comparison of existing and existing plus project peak hour intersection LOS, the intersection of Covell and L went from LOS D to LOS E and the intersection of Loyola and Monarch from LOS A to LOS B. No other intersections were affected by addition of the project. None fell to LOS F. The intersection of Covell/Monarch/proposed project main entrance went from no peak hour warrant met to peak hour warrant met. The developer intends to add a signal at this intersection.

Mace Boulevard Ramp Volume, Over crossing Queue, and Lane Imbalance Analyses.

Comparing the Mace Boulevard loop ramp volume to capacity analysis under conditions of no project and addition of project, a small and insignificant number of vehicles per hour were added to capacity by the project. At no point did the project cause the ramp volume to exceed capacity under scenarios of metering or non-metering. Under the cumulative impacts plus project, under metering conditions, the project did cause the ramp volume to exceed capacity in both a.m. and p.m. However, this is due to cumulative traffic impacts rather than project

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- related traffic impacts. (A cumulative conditions analysis was performed that included potential impacts from growth/development of Spring Lake and the Gateway project in Woodland, UC's Long Range Development Plan development, and build out of the Davis General Plan to 2015.)*
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- 4-9
- In the Mace Ranch Over crossing Queue Analysis, the storage length needed to serve the ramp volume was considered. For the unmetered analysis, the length of the ramp, measured to the merge point on the freeway, is 1350 feet. This is sufficient to prevent a line from extending onto the Mace over crossing. For the metered analysis, the queue storage length is shorter, as it is measured from the meter to the merge point on Mace. This length is 850 feet. This length is also longer than the 625 foot maximum queue projected in the metered case, and the length is sufficient to prevent a line from extending onto the Mace over crossing. In the analysis, addition of the project did not exceed queue length needed over existing conditions except under cumulative conditions. *However, this is due to cumulative traffic impacts rather than project related traffic impacts. (A cumulative conditions analysis was performed that included potential impacts from growth/development of Spring Lake and the Gateway project in Woodland, UC's Long Range Development Plan development, and build out of the Davis General Plan to 2015.)*
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- 4-10
- Lane Imbalance analysis. Under existing plus project conditions, the intersection at Mace and I-80 westbound ramps intersection operates at LOS B at a.m. and p.m. peak hours. The a.m. peak hour imbalance does not cause operations at this intersection to fall below the city's standards. Under cumulative analysis, the p.m. peak hour imbalance does cause the LOS to fall below City standards. *However, this is due to cumulative traffic impacts rather than project related traffic impacts. (A cumulative conditions analysis was performed that included potential impacts from growth/development of Spring Lake and the Gateway project in Woodland, UC's Long Range Development Plan development, and build out of the Davis General Plan to 2015.)*
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- 4-11
- Freeway Level of Service Analysis.
 Under the existing plus project freeway level of service analysis, the addition of project traffic does not change the LOS.
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- 4-12
- Cumulative Impacts on intersections.
 All study intersections currently operate at acceptable LOS except at Covell/Monarch and Second Street/Mace. Both operate at unacceptable LOS at both a.m. and p.m. peaks. With addition of project traffic, all intersections would operate at acceptable levels during a.m. and p.m. peak hours except at Second Street/Mace Blvd. *The Covell/Monarch intersection will operate at LOS A due to planned signalization at that intersection.*
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- 4-13
- Two intersections meet the peak hour signal warrant for both cumulative no project conditions and cumulative plus project. These are Covell/Monarch and Alhambra/Fifth Street. The Covell Monarch intersection will be signalized if the project moves forward. The Alhambra/Fifth still operates at an acceptable LOS, so no signal is planned at this time.
-
- 4-14
- Cumulative no project and cumulative plus project freeway segment LOS were also analyzed. I-80 east of Mace eastbound and I-80 east of Mace westbound both operate at LOS F under no project and plus project conditions. *This is due to cumulative growth rather than project*

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related traffic. The project also does not in any case increase freeway traffic volume by more than 5%.

4-15

Conclusion.
The addition of the project traffic to the surrounding existing roadway traffic volumes would have a less than significant impact on the intersections and roadways studied.

4-16

Cumulative Impacts of Traffic.
 The Mace/Second Street intersection operates at LOS F under cumulative No Project conditions during peak a.m. and p.m. hours. Addition of project traffic would cause the delay to increase by more than five percent during p.m. peak hour and would contribute three percent to the Mace/Second Street toward the a.m. and p.m. peak hours. *The applicant must pay a fair share fee for improvements to the intersection.*

4-17

Impacts Related to Provision of Efficient Site Access and Circulation.
 Roadway widths. Internal roadways often do not meet the City of Davis standards for local residential streets or for Village Homes local streets.

 Primary Entry Roadway. *Since this roadway serves most of the traffic generated by the site, it should meet City of Davis standards.* In a configuration with parking on one side only, it would provide an 18 foot travel way, one foot curbs, and an eight foot parking lane for a total of 28 feet. In its current configuration, with two 16 foot one-way sections, large trucks and moving vans will not be able to turn to and from cross streets and breakdowns would be less likely to block traffic.

All internal roadways should meet either the City of Davis standards or Village Homes local street standards. All roadways should accommodate large trucks, moving vans and emergency vehicles on all turns in and out of cross streets. Ten to fifteen foot corner radii should also be provided. Roundabouts should conform to standard urban compact roundabout design.

4-18

The project provides bike paths and sidewalks, but the sidewalks may fall short of ADA accessibility requirements. *The project applicant should ensure that the pathway and sidewalk net work meets ADA accessibility requirements.*

4-19

The project should provide adequate sight distance at both project access points. Traffic control devices should be provided where needed for smooth and safe movement of internal traffic.

4-20

Air Quality.
 The Yolo-Solano Air Quality Management District is currently classified as a serious non-attainment area for federal eight hour ozone standards. It is also out of attainment for both the one hour and eight hour state ozone standards and the PM10 standards. The YSAQ Attainment Plan addresses the requirements to bring the district into compliance with federal and state standards for ambient air quality. The plan presents strategies for reduction of air pollutants through public education, promotion of active public participation, and encouragement through positive incentives. The District also provides a handbook of guidelines for reducing air pollution.

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| 4-20 Cont'd | The District would consider the following to be significant project impacts: <ul style="list-style-type: none">o An increase in emissions of ozone precursors, ROG or NOx, of 10 tons per day or 80 pounds per day of PM 10.o Violation of state standards for CO.o Add to cumulative air quality impacts.o Cause cumulative impacts of CO to exceed standards. | RECEIVED JUN 02 2009 City of Davis Community Development |
| 4-21 | <u>Impacts from project-related construction activities.</u> PM 10 emissions generated during construction would exceed YSQAMD thresholds. Most of this particulate pollution would be from dust with a small portion from diesel exhaust. Construction emissions are temporary, nevertheless, this is a significant impact, but would be mitigated to less than significant through implementation of a dust control plan incorporating dust control best management practices. | |
| 4-22 | <u>Impacts from Project.</u> The project will result in increased traffic to surrounding roadways. <i>The traffic study demonstrated, however, that the project does not present significant impacts to the roadways, intersections or freeway segments studied except in certain cumulative scenarios, but this is due to cumulative growth in general and not specifically to the project. The Covell/Monarch intersection LOS actually improves with addition of the project due to planned signalization at this intersection. Project impacts on the Mace/Second Street intersection will be addressed by the applicant paying fair share fees for intersection improvements.</i> | |
| 4-23 | <i>The project's location also helps reduce project emissions. It is near several transit stops; Class I bike paths are adjacent to the east and south borders of the project site; and the site includes bike and pedestrian facilities that would help reduce emissions within the project site.</i> | |
| 4-24 | <i>The proposed project would not exceed any of the YSAQMD thresholds of significance for any emission, and it should be noted that the numbers are conservative as the trip generation studies for the project were for build-out of single family homes, while the project includes multi-family residences which generate fewer trips. The studies were also based on a project with 259 housing units rather than the proposed 191 units.</i> The project would contribute to significant cumulative impacts if it resulted in an individually significant impact on air quality. <i>As indicated above, however, the project would not result in significant impacts as it would not generate emissions in excess of the YSAQMD thresholds for operation. It would also result in less than significant impacts for construction emissions with implementation of a dust management plan. Therefore, the project does not result in long-term cumulative impacts to air quality.</i> <i>Conclusion: The project will result in no significant impacts to air quality.</i> | |
| 4-25 | Noise. Existing ambient noise conditions are defined mostly by traffic on Covell Boulevard. Traffic volumes for existing conditions were determined based on the traffic study. Significant impacts from implementation of the project would occur if the project resulted in any of the following: | |

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- o Exposure to or generation of noise levels above City of Davis noise standards;
- o A substantial permanent increase in ambient noise levels above ambient levels; or
- o Exceeding the City of Davis of Davis Noise Ordinance significance levels.

Development of the project would result in an increase to traffic levels on surrounding roadways. Project generated traffic noise increases would range from 0 to 3dB Ldn. A substantial increase is defined as 1.5 to 5 dB. The existing plus project noise levels would exceed the 60dB Ldn threshold, *but the existing conditions already exceed that threshold and the project would not cause an increase in those levels. Therefore, the project does not result in a significant noise impacts.*

4-26

Noise associated with existing agricultural activities.
 Land immediately adjacent to the project site on the east is actively farmed. However, the project would include a 200 foot buffer between the project and the farmland. Noise attenuation is generally 4 to 6 dB per doubling of distance from the source. Based on calculations and assumptions, tractor noise on the adjacent farmland would not exceed the City of Davis ambient noise standards. In addition, Mitigation Measure 4.104 of the Land Use and Agricultural Resources section of the DEIR requires that future prospective buyers within 1000 feet of ag land be notified of existing ag operations in the area. *Therefore, impacts from ag activities would be less than significant.*

4-27

Construction Noise.
 During construction, noise from construction equipment and increased truck traffic to the site would add to the ambient noise environment. Noise from construction equipment would generate maximum noise levels of 85 to 90 dB at 50 feet. These noises would be audible at the nearest existing residences. Levels would be temporary and would likely occur during normal daytime work hours. Nevertheless, the impact would be significant. Therefore, the applicant will be required to implement measures in the Final Planned Development that would reduce these impacts to less than significant.

Part of the mitigation recommended to reduce construction related noise impacts is to require that construction activities occur during normal daytime working hours, *7 a.m. to 7 p.m. Monday through Friday and 8 a.m. to 8 p.m. on Saturday and Sunday.*

- o *7 a.m. to 7 p.m. are not normal working hours for Monday through Friday. Normal working hours are generally 8 a.m. to 5 p.m. The mitigation should be amended to reflect real normal working hours.*
- o *8 a.m. to 8 p.m. on Saturday and Sunday are NOT normal work hours. NO work should take place on Saturday or Sunday, when near-by residents are home with their families and trying to enjoy their week-ends and their time off. Construction activities on Saturday and Sunday should be forbidden in the final development agreement for this project.*

4-28

Other mitigation required is that all heavy construction equipment and stationary noise sources should be fitted with factory-specified mufflers. *Legal construction equipment is already equipped with factory-specified mufflers by definition, but they are still loud enough to produce noise levels that exceed the city's noise standards. This mitigation measure will have no effect on noise generated by construction activities.*

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4-29

Finally, warm-up areas will be located as far as possible from existing residences to reduce sound impacts. *This too will accomplish nothing, as this was certainly considered when assessing noise impacts and as a parameter included in the model.*

4-30

These mitigation measures will not reduce noise impacts on the neighbors. Noise remains a significant impact, even though temporary. And "temporary" in this case is relative. If you live next to the noise, any length of time is a going to be a problem. At the very least, the construction hours should be reduced to 8 to 5 on week-days and NO construction should take place on week-ends.

4-31

Cumulative noise impacts resulting from increased traffic generated by the project are less than significant due to the relatively small number of trips generated by the project compared to current conditions.

Conclusion: The project does not generate significant noise impacts except during the construction phase. Mitigations for that phase need to be reconsidered and improved.

Biological Resources.

The project site has been used as various iterations of a horse ranch for many years. It is no longer in a natural or undisturbed state. The ground surface is highly disturbed by human activities including compaction, paving, grading, gravelling, and construction of barns, corrals and other facilities related to a horse ranch facility. There are several on-site residences as well as piles of concrete fragments, gravel and dirt and uneven ground surfaces. The stockpiling of manure on site is also evident, contributing to pest problems.

4-32

Plant communities. The area is highly disturbed and, as such, does not appear to support any natural plant communities, but instead consists of ruderal, non-native annual grasses and planted non-native ornamentals, trees and shrubs. Many areas are subject to constant, intensive grazing and trampling by horses and support little or no vegetation. Areas that are less disturbed consist of non-native ruderal vegetation. The few native plant species on site are all common to disturbed habitats. The non-native grass species found on the site are primarily of Mediterranean origin, which have replaced native perennial grasslands. There are also scattered native wildflowers, remnants of the original vegetation. *However, grasslands, whether native or non-native, can support a number of reptiles and amphibians, seed and insect eating birds and mammals. They can also important foraging grounds for raptors as well.*

Due to the high level of disturbance on site, no native vegetation communities appear to exist. The relatively poorly drained soil types could support seasonal wetlands, but such conditions do not appear to exist on site. Given the lack of native communities and aquatic habitats on site, sensitive natural communities are not present.

Based on literature reviews including the California Natural Diversity Data Base, and the California Native Plant Society and familiarity of the region, it is concluded that a total of 11 special status plant species are considered to have potential to appear on site. However, most of those species are generally associated with alkaline soils, vernal pools, seasonal wetlands, and other habitats that are not evident on the site. No botanical surveys were conducted, but none of the special status plant species are expected to appear on site.

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Animal Communities. Based on literature reviews of Department of Fish and Game, U.S. Fish and Wildlife, and California Natural Diversity data bases and familiarity of the region, it is concluded that 45 special status animal species have the potential to appear on site. Again, no surveys were actually performed.

A number of special status invertebrate species, including vernal pool crustaceans, were considered as they have potential for being on site. On site hydrology does not support vernal pool habitat, so, due to lack of suitable habitat and lack of recent occurrences in the vicinity, vernal pool crustaceans are not expected to occur on site.

Other invertebrates considered were Valley Elderberry Longhorn Beetle, Ricksecker's Water Scavenger Beetle, *Andrena blennospermatis* and *Andrena subapasta*. There are no elderberry plants on the site, and the Elderberry Beetle is dependent on the plant, so no Elderberry Beetles are likely to occur on site. The Water Scavenger Beetle is dependent on seasonal wetlands or vernal pools which do not occur on site, so the Water Scavenger Beetle is not expected to occur on site. The *Andrena* have not been seen within 10 miles of the site and are not expected to occur there due to the highly degraded and disturbed nature of the site.

Some reptiles and amphibians considered were the Tiger Salamander, Western Spadefoot Toad, Western Pond Turtle, and Giant Garter Snake. Avian species considered included raptors, Burrowing Owl and Swainson's Hawk, and special status passerine and non-passerine land birds. Mammals considered included the ringtail, badger, and special status bat species.

Based on the lack of suitable breeding habitat and lack of breeding populations in the vicinity, the Tiger Salamander is not expected to occur on the site. Due to lack of suitable habitat, such as aquatic features or vernal pool habitat, the Western Spadefooted Toad is not expected to occur on the site. Based on the lack of suitable aquatic habitat the Western Pond Turtle is not expected to occur on site. The Giant Garter Snake is also highly aquatic and is therefore not expected to occur on site.

Burrowing Owls have been seen on the site. During an assessment in December of 2006, one owl was found in a burrow in the northern portion of the southwest field, and burrows with owl signs were observed in the central portion of the field. In surveys done in January 2006, two owls were found and passively relocated prior to disking of two fields. The Biological Resource Assessment found one owl on site during the site survey in the northern part of the western pasture and at least two additional burrows in the northern section of the eastern pasture. Three focused breeding surveys were done on April, June, and July 2007 and two burrows with potential burrowing owl signs were observed on site. Abundant habitat for owls occurs on site and in the surrounding fields. Due to suitable burrowing owl habitat and abundant ground squirrel activity, burrowing owls are highly likely to appear on site.

Swainson's Hawks are very prevalent in agricultural fields of the Central Valley. Seven occurrences of nesting Swainson's Hawks have been reported within one mile of the site. More than 200 reported occurrences within 10 miles of the site are documented. Potential nesting habitat for the hawk exists on site as well as about 15.5 acres of suitable foraging habitat. There is a high potential for Swainson's Hawks to occur on site.

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Several other avian species are likely to occur on site due to presence of suitable habitat. Due to presence of suitable habitat, Ringtails and American Badgers have a low potential to occur on the site. In addition, based on presence of suitable habitat, five special status bat species have a low potential to occur on site.

Since the project site is located adjacent to the Wildhorse Ag Buffer, the property offers foraging opportunities for species that may be resident in or traveling through the buffer, thereby acting as part of a corridor for wildlife. Numerous migratory bird species may also forage on the site.

4-33

There is a high likely hood for burrowing owls, Swainson's Hawks, White Tailed Kites, and others to be on the site or to utilize it at some point for foraging or breeding. There is a low potential for the American Badger, Ringtail and some bats species to appear on site. *Focused surveys must be done prior to any permitting for work at the site to determine the presence of these species and to mitigate for them.*

4-34

Badger. Prior to construction, a qualified biologist will survey the site for badger. If dens are present and inactive, they will be excavated. If active, the den entrances will be blocked incrementally until the biologist determines the badgers have stopped using the dens and the dens will be excavated. *Does this put the badger at risk for predation? Passive relocation does not generally work for many species.*

4-35

Burrowing Owl. Prior to any construction activity and within 15 days of initiation of any construction activity, surveys of all potential owl habitat be conducted by a qualified biologist. Presence or sign of owls and all potential burrows will be recorded and monitored according to CDFG and CA Burrowing Owl Consortium guidelines. If no sign of owls is present, construction can proceed. If nesting owls are present, no construction activity is allowed within 250 feet of the burrow during the nesting season, February 1 to August 31, unless approved by CDFG. If owls are detected outside the breeding season, passive relocation is the mitigation measure.

4-36

Passive relocation of burrowing owls generally is not successful. The owls have nowhere to go and if suitable unused burrows are not near by and readily available, the owls fall to predation. This site is close to the managed owl habitat north of the golf course and suitable habitat in the adjacent farmland, so the passive relocation has a better chance of working here. There are known, successful active relocation methods that can be used, one of which has been performed by a local non-profit, the Burrowing Owl Preservation Society. Unfortunately, CDFG does not sanction this method.

4-37

If burrowing owls are found on site, mitigation includes setting aside 6.5 acres per pair or single owl of suitable and active owl habitat either on site or, if that cannot be accommodated, off site. The habitat will be acquired, permanently protected through either an easement or fee title, and managed for the benefit of the owl, in order to compensate for loss of habitat on site. This mitigation measure would also allow the alternative of paying a fee into an in-lieu fee program, an established mitigation bank or an approved HCP. *Yolo County does not have an HCP, nor does the in lieu fee program work to acquire adequate habitat to replace that lost. Paying fees for mitigation generally does not end up with the acquisition of suitable habitat in a timely fashion, and as time goes on, the increase in land prices makes it impossible to purchase land to make up for that lost. The appropriate mitigation is acquiring*

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suitable habitat and permanently protecting it for the owl. This mitigation habitat should not be stacked with ag mitigation habitat.

Swainson's Hawk. Prior to any construction, a qualified biologist will conduct surveys to determine whether the hawk is nesting on site. If nesting Swainson's Hawks are found on site, CDFG approved buffers will be established around active nest sites. No construction activities can take place within 0.25 miles of the nest until the young fledge or CDGF approves. Trees that must be removed will be removed during non-breeding season. Replacements for potential hawk nest trees removed must be planted either on or nearby off site and/or an in lieu fee paid to the City of Davis Tree Preservation fund.

4-38

The applicant must compensate for the loss of Swainson's Hawk foraging habitat. The extent of the compensation will be determined by the city in consultation with CDFG. In general, compensation is to provide one acre of suitable foraging habitat for each acre lost to the project. *This habitat compensation should not be stacked with ag mitigation lands.* The applicant must also provide Habitat Management lands to CDGF. If the project is one mile of an active nest, loss of habitat will be compensated on a 1:1 basis. This will be provided by an in lieu fee program per the agreement to the HCP/NCCP Joint Powers Agency. It is estimated that 15.5 acres of SH foraging habitat would be lost, so the fee would be based on the acquisition of 15.5 acres of suitable replacement habitat.

The County does not have an HCP/NCCP. The money that has been paid as in lieu for acquisition of habitat to replace that lost to development has largely not been spent. Increases in land values have resulted in insufficient funding to acquire sufficient land to replace that lost. As a result, there has been a large, permanent loss of Swainson's Hawk habitat. The in lieu fee should not be an option. The applicant should be required to acquire suitable Swainson's Hawk habitat either through easement or fee title prior to any construction activities, and to pay a fee toward management and monitoring of those lands.

4-39

Aesthetics.

Though the project would result in changing the character of the site from a horse ranch and open space to an urban setting, the inclusion of a central greenbelt, the additional 65 feet toward the ag buffer, 20 feet toward back yards to homes on the western and northwestern edge of the site, and the large buffer between the existing homes and the project will provide approximately half the site as open space and will greatly reduce the impact on the neighbors. In addition, the landscaping and open space areas will greatly enhance the aesthetic quality of the site over the existing weeds, junk and old buildings and reduce the impacts the project might otherwise have. The tree buffer along with the proposed set-back design for the project and the fact that the housing is being built as far away from existing homes as possible also will greatly reduce any impacts the project has on existing homes. *The applicant has gone out of his way to accommodate the neighbors and their concerns. This is a very well-designed project.*

4-40

Hydrology, Water Quality, and Drainage.

The project does not lie in a flood plain. In addition, the project would incorporate an on-site storm drain to collect storm water runoff and convey it to Channel A. *The final plan must include site-specific design features or an engineering evaluation to ensure that the site does not result in flooding risks from insufficient storm water detention and conveyance.*

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Climate Change.

The city of Davis has been advocating for steps to reduce GHGs since 1999. In 2006, Davis joined the U.S. Conference of Mayors calling for local and national action to reduce GHG emissions. The Natural Resources Commission is now developing an action plan based on recommendations from the city's Climate Action Team.

Models predict temperatures in our state to increase by 4.7 to 10.5 degrees by the end of the century if GHG emissions continue to increase as they currently are. Lower rates could reduce the projected warming to and increase of 3.0 to 5.6 degrees. Almost all models predict a continued warming trend through the end of the century, regardless, due to the large amounts of GHGs already released. These increased temperatures could lead to a number of negative environmental impacts such as reduced snow packs, early thaws and flooding, increased risk of fires, changes in precipitation, weather extremes, changing conditions for farming, and public health impacts associated with high temperatures, heat waves and poor air quality.

4-41

In response to these threats, the state has adopted a number of policies to respond to the global warming impacts. In 2002, Gray Davis signed AB 1493, to require the California Air Resources Board (CARB) to develop and adopt regulations to reduce GHGs emitted by automobiles to the greatest extent possible by January 1, 2005. In 2005, Governor Schwarzenegger signed Executive Order S-3-05 which established GHG emission targets. In September 2006, the Governor signed AB 32 which requires that GHG emissions in the state be reduced to 1990 levels by 2020. In September 2008, the Governor signed SB 375 which builds on AB 32 to control GHG emissions caused by sprawl. Under this bill, CARB will work with the state's metropolitan planning agencies to align regional transportation, land use and housing plans to work toward a "sustainable communities strategy" to reduce the number of vehicle miles traveled and to create walkable, bikable communities.

In April 2007, Davis adopted a strategy to reduce local GHG emissions. The city joined the Cities for Climate Protection program to work to reduce GHG emissions at the local level. The NRC has recommended GHG reductions of 7 percent below 1990 levels by 2012, 15 percent below by 2015, from 2015 to 2040, a average annual reduction of 2.6 percent to achieve 80 percent of 1990 levels, and carbon neutral by 2050. Acknowledging the importance of being aggressive in reducing GHG emissions, the city also had to concede that reaching those levels would be difficult. As a compromise, the city has proposed a target range using the state targets as a minimum and the above targets as the desired results.

The city has done an inventory to determine where our GHG emissions originate. The inventory shows that more than 75 percent of our GHG emissions results from energy used in our homes and personal transportation associated with land uses. Due to the importance of the residential sector in reducing GHG emissions, the city developed a methodology to establish GHG targets for individuals and thereby, dwelling units. The city has developed methodologies for two sectors—existing housing and new housing. Assuming that every house built here today will be in existence in 2050, and that energy use associated with residential activities will continue to be the primary source of local GHG emissions, new housing must now perform to meet future GHG reduction targets. Working from these assumptions, the city has developed carbon allowances for new and existing residential units. The city has established a public engagement program to raise citizen awareness. A

13

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voluntary Low Carbon Diet Challenge program began in October 2008 with the goal of 100 homes losing 5000 pounds or 2.5 tons of carbon per household over the course of a year. successful, this would equate to 25 percent of the 2012 target for Davis. The city is also considering incentive programs to assist residents in GHG reduction, including financing programs or energy efficiency upgrades and incorporation of solar power, improving the transit system and changing land use patterns to get people out of cars.

Article 8.2 of the Davis Municipal Code provides guidelines for new development to reduce GHG emissions. All new residential units would have to implement measures in the "Build Green 2007 New Home and Multifamily Green Building Guidelines".

Proposed Project.

Using outputs from the air quality assessment done for the project, it was determined that construction of the project would result in 148.25 tons of CO2 emissions generated. After construction, the major source of GHG emissions would be from vehicle CO2 emissions and energy use in the homes. The proposed project is estimated to produce about 3,823.54 tons of CO2 per year. *These are conservative figures, as they do not take into consideration reduced automobile use associated with multi-family housing and because the figures were based on 259 homes (the original project) not the now-proposed 191 units.* Roughly 80 percent of the GHG emissions would be generated by automobiles.

The project applicant has submitted a plan that shows how the project would reduce GHG emission levels. The strategy is to use 2009 Title 24 standards as baseline for energy use and design energy reduction from that point. The reduction program will reduce energy use and therefore GHG emissions by at least 25 percent below the Title 24 standards. The plan will reduce energy use and GHG emissions by an additional 50 percent through the use of photovoltaics and provision of electric vehicles for a total of 75% below Title 24 standards.

4-42

The first part of the program is to adopt passive solar design for a GHG reduction of 13 percent. This can be accomplished through building orientation; ensuring that wall, floor and roof materials are specified to maximize thermal mass to maximize insulation capacity; minimize east-west window glazing and to use appropriate e-rated windows or exceed Green Building and Title 24 standards; use of roof awnings and overhangs to limit solar gain through windows; passive ventilation systems; using wall colors and materials to have high reflective and emittance levels; reflective roofs; solar panels on south and west sides of roofs.

The second part of the program is to optimize use of energy efficient building systems and equipment for a 12 percent reduction. This could include passive thermal design in combination with high efficiency HVAC systems or radiant heating and cooling systems to reduce energy use; either high efficiency water heaters or solar water heating plus supplemental electricity from on site photovoltaics; permanently installed high efficiency luminaries, exceeding Title 24 standards by 59 percent; lighting monitors that switch lights on and off as needed; all appliances meeting Green Building standards; monitoring of the electrical and thermal systems; inclusion of an orchard. Each 12 inch tree would sequester about 1,730 pounds of CO2 equivalents. This would accomplish site temperature reduction and carbon capture.

Most of the remaining energy use would be reduced through photovoltaic systems on all units sized in accord with the city's Green Building standards. This would reduce energy use by 25

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percent. A further 25 percent reduction could be accomplished through the provision of garage space and hookups for electric vehicles, internal bike paths and connections to existing paths, and prepaid annual passes for Unitrans to encourage use of public transit.

The net result is to reduce the project's energy use and GHG emissions by 75 percent when compared with a project that only meets Title 24 standards. As shown in the Table 4.10-5, the proposed project would exceed the overall targets of the City of Davis Green Building Ordinance (total possible = 300 points) by 10 points with a total of 310 points.

In conclusion, the proposed project would reduce GHG emissions by 75 percent below that of the average project meeting Title 24 standards and exceeds the city's Green Building standards by 10 points.

4-43

The DEIR then concludes by making a statement that makes absolutely no sense. It states: "Although the proposed project would implement several design standards to reduce energy use well below 2009 Title 24 standards, as well as ensure overall consistency with the latest GHG reduction measures identified by the California Attorney General, a single project cannot, on its own, feasibly mitigate impacts associated with the large-scale issue of global climate change; therefore, impacts related to GHG emissions and global climate change would remain significant." How can anyone expect any project to mitigate impacts associated with a global problem? Based on the incomprehensibility of the statement, one can only assume that the same statement would have been made if the project were actually carbon neutral. The fact is, if all future projects in Davis adopted the same sorts of innovative elements to dramatically reduce GHG emissions as this project, Davis would certainly be a world-leader in innovative solutions to a global problem. To state that this project, which reduces its GHG emissions by 75 percent below Title 24 standards and exceeds the city's Green Building standards by 10 points, is still a problem because it can't mitigate global warming impacts is ridiculous.

4-44

Alternatives.

Alternative 3, reduced density-view shed preservation alternative--is a reduced density alternative proposed in order to preserve partial views of ag land and the Sierras east of the site. In this scenario, the designation would be from ag to low density residential rather than the proposed medium/high density designation. This alternative proposes a project with 75 houses with average lot size of 0.25 acres. This would allow for single story ranch style homes to reduce the impact of the project on existing neighbors and to obstruct fewer views of the Sierras. It would comply with the affordable housing component with "creative placement" of attached residences on corner lots.

4-45

Does the DEIR drafter live in Wildhorse? This alternative is classic sprawl! It is worse than classic sprawl. This calls for 3 dwelling units per acre with minimum quarter acre lots and sprawling single story ranch style homes. Even current sprawl growth utilizes two story homes and often three story apartment units on small lots. This is a return to the post-war automobile dependent sprawl that is contributing to our global warming problems by demanding that people get in their cars to get anywhere! If the current project can't mitigate for global warming impacts, what is this one going to do? It is hard to believe in this day and age, when it is so important that we move away from the sprawl model and begin designing sustainable, high density communities that encourage use of bikes, transit and our own two

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feet, that this type of development would even be considered. And to preserve view sheds? This alternative is not an alternative and should be rejected outright.

The arguments for this alternative go on to attempt to demonstrate how this alternative would reduce impacts of the proposed project in the areas of transportation, air quality, noise, and hydrology and water quality. *There were no significant impacts in these areas in the proposed project scenario. In biological resources and aesthetics, the same impacts remain. So, there is no improvement to the impacts with this alternative, but huge other impacts related to the promotion of the old sprawl model.*

4-46

Alternative 4. Reduced intensity-Ag Character Alternative. This makes as little sense as alternative 3. It is nearly identical, except that the homes would be clustered on small lots so that there would be plots of "farmland" to allow the residents to work the soil. The proposal is that the "farmland" would be owned and operated by a Homeowners Association and leased to someone or a group who would conduct ag operations. It has already been established that there are many problems associated with agriculture in close proximity to homes. There are also pest problems. If the ag production is not viable, the land could revert to community gardens.

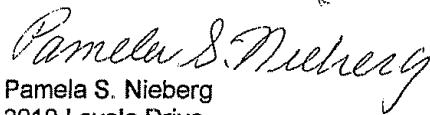
This could be an interesting concept. But given that similar ideas have been tried in other developments, only to result in no crops but lots of weeds, it most likely is not going to work here. Also, given that we do not want to continue to sprawl onto good, productive farmland on our periphery, we should make the most of any infill projects, such as this one, and do higher density development to accommodate our population.

4-47

Alternative 5. Infill Site Alternative. It is usual to consider other alternative sites for infill development if the proposed site is sprawl onto farm land—not infill, but this project IS infill already. The land it is proposed for is surrounded on three sides by urban development and it has not been used for farming in decades. It is highly disturbed by current uses. The project applicant does not own the other properties. Only one of the other properties has been approved for development, another is in the process, and the third is not even in the running at this point. It might make sense to consider the "infill alternative" if this site were productive farmland, but it is not. The site is infill, and the proposed project is very innovative and forward thinking and should be allowed to move forward.

I would like to once again thank the city for the opportunity to review the DEIR for the Wildhorse Ranch proposal. If there are any questions, I can be reached at the contacts below.

Sincerely,



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LETTER 4: PAM NIEBERG, RESIDENT

Response to Comment 4-1

This comment is an introductory paragraph that describes the commenter's position on the proposed project and does not address the adequacy of the DEIR.

Response to Comment 4-2

This comment is a paragraph summarizing the project, and does not address the adequacy of the EIR.

Response to Comment 4-3

The comment describes the land use and agricultural uses of the site and does not address the adequacy of the DEIR.

Response to Comment 4-4

The commenter is correct that the applicant is required to set aside in perpetuity active agricultural acreage at a minimum ration of 2:1. As discussed on page 4.1-24 of the DEIR, a majority of the project site contains soils that are considered Prime Farmland soils by the City of Davis General Plan. Consistent with the General Plan Update EIR, permanent loss of Prime Farmland and Farmland of Local Importance would result in a significant and unavoidable impact.

Response to Comment 4-5

The commenter is correct that the project includes development of housing for different income levels and will add 65 feet to the agricultural buffer. The comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-6

This comment reiterates language in the DEIR related to population and housing and does not address the adequacy of the DEIR.

Response to Comment 4-7

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-8

The commenter is correct that the cumulative traffic analysis includes existing conditions plus project plus future developments. The project would contribute traffic volume to a ramp that is

over capacity in the Cumulative No Project Scenario. The comment does not address the adequacy of the DEIR.

Response to Comment 4-9

The commenter is correct that the project would not result in insufficient Mace Overcrossing queue lengths. As also noted by the commenter, the maximum queue lengths for the Cumulative No Project and Cumulative Plus Project Scenarios would exceed the storage length by approximately two car lengths.

Response to Comment 4-10

The PM peak hour imbalance does not cause the LOS to fall below the City's Standard. As stated on page 4.3-49, Lane Imbalance Analysis,

Under Cumulative plus Project conditions, the intersection of Mace Boulevard/I-80 Westbound Ramps operates at LOS C in the AM peak hour and at LOS E in the PM peak hour. Thus, the lane imbalance does not cause operations at this intersection to fall below the City's Standard.

Response to Comment 4-11

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-12

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-13

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-14

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-15

This comment reiterates the conclusion in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-16

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-17

Mitigation 4.3-2, on page 4.3-53 of the DEIR requires that the City Engineer review and approve project designs related to adequate sight distance, internal roadways, and traffic control devices.

Response to Comment 4-18

Mitigation 4.3-3, on page 4.3-53 of the DEIR requires that the City Engineer review and approve project designs related pathway and sidewalk networks for ADA accessibility.

Response to Comment 4-19

Please see Response to Comment 4-17.

Response to Comment 4-20

This comment reiterates requirements of the YSAQMD and does not address the adequacy of the DEIR.

Response to Comment 4-21

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-22

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-23

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-24

This comment reiterates language and conclusions of the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-25

This comment reiterates language and conclusions of the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-26

This comment reiterates language and conclusions of the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-27

The comment identifies that the construction hours in the mitigation measure to reduce construction noise impacts are not typical hours. However, the hours of 7 AM to 7 PM on weekdays and 8 AM to 8 PM on Saturday and Sunday are the hours of operations in the City's Noise Ordinance, and therefore, are the appropriate hours to be included in Mitigation Measure 4.5-3 in the DEIR. It should be noted that this comment has been forwarded to the decisionmakers who may change the allowable hours of construction set forth in Mitigation Measure 4.5-3, during their review of the DEIR and the project.

Response to Comment 4-28

The specific muffler requirement in Mitigation Measure 4.5-3 is only one of the measures required to limit construction noise. This measure is primarily intended to address equipment that is in less-than-satisfactory condition, not newly purchased vehicles already equipped with factory-installed mufflers.

Response to Comment 4-29

During construction, the possibility exists for construction equipment storage to be located anywhere on-site, including close to existing residences. Mitigation Measure 4.5-3 would reduce the impacts to nearby existing residence by locating the noise source as far away as possible.

Response to Comment 4-30

Please see Response to Comment 4-27.

Response to Comment 4-31

Please see Responses to Comments 4-27, 4-28, and 4-29.

Response to Comment 4-32

The commenter is correct that grasslands can support a number of species. A biological resources analysis was conducted for the site, including a CNDDDB database search and field surveys by qualified biologists. The comment does not provide specific comments related to the adequacy of the DEIR.

Response to Comment 4-33

Section 4.6 of the DEIR, Biological Resources, includes mitigation that requires pre-construction surveys for American badger, western burrowing owl, nesting birds, special-status bat species, and Swainson's hawk.

Response to Comment 4-34

Section 4.6 of the DEIR, page 4.6-39, Mitigation Measure 4.6-1(c), is hereby revised as follows:

4.6-1(c) *If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.*

Prior to initiating passive relocation efforts, adjacent lands will be evaluated to confirm that suitable habitat and refugia for badgers is present adjacent to the active den site. If necessary, artificial dens will be created in suitable areas within close proximity (as close as is feasible) to reduce exposure to predation during relocation. If passive relocation is ineffective, active relocation techniques will be coordinated with CDFG and carried out by a qualified biologist. A suitable relocation site will be found in the vicinity of the project site and a relocation plan designed to minimize stress to the animal will be developed for approval by CDFG and the City.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 4-35

The comment reiterates information contained in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-36

The commenter is correct that suitable habitat with ample burrows exists immediately adjacent and north of the project site. Therefore, during passive relocation owls would not have to travel far to find alternative habitat. EDAW (Sycamore) has performed several successful passive relocations with conditions similar to the project site. Passive relocation is expected to be successful at the project site and, as required by Mitigation Measure 4.6-2(c) in the DEIR, relocation will be followed with monitoring efforts by qualified biologists to monitor success prior to construction. However, out of an abundance of caution, Mitigation Measure 4.6-2(c) on page 4.6-41 of the DEIR, is hereby revised as follows:

4.6-2(c) *If burrowing owl are detected during pre-construction surveys outside the nesting season (September 1 – January 31), passive relocation and monitoring may be undertaken by a qualified biologist following the CDFG and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone of the impact area. A minimum of one week shall be allowed to accomplish this task and allow for owls to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1 - August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.*

If passive relocation is unsuccessful, the feasibility of active relocation will be discussed with CDFG and an alternate strategy evaluated. Any active relocation efforts must be approved by CDFG and the City, and carried out by a qualified biologist with similar burrowing owl relocation experience and according to an approved plan.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 4-37

Although the County does not have an approved HCPNCCP, the Yolo Natural Heritage Plan, which is the County's Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), is currently in the planning phase. As reported on the Yolo Natural Heritage Program website (<http://www.yoloconservationplan.org/index.html>) the Joint Powers Authority (JPA) recently completed the first phase of the Yolo Natural Heritage Program. Some important accomplishments during the first phase include establishment of a Steering Advisory Committee and a Technical Advisory Committee, preparation of a draft Ecological Baseline Report (HT Harvey 2006), development of a GIS data base and completion of the Independent Science Advisors process including a report (Independent Science Advisors 2006). The next major phase is underway and focuses on development of conservation strategies and preserve design alternatives. The City of Davis is a participating agency and has an obligation to encourage projects within their jurisdiction to participate in the HCP that is under development. The support of HCP's in other Counties such as East Contra Costa has been in part through in-lieu fees paid and held to mitigate species impacts prior to plan implementation. The HCP will have wider reaching conservation benefits for the species than a project by project mitigation strategy which can result in preservation of smaller land areas in more piecemeal. The HCP planning process will identify areas that are most valuable to the species in a strategic, comprehensive process

informed by science. The plan will allow large, connected preserves that contribute to the long-term conservation of species to be assembled over time.

In the event that the Yolo Natural Heritage Plan is approved prior to implementation of mitigation 4.6-2(d), the applicant could opt to pay HCP fees, which would be directly utilized to preserve large habitat areas.

Any acquired mitigation lands will be managed for the benefit of burrowing owl. Thus, these lands will only overlap with agricultural mitigation areas to the extent that other uses are compatible with the habitat requirements and mitigation acreage required to fully compensate for burrowing owl impacts.

Response to Comment 4-38

Mitigation Measure 4.6-6(b) in the DEIR includes an option for mitigating the loss of Swainson's hawk foraging habitat via payment of in-lieu fees to provide Habitat Management lands to the CDFG. This approach to mitigating Swainson's hawk foraging habitat has been deemed acceptable for Yolo County by the Yolo County HCP/NCCP Joint Powers Agency. Yet, in order to provide a range of options to successfully mitigate loss of Swainson's hawk foraging habitat, Mitigation Measure 4.6-6(b) in the DEIR also enables the appropriate amount of land to be dedicated for Swainson's hawk foraging habitat via recordation of a conservation easement.

Response to Comment 4-39

The comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-40

Mitigation Measure 4.8-2 on page 4.8-11 of the DEIR requires the applicant to submit a design-level engineering report on the stormwater detention and conveyance plans for review and approval of the City Engineer.

Response to Comment 4-41

This comment reiterates language in the DEIR and requirements of the City of Davis and does not address the adequacy of the DEIR.

Response to Comment 4-42

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-43

Comment noted. As stated by the commenter, and concluded in the DEIR, one development project cannot mitigate a global impact, such as global climate change. As stated on page 4.10-16 of the DEIR, "Given the significant adverse environmental effects linked to global climate

change induced by GHGs, the emission of GHGs is considered a significant impact.” Although the proposed project would include a number of features that would reduce the project’s contribution to global warming, and although the DEIR includes required mitigation measures to ensure a reduction in the project’s creation of GHG emissions, the project’s impacts related to GHG emissions and global climate change would remain significant and unavoidable.

Response to Comment 4-44

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 4-45

While several project impacts would still exist, the Viewshed Preservation Alternative would reduce the intensity of other impacts. As stated on page 6-8 of the DEIR, the Viewshed Preservation Alternative would result in a decrease in the total number of project related trips by approximately 1,400. Although the traffic impacts would remain less-than-significant, the intensity of the impact would be reduced. In addition, a reduction of the total numbers of units would reduce the demand for public services and facilities. The commenter’s thoughts on the validity of the alternative will be forwarded to the decisionmakers for their consideration.

Response to Comment 4-46

The Reduced Intensity Alternative was selected in part because the integration of agricultural characteristics has been found to work. As stated on page 6-10, the alternative would utilize organic or integrated pest management methods that would unlikely result in conflicts with adjacent residences. Although high density multi-family is one of the main smart growth principles, the City of Davis strives to balance urban development with the surrounding agricultural character. The commenter’s thoughts on the validity of the alternative will be forwarded to the decisionmakers for their consideration.

Response to Comment 4-47

CEQA Guidelines Section 15126.6(f)(2), requires that an EIR consider off-site locations for a project. For the City of Davis, four vacant undeveloped parcels remain within the City. In order to accommodate the proposed Wildhorse Ranch project at an alternative location, the City determined that the project would need to be spread amongst multiple undeveloped parcels within the City. None of the four properties are currently owned by the project applicant. Grande School site recently received entitlement approvals from the City Council for the development of 41 single-family units. The property is owned by the school district who intends to sell the entitled property to prospective developers. Project applications have been submitted for the Simmons property for the development of 108 single-family units. The Simmons applications are under review and have not been approved by the City Council. No formal applications have been submitted to the City for the development of the Nugget Fields at this time. The City of Davis has evaluated similar alternatives in previous environmental documents (i.e. Second Street Crossing). Therefore, the DEIR has complied with CEQA Guidelines Section 145126.6(f)(2) by

considering off-site alternative locations, regardless of whether a project site can be properly considered infill.

Letter 5

S. Monheit
D. Balgobin

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Comments to the Davis, Horse Ranch Draft EIR

SECTION 4.6 Biological Resources

4.6-2 Western Burrowing Owl

5-1

The Western Burrowing Owl is an endangered species, known to exist on or around the proposed Horse Ranch development site in the north east corner of the City of Davis. The number one threat to the Western Burrowing Owl listed by the California Fish & Wildlife Service (FWS) is habitat loss and fragmentation. Development of this site would not only deprive this endangered species from high quality nesting sites available on the Horse Ranch property, but would further fragment foraging the range of this species. The Horse Ranch site is of particular value to burrowing owls because of the extensive population of burrowing ground squirrels which inhabit the open and unused pastures associated with the horse ranch. Western Burrowing Owls use abandoned burrows of small mammals like the ground squirrel for their nesting and burrowing sites.

"Habitat Loss and Fragmentation—Primary threats across the North American range of the Burrowing Owl are habitat loss and fragmentation primarily due to intensive agricultural and urban development, and habitat degradation due to declines in populations of colonial burrowing mammals (Grant 1965, Konrad and Gilmer 1984, Ratcliff 1986, Haug et al. 1993, Dundas and Jensen 1994/95, Rodriguez-Estrella et al. 1998, Sheffield 1997a, Dechant et al. 1999)".

Ref: US Fish and Wildlife Service, Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. Biological Technical Publication BTP-R6001-2003

4.6-5 Swainson's hawk Nesting Impacts:

5-2

The Swainson's hawk is a particularly sensitive species, whose reproductive success and viability depends not only on available open foraging habitat to sustain hawk populations, but on the abundance and availability of specific prey items, specifically Microtines spp. and pocket gophers associated with perennial grasslands and certain agricultural crops. Occurrence of Swainson's hawk populations in the Horse Ranch Project Area at the north east corner of the city of Davis, indicate that the delicate mix of factors necessary to sustain this endangered species are present. It is very hard to recreate or restore home-range and high-quality foraging habitat that will support Swainson's hawk populations, as is evident from well documented failed attempts to do so in the Northern Central Valley (Shasta and Tehama Counties). Swainson's hawks, an endangered species which occurs on the proposed Horse Ranch project site must be protected. Development of this habitat for urban use is unwise, unwarranted, and in direct conflict with the Endangered Species Act.

"Although Swainson's Hawks prey on a wide variety of mammalian, avian and insect prey, annual reproductive success appears to be driven by availability of particular small mammal species. Many areas of apparently suitable habitat support few Swainson's Hawks, suggesting that although small mammals may be abundant, they are not among the preferred or optimal species. An example of this is the situation in the northern Central Valley (Shasta and Tehama Counties), where well-distributed trees and open

**Letter 5
Cont'd**

S. Monheit
D. Balgobin

grassy habitats support extremely low densities of Swainson's Hawks (Detrich 1986). The (largely exotic) annual grassland habitats typical of this area support high densities of nocturnal Heteromyid rodents, and low densities of Microtines and pocket gophers preferred by Swainson's Hawks, relative to perennial grasslands and certain agricultural crops (Woodbridge 1991). Considering the close correlation between prey base and reproduction seen elsewhere in California (Estep 1989, Woodbridge 1991) this factor alone may explain the scarcity of Swainson's Hawks in the upper Central Valley. Restoration of riparian nest site habitat alone will be unlikely to benefit Swainson's hawks in this situation".

The primary management issues currently facing Swainson's Hawks in California are:

- 1) loss of preferred nesting habitat in mature riparian forest.
- 2) loss or adverse modification of high-quality foraging habitat to development or conversion to incompatible crop types.

"...changes in activity regime (construction in previously open areas, human intrusion at nest site) frequently causes nest abandonment, particularly during the pre-nesting, egg-laying, and incubation stages of the reproductive cycle (Bent 1937, Houston 1974, Estep 1989)".

"Fallow fields, dry land pasture, and irrigated pasture were also important (high quality) foraging habitats" for the Swainson's Hawk.

http://www.prbo.org/calpif/htmldocs/species/riparian/swainsons_hawk.htm

Prepared by: Brian Woodbridge (Brian_Woodbridge@r1.fws.gov)
U.S. Fish and Wildlife Service
Klamath National Forest
Yreka, CA 96097
530-842-6131 phone

5-2
Cont'd

4.1.1 Loss Prime Agricultural Land

Why is the City Council considering prime agricultural land for development and urbanization when the City of Davis has unused "fill-in" parcels, - some that already have sewer linkups such as the **Hunts Tomato Plant parcel on E. Covell**, or other sites that would not require taking agricultural land permanently out of commission?

5-3

Agricultural land, even when it is fallow has beneficial qualities and affects on wildlife, natural hydrologic cycling in the environment, and effects that mitigate global warming. When land is paved over, it no longer supports food chains for many wild life species; it does not allow for groundwater recharge, or hydraulic cycling in fog systems such as we have here in the central valley.

5-4

When vegetation is replaced by asphalt and concrete for roads, buildings, and other structures necessary to accommodate growing populations, the man-made surfaces absorb - rather than reflect - the sun's heat, causing surface temperatures and overall ambient temperatures to rise".

5-5

http://en.wikipedia.org/wiki/Urban_heat_island

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4.7 Aesthetics and Location Appropriate Density Development

5-6

Three-story high density development is appropriate in urban city centers, where it is the goal of the city to accommodate the need for high population foci where commercial activity (markets and businesses) are centered, and where public law enforcement, fire and hospital services are already set up to accommodate high density populations. It is completely inappropriate to put a three-story high density development at the edge of a small agricultural community. It defies common sense and is an affront to the aesthetics of the surrounding countryside and environment.

4.9 Public Services and Facilities

4.9-2 Long Term Availability of Water Supply

5-7

Existing water conveyance systems are inadequate to meet the increased water demands of a Horse Ranch development project. It appears that a proposed mitigation for this inadequacy is for the developers to give the City of Davis funds to up grade the existing system to handle the increase capacity. Adding further pressure to an already inadequate system, and then incrementally improving the system to cover the additional demand **still leaves the system inadequate to handle the load.** If the City of Davis can not find the money to really solve the problem, we should NOT be adding to the load.

- ◆ A better mitigation for the potable water situation would be for the developers to upgrade the system to **resolve the total inadequacy** of the system.

5-8

Do the developers have sufficient cash funds to ensure payment of the proposed mitigation funds to upgrade the water delivery system? or are they relying on revenue made from the development project itself? If the latter, what happens if property values fall, and they do not make as much money as projected?

5-9

5-10

What happens if the developers do not come up with the necessary funds for the proposed mitigation projects or go bankrupt before paying for the mitigation projects? This would leave the City holding a potentially multi-million dollar bill for these upgrades.

5-11

- ◆ Insulated piping should be mandatory so residents do not run sinks and showers for hours, wasting huge amounts of water in order to get hot water to the faucet?

4.9-3 Increased Waste-water Treatment Demand on already insufficient treatment system.

5-12

Potable water and wastewater treatment systems are both inadequate to handle current demands within the City of Davis. Adding population and demand to already overwhelmed water systems makes no sense. We do not have the money to pay for upgrading or increasing the capacity of the water treatment system we currently have. What are we doing adding further demand to these already overburdened systems?

**Letter 5
Cont'd**

S. Monheit
D. Balgobin

5-12
Cont'd

◆ Rather than having the developers extend sewer lines hookups to existing inadequate water treatment facilities, why not make the new development a truly green development and require the installation of small satellite water treatment plants onsite which will recycle water for use in the irrigation of public and private landscaping with excess recycled water going to ground water recharge?

5-13

The developers say they will set aside money for upgrading capacity of existing potable and wastewater treatment systems. Where does that money come from? Does it come from the sale of parcels within the development, or does the developer have the money to set aside up front?

5-14

4.9-4 Inadequate Mitigation for On-going Cost of Increased Fire Protection Services

A one time injection of money from developers to buy more fire fighting equipment is insufficient to off-set the on-going cost of paying salaries to personnel required to service the new development, especially in the current economic climate when fire fighters are being laid off.

5-15

4.9-5 4.9.5 Unstable Mitigation for On-going Cost of Increased Law Enforcement Protection Services

What is the sum of money the developer is suggesting to pay for an additional .57% of an additional police officer to patrol the area? What if the City does not have the additional funds to hire the other half of that officer? How does an endowment fund work in a collapsing economy, where investments are worth less instead of more to sustain the additional law enforcement patrol? What happens when the endowment runs out and the housing, the people and the need remain?

5-16

4.10 Climate Change

Including the use of solar panels on buildings does not mitigate for the loss of open space wildlife habitat, increased albedo, and other impacts caused by the paving of agricultural land. Natural hydrologic cycling in the environment, groundwater recharge, fog and breathing of the soil would be disrupted by development at this location.

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CONCLUSION

- 5-17 In this day of collapsing economy and business defaults, we can not assume that this developer will not go bankrupt before paying for the many listed mitigation measures outlined in the DEIR, and the City of Davis will be left in the lurch holding the bill.
- 5-18 This high population density project is inappropriately designed for the outskirts of a small agricultural community. Three story buildings are not appropriate for a site on the edge of town. The Horse Ranch site, which serves as nesting ground and high-quality foraging habitat to several threatened, endangered and sensitive wildlife species, should not be developed. It should be left as agricultural use.
- 5-19 In the larger environmental picture, the "taking" of farmland to pave for urban development is counter indicated. Farmland should be left as farm and pasture land, and urban fill-in projects should be pursued on under-utilized parcels already existing within the City boundaries (i.e.: Hunts Tomato Plant site), where water conveyance and wastewater treatment hookups are already in place.
- 5-20 The cost of additional public servants for fire fighting and law enforcement is problematic in the current catastrophic economic environment where current levels of law enforcement and fire fighting are being cut back. To increase demand on these already overburdened services would be looking for problems.
- 5-21 The Covell Horse Ranch site is not the right place for residential development in Davis, and should be left as agricultural land.

Comments Submitted by:

Susan Monheit - Environmental Scientist, Water Quality Specialist

David Balgobin - Chemical Engineer, Wastewater Treatment and Recycled Water Engineer

~~SA~~ monheits@sbcglobal.net.

**LETTER 5: SUSAN MONHEIT, WATER QUALITY SPECIALIST & DAVID BALGOBIN,
WASTEWATER TREATMENT AND RECYCLED WATER ENGINEER**

Response to Comment 5-1

The biological consultant conducted focused surveys and found western burrowing owl to be present on-site. Mitigation measure 4.6-2(a) of the DEIR, page 4.6-40, requires that pre-construction surveys are conducted for western burrowing owl. As stated in Mitigation Measure 4.6-2(d), if burrowing owl or sign of burrowing owl are detected at any time on the project site, habitat shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of burrowing owl habitat. In addition, grading or other construction activities shall not occur within 250 feet of any active nests during the nesting season. The DEIR concludes that implementation of the mitigation measures would reduce the impact to burrowing owl to a less-than-significant level.

Response to Comment 5-2

Mitigation measure 4.6-5(a) of the DEIR, page 4.6-44, requires that three pre-construction surveys are conducted for nesting Swainson's hawk. As stated in Mitigation Measures 4.6-6(a) and 4.6-5(b), prior to obtaining clearance to grade the project site, the project proponent shall pay in-lieu fees for the loss of Swainson's hawk foraging habitat or acquire a conservation easement reviewed and approved by the CDFG. An "Agreement Regarding Mitigation for Impacts to Swainson's Hawk Foraging Habitat in Yolo County" was executed in August, 2002, between the Cities of Davis, West Sacramento, Winters, Woodland, the County of Yolo, and CDFG. The agreement currently requires 1.0-acre of habitat management lands as mitigation for each 1.0-acre of Swainson's hawk foraging habitat lost. Payment of in-lieu fees ensures the preservation of habitat management lands. Please also see Responses to Comments 14-52 and 14-53.

Response to Comment 5-3

The proposed project site is designated as Agriculture in City of Davis General Plan. The City of Davis General Plan, Figure 33, shows the project site as "Class I – Least Limited Soils for Agricultural Use." Class I soils are described on page 287 of the GP as being of "prime agricultural significance." The site is surrounded by development on three sides and is considered infill. In addition, the DEIR includes Mitigation Measure 4.1-3 to preserve agricultural land at a 2:1 ratio.

Response to Comment 5-4

Please see Response to Comment 5-3. Potential impacts to special-status species are discussed in Section 4.6, Biological Resources, of the DEIR. Potential impacts to American badger, Western burrowing owl, nesting birds, special-status species bat, and Swainson's hawk are mitigated to a less-than-significant level. Climate change and greenhouse gases are discussed in Section 4.10, Climate Change, of the DEIR. The project includes a sustainability plan that demonstrates how the project would reduce levels of project-related GHG emissions, thereby reducing the project's contribution to global climate change.

Response to Comment 5-5

The comment provides general comment about development, but does not provide specifics regarding the adequacy of the DEIR. See discussion on climate change in Response to Comment 14-74.

Response to Comment 5-6

The comment states that a three-story high density development is not appropriate to a small agricultural community. The comment does not specifically address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration of the project.

Response to Comment 5-7

The City of Davis Urban Water Management Plan determined that the City does not have sufficient groundwater to supply the City beyond 2020. The proposed project would contribute toward the need to construct new water supply and treatment facilities and, through compliance with Mitigation Measure 4.9-2 in the DEIR, would contribute fair share fees for the future water supply project(s) required to meet City demand.

Response to Comment 5-8

This comment questions the developer's financial capacity and does not address the adequacy of the DEIR, but will be forwarded to the decision-makers for their consideration. The City has mechanisms to ensure that mitigation occurs prior to the project's impact.

Response to Comment 5-9

Please see Response to Comment 5-8.

Response to Comment 5-10

Mitigation Measures 4.9-1(a), 4.9-1(b), and 4.9-2 in the DEIR require the project applicant to pay fair share fees for City-wide water conveyance improvements prior to the issuance of building permits. The applicant would not be able to construct any units until the necessary water system improvements are in place.

Response to Comment 5-11

This comment does not address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration. However, it should be noted that the project will be required to comply with the California Building Code, the City's Green Building Ordinance, and the greenhouse gas reduction standards.

Response to Comment 5-12

As stated on page 4.9-26 of the DEIR, the City of Davis Wastewater Treatment Plant has a capacity of 7.5 million gallons per day (mgd), which is above the projected General Plan buildout demand of 7.0 mgd. In addition, the project applicant would be required to fully fund and construct the necessary wastewater improvements for the project to receive adequate wastewater service.

Response to Comment 5-13

Prior to the issuance of building permits for the project, the applicant would be required to fully fund and construct the necessary wastewater improvements identified in the sewer report required by Mitigation Measure 4.9-3 in the DEIR.

Response to Comment 5-14

The commenter is correct that a one-time payment toward fire fighting equipment is not adequate to mitigate the project impacts. On page 4.9-28, the DEIR concludes that the impacts related to the provision of fire protection would be significant and unavoidable. Please also see Response to Comment 14-59 regarding the revisions in this Final EIR to Mitigation Measure 4.9-1 addressing fire protection services.

Response to Comment 5-15

Please see Response to Comment 14-63.

Response to Comment 5-16

The comment does not provide specific comments regarding the DEIR. The project would include implementation of various approaches aimed at limiting the production of GHG on-site. Table 4.10-6 in the DEIR lists the measures set forth in the project's preliminary sustainability plan. Mitigation Measure 4.10-1 requires the submittal of a final sustainability plan wherein more specifics will be provided, as well as calculations showing how the project design complies with the City's new carbon allowance standards.

Response to Comment 5-17

Please see Responses to Comments 5-10, 5-13, and 5-15.

Response to Comment 5-18

Please see Responses to Comments 5-1, 5-2, and 5-6.

Response to Comment 5-19

Please see Response to Comment 5-3.

Response to Comment 5-20

The comment notes that the cost of providing services to serve the project is problematic given the current economic conditions. The comment does not address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration.

Response to Comment 5-21

This comment does not address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration.

Letter 6

2838 Layton Drive
Davis, CA 95616-1629
3 June 2009

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JUN 04 2009
City of Davis
Community Development

Ike Njoku
City of Davis Community Development Department
23 Russell Blvd
Davis, CA 95616

RE: Wildhorse Ranch Draft Environmental Impact Report (SCH# 2007072020)

Good Afternoon, Mr. Njoku:

- 6-1** The Transportation and Circulation and the Public Services and Facilities - Parks and Recreation sections of the Draft Environmental Impact Report (DEIR) for this project are incomplete and the DEIR is not clear if the project plans to signalize the East Covell Blvd and Monarch Lane intersection.
- 6-2** I often use Monarch Lane to travel both east and west on East Covell Blvd. Due to the heavy traffic during peak periods I avoid using this intersection to turn west onto East Covell Blvd because of one to two minute waits to safely enter the intersection. The project will make this worse until signalization is installed.
- 6-3** The DEIR needs to be revised to replace the wording “assumed” with reference to signalization of the Monarch Lane and East Covell Blvd intersection with wording that the project plans to signalize the intersection.
- Here are my specific comments:
- 6-4** Pg 3-8/9: Project Components – Transportation/Circulation – Project Site Access
The project description is ambiguous regarding the signalization of the East Covell Blvd and Monarch Lane intersection project. The project should definitely include the signalization of the East Covell Blvd and Monarch Lane intersection to minimize impacts on residents of the new project and Slide Hill Park Neighborhood residents using Monarch Lane. Therefore the word “anticipated” needs to be changed to “planned” in the paragraph that reads:
The East Covell Blvd and Monarch Lane intersection is anticipated planned for signalization as part of the project and would allow full turn movements to and from the site.
- 6-5** Pg 3-10: Transit
The description is inadequate because it needs to include an explanation that Unitrans Line Q Express does not provide service at the East Covell Blvd and Monarch Lane intersection. Project residents would have to board this bus on the south side of East Covell Blvd at the Wright Blvd signalized intersection or use the bike tunnel east of the project and board the bus on the south side of East Covell Blvd at the Alhambra Drive signalized intersection.
- 6-6** Project residents will have to cross over the four lanes of East Covell Blvd to board Unitrans Line Q. The only safe way for them to cross is to require signalization of the East Covell Blvd and Monarch Lane intersection to be planned as part of the project.

Letter 6

RE: Wildhorse Ranch Draft Environmental Impact Report (SCH# 2007072020) - page 2 **Cont'd**

- 6-7 The description also needs to explain that Yolobus 42B going to Sacramento does not provide service at the East Covell Blvd and Monarch Lane intersection. Project residents would have to board this bus on the south side of East Covell Blvd at the Wright Blvd signalized intersection.
- 6-8 Pg 4.3-7: Existing Transit Route Map
Figure 4.3-4 is incomplete because it does not show the routes of Unitrans Lines P Express and Q Express along East Covell Blvd between Pole Line Road and Monarch Lane.
- 6-9 Pg 4.3-8: Yolobus Route 42
Need to add an explanation that Yolobus 42A is westbound and Yolobus 42B is eastbound along East Covell Blvd. Need to add that they pick up passengers at the East Covell Blvd and Wright Blvd signalized intersection.
- 6-10 Pg 4.3-8: Yolobus Route 43
Need to add an explanation that project residents will have to cross over the four lanes of East Covell Blvd to board Yolobus 43 eastbound at the East Covell Blvd and Monarch Lane intersection. The only safe way for them to cross is to require signalization of the East Covell Blvd and Monarch Lane intersection to be planned as part of the project.
- 6-11 Pg 4.3-14: Table 4.3-3 – Existing Conditions
The existing peak hour wait time data presented for the East Covell Blvd and Monarch Lane intersection are not realistic and do not reflect current conditions to turn westbound from Monarch Lane onto East Covell Blvd. The two second delay time going east grossly underestimates the wait time when you arrive at the time eastbound cars on East Covell Blvd are coming after a light change at the East Covell Blvd and Wright Blvd signalized intersection. Actual wait time is usually 30 to 45 seconds to turn eastbound. Wait times are often one to two minutes to turn westbound from Monarch Lane because you have to also contend with the westbound cars coming from the East Covell Blvd and Alhambra Drive signalized intersection.
- 6-12 Pg 4.3-25: Method of Analysis – Project Description
The statement: “The primary access driveway would be on East Covell Blvd aligned with Monarch Lane. To achieve an acceptable service level, this intersection is assumed to be signalized.” needs to be revised to replace “assumed” with wording to clarify that the project proposes to signalize this intersection.
- 6-13 Pg 4.3-29: Peak Hour Volume Traffic Signal Warrant Analysis
The sentence: “The Covell Blvd/Monarch Lane proposed project entrance #1 intersection was assumed to be signalized in the Existing Plus Project scenario.” needs to be revised to replace “assumed” with wording to clarify that the project plans to signalize this intersection.
- 6-14 The next sentence: “The Existing Plus Project traffic volumes meet the peak hour signal warrant at this location, demonstrating the need for the proposed signal.” is the first time I read that the signal was proposed and adds more weight for changing the first sentence.
- 6-15 Pg 4.3-32: Table 4.3-11 – With Project Conditions
The peak hour wait time data presented for the East Covell Blvd and Monarch Lane intersection are based on the assumption that this intersection to be signalized even though the project description does not specifically include this signalization. Need to replace “assumption that” in the previous sentence with “project plan for” to clarify that it is part of the project proposal.

RE: Wildhorse Ranch Draft Environmental Impact Report (SCH# 2007072020) - page 3

**Letter 6
Cont'd**

6-16

The six second delay time shown in the table for turning east and west from Monarch Lane onto East Covell Blvd underestimates the wait time because it takes longer than that just for the signal to change. Revise with more realistic data.

6-17

Pg 4.3-55: Impacts related to Transit Access – Mitigation Measure(s)

The statement “None Required” is misleading and needs to be qualified. Need to explain that this is based on the assumption that the East Covell Blvd and Monarch Lane intersection will be signalized.

Therefore, the statement should state: “Impacts on transit access are to be mitigated by requiring the signalization of the East Covell Blvd and Monarch Lane intersection.”

6-18

Pg 4.9-13/14: Public Services and Facilities - Parks and Recreation

The description fails to identify the parks closest to the project. It should also describe Slide Hill Park as having swimming pools and tennis courts and the Girl Scout Cabin.


6-19

Pg 4.9-31: Increased Demand for Park and Recreation Services and Facilities

The description fails to cite the impact on Slide Hill Park that will result from project residents creating additional demand for use of the swimming pools and tennis courts.

These comments are being submitted to help make the NEIR a more complete document.

Sincerely,


Walter A. Bunter Jr.
530-765-2057

LETTER 6: WALTER A. BUNTER JR., RESIDENT

Response to Comment 6-1

The comment is an introductory paragraph that summarizes the commenter's concerns and will be addressed in the responses below.

Response to Comment 6-2

The comment states that the intersection of Monarch Lane and Covell Boulevard will be worsened until installation of a signal. The proposed project includes signalization of the intersection of Monarch Lane and East Covell Boulevard prior to occupancy of the project.

Response to Comment 6-3

The comment is an introductory paragraph that summarizes the commenter's concerns. Please see Response to Comment 6-4, below, for a specific response regarding signalization of the intersection of East Covell Boulevard and Monarch Lane.

Response to Comment 6-4

Chapter 3 of the DEIR, page 3-9, first paragraph is hereby revised as follows:

...The East Covell Boulevard and Monarch Lane intersection is ~~anticipated~~
planned for signalization as part of the project and would allow full turn
movements to and from the site...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 6-5

The difference between the Routes P and Q and PQ express route is discussed on page 4.3-9 of the DEIR.

Response to Comment 6-6

Please see Responses to Comments, 6-2, 6-3, and 6-4.

Response to Comment 6-7

The level of detail on the bus schedules was not deemed necessary to include in the DEIR for an adequate discussion of existing transit service in the project vicinity.

Response to Comment 6-8

Figure 4.3-4 is intended to convey the basic route information, which is supplemented in the DEIR text.

Response to Comment 6-9

The A/B designation for Route 42 conveys the two directions of the route and this distinction was not deemed necessary to specify in the DEIR. Figure 4.3-4 on page 4.3-7 of the DEIR shows the bus stop locations near East Covell Boulevard and Wright Boulevard. It should be noted that Unitrans or YoloBus may add or modify stops/routes in conjunction with future review of the project Tentative Map.

Response to Comment 6-10

The DEIR text and Figure 4.3-4 adequately describe Route 43 and the stop near the East Covell Boulevard/Monarch Lane intersection. Please see Response to Comment 6-2 regarding the project including the installation of a signal at Monarch Lane and East Covell Boulevard prior to occupancy of the project.

Response to Comment 6-11

As described in Table 4.3-3 footnote 2 on page 4.3-14 of the DEIR, the LOS methodology for side street stop control intersections gives a delay and LOS for the intersection as a whole (the first entry) and for the worst approach (the second entry). In the case of East Covell Boulevard/Monarch Lane, the worst approach is Monarch Lane, and the delay for the Monarch Lane approach is 24 seconds/LOS C in the AM peak hour, and 19 seconds/LOS C in the PM peak hour. These results are the average over an entire hour, as opposed to the “longest wait” one might encounter at any given time during the hour. The two-seconds/LOS A result is for the intersection as a whole, including movements that do not need to stop, i.e. through movements along East Covell Boulevard.

Response to Comment 6-12

Section 4.3 of the DEIR, page 4.3-25, third to last paragraph is hereby revised as follows:

... The primary access driveway would be on Covell Boulevard, aligned with Monarch Lane. To achieve an acceptable service level, this intersection is assumed planned for signalization ~~to be signalized~~...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 6-13

Section 4.3 of the DEIR, page 4.3-29, fourth paragraph is hereby revised as follows:

The Covell Boulevard/Monarch Lane/Proposed Project Entrance #1 intersection ~~was assumed to be signalized~~ is planned for signalization in the Existing Plus Project scenario. The Existing Plus Project traffic volumes meet the peak hour signal warrant at this location, demonstrating the need for the proposed signal.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 6-14

This comment restates DEIR text and does not address the adequacy of the DEIR.

Response to Comment 6-15

Section 4.3 of the DEIR, page 4.3-32, Table 4.3-11 is hereby revised as follows:

3. Intersection is SSSC in Existing No Project conditions, and ~~assumed to be signalized~~ planned for signalization in Existing Plus Project conditions.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 6-16

As described in the signalized intersection LOS methodology section on DEIR page 4.3-11, the delay and LOS are the weighted average for all movements at the intersection, over the course of the peak hour. Individual delays for individual movements, such as turns from Monarch and the new project entrance, may be longer than the delays for the through movements on East Covell Boulevard, due to the signal timing which is intended to minimize overall delay – and thus gives more time to the larger-volume movements. The delays for the individual movements can be found in the detailed LOS calculation worksheets in of Appendix C of the DEIR.

Response to Comment 6-17

Please see Response to Comment 16-2.

Response to Comment 6-18

The proximity of park facilities to the proposed project is listed on page 4.9-31 of the DEIR.

For clarification purposes, Section 4.9 of the DEIR, page 4.9-31, third paragraph is hereby revised as follows:

One Community Park, Mace Ranch Community Park, is located within a half mile or less of the subject site, and two Neighborhood Parks, Slide Hill Park, and

Robert Arneson Park, are located within a quarter of a mile of the subject site.
Slide Hill Park includes swimming pools, tennis courts, and a Girl Scout Cabin.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 6-19

As stated in Mitigation Measure 4.9-8 the applicant would be required to pay Quimby fees for the required park acreage. The Quimby Act (Government Code 66477) allows for full mitigation of up to three acres of recreation and park impacts through the payment of Quimby fees.

DEPARTMENT OF TRANSPORTATION
DISTRICT 3 – SACRAMENTO AREA OFFICE
2800 GATEWAY OAKS DRIVE, MS 19
SACRAMENTO, CA 95833
PHONE (916) 274-0635
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Letter 7

*Flex your power!
Be energy efficient!*

June 5, 2009

09YOL0010
03-YOL-80 PM 2.475
Wildhorse Ranch
Draft Environmental Impact Report (DEIR)

Mr. Ike Njoku
City of Davis, Community Development Department
23 Russell Boulevard
Davis, CA 95616

Dear Mr. Njoku:

7-1 Thank you for the opportunity to review and comment on the DEIR for the Wildhorse Ranch Project which consists of 25.79 acres and includes an amendment of the General Plan land use designation from Agriculture to five uses; Residential High Density, Residential Medium Density, Neighborhood Greenbelt, Natural Habitat Area, and Urban Agricultural Transition Area. The project also includes the development of up to 191 residential units, bike paths, greenbelts, and additional land to expand the agricultural buffer between actively farmed land. Our comments are as follows:

- 7-2 • The Interstate 80 /Richards Boulevard interchange was not studied in the traffic analysis. It is recommended that the traffic consultant compare results with existing traffic patterns occurring to and from the Wildhorse Ranch development for west and eastbound traffic on East Covell Road in order to know how much traffic is accessing the Richards Blvd. west and eastbound I-80 onramp. Additionally, Caltrans recommends that the 5% trip assignment to eastbound I-80 should be revisited because major employment centers are located in Sacramento resulting in AM peak hour queuing on the existing I-80 eastbound slip and loop ramps at Mace Blvd.
- 7-3

If you have any questions about these comments please contact Arthur Murray at (916) 274-0616.

Sincerely,

ALYSSA BEGLEY, Chief
Office of Transportation Planning - South

"Caltrans improves mobility across California"

LETTER 7: ALYSSA BEGLEY, DEPARTMENT OF TRANSPORTATION

Response to Comment 7-1

This comment is an introductory paragraph, and does not address the adequacy of the EIR.

Response to Comment 7-2

The project trip distribution was based on a “select zone” assignment from the City of Davis Travel Demand Model (e.g., an assessment of the trip routing using the model’s calibrated and validated travel characteristics). However, the east-west distribution on Covell – 59 percent to the west and 27 percent to the east -- was checked relative to the east-west distribution at three near-by intersections, the southbound Pole Line approach at Covell/Pole Line, the northbound Monarch approach at Covell/Monarch, and the northbound approach at Covell/Alhambra. Taken together, these traffic movements support the project distribution – the Pole Line distribution, which is west of the project site, is 41 percent to the west and 20 percent to the east; the Monarch distribution, which is opposite the project site, is 34 percent to the west and 66 percent to the east, and the Alhambra distribution, which is east of the site, is 84 percent to the west and 16 percent to the east. It should be noted that, from the project site, trips to/from the west on I-80 are more likely to use Covell Boulevard to SR 113 to I-80 West than to use the Richards interchange on I-80, because that route involves greater traveling time by going through the downtown.

Response to Comment 7-3

Please see Response to Comment 7-2.

Letter 8

2346 Caravaggio Dr.
Davis, CA 95618

June 5, 2009

Ike Njoku
City of Davis Community Development Department
23 Russell Boulevard
Davis, CA 95616
fax: (530) 757-5660

VIA FAX & EMAIL

RE: Comments on Wildhorse Ranch DEIR

Dear Mr. Njoku:

8-1 I am writing to submit comments on the Draft Environmental Impact Report (DEIR) for the Wildhorse Ranch project. As explained below, the DEIR fails to adequately analyze a number of issues of concern to residents of the adjacent Wildhorse neighborhood.

8-2 First, the DEIR fails to consider the potential impacts of increased traffic and parking within the existing Wildhorse neighborhood as a result of the project. Although the parking analysis for the plan claims that 512 total spaces will be provided, approximately 60% of those spaces (302) will be garage spaces. See Aug. 2008 Parking Analysis, <http://cityofdavis.org/cdd/projects/wildhorse/pdfs/0808-Revised/Alt-N-Parking-Analysis.pdf>. Many of those garage spaces, however, will simply not be available for parking purposes because homeowners will likely use those spaces for storage instead. And in contrast to adjacent neighborhoods, these homeowners will not have driveways available to park their cars instead of parking in their garage. As a result, residents of the new project will likely park their cars on Caravaggio Drive (within the existing Wildhorse neighborhood adjacent to the project) and simply walk over to their residences through connecting pathways. This will result in increased traffic throughout the eastern portion of the Wildhorse neighborhood and particularly on Caravaggio Drive, with accompanying impacts of congestion, noise, air pollution, and decreased safety for current residents, many of whom are families with young children. Nowhere does the DEIR discuss these concerns. In fact, the Transportation section of the DEIR discusses traffic impacts at 14 intersections, but fails to analyze traffic impacts at the intersection of Covell and Wright – one of the major intersections closest to the proposed development.

8-3 Second, the DEIR fails to consider an adequate range of alternatives to the proposed project.¹ While the DEIR properly dismissed a higher density alternative from further consideration, it should have considered an alternative that both (1) provides for open space between the existing neighborhood and the new development and (2) includes a lower number of units (e.g., 75). The “viewshed preservation” alternative discussed in the DEIR assumes that 75 units would be evenly spread out across the parcel on fairly large lots (0.25 ac), and thus does not provide any open space benefit whatsoever. The “agricultural character” alternative discussed in the DEIR also considers 75 units, but presumes that dedicated agricultural space would be concentrated adjacent to the agricultural buffer or in the central portion of the parcel, and thus would provide no open space

¹ In addition to the flaws discussed above, the alternatives analysis inaccurately describes the existing horse ranch use as having “slightly greater land use impacts.” (DEIR p.6-3) As compared to the proposed project (or any other development proposal, the “no project/no build” alternative would clearly have much less of an impact on land use and agricultural resources.

**Letter 8
Cont'd**

- 8-3
Cont'd
- benefit to Caravaggio residents. Reducing the number of units in the project would reduce many of the environmental impacts, including the spillover parking problem discussed above. In discussions with residents, the developer has consistently refused to consider any number of units less than 191; the City, however, has an obligation to give serious consideration to a project with fewer units, and has the authority to reject a proposal that would have negative impacts on neighboring residents or the environment or that would be incompatible with neighboring development patterns.
- 8-4
- Third, the DEIR pays no heed to the project's destruction of a functioning horse ranch. This horse ranch is a unique amenity for the Davis community, with its close proximity within the city's boundaries. Set aside during the approval of the Wildhorse development to help ameliorate the loss of agricultural land from that earlier project, the horse ranch is a reminder of the city's agricultural heritage, and provides an aesthetic amenity to the neighbors and community at large (when managed properly in accordance with the Horse Ranch Management Plan). The Land Use section of the DEIR fails to consider the loss of this valuable amenity, focusing instead on the loss of prime agricultural land.
- 8-5
- Fourth, the DEIR fails to give adequate consideration to visual impacts on Wildhorse residents and to consider mitigation measures that would further mitigate those impacts. The open space between the existing neighborhood and the proposed construction is an important element in reducing visual impacts, although it would do little to reduce such impacts at the southern end of the property. The DEIR states that further "feasible mitigation measures are not available" (DEIR p.4.7-12), although a reduction in the height of the proposed project – which includes three-story units inconsistent with surrounding neighborhoods – could and should be considered.
- 8-6
- Fifth, the DEIR fails to adequately consider cumulative impacts on special status species and other biological resources. The DEIR purports to rely on a pending Habitat Conservation Plan (HCP), yet no HCP is in place – and with the HCP planning process ongoing since 1991, it is unclear whether or when an HCP will be in place. It is arbitrary and capricious to rely on a planning document that does not yet exist.
- 8-7
- In addition, mitigation measures discussed in the DEIR for reducing noise impacts from construction activities are inadequate. The DEIR states that construction activities "shall be scheduled to occur during normal daytime working hours," but then defines these hours to run from 7:00 AM to 7:00 PM Monday to Friday, and 8:00 AM to 8:00 PM Saturday and Sunday. These do not constitute "normal daytime working hours." (DEIR pp. 2-16, 2-17). Construction should be limited to 8:00 AM to 5:00 PM Monday to Friday, with no construction on weekends or holidays.
- 8-8
- For all of the foregoing reasons, as well as reasons identified by other commenters, the DEIR is inadequate, and the City should reject the proposed project.

Sincerely,

/s/

Albert Lin

LETTER 8: ALBERT LIN, RESIDENT

Response to Comment 8-1

This comment is an introductory paragraph, and does not address the adequacy of the EIR.

Response to Comment 8-2

The project will be required to meet City parking code requirements at the tentative map review stage. As part of the tentative map submittal process, the City Public Works staff will review the parking proposed for the project and will ensure that the amount of parking provided is consistent with City standards, thereby ensuring that impacts to parking are less-than-significant.

Response to Comment 8-3

As stated on page 6-1 of the DEIR, the primary intent of the alternatives evaluation in an EIR, as stated in Section 15126.6(a) of the CEQA Guidelines, is to “[...] describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives [...].”

The DEIR considers six alternatives, including alternatives that would develop less than 191 units, thereby reducing impacts related to land use and agriculture, transportation and circulation, air quality, noise, aesthetics, hydrology, water quality, and drainage, public services and utilities, and climate change. Therefore, the EIR provided a reasonable range of alternatives that would permit a reasoned choice.

Response to Comment 8-4

The DEIR analysis focuses on physical impacts. The business amenity of a horse ranch is not a physical impact unless determined to be historically significant. The Initial Study (Appendix A of the DEIR) determined that the project site and on-site structures were not of historical or cultural significance. The comment will, however, be forwarded to the decisionmakers for their consideration.

Response to Comment 8-5

The comment refers to Impact 4.7-1, impacts related to altering the existing character of the project site and obstructing views from existing homes, of the DEIR. The impact discussion concludes that the project would permanently alter the character of the site and block significant views of open farmland and the Sierra Nevada mountains (in the distance) to the east of the site. Reducing the height of the proposed three-story structures is considered in Chapter 6, Alternatives Analysis, of the DEIR. Specifically, this is considered for the Reduced Intensity - Viewshed Preservation Alternative. Therefore, consistent with the conclusions in the DEIR, feasible mitigation measures are not available and a significant and unavoidable impact would occur.

Response to Comment 8-6

On page 4.6-34, the DEIR recognizes that the preparation of a County-wide Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) has begun. The DEIR provides mitigation to reduce impacts to biological resources. In addition, the DEIR mitigation includes alternative methods upon approval of the HCP. Therefore, consistent with the DEIR conclusion, with or without an approved HCP, the proposed project would not have substantial adverse effects to the on-site populations of special-status species and sensitive habitats, and less-than-significant cumulative impacts are expected.

Response to Comment 8-7

Please see Response to Comment 4-27.

Response to Comment 8-8

The comment will be forwarded to the decisionmakers for their consideration.

JUN/08/2009/MON 09:49 AM

P. 001

Letter 9
RECEIVED

June 8, 2009

Via E-Mail: INjoku@cityofdavis.org
Via Facsimile: (530) 757-5660

JUN 08 2009
City of Davis
Planning & Building

Ike Njoku
City of Davis Community Development Department
23 Russell Boulevard
Davis, CA 95616

RE: Comments on Wildhorse Ranch Draft EIR (SCH# 2007072020)

Dear Ike:

These comments are in addition to the verbal comments I provided during the Planning Commission public comment period on June 3, 2009.

9-1 1) The Draft EIR fails to consider a feasible project alternative that includes the same open space features as the proposed project, but is scaled to 150 units, in order to more closely resemble the density of the eastern side of the adjacent Caravaggio Drive. By scaling the project to approximately 150 units on the same development footprint, the project would be able to reduce the aesthetic impacts that are currently identified in the Draft EIR as significant and unavoidable impacts by eliminating or severely reducing the number of three story units. Such a lower number of units would also reduce the impacts related to traffic and parking (see below), but should still be large enough to allow the developer a reasonable profit margin.

9-2 2) The number of parking spaces very likely will not meet the expected needs for the residents. This should be considered to result in a significant effect, triggering the need for feasible mitigation measures, but the Draft EIR does not analyze this issue. The project includes 512 parking spaces for 191 units, including two garage spaces¹ and no driveway parking for the 151 single-family homes and townhomes. Given the facts that these units are relatively small and will have little outdoor space for storage structures, it is very likely that a large proportion of the residents will use at least one of their two garage spaces for storage and/or workshops. (This is a common phenomenon in many parts of Davis, but most other residential areas include driveways that can be used for parking cars.) Further, some of these units will likely be rented to students. Student tenants living this far from campus should be expected to each have their own cars, adding to the parking demand.

9-4 After stating that a project is considered to result in significant impacts if the estimated parking demand exceeds parking supply (Draft EIR, p. 4.3-25), the Draft EIR explicitly

¹ At the Planning Commission meeting of June 3, 2009, I erroneously stated that the houses would have single car garages. I apologize for my error.

06/08/2009 MON 09:49 [TX/RX NO 6104] 001

JUN/08/2009/MON 09:49 AM

Letter 9 P. 002
Cont'd

9-4
Cont'd

states that it "does not address the adequacy of the quantity of parking spaces per City code, which will be determined by City staff." (Draft EIR, p. 4.3-52.) The Draft EIR does go on to state, however, that the traffic consultant recommends that additional area be provided for some of the parking spaces, which would apparently compound the problem by reducing the number of available parking spaces to less than 512. The EIR needs to analyze whether the project includes sufficient parking spaces to accommodate the expected demand. Given the above, it is reasonable to expect that there will be an

9-5

average of greater than two cars per unit, resulting in parking demand of at least 400 cars, and that the number of parking spaces will be reduced by approximately 151 for garage storage and an additional number per the traffic consultant's recommendations, resulting in approximately 350 usable parking spaces. The remaining fifty cars would likely be parked along Caravaggio Drive because it has walking access to the project, resulting in increased traffic, safety, and parking impacts to the existing neighborhood. One feasible project alternative would be a lower number of housing units (approximately 150 units).

9-6

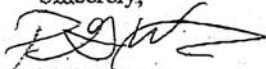
Feasible mitigation measures include speed bumps on Caravaggio, or increased parking as part of the project. The developer's representatives provided a sketch showing additional parking spaces during a meeting with the Wildhorse East Neighborhood Association on April 14, 2009, so it is clear that additional on-site parking is feasible.

9-7

3) Finally, please include the results of the February 2009 Wildhorse East Neighborhood Association survey compiled by city staff in the administrative record for the EIR. The results are posted at <http://cityofdavis.org/cdd/projects/wildhorse/pdfs/Feb%202009%20survey%20results%20and%20comments.pdf>.

Thank you for the opportunity to submit additional comments on the Wildhorse Ranch Draft EIR.

Sincerely,



Phil Wyels
2526 Caravaggio Drive
Davis, CA 95618

RECEIVED

JUN 08 2009

City of Davis
Planning & Building

06/08/2009 MON 09:49 [TX/RX NO 6104] 002

LETTER 9: PHIL WYELS, RESIDENT

Response to Comment 9-1

The comment states that a 150-unit alternative is feasible and should be considered to reduce aesthetic and traffic impacts. In Chapter 6, Alternatives Analysis, of the DEIR, two alternatives with 75 units that would result in reduced impacts to aesthetics and traffic are analyzed. CEQA does not require every possible alternative be studied; rather, a range of reasonable alternatives need be considered.

Response to Comment 9-2

Please see Response to Comment 9-1.

Response to Comment 9-3

The project complies with the City's parking requirements as currently designed. However, upon submittal of a tentative map for the proposed project, the City will conduct a more detailed analysis based upon a review of the details on the tentative map, such as proposed garage areas, and on- and off-street parking. From this detailed review, Staff will confirm the adequacy of the parking proposed for the project. The commenter's recommendations related to a resident parking program and/or traffic-calming measures along Caravaggio Drive will be forwarded to the decisionmakers for their consideration, and will also be considered by Staff in their future review of the project tentative map, when more specifics are provided for on- and off-street parking.

Response to Comment 9-4

Please see Response to Comment 9-3.

Response to Comment 9-5

Please see Response to Comment 9-3.

Response to Comment 9-6

Please see Response to Comment 9-3.

Response to Comment 9-7

The survey is available for public review. This comment does not address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration.

Letter 10

From: F. Mark Braly [mailto:markbraly@sbcglobal.net]
Sent: Saturday, June 06, 2009 3:26 PM
To: Michael Webb
Subject: Wildhorse DEIR

10-1

Mike I had the following comment on the draft EIR re: section 4.8: drainage. It appears that the applicant has not considered the possibility of permeable pavement throughout the project and other measures which could reduce run-off to zero.

LETTER 10: MARK F. BRALY, PLANNING COMMISSION

Response to Comment 10-1

Section 4.8, Hydrology, Water Quality, and Drainage, page 4.8-11 of the DEIR states the following:

Stormwater detention ponds are not included in the project design. Rather a distributed stormwater detention system is planned that would incorporate designs emphasizing the Low Impact Development standards of the City of Davis, including gently sloping vegetative swales, rain gardens, and pervious pavements.

Onsite runoff would be conveyed to the local detention areas via overland drainage and underground piping. A portion of the three acre-feet of detention storage would be within the proposed orchard area, and the remainder in the western part of the expanded 200-foot agricultural buffer abutting the east edge of the site.

The project's contribution to peak flows within Channel "A" was evaluated to ensure that the proposed project would not result in Channel "A" exceeding its design capacity. Cunningham Engineering compared the timing of peak flows into and within Channel "A" for the 100-year, 10-day storm. The project site's peak outflow would precede peak flows within Channel "A" by approximately six hours. By the time peak flows within Channel "A" are attained, the project site's outflow had receded by approximately 50 percent. As such, the project site's post-development flows are not expected to have an adverse effect on 100-year peak flows in Channel "A."

As indicated above, the proposed project's contribution to peak flows would not result in Channel "A" exceeding its design capacity. Mitigation Measure 4.8-2 in the DEIR ensures that a design-level engineering report on the stormwater detention and conveyance system is submitted to the City Engineer demonstrating that the proposed project peak flows would not coincide with peaks flows within Channel "A." The design-level report will also specify precisely how the low impact development standards of the City of Davis, including gently sloping vegetative swales, rain gardens, and pervious pavement, would be incorporated into the final storm drain design for the project. Therefore, consistent with conclusions in the DEIR, with implementation of applicable mitigation measures, the impact related to stormwater runoff contributing to downstream flooding would be less-than-significant.

City of Davis
Community Development

Letter 11

JUN 08 2009

RECEIVED

Sunday, June 7, 2009

Dear Members of the Davis Planning Commission:

11-1

I am writing to express my family's concern regarding the proposed 25.8 acre residential development at Wildhorse Ranch.

My husband and I recently purchased a home on Monarch Lane, and we appreciate the narrow and quiet street we live on with our young sons, and see it as a valuable part of the neighborhood atmosphere and an important part of why we moved here.

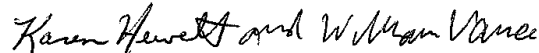
It appears that the development at Wildhorse will open to Covell directly across from Monarch Lane, making Monarch the primary street for entering the downtown area and for accessing the local grade school and east Davis businesses. With 191 new homes, this promises to create a heavy flow of automobiles down a street which is curved and narrow in places. *This traffic flow will negatively impact the safety and aesthetic appeal of our neighborhood.*

11-2

The currently existing Wildhorse neighborhood feeds onto Covell at a point where there is no street directly across Covell. Without the direct feed onto a small street, drivers tend to take the most practical routes, which are the larger, straighter streets, to go downtown and to other areas, rather than waiting to turn onto smaller, more difficult to navigate, nearby streets, thereby minimizing the negative impact of the large Wildhorse development on preexisting neighborhoods.

We ask that you carefully consider placement of the outlet of the proposed Wildhorse Ranch development, situating it someplace other than directly across Covell from Monarch, in order to minimize the negative impact of this large and dense development on our home and neighborhood.

Thank you very much for your consideration,



Karen Hewett and William Vance
1446 Monarch Lane
Davis, CA 95618
(530) 758-1849

RECEIVED

JUN 08 2009

City of Davis
Community Development

LETTER 11: KAREN HEWETT AND WILLIAM VANCE, RESIDENTS

Response to Comment 11-1

This comment is an introductory paragraph, and does not address the adequacy of the EIR.

Response to Comment 11-2

Figure 4.3-7, on page 4.3-28 of the DEIR, shows that approximately 14 percent of the project generated trips would travel along Monarch Lane, 59 percent along East Covell Boulevard toward Pole Line Road, and 27 percent along East Covell Boulevard toward Mace Boulevard. A majority of the project generated trips would not travel along Monarch Lane. In addition, the proposed project includes signalization of the intersection of Monarch Lane and East Covell Boulevard. The comment regarding relocation of the project access to not align with Monarch Lane will be forwarded to the decisionmakers for their consideration.

From: TThomasLT@aol.com [mailto:TThomasLT@aol.com]
Sent: Monday, June 08, 2009 4:50 PM
To: Ike Njoku
Subject: re:Wildhorse Ranch EIR

Letter 12

Dear Mr. Njoku:

I am writing to Reiterate my comments made at the June 3rd Planning Commission meeting. I attended a neighborhood meeting about the Wildhorse Ranch Project last year as well. It was well attended by the residents. I listen to their concerns and the presenters were very attentive and responsive. I attended the March 18 City presentation re the EIR for citizen reaction.

12-1

I concluded from the report that the developer did a fine job of mitigating the expressed concerns of the neighbors and still had a wonderful family friendly development with a diversity of housing designs and options. It is an entry level infill project suitable for couples and young families. This lovely housing would definitely fill a much discussed need for housing affordable to middleclass as well lower income city and campus workers. Davis will be proud to have this model of good green planning and function.

Tansey Thomas

758-3076

LETTER 12: TANSEY THOMAS, RESIDENTS

Response to Comment 12-1

The comment does not address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration.

Letter 13

DRAFT EIR
WILDHORSE RANCH PROJECT
APRIL 2009

1

INTRODUCTION

INTRODUCTION

13-1

The Wildhorse Ranch Draft Environmental Impact Report (Draft EIR) was prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) as amended. The City of Davis is the lead agency for the environmental review of the Wildhorse Ranch project evaluated herein and has the principal responsibility for approving the project. As required by Section 15121 of the CEQA Guidelines, this EIR will (a) inform public agency decision-makers, and the public generally, of the significant environmental effects of the project, (b) identify possible ways to minimize the significant adverse environmental effects, and (c) describe reasonable and feasible project alternatives which reduce environmental effects. The public agency shall consider the information in the Draft EIR along with other information that may be presented to the agency.

(proposed project)

PROJECT BACKGROUND

In 1994, the City of Davis approved the Wildhorse Golf Club and Residential Development project, which designated the proposed project site as a horse ranch. The Wildhorse Golf Club and Residential Development site was formerly used for agricultural purposes, which included the use of row crops and pastures. The initial concept of the Wildhorse Golf Club and Residential Development consisted of residential neighborhoods, including, single-family homes, apartments, affordable housing, parks, and a semi-public championship golf course and clubhouse.

The Wildhorse Golf Club and Residential Development project included a General Plan Amendment to change the land use configuration for approximately 424 acres. Although the General Plan Amendment allowed single-family residences, greenbelts, and parks/recreation land uses to mix throughout the development, the land use map designated an area, located in the southeast portion of the project site, as Agriculture. The area designated as Agriculture is approximately 25.79 acres, and allows for agricultural uses, including a horse ranch; this site is the subject of the environmental analysis contained in this Draft EIR.

PROJECT LOCATION

The proposed Wildhorse Ranch project site is located on the north side of East Covell Boulevard, within the City of Davis. The site currently consists of a horse ranch located in the southeast corner of the existing Wildhorse Subdivision. The property to the east of the project site is the Davis greenbelt and habitat area that also serves as an agricultural buffer to lands east of the project site. The areas to the north and west are established residential portions of the Wildhorse subdivision. To the south is an established residential development known as Davis Manor, while to the southeast is an established residential development known as Mace Ranch. In the

Letter 13 Cont'd

DRAFT EIR
WILDHORSE RANCH PROJECT
APRIL 2009

TYPE OF DOCUMENT

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a *project-level EIR*, pursuant to CEQA guidelines Section 15161, which examines the environmental impacts of a specific project. The project-level EIR should focus primarily on changes in the environment, which result from the development of the project. All phases of the project, including planning, construction, and operation, should be included in the analysis.

EIR PROCESS

The EIR process begins with the decision by the lead agency to prepare an EIR, either during a preliminary review of a project or at the conclusion of an initial study. Once the decision is made to prepare an EIR, the lead agency sends a Notice of Preparation (NOP) to appropriate government agencies, and when required, to the State Clearinghouse (SCH) in the Office of Planning and Research (OPR), which will ensure that responsible State agencies reply within the required time. The SCH assigns an identification number to the project, which then becomes the identification number for all subsequent environmental documents on the project. Applicable agencies have 30 days to respond to the NOP, indicating, at a minimum, reasonable alternatives and mitigation measures they wish to have explored in the Draft EIR and whether the agency will be a responsible agency or a trustee agency for the project.

As soon as the Draft EIR is completed, a notice of completion is filed with the OPR and public notice is published to inform interested parties that a Draft EIR is available for agency and/or public review and providing information regarding location of drafts and any public meetings or hearings that are scheduled. The Draft EIR is circulated for a specified period, typically 45 days, during which time reviewers may make comments. The lead agency must evaluate and respond to comments in writing, describing the disposition of any significant environmental issues raised and explaining in detail the reasons for not accepting any specific comments concerning major environmental issues. Should comments received result in the addition of significant new information to an EIR, after public notice is given, the revised EIR or affected chapters must be recirculated for another public review period with related comments and responses.

13-2

Once the lead agency is satisfied that the EIR has adequately addressed the pertinent issues in compliance with CEQA, a Final EIR will be prepared comprised of the Draft EIR, comments, responses to comments, and any errata and/or changes. The Final EIR is made available for review by the public and commenting agencies. Before approving a project, the lead agency shall certify that the Final EIR has been completed in compliance with CEQA and has been presented to the decision-making body of the lead agency and has been reviewed and considered by that body, and that the Final EIR reflects the lead agency's independent judgment and analysis.

10 day

A Notice of Preparation (NOP) for this Draft EIR was released July 5, 2007 for a 30-day review (Appendix A). A public scoping meeting was held on July 18, 2007. Comments provided by the public and public agencies in response to the NOP were received by the City of Davis and are provided in Appendix B. In addition, an Initial Study was prepared to focus the scope of the

Letter 13 Cont'd

DRAFT EIR
WILDHORSE RANCH PROJECT
APRIL 2009

SCOPE OF THE DRAFT EIR

State CEQA Guidelines § 15126.2(a) states, in pertinent part:

An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.

Pursuant to these guidelines, the scope of this Draft EIR addresses specific issues and concerns identified as potentially significant. These were determined based on the preparation of an Initial Study, review of comments received on the NOP and review of testimony received at the scoping hearing. The Initial Study prepared for the proposed project concluded that several environmental issues would result in a less-than-significant impact. The complete text of the Initial Study is contained in Appendix A as an attachment to the NOP.

Resources identified for study in this Draft EIR include:

- Land Use and Agricultural Resources;
- Population, Housing, and Employment;
- Transportation and Circulation;
- Air Quality;
- Noise;
- Biological Resources;
- Aesthetics;
- Hydrology, Water Quality, and Drainage;
- Public Services and Facilities; and
- Climate Change.

13-3

* Should mention which sections have been scoped out. * This is to be used for as well - why are there no impacts? * on previous page - other thousands of people to human health?

The evaluation of effects is presented on a resource-by-resource basis in Sections 4.1 through 4.10. Each section is divided into four sections: Introduction, Environmental Setting, Regulatory Context, and Impacts and Mitigation Measures.

Impacts that are determined to be significant in Chapter 4, and for which no feasible mitigation measures are available to reduce those impacts to a less-than-significant level are identified as *significant and unavoidable*. Chapter 5 in the Draft EIR presents a discussion and comprehensive list of all significant and unavoidable impacts identified in Chapter 4.

COMMENTS RECEIVED ON THE NOTICE OF PREPARATION

The City of Davis received eight comment letters during the open comment period on the NOP for the Wildhorse Ranch EIR. In addition, four verbal comments were submitted during the NOP scoping meeting and recorded and subsequently transcribed by Capitol Reporters. A copy of each letter and scoping meeting transcript is provided in Appendix B of this EIR. The letters were authored by representatives of State and local agencies and residents.

Letter 13 Cont'd

DRAFT EIR
WILDHORSE RANCH PROJECT
APRIL 2009

3

PROJECT DESCRIPTION

INTRODUCTION

The Project Description chapter of the EIR provides a comprehensive description of the Wildhorse Ranch (proposed project) components. In addition, the proposed project's background and objectives are discussed.

PROJECT LOCATION

13-4

The project site consists of approximately 25.79 acres of land within the City of Davis, Yolo County, California (See Figure 3-1, Regional Location Map). The project site is located at 3003, 3027, and 3075 East Covell Boulevard, at the intersection of East Covell Boulevard and Monarch Lane (See Figure 3-2, Project Location Map). The site is identified by Yolo County Assessor's Parcel Number (APN) 071-140-11. The current City of Davis General Plan (adopted May 2001) designation for the site is Agriculture. — Fig ??

The proposed site is located in the southeast corner of the Wildhorse subdivision. To the east of the site is the Davis greenbelt and agricultural buffer, to the south is Davis Manor and portions of Mace Ranch neighborhoods, and to the west and north are established residential portions of the Wildhorse subdivision.

BACKGROUND

The proposed project subdivision is located in the Davis city limits. The project is part of the Wildhorse Planned Development #3-89 zoning, which designated the site as a horse ranch. The project site was included in the 1994 Wildhorse EIR, which analyzed the subject site as a horse ranch. Current permitted uses include horse boarding, breeding and farming. On March 10, 2006 the Parlin Wildhorse LLC submitted a project application to the City of Davis Community Development Department for the development of a residential subdivision on the project site.

SITE CHARACTERISTICS

The project site is the location of *Araluen Farms, Horse Boarding and Training* and contains three residences and two barns. The project site can be accessed via a gravel and asphalt driveway from East Covell Boulevard. The existing residences are serviced by an on-site water supply well located approximately 300 feet northeast of the residences. In addition, five septic systems, an agricultural well, and four fire hydrants currently exist near the residences and barns. Along the eastern boundary of the project site is an existing City of Davis agricultural/habitat buffer that is approximately 135 feet in width. On the eastern side of the buffer is an existing farm road and then open agricultural lands. The buffer is currently composed of a 35-foot greenbelt/buffer that includes a pedestrian path/trail, and a 100-foot habitat area.

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Affordable Housing

Approximately forty (40) percent of the project's housing would be very low and low income affordable housing as well as middle-income housing provided in accordance with the City's specifications and definitions of affordable and middle-income housing. It is noteworthy that the affordable housing site is different from the middle-income housing.

13-5
clears
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re-
The affordable housing site for very low and low income residents is located along East Covell Boulevard to maintain compatibility with the surrounding homes and locate affordable housing close to transit and bike trails. The location of the affordable housing enables residents to utilize public transit or commute to employment by walking or biking. In addition, the location of the affordable housing near transit would satisfy tax credit financing goals. The affordable site is approximately 1.92-acres. The applicant proposes to apply to the City for a Project Individualized Plan ("PIP") that would allow it to construct, own and manage the units. The applicant anticipates that part of its application will include a proposal to select a local housing non-profit who specializes in tax credit financed affordable housing projects as a partner in building and managing the apartment site housing. If a PIP is not approved for this project, the developer will provide a land dedication site to the City consistent with City policy. If dedicated to the City, the land dedication site would be required to be at least 2.67 acres. A land dedication site of 2.67 acres for a 40-unit requirement is consistent with the City density calculations of 15 du/acre in accordance with the Affordable Housing Ordinance. The PIP or land dedication would fulfill the City's 25 percent low/mod requirement for the project, with the inclusion of a density bonus for the project's affordability provision. The affordable units are anticipated to be developed as multi-family rental units. Design guidelines would be developed to ensure architectural quality and compatibility.

13-6
City

The middle income units would be located within the townhome areas and mixed within buildings to create a seamless look. These units would be for-sale units and would be designed architecturally and structurally similar to surrounding units, although potentially varying in size. Locations and interior features would be the basis for price differentiation within the types of units. The leasing of the affordable units and sale of the middle-income units would be completed in accordance with the City's Buyer/Tenant Selection Guidelines at the applicant's sole expense and subject to City monitoring.

Green Features

Site Design

The project provides the following site design features to promote sustainability:

- Provision of a range of housing options including affordable housing;
- Incorporation and expansion of the pedestrian walkway/bikeway system that encourages the use of non-motorized modes of transportation;
- Creation of a human scaled and pedestrian friendly environment;
- Landscape plantings that utilize native and drought tolerant species;
- Energy efficient light fixtures throughout the site design;

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- Creation of landscape and park elements that minimize the use of pesticides and herbicides;
- Redevelopment of previously disturbed land;
- Management and detention of storm water in a way that improves the quality of on-site post development runoff;
- Reduction of post development impervious paving surfaces through narrow streets, lanes and paseos;
- Creation of an urban forest within the community;
- Homes are clustered together to maximize outdoor space;
- Roof orientation to maximize solar panel efficiency; and
- The community provides a natural buffer edge that decreases the likelihood of further encroachment into the adjacent agricultural uses as well as increasing the amount of accessible open space in the project area.

Architecture

The architectural construction and finishing include the following elements:

- Utilization of alternative and innovative construction techniques and materials that are environmentally friendly;
- Homes are designed with smaller square footages to omit extra spaces that are rarely used;
- Non-combustible siding and roofing materials;
- Low emitting insulation in walls;
- Low emitting insulation and radiant barrier in attics, with quality installation;
- High efficiency heating and air conditioning units with engineered sizing and duct design; and high efficiency HVAC duct insulation;
- Low VOC materials such as carpets and paint;
- Energy Star rated appliances (to include dishwasher, refrigerator and clothes washer);
- High-efficiency built-in lighting;
- If necessary, incorporate pressure regulators at domestic water meters;
- Low-flow faucets, showerheads and toilets;
- Low water-factor clothes washers and dishwashers;
- Efficient hot water delivery (demand-initiated tankless heating/core plumbing system);
- Limit amount of turf coverage per lot and open space areas, and/or require 'water-budget' landscape design; and

13-7 - Homeowner education on water use and conservation. →

how is this architectural? should be part of previous discussion

Transportation/Circulation

Project Site Access

The Wildhorse Ranch site has been designed to allow primary automobile access from East Covell Boulevard at the existing Monarch Lane and East Covell intersection. The East Covell

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ref to a figure - in traffic section perhaps?

13-8

Boulevard and Monarch Lane intersection is anticipated for signalization as part of the project and would allow full turn movements to and from the site. A secondary vehicle access point is proposed along East Covell Boulevard at the south end of the 65-foot additional buffer land dedication area. The intersection would be a "T"-intersection with a right-in and right-out only. The proposed project includes the construction of both access points. The exact alignments will be determined in consultation with the City Engineer and the public safety departments and then incorporated into the Site Plan. The two street access points from Covell Boulevard are the primary fire and police access points. A potential third Emergency Vehicle Access (EVA) is located at Caravaggio Place to the north. The final number and location of EVA's will be determined at a later stage.

The access roadway at the intersection of East Covell Boulevard at Monarch Lane would provide primary access to the project site. The roadway would consist of a standard two lane roadway with associated landscaping and sidewalk treatment. The roadway diverges into separate travel lanes to allow the vehicle volume capacity of a standard local city street and provide the experience of driving through the orchard. The lanes rejoin and culminate into a cul-de-sac to allow for vehicles to turn around. Access to the residential units would be provided via minor residential streets which extend easterly. Each single-family detached home and attached townhome would be designated to include two off-street parking spaces within an enclosed garage. Guest parking would be provided at designated stalls at the end of each private lane, at parking areas throughout the site, and along public streets where space is available. The main road, secondary access loop road, and lanes will be public streets. All other lanes and driveways will be privately owned and maintained.

The site plan incorporates Smart Growth and sustainable design elements to create a walkable community. Streets are minimized in favor of lanes serving as private streets. A series of paved sidewalks, trails and mid-block crossings run through the site connecting all of the residential areas, surrounding open spaces and greenbelts together, providing more direct links within the site than the street network.

Bike Paths

A grade separated bike crossing exits at Covell Boulevard just east of the project site. This bikeway connection provides access from the north side of Covell Boulevard to the south side and connects this part of the City bike trail system to the Mace Ranch area. Therefore, students from Harper Junior High School and Fred T. Korematsu Elementary School could safely travel from school to the Wildhorse area. In addition, an east-west 10-foot wide bike path would start at the intersection of Bonnard Street and Caravaggio Drive, continue through the existing undeveloped 50-foot wide lot, from the existing Wildhorse community and into the proposed project, and connect to the proposed paved bike trail and the existing gravel path within the expanded agricultural buffer on the east side of the project site. This connection will provide existing residents, as well as future residents of the plan area with bike access to recreational trails to the north and destinations, including schools, parks, shopping and employment in the rest of the City.

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proposed home sizes and higher density within the proposed project a per-capita rate of 190 gcd is likely a conservative estimate for the project.

13-9

The project water demand was evaluated using separate calculations for inside and outside uses. Assuming inside use constitutes around 40 percent of overall use for single-family homes,² and using the City's average usage of 190 gcd as a baseline, the project's average inside use would be around 80 gcd. Assuming 191 dwelling units at a typical occupancy of 2.48 persons/du,³ the average residential irrigation demand (excluding the Orchard and City-irrigated areas) translates to an additional 45 gcd. With the Orchard and City-irrigated areas included, the overall site-wide irrigation demand is estimated at approximately 85 gcd. Thus the project's estimated per-capita inside plus outside average use would be 165 gcd.

*doesn't
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the "math"*

To reduce projected demand, the project proposes to implement a number of water conservation and efficiency measures. Domestic inside-use water-saving measures will include low-flow fixtures, low water use dishwashers and efficient hot water delivery systems. If mainline water pressure conditions so warrant, pressure regulators will be installed at domestic water meters. When included as part of the appliance package of homes or apartments, builders will be directed to select low water factor clothes washers. It is anticipated that the above measures would reduce inside usage by approximately 20 percent. Assuming inside use constitutes around 40 percent of overall use for single-family homes, and using the City's average usage of 190 gcd as a baseline, the project's average inside use would be around 80 gcd. Therefore, a 20 percent reduction will result in an inside use in the region of 65 gcd and an overall use of 150 gcd.

To further reduce the demand on the City's water supply infrastructure, the project landscaping, maintained by a Homeowner's Association (HOA), will be irrigated via a new agricultural well, and not served by the City's domestic water supply. The well would be shallower than the City standard depth. Irrigation equipment would be 'purple pipe,' irrigation would occur at night, and water quality would be monitored to ensure that minimum standards for safety are met. It is estimated that irrigating the Orchard and other HOA areas via an onsite agricultural well could reduce the demand on the City supply by as much as 30 gcd, resulting in a net average City demand of approximately 120 gcd.

It should be noted that a domestic water supply well is currently located on the project site. Given its location, the existing supply well on the property would need to be abandoned, a procedure that requires a well abandonment permit from the Yolo County Public Health Services, Environmental Health Division.

Wastewater

A public sewer line does not currently serve the project site. To provide public sanitary sewer (SS) service to the project site, four preliminary options were initially considered:

1. A gravity drain connecting to the existing 42-inch sewer trunk to the north of the Wildhorse Golf Course. The 42-inch line is a primary conveyance leading directly to the Davis Wastewater Treatment Plant.

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A small fraction of open space areas within the detention storage basin are anticipated to be inundated on a regular basis by small, frequent storms. In the larger, less frequent events such as the 10-year to 100-year storms, detained stormwater would back up further into the open space areas, but would recede as the storm subsides. However, given the infrequent nature of such events, utilizing open spaces to accommodate some of the 100-year detention storage is not anticipated to compromise the recreational and aesthetic aspects of those areas. It should be noted that Davis has successful existing examples of multi-purpose open area/greenbelt drainage facilities, such as Aspen, Evergreen and Willow Creek. It should also be noted that City of Davis General Plan policies specifically allow for storm water detention within agricultural buffer areas.

In addition to accommodating detention for the 100-year event, the open areas may include storm water Best Management Practice (BMP) facilities in combination with other BMP's throughout the site. Current designs emphasizing Low Impact Development (LID) techniques such as vegetative swales and rain gardens would be incorporated into the site design. The site plan incorporates a number of linear open areas that incorporate overland drainage as feasible.

In addition, pervious pavement is effective if placed over well-draining soils (typical infiltration rates of 0.3 to 0.5 inches/hour or higher). A Geotechnical Engineer would investigate the site soil infiltration potential and advise the project designers as to the effectiveness and viability of pervious pavements.

As with all surface drainage systems on flat slopes and/or involving ponding, mosquito abatement would be considered in the drainage design. Areas of concern include grading (to ensure positive drainage), ponded water depths (generally not too shallow or spread-out for the small, frequent events) and detention times (generally less than 48 hours for small storms).

The quality of the soil is a critical factor in water infiltration and landscape vigor. The project would stockpile existing soils on site, and limit grading and compaction operations in order to maintain existing soil tilth where feasible and redistribute the native soils on site.

Streets Trees and Open Space

13-10

Consistent with General Plan Policy UD2.2, where feasible all streets would be lined with shade trees, creating a well shaded street and green canopy that slows traffic, reduces the heat island affect, and enhances the neighborhood aesthetics. Residential access streets and lanes would have some tree canopy, but at this time the percentage is not known. It should be noted that the potential exists for some lots within the proposed subdivision to not have adequate frontage to accommodate City required street trees. Where feasible, existing trees could be incorporated into the new landscape plans. Special landscape treatments and trees are intended to be used to mark the entries.

? how do trees slow traffic?

The project includes an open space area near the west border of the property where trees would be planted in an orchard style, providing additional buffer space to the existing neighborhood, as well as providing routing for stormwater quality swales and a passive open space area. The orchard area would be privately owned and maintained as part of the community amenities. The

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Cont'd**

**4. ENVIRONMENTAL SETTING, IMPACTS,
AND MITIGATION**

13-11

* The Appendix 9
Thresholds being used
or does City use its own?
Needs to be clarified.
* Cumulative settings
discussions are very base-line
to make these
Is there any way to make these
more comprehensive? only well-analyzed
* Traffic section - probably the only well-analyzed
* Report is very inconsistent in layout
of section, level of detail provided,
depth of analysis. Only those
prepared by NBS used.
* Detailed & cohesive.

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4.0

INTRODUCTION TO THE ANALYSIS

INTRODUCTION

The Introduction to the Analysis chapter of the EIR analyzes the potential impacts of the proposed project on a range of environmental issue areas. Sections 4.1 through 4.10 describe the focus of the analysis, references and other data sources for the analysis, the environmental setting as related to the specific issue, project-specific impacts and mitigations measures, and cumulative impacts of the proposed project for each issue area. The format of each of the sections is described below.

DETERMINATION OF SIGNIFICANCE

Under CEQA, a significant effect is defined as a substantial or potentially substantial adverse change in the environment (Public Resources Code § 21068). The Guidelines implementing CEQA direct that this determination be based on scientific and factual data. The specific criteria for determining the significance of a particular impact are identified within the impact discussion in each section, and are consistent with significance criteria set forth in the CEQA Guidelines.

INITIAL STUDY

13-12

This should be mentioned in previous discussions on the NOP as well.

The Initial Study originally prepared for the proposed project (provided as an attachment to the Notice of Preparation [NOP] in Appendix A) as a part of this EIR includes a detailed environmental checklist addressing a range of technical environmental issues. It should be noted that the Initial Study was prepared for buildout of 259 residential units on the project site. For each technical environmental issue, the Initial Study identifies the level of impact for the proposed project. The Initial Study identifies the environmental effects as either “no impact,” “less-than-significant,” “less-than-significant with mitigation incorporated,” and “potentially significant.” The Initial Study provided the following conclusions:

Impacts identified for the proposed project in the Initial Study as less-than-significant or nonexistent, which do not require mitigation, are presented below.

- *Air Quality (III e., p.23)*: The project would not include industrial or intensive agricultural uses, which are typically associated with objectionable odors. In addition, the project could potentially result in an elimination of odors associated with the existing horse ranch operations.
- *Biological Resources (IV c. f., p.25)*: The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, as the

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| | |
|------------|--|
| 4.1 | LAND USE AND AGRICULTURAL RESOURCES |
|------------|--|

INTRODUCTION

The Land Use and Agricultural Resources section of the EIR describes the existing land use setting of the Wildhorse Ranch project site and the adjacent area, including the identification of existing land uses and current General Plan policies and zoning designations. The proposed Wildhorse Ranch project is analyzed for consistency with existing City of Davis policies and compatibility with surrounding land uses. The agricultural resources analysis describes the soils of the project site and whether or not the site is identified as prime farmland. Documents referenced to prepare this section include the *City of Davis General Plan*,¹ the *City of Davis Zoning Ordinance*,² and *National Resource Conservation Service Web Soil Survey*.³

ENVIRONMENTAL SETTING

Section 15125 of the CEQA Guidelines states that “an EIR must include a description of the physical environmental conditions in the vicinity of the project [...] and shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.” The following provides the existing land uses on the project site, as well as the existing plans and policies that guide the development of the project site.

Land Uses on the Project Site

The project site encompasses approximately 25.79 acres of land within the City of Davis. The site is identified by Yolo County Assessor’s Parcel Number (APN) 071-140-11. The proposed project is designated as Planned Development #3-89 (horse ranch) under the original Wildhorse zoning designations. The project site was included in the Wildhorse EIR, which is over ten years old and analyzed the subject site as a horse ranch. Permitted uses include horse boarding, breeding, and farming which could create nuisances such as flies, odor, and dust from operations for the adjacent residential area surrounding the horse ranch. The site is surrounded by urban residential uses on three sides. According to the *National Cooperative Web Soil Survey* and the *Soil Candidate Listing for Prime Farmland and Farmland of Statewide Significance*, all soils on the site are designated Prime Farmland and Farmland of Statewide Importance by the California Department of Conservation (CDC).

Current Land Use Designations

The City of Davis General Plan designates the 25.79-acre parcel on the project site as Agriculture (AG). The City of Davis General Plan definition for the Agriculture land use is:

Agriculture (AG): To protect valuable natural resources such as agricultural land and wildlife habitat, to allow for productive agricultural use surrounding or within Davis, to

graphic?

13-13

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- Adversely affect agricultural production.

Method of Analysis

The land use analysis is based on a qualitative comparison of existing and proposed uses on the site and the compatibility with existing and planned surrounding land uses as defined in the City General Plan and the Zoning Ordinance. In addition, the analysis evaluates the consistency of the project's proposed land uses with what is currently allowed for the project site under the General Plan and Zoning Ordinance. The agricultural analysis was assessed based upon information contained in the City of Davis General Plan, the City of Davis General Plan Update EIR, and the Soil Survey of Yolo County.

Project Impacts and Mitigation Measures

4.1-1 Consistency with the City of Davis General Plan.

what about all other plans discussed in the Reg section?

The project site is currently agricultural land operating as a horse ranch with associated outbuildings on-site. This is consistent with the Davis General Plan land use designation for the project site. According to the Davis General Plan (2001), Figure 11b, the project site is currently designated as Agriculture (AG).

The proposed project involves the development of single family, multi-family, neighborhood greenbelt, and open space. These land uses are not consistent with the City's Agriculture land use designation. Therefore, the project involves a request for a General Plan Amendment to re-designate the site from Agriculture to Residential-Medium Density, Residential High Density, Neighborhood Greenbelt and Urban Agriculture Transition Area.

13-14

While the proposed project is inconsistent with the General Plan Land Use designation for the site, the application for the site includes a request to amend the General Plan designation. In evaluating the General Plan designation amendment, several General Plan policies must be examined for consistency.

The project is consistent with Policy LU A.3 of the General Plan which requires each new development to include a mix of housing types, densities, prices and rents, and designs. The proposed project is consistent with the policy because the project includes 73 detached single-family residences, 78 two to three story attached single-family units (including 36 middle-income units) on 11.95 acres, and 1.92 acres of attached affordable housing for a maximum of 40 units at 21 dwelling units per acre. Therefore, the proposed project would provide a mix of densities, price and rents, and housing types.

General Plan Policy POS 3.1, states that the creation of neighborhood greenbelts by project developers should be required in all residential projects, in accordance with Policy LU A.5 (minimum of 10 percent shall be designated for use as open space for neighborhood greenbelts). Consistent with the General Plan interpretation guidelines, the Ag Buffer (2.26 ac), the Covell Boulevard Greenstreet (0.33 ac), and neighbors' land

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Mitigation Measure(s)
None required.

13-15

4.1-3 Loss of prime agricultural land.

The majority of the 25.79-acre project site contains soils that are highly suitable for agricultural production and are considered Prime Farmland soils (if irrigated). All of the soil types, Sycamore silt loam, drained (Sp); Sycamore silty clay loam (St); and Tyndall very fine sandy loam, drained (Tc), that make up of the project site are considered Prime Farmland soils according to the *Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance, Yolo County*.⁸

The project site is composed of soils having a Storie Index Ratings of 76 to 77 (see Tables 4.1-2 and 4.1-3), indicating that the soils are well suited for agricultural purposes. In addition, the Land Capability Classification for both series is I-1, which means that the soils have few limitations that restrict their use (see Table 4.1-1). Section 40A.03.010 of the Davis Municipal Code indicates that it is the policy of the City to protect and conserve agricultural land, especially in areas presently farmed or having Class 1, 2, 3 or 4 soils. As can be seen in Table 4.1-3, all project site soil types are within this classification range.

The City of Davis General Plan Update EIR (p. 5A-33) states that the City would require preservation of agricultural land on a two-to-one (2:1) basis to mitigate for the conversion of prime agricultural land to urban uses, and that this requirement would reduce the adversity of the impact. However, the EIR states that the conversion of prime agricultural land to urban uses remains a significant and unavoidable impact. Therefore, the loss of Prime Farmland associated with implementation of the proposed project would be considered a **significant** impact. → why would this still not be S/U?

Mitigation Measure(s)

The following mitigation measure would reduce the magnitude of the impact. However, because the majority of the Prime Farmland and Farmland of Local Importance on the project site would be permanently lost, consistent with the General Plan Update EIR, the impact would remain *significant and unavoidable*.

13-16

4.1-3 The project applicant shall set aside in perpetuity active agricultural acreage at a minimum ratio of 2:1 based on the total project footprint of 25.79 acres, through granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the City and/or a qualifying entity approved by the City. The mitigation acreage shall be set aside prior to recordation of the final map(s). The location and amount of active agricultural acreage for the proposed project would be subject to the review and approval of the City Council.

How is the MMR to be implemented? At what point of the project? The details to be provided in our MMR? If not, they should be included in the EIR.

SECTION 4.1 – LAND USE AND AGRICULTURAL RESOURCES

4.1-24

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The plan includes 73 detached single-family units and 78 attached townhome units located in three areas within the property. These detached and attached single-family units would be mixed and dispersed along the eastern site of the property. To minimize the impact on the adjacent homeowners on Caravaggio, the single-family detached homes would be located on the eastern side of the property, separated by a generous open space buffer. The detached single-family lots would be approximately 3,500 square feet (SF). The townhomes would consist of two and three-story units.

The affordable housing site for very low and low income residents would be located along East Covell Boulevard to maintain compatibility with the surrounding homes and locate affordable housing close to transit and bike trails. The location of affordable housing enables residents to utilize public transit or commute to employment by walking or biking. In addition, the location of the affordable housing near transit would satisfy tax credit financing goal. The affordable site is approximately 1.92-acres, and is anticipated to be dedicated to the City. The affordable housing site density, if intended to be dedicated, would be based on 21 units per acre. The dedication would be inconsistent with the Affordable Housing Ordinance (AHO) which requires 15 units per acre. However, a Project Individualized Affordable Housing Plan (PIP) is being proposed to address the inconsistency with the AHO. The PIP will be submitted at the time of Tentative Map submittal, at which time it will be reviewed by the Community Development Director. If found not to comply with the AHO the PIP will be revised accordingly. This land dedication would fulfill the City's 25 percent low/mod requirement for the project, with the inclusion of a density bonus for the project's affordability provision. Design guidelines would be developed to ensure architectural quality and compatibility.

The middle income units would be located within the town home areas and mixed within buildings to create a seamless look. The middle income units would be for-sale units and would be designed architecturally and structurally similar to surrounding units, although potentially varying in size. Locations and interior features would be the basis for price differentiation within the types of units.

It should be noted that the City of Davis is preparing an environmental document for the Davis Sports Park. The Mace Covell Gateway property, immediately adjacent and east of Wildhorse Ranch, is one of the three locations proposed for the Davis Sports Park. The Davis Sports Park is anticipated to introduce new sources of light and glare and noise. However, the proposed project would be separated from the Davis Sports Park by the 200 foot agricultural buffer. During a portion of the year, deciduous trees within the agricultural buffer would reduce the effects of light and glare from the Davis Sports Park to proposed residential units. In addition, the Davis Sports Park is subject to environmental review which would determine the potential impacts as well as necessary mitigation to minimize adverse impacts.

The proposed site design would ensure that the proposed project would not result in incompatibilities with residential uses located to the north, south, and west. Although health impacts associated with adjacent agricultural operations would not be expected to

13-17

would happen of the year? incompatibilities both from this be possible mitigation from future project?

SECTION 4.7 - LAND USE AND AGRICULTURAL RESOURCES

4.1-26

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occur should all applicable City and County policies be complied with, a **significant** impact could occur if future on-site residents are not properly notified of the temporary disturbances associated with ongoing agricultural operations east of the project.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the impact to a *less-than-significant* level.

4.1-4(a) *Consistent with Action AG 1.1(g) of the General Plan and the Davis Right-to-Farm Ordinance, the applicant/developer shall inform and provide recorded notice to prospective buyers within 1,000 feet of agricultural land in writing and prior to purchase, as prescribed by the City's Right to Farm Ordinance, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that Davis and Yolo County are agricultural areas and residents of the property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, and from pursuit of agricultural operations, including, but not limited to cultivation, irrigation, plowing, spraying, aerial application, pruning, harvesting, crop protection, and agricultural burning which occasionally generate dust, smoke, noise, and odor. The language and format of such notification shall be reviewed and approved by the Community Development Director prior to recording final maps. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.*

13-18
4.1-4(b) *Prior to the use of pesticides on the orchard, the Home Owner's Association and contractor(s) shall obtain a permit and comply with all regulations from the Yolo County Agricultural Commissioner. In addition, signage shall be posted at the perimeter of the orchard notifying the public that pesticides have been recently applied. The signage shall remain posted for the appropriate length, as determined during the permit process.*

13-19
4.1-4(c) *Prior to recordation of final map(s), in the event the Davis Sports Park is constructed adjacent and east of the proposed project, the applicant shall prepare and submit a disclosure statement for the review and approval of the Community Development Director which shall disclose the operations associated with the Davis Sports Park Project which will include ballfield lights, weekly games, tournaments etc. Language shall be included on the final map(s) to ensure that the disclosure of the Sports Park runs with the land, and is therefore provided to all prospective buyers of property.*

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Cumulative Impacts and Mitigation Measures

The cumulative context for land use and agricultural impacts is other development projected in the City of Davis General Plan and in Yolo County.

4.1-5 Long-term impacts to Prime Farmland from the proposed project in combination with existing and future developments in the Davis area.

The proposed project would contribute to the ongoing conversion of farmland to urban uses. Major areas of growth in the region include Woodland, West Sacramento, and the North Natomas area. Development in these areas would contribute to the loss of agricultural land.

As mentioned above, the General Plan Update EIR found that the conversion of prime farmland would be considered a significant and unavoidable impact even with the implementation of General Plan policies, including the provision of agricultural acreage at a minimum 1:1 ratio. In addition, because the project site is designated as Agriculture on "Figure 11b – Land Use" of the 2001 Davis General Plan, the project site has not been anticipated for urban development. Therefore, the conversion of the project site in addition to the cumulative loss of Prime Farmland elsewhere in the vicinity would result in a *significant* impact.

13-20

*Is this
1:1
County
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the 1:1?
of
setting
includes
The County
then County
requirements
should be
more
applicable*

Mitigation Measure(s)

The following mitigation measure would reduce the magnitude of the impact. However, because the majority of the Prime Farmland and Farmland of Local Importance on the project site would be permanently lost, the impact would remain *significant and unavoidable*.

4.1-5 Implement Mitigation Measure 4.1-3.

4.1-6 Consistency with the City of Davis' plans, policies, or ordinances.

As discussed above, because the proposed project is located on land that is currently designated Agriculture, the project has requested a General Plan Amendment to the land use designation to accommodate the project. However, as with the other entitlements requested for the proposed project, the final authority for determination of the proposed, or any future, General Plan amendments to this designation rests with the Davis City Council. Approval of this project or any potential future project application of a similar nature in the City of Davis is a discretionary action of the City Council. Future conversion of land designated for agricultural use to residential uses, if any, would undergo analysis and environmental review. Furthermore, pursuant to Measure J, should the project or any similar project be approved by the City Council the decision would be voted on by the residents of the City of Davis. It is also pertinent to note that the proposed project has been designed to be consistent with several General Plan goals and policies related to provision of needed housing and alternative modes of transportation. As a result, approval of the proposed project or any future project would require the

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4.2 POPULATION, HOUSING, AND EMPLOYMENT

INTRODUCTION

The Population, Housing, and Employment section of the EIR describes existing and projected population, housing, and employment conditions in the City of Davis. Primary documents and information sources referenced to prepare this section include the *City of Davis General Plan*,¹ the *Program EIR for the City of Davis General Plan Update and Project EIR for the Establishment of a New Junior High School* (General Plan Update EIR),² Sacramento Area Council of Government (SACOG),³ the City of Davis website,⁴ the California Department of Finance (DOF),⁵ the *Davis General Plan Housing Element Update Needs Assessment Background Report* (Housing Element Background Report),⁶ and estimates and projections of the 1990 and 2000 Census reports modeled through MapInfo based software developed by AnySite Technologies.⁷

ENVIRONMENTAL SETTING

The following setting information provides an overview of the existing population, housing supply, and employment characteristics in the City of Davis in Yolo County. In addition, the regulatory agencies and policies associated with population, housing, and employment are described.

Current Population

According to the California Department of Finance, the population of the City of Davis as of January 1, 2008 was estimated to be 65,814. As can be seen in Table 4.2-1 below, the population of the City of Davis has increased by over 5,000 residents in the past eight years; however, the growth has moderated over the past three years.

Population projections based on information from SACOG and the Housing Element Background Report indicate a larger population of approximately 66,356 residents, as shown below in Table 4.2-2. Therefore, the analysis contained in this section of the DEIR will use the DOF and SACOG as the lower and upper bounds of the current City of Davis population, respectively.

Growth Rates

As indicated in the Housing Element Background Report, the City of Davis population increased by 7.1 percent between 2000 and 2006, or 1.2 percent annually. Growth is expected to slow to approximately 0.6 percent annually between 2005 and 2013.

13-21

SECTION 4.2 – POPULATION, HOUSING, AND EMPLOYMENT

4.2-1

based on ??
has do ne go from
1.2% to 0.6%
annually? explain

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Davis Affordable Housing Ordinance – Section 18.05 of the Municipal Code

The City's existing affordable housing ordinance establishes requirements for the development of both for-sale and rental housing projects. The developer of residential for-sale units must make the equivalent of 25 percent of the units affordable to very low, low, and moderate-income households. The standard method of meeting this requirement includes a mix of the construction of for-sale affordable units; the dedication of land suitable for the purpose of developing affordable units; and the provision of lots to allow for the construction of self-help housing.

The developer of a multi-family rental development must make at least 25 percent of the units affordable to low-income households and at least 10 percent of the units affordable to very low-income households. As an alternative to requirements, a developer may submit for approval a project individualized plan that generates the same or more affordable housing units.

In accordance with requirements of state law, the City's affordable housing ordinance provides a 25 percent density bonus for the provisions of required affordable units. The density bonus may be market-priced units.

IMPACTS AND MITIGATION MEASURES

Standards of Significance

For the purposes of this EIR, an impact is considered potentially significant if the proposed project would:

- Provide less-than 25 percent of dwelling units as affordable rental or ownership units to very-low, low, and moderate income households;
- Contribute to population growth that causes the annual compounded growth rate to exceed 1.81 percent;
- Substantially affect existing housing or create a demand for additional housing;
- Conflict with the acceptable jobs/housing ratio specified in the General Plan Update EIR, which ranges between 0.8:1 to 1.2:1; or
- Conflict with housing and population projections and policies set forth in Davis' General Plan.

13-22

Check to make sure jobs/housing ratio in setting section. Please include this.

Methods of Analysis

The following section evaluates the impacts of the proposed project on the existing population, housing, and employment that would occur if the project as currently proposed is developed. Impact significance is determined by comparing project conditions to the existing conditions. The existing conditions and growth projects are based on research conducted through the DOF, SACOG, and City of Davis using publicly available documents. In addition, demographic modeling software developed by AnySite Technologies (AnySite Version 8.7) was also used to complement the information provided by public agencies.

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In February 2008, the Davis City Council adopted a resolution directing staff to prepare amendments that implement an annual growth guideline of one percent. However, permanently very low, low, and moderate income households would be exempt from the one percent grow limits. In addition, in November 2008, the City Council adopted overarching goals and principles for growth. The City Council recognizes the need for affordable housing to meet the Regional Housing Needs Assessment (RHNA). Therefore, as the proposed project would be consistent with the current General Plan policy because it does not exceed the number of single family dwellings or the growth rate, and the proposed project is consistent with the proposed City Council growth limits, a *less-than-significant* impact would result.

Mitigation Measure(s)
None required.

4.2-3 Impacts to employment and housing.

Based on a linear projection of the employment data contained in Table 4.2-5 and the housing units in Table 4.2-3, the current jobs/housing balance in the City of Davis is approximately 1.09:1 (28,216 jobs ÷ 25,876 housing units = 1.09). The General Plan Update EIR (Page 5B-15) states that a jobs/housing ratio of between 0.8:1 and 1.2:1 is determined to be acceptable.

The proposed project would not create jobs beyond the construction phase, and would construct 191 residential units (See Table 4.2-6). Therefore, the total number of jobs in Davis would remain at approximately 28,216 and the total housing unit number would increase to approximately 26,067. The resulting jobs/housing balance with the proposed project would be approximately 1.08:1 (28,216 ÷ 26,067 = 1.08).

The proposed project would not substantially alter the jobs/housing balance, and the ratio would remain within the acceptable range identified in the Davis General Plan Update EIR. Therefore, the proposed project would have a *less-than-significant* impact to the jobs/housing balance within the City of Davis.

Mitigation Measure(s)
None required.

*Can
Setting??*

13-23

Cumulative Impacts and Mitigation Measures

4.2-4 Long-term impacts to population, housing, and employment from the proposed project in combination with existing and future developments in the Davis area.

The proposed project is identified in the City of Davis General Plan EIR Addendum as a yellow light project. The addendum identifies that with buildout of all currently zoned and "green light" projects (includes, but not limited to, buildout of the Verona, Chiles Ranch also known as Simmons, and Grande sites) by June 2013 the total single-family

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The other traffic circle located on the secondary entry road should be redesigned to be a 15-mph curve, since it serves no conflicting traffic, and may encourage wrong-way movements. The short connector between the path to the north and the traffic circle can be dropped, as it is redundant with the other north-south and east-west path alignments nearby.


Traffic Control

In addition to the signal at the main entrance intersection, stop signs may be desired on the east-west access roadways at their intersections with the primary access roadway. A stop sign should also be provided on secondary access roadway at Covell Boulevard, to regulate outbound right turns onto Covell Boulevard.

Parking

The applicant's parking analysis indicates that there are 512 total parking spaces on-site, including 302 spaces in garages, or two per single-family unit; 89 guest spaces in the single-family area, or 0.59 spaces per single-family unit; an additional 53 public spaces along the primary access road and the southerly east-west road; and 68 spaces in the affordable housing area, or 1.7 spaces per unit. This EIR does not address the adequacy of the quantity of parking spaces per City code, which will be determined by City staff. However, the traffic consultant recommends the following for parking space layout:

13-24
to MAH
4-3-20



- The perpendicular parking areas have only a 20-foot pavement width adjacent to accommodate vehicles maneuvering in and out of spaces. These areas need a minimum of 25 feet, similar to an aisle in a double-loaded perpendicular parking lot.
- The parallel parking bays need a minimum five- to 10-foot radius on the corners at each end.

Sidewalks

The traffic consultant indicated understanding of the design approach of providing separated pedestrian paths behind the housing units, rather than on-street sidewalks on both sides of the east-west streets (sections E and F). However, because pedestrians will walk along the streets for various purposes, including walking to and from the various parking areas, the consultant recommends that a five-foot-wide minimum, six-foot-wide recommended, sidewalk be provided at least on one side of Section E (currently no sidewalk is shown). Ideally, six-foot-wide sidewalks would be provided on all street sections, since much of the guest parking is located some distance from the homes.

Sight Distance at Project Entrances

Sight distance at the two project entrances was also evaluated. Along the project site frontage, a monument wall currently exists, as well as trees and bushes along the sidewalk. Should the project be constructed, the improvements in the vicinity of the

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4.6

BIOLOGICAL RESOURCES

INTRODUCTION

The Biological Resources section of the EIR evaluates potential biological resource impacts associated with the implementation of the proposed Wildhorse Ranch project and includes a discussion of the mitigation measures necessary to reduce impacts to a less-than-significant level. In addition to analyzing potential on-site impacts to biological resources, the Biological Resources Section analyzes the potential off-site impacts created by the development of project infrastructure based on data collected during field surveys of the proposed site and a review of existing literature, maps, and aerial photography pertaining to the biological resources of the area. This section is primarily based on a *Biological Resource Analysis* (Appendix F),¹ a *Habitat Assessment and Focused Winter Season Survey for Burrowing Owl* (Appendix G),² and *Focused Breeding Season Survey for Burrowing Owl* (Appendix G)³ prepared by EDAW, Inc., a *Tree Appraisal* (Appendix H)⁴ prepared by Tree Associates, as well as the *City of Davis General Plan*.⁵

13-25

ENVIRONMENTAL SETTING

The following sections describe the regional and local setting of the site, as well as the biological resources occurring on the proposed Wildhorse Ranch project site.

Regional Setting

The proposed project is located within the Great Central Valley region of California, within southeastern Yolo County. The Great Central Valley is a north-south oriented valley that extends approximately 430 miles from southern Tehama County to south-central Kern County in southern California. Elevations in the Great Central Valley range from approximately zero to 400 feet above mean sea level (msl). In general, the borders of the Great Central Valley are considered to be those areas where alluvial soils grade into bedrock features. The landscape is dominated by woodland biological communities, typically referred to as the foothills. Now predominantly agricultural, biological communities in the Great Central Valley once supported vast areas of grassland, marshes, and riparian woodland.

The dominant biological community found throughout the Great Central Valley is annual grassland. This type of habitat generally occupies what was once a native grassland dominated by native perennial bunch grasses. However, annual grassland habitats today are composed largely of non-native annuals, which have effectively displaced the native perennial species. Typical herbaceous species observed throughout the Great Central Valley are non-native grasses and forbs such as medusa head (*Taeniatherum caput medusae*), soft chess (*Bromus hordeaceus*), wild oats (*Avena fatua*), and star thistle (*Centaurea solstitialis*). Freshwater marsh habitat typically occurs in flatlands where water accumulates in shallow depressions and supports a

SECTION 4.6 – BIOLOGICAL RESOURCES

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The net result of the proposed project's energy reduction and mitigation features, as discussed above, would be to reduce the net operational usage of the project by greater than 75 percent, when compared to a home that simply meets the current Title 24 requirements. These energy savings would result in corresponding GHG emissions reductions.

Multi-Family housing is substantially similar; however, points are assigned for project design considerations such as sidewalk width, provision of gathering areas, and proximity to services. As shown in Table 4.10-5, the proposed project would exceed the overall targets of the City of Davis Green Building Ordinance (300 points) by 10 points.

Project Compliance with Assembly Bill 32

In March 2008, the California Attorney General issued a paper for use by local agencies in carrying out their duties under CEQA as they relate to global warming. Included were examples of various measures that may reduce the emissions of individual projects that result in global warming. As noted in the paper, each of the measures should not be considered in isolation, but as part of a larger set of measures, that together, would help reduce GHG emissions and the effects of global warming.

Table 4.10-6 lists the measures from the California Attorney General's office that are applicable to the proposed project and indicates whether, and how, the project would conform to the measures. As indicated, the proposed project would include a number of features that would reduce the project's contribution to global warming.

Based on the information provided in Table 4.10-6, the City has determined that the proposed project would not conflict with or obstruct implementation of the goals or strategies of Executive Order S-3-05, the California Global Warming Solutions Act of 2006, or the Attorney General's suggested global warming mitigation measures. The City of Davis Green Building Ordinance would ensure that the measures are implemented.

Conclusion

As discussed above, the City is still in the process of establishing GHG reduction targets for new development occurring prior to 2010. Therefore, the City does not currently have an established threshold of significance against which the proposed project can be evaluated. Although the proposed project would implement several design standards to reduce energy use well below 2009 Title 24 standards, as well as ensure overall consistency with the latest GHG reduction measures identified by the California Attorney General, a single project cannot, on its own, feasibly mitigate impacts associated with the large-scale issue of global climate change; therefore, impacts related to GHG emissions and global climate change would remain *significant*.

13-26

Table should be expanded to reflect in a larger area of significance. The results of the analysis are on all the qualitative criteria listed by the City.

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Wildhorse Ranch Cumulative Setting

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The cumulative analysis for this EIR is based on the *City of Davis General Plan* (May 2001) and the *Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School* (General Plan Update EIR) (January 2000). The cumulative traffic analysis was also based on full buildout of the UC Davis 2003 Long Range Development Plan, including the research park and *Aggie Village*, Spring Lake residential development in the City of Woodland and the Woodland Gateway development. Given that the air and noise analyses for the proposed project are based upon the traffic data prepared for the project, the air and noise cumulative settings include the same parameters as the traffic cumulative setting. Cumulative impacts are analyzed in each section of Chapter 4 and summarized below.

Impacts

The following cumulative impacts are identified in Chapter 4 of this Draft EIR:

Land Use and Agricultural Resources

4.1-5 Long-term impacts to Prime Farmland from the proposed project in combination with existing and future developments in the Davis area.

The proposed project would contribute to the ongoing conversion of farmland to urban uses. The General Plan Update EIR found that the conversion of prime farmland would be considered a significant and unavoidable impact even with the implementation of General Plan policies, including the provision of agricultural acreage at a minimum 1:1 ratio. In addition, because the project site is designated as Agriculture on "Figure 11b – Land Use" of the 2001 Davis General Plan, the project site has not been anticipated for urban development. Therefore, the conversion of the project site in addition to the cumulative loss of Prime Farmland elsewhere in the vicinity would result in a *significant* impact. Even with implementation of mitigation measures, the impact would remain significant and unavoidable.

4.1-6 Consistency with the City of Davis' plans, policies, or ordinances.

The project includes a General Plan Amendment to revise the project site land use designation to accommodate the project. However, as with the other entitlements requested for the proposed project, the final authority for determination of the proposed, or any future, General Plan amendments to this designation rests with the Davis City Council. Approval of this project or any potential future project application of a similar nature in the City of Davis is a discretionary action of the City Council. Future conversion of land designated for agricultural use to residential uses, if any, would undergo analysis and environmental review. Furthermore, pursuant to Measure J, should the project or any similar project be approved by the City Council the decision would be voted on by the residents of the City of Davis. It is also pertinent to note that the proposed project has been designed to be consistent with several General Plan goals and policies related to provision of needed housing and alternative modes of transportation.

LETTER 13: ANANYA CHOUDHURI, PLANNING COMMISSION

Given the difficulty in reading the Commissioner's comments, each comment is restated below before its respective response.

Response to Comment 13-1

The comment states "(proposed project)."

Chapter 1 of the DEIR, page 1-1, first paragraph is hereby revised as follows:

...The City of Davis is the lead agency for the environmental review of the Wildhorse Ranch project (proposed project) evaluated herein and has the principal responsibility for approving the project...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-2

The comment states "a 10 day."

Section 15088(b) of the CEQA Guidelines requires the lead agency provide a written proposed response to a public agency on comments made by that agency at least 10 days prior to certifying an EIR. Therefore, a 10 day review will occur prior to review by the City Council, as required by CEQA. In addition, page 1-3, fourth paragraph, third sentence, of the DEIR is hereby revised as follows:

The Final EIR is made available for a 10-day review by the public and commenting agencies.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-3

The comment states "Should mention which sections have been scoped out & why" and "This site has been used for ag uses – why are there no impacts discussion on previous use of pesticides & other hazards to human health?"

Chapter 4.0 of the DEIR, Intro to Analysis, lists a discussion of impacts dismissed from the Initial Study from further analysis. In addition, page 4.0-2, fourth bullet, of the DEIR is hereby revised as follows:

- *Hazards and Hazardous Materials (VII a., c.-f., h. p.33)*: The project site is not located within an airport land use plan, within two miles of an airport, or located within an area where wildland fires occur. Therefore, the proposed project would result in no impacts pertaining to the aforementioned hazards. The Wildhorse Subdivision Hazards Assessment, which included the project site, noted that the project site had been used for agriculture in the past. The report analyzed project site samples for Organochlorine Pesticides using EPA method 8080. The report concluded no concentrations of DDT, DDD, toxaphene, dieldrin or any other EPA method 8080 constituents with the exception of DDE, which was detected in all samples at concentrations ranging from 0.043 to 0.083 parts per million (ppm). The presence of DDE in the soil was found to be well below the Total Threshold Limit Concentration of 1.0 ppm. Therefore, the pesticide residues are well below the Total Threshold Limit Concentration.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-4

The comment states “- fig??”

Chapter 3 of the DEIR, page 3-1, second paragraph is hereby revised as follows:

... The site is identified by Yolo County Assessor’s Parcel Number (APN) 071-140-11. The current City of Davis General Plan (adopted May 2001) designation for the site is Agriculture (See Figure 4.1-1).

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-5

The comment states, “seems too subjective re-phrase.”

The DEIR language was drafted in concert with City Staff and provides accurate details of the current project proposal.

Response to Comment 13-6

The comment states, “The City?”

Chapter 3 of the DEIR, page 3-7, second paragraph is hereby revised as follows:

...The applicant proposes to apply to the City for a Project Individualized Plan (“PIP”) that would allow ~~it~~ the applicant to construct, own and manage the units.

The applicant anticipates that part of its application will include a proposal to select a local housing non-profit who specializes in tax credit financed affordable housing projects as a partner in building and managing the apartment site housing...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-7

The comment states, “how is this architectural? Should be part of previous discussion.”

Chapter 3, page 3-8, seventh and eighth bullets, of the DEIR are revised as follows:

- Roof orientation to maximize solar panel efficiency; ~~and~~
- The community provides a natural buffer edge that decreases the likelihood of further encroachment into the adjacent agricultural uses as well as increasing the amount of accessible open space in the project area; and
- Homeowner education on water use and conservation.

Chapter 3 of the DEIR, page 3-8, last three bullets are revised as follows:

- Efficient hot water delivery (demand-initiated tankless heating/core plumbing system); and
- Limit amount of turf coverage per lot and open space areas, and/or require ‘water-budget’ landscape design; ~~and~~
- ~~Homeowner education on water use and conservation.~~

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-8

The comment states, “Ref to a figure – in traffic section perhaps?”

Chapter 3 of the DEIR, page 3-9, first paragraph is hereby revised as follows:

Boulevard and Monarch Lane intersection is anticipated for signalization as part of the project and would allow full turn movements to and from the site. A secondary vehicle access point is proposed along East Covell Boulevard at the south end of the 65-foot additional buffer land dedication area. The intersection would be a “T”-intersection with a right-in and right-out only. The proposed project includes the construction of both access points. The exact alignments will be determined in consultation with the City Engineer and the public safety departments and then incorporated into the Site Plan. The two street access points

from Covell Boulevard are the primary fire and police access points. A potential third Emergency Vehicle Access (EVA) is located at Caravaggio Place to the north (See Figure 3-3). The final number and location of EVAs will be determined at a later stage.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-9

The comment states, “doesn’t CEQA case law require you show all the ‘math’.”

Further discussion and calculations for water demand are located in Section 4.9, pages 4.9-23, 4.9-24, and 4.9-25 of the DEIR.

Response to Comment 13-10

The comment states, “? How do trees slow traffic?”

Chapter 3 of the DEIR, page 3-13, second to last paragraph is hereby revised as follows:

Consistent with General Plan Policy UD2.2, where feasible all streets would be lined with shade trees, creating a well shaded street and green canopy that ~~slows traffic~~, reduces the heat island affect, and enhances the neighborhood aesthetics....

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-11

The comment states, “Are Appendix G Thresholds being used or does City use its own? Needs to be clarified”, “Cumulative setting discussions are very bare-bone. Is there any way to make those more comprehensive?”, “Traffic – probably the only well-analyzed section”, and “Report is very inconsistent in layout of section, level of detail provided, depth of analysis. Only those prepared by subs are detailed & cohesive.”

The DEIR standards of significance are a combination of thresholds from Appendix G of the CEQA Guidelines and the City’s thresholds, which are more stringent. The thresholds of significance used for each discussion are presented in the Standards of Significance section located in each chapter.

The cumulative setting for the proposed project is discussed on page 5-4 of the DEIR where the following is stated:

The cumulative analysis for this EIR is based on the *City of Davis General Plan* (May 2001) and the *Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of*

a New Junior High School (General Plan Update EIR) (January 2000). The cumulative traffic analysis was also based on full buildout of the UC Davis 2003 Long Range Development Plan, including the research park and *Aggie Village*, Spring Lake residential development in the City of Woodland and the Woodland Gateway development. Given that the air and noise analyses for the proposed project are based upon the traffic data prepared for the project, the air and noise cumulative settings include the same parameters as the traffic cumulative setting.

Therefore, the lead agency has defined the cumulative setting consistent with CEQA Guidelines Section (b)(1)(B) through the use of “a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.”

As presented in Chapter 4.0, Introduction to the Analysis, each technical chapter is organized as shown on page 4.0-4. The technical chapters included in the DEIR require differing levels of technical analysis. For example, traffic analyses, in general, require extensive data gathering and analysis while aesthetics analyses are as technically involved. The DEIR provides adequate detail and analysis sufficient to arrive at an appropriate significance conclusion.

Response to Comment 13-12

The comment states, “This should be mentioned in previous discussions on the NOP as well.”

Chapter 1 of the DEIR, page 1-3, last paragraph is hereby revised as follows:

A Notice of Preparation (NOP) for this Draft EIR was released July 5, 2007 for a 30-day review (Appendix A). A public scoping meeting was held on July 18, 2007. Comments provided by the public and public agencies in response to the NOP were received by the City of Davis and are provided in Appendix B. In addition, an Initial Study was prepared to focus the scope of the Wildhorse Ranch EIR. It should be noted that the Initial Study was prepared for buildout of 259 residential units on the project site. The Initial Study was included as an attachment to the NOP (See Appendix A to this Draft EIR)...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-13

The comment states, “graphic?”

Section 4.1 of the DEIR, page 4.1-1, second to last paragraph is hereby revised as follows:

The City of Davis General Plan designates the 25.79-acre parcel on the project site as Agriculture (AG) (See Figure 4.1-1). The City of Davis General Plan definition for the Agriculture land use is:

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 13-14

The comment states, “What about all other plans discussed in the Reg section?”

The commenter refers to Impact 4.1-1, which discusses the consistency of the proposed project with the City of Davis General Plan. Other City planning/regulatory documents included in the Regulatory Context for Section 4.1 are discussed in subsequent impact statements. For example, the right to farm ordinance is discussed in Impact 4.1-4, on page 4.1-25 of the DEIR, and the Davis Zoning Ordinance is discussed in Impact 4.1-2, on page 4.1-23 of the DEIR.

Response to Comment 13-15

The comment states, “Why would this still not be s/u?”

On page 4.1-24 of the DEIR, under “Mitigation Measure(s)” for Impact 4.1-3, the conclusion is noted to be “significant and unavoidable” even after implementation of mitigation measures included in the DEIR.

Response to Comment 13-16

The comment states, “How is the MM to be implemented? At what point of proj devt? Are there details to be provided in an MMRP? If no, these should be included in the EIR.”

As stated in Mitigation Measure 4.1-3, on page 4.1-24 of the DEIR, “The mitigation acreage shall be set aside prior to recordation of final maps.” Mitigation Measure 4.1-3 is included in the Mitigation Monitoring Plan, which is included in Chapter 4 of this FEIR.

Response to Comment 13-17

The comment states, “And what would happen the next of the year? How can incompatibilities between land uses from the proj be pushed on to possible future mitigation from another future project?”

The DEIR acknowledges the fact that the City is currently studying three potential locations for a sports park, one of them adjacent to the proposed project site. The EIR prepared for the Davis Sports Park project would be required to address land use incompatibilities with surround land uses. Given that an environmental review of the Davis Sports Park project has not been prepared and in the event that the Sports Park would be located adjacent to the proposed project, Mitigation Measure 4.1-4(c) has been included in the proposed project DEIR (for implementation only if the sports park project is completed prior to the development of the Wildhorse Ranch project). In such an event, Mitigation Measure 4.1-4(c) requires the sports park applicant to “[...] *prepare and submit a disclosure statement for the review and approval of the Community Development Director which shall disclose the operations associated with the Davis*

Sports Park Project which will include ballfield lights, weekly games, tournaments etc. Language shall be included on the final map(s) to ensure that the disclosure of the Sports Park runs with the land, and is therefore provided to all prospective buyers of property.” Should the Sports Park not be located adjacent to the site, the disclosure statement would not be required.

Response to Comment 13-18

The comment states, “No! Limit orchard use to non-fruit bearing trees and restrict use of pesticides.”

Mitigation Measure 4.1-4(b) states that the use of pesticides shall require a permit and comply with all regulations from the Yolo County Agricultural Commissioner. In addition, it should be noted that, as stated on page 3-14 of the DEIR, the specific species of tree to be planted in the orchard area have not been determined; however, the trees will not be fruit-bearing.

Response to Comment 13-19

The comment states, “speculative!”

Please see Response to Comment 13-17.

Response to Comment 13-20

The comment states, “Is this the requirement for Yolo County? What is the basis for the 1:1? If cum. setting includes the County then County requirements should be not applicable.”

The minimum 1:1 ratio discussed in Impact 4.1-5, in the DEIR, long-term impacts to Prime Farmland from the proposed project in combination with existing and future developments in the Davis area, is required by the General Plan Update EIR. However, the proposed project is required through Mitigation Measure 4.1-3 in the DEIR to preserve agricultural lands at a 2:1 ratio, as required by the Davis Agricultural Preservation Ordinance.

Response to Comment 13-21

The comment states, “based on?? How do we go from 1.2% to 0.6% annually? explain.”

As stated on page 4.2-1 of the DEIR, the Housing Element Background Report indicates that the growth is expected to slow to approximately 0.6 percent annually between 2005 and 2013.

Response to Comment 13-22

The comment states, “There is no discussion of jobs/housing ratio in settings section. Please include this.”

Page 4.2-12 of the DIER, impact discussion 4.2-3, Impacts to Employment and Housing, states the current jobs/housing balance is approximately 1.09:1 (28216 jobs ÷ 25,875 housing units = 1.09).

Response to Comment 13-23

The comment states, “Cum. Setting??”

See Response to Comment 13-11. The project cumulative setting is described on page 5-4 of the DEIR.

Response to Comment 13-24

The comment states, “Should be added to MM 4.3-2.”

The recommendations are not as a result of an environmental impact, but are related to specific design. The recommendations will be considered by City staff during approval of the project conditions of approval.

Response to Comment 13-25

The comment states, “A good Env. Setting that is seriously lacking in the areas of the other section.”

Comment 13-25 is a generalized statement regarding the DEIR and lacks adequate information to issue a response.

Response to Comment 13-26

The comment states, “Table should be expanded to add in a level of significance column to clearly show that they [*sic*] proj. results in less than sig. standards on all the quantitative criteria established by the AG’s office.”

The level of significance determination appropriately applies to the final impact determination, which is presented on page 4.10-24 of the DEIR as significant and unavoidable even after implementation of Mitigation Measure 4.10-1. The fact that the project would include the measures listed in Table 4.10-6 will serve to reduce the project’s GHG emissions, but not to a less-than-significant level.

Response to Comment 13-27

The comment states, “BUT what is the Cum. Setting? Should be in each section!”

Please see Response to Comment 13-11.

Letter 14

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May 28, 2009

Ike Njoku
City of Davis Community Development Department
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City of Davis
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Re: Wild Horse Ranch Draft EIR

Dear Ike:

14-1 This letter provides the consolidated comments of the applicant team on the Wild Horse Ranch Draft EIR. At the outset, we wish to thank the City and Raney Planning and Management for their efforts. The EIR is thorough, well prepared, and easy to read. We think the EIR generally does a fair and complete job of describing the project and its environmental impacts. We have specific comments or questions that, in or view, will make the document even better.

Chapter 2. Executive Summary

14-2 Page 2-1 **Project Location & Description** 3rd Paragraph. The reference to 36 middle-income units is incorrect. The correct figure is 30 units. The incorrect reference to 36 middle-income units appears elsewhere in the document at: Page 3-4; Page 3-5, Table 3-1; Page 4.1-22; Page 4.2-10, Impact 4.2-1; and Page 4.7-8, Impact 4.7-1. The City should check the document for other references to this incorrect figure and correct.

Chapter 3. Project Description

14-3 Page 3-4 **Site Plan**. As noted above the number of middle income units is incorrect. The correct figure is 30.

14-4 Page 3-5 **Table 3-1**. As noted above the number of middle income units is incorrect. The correct figure is 30.

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14-5

Page 3-6 **Figure 3-3**. Attached to this letter is a copy of a site plan. We request that the City include the attached figure in the Final EIR. We also request that the City use this exhibit as a site plan, rather than Figure 3-3 in the Draft EIR. In our view, Figure 3-3 contains lines and details that detract from the accessibility of the essential information regarding the site plan. The attached exhibit provides a more meaningful depiction of the project. We understand the City already has a pdf file of this exhibit.

14-6

Page 3-7 **Affordable Housing** 2nd Paragraph. In the 12th and 13th line the acreage reference for the land dedication site is incorrect. The reference should be 2.53 acres based on 38 affordable units.

14-7

Page 3-7 **Affordable Housing** 2nd Paragraph. In the 13th line the affordable housing to be provided is incorrect. The reference should be to 38 units. (The EIR's reference to the apartment units in this document as "Affordable Housing" is awkward in that the multi-family site contains a total of 40 units, of which 38 will be made affordable to low and very low income households.)

14-8

Page 3-8 **Architecture**. The eighth bullet implies that "clothes washers" will be included in homes; it is unlikely, however, that a clothes washer will be a part of any standard appliance package included in new homes.

14-9

Page 3-8 **Architecture**. The 12th bullet also lists clothes washers which will not be standard in the for-sale product.

14-10

Page 3-10 **Water Supply**. The 8th line of this paragraph describes the City's options to augment its water supply. These options include a new deep aquifer well or augmentation of the distribution system. The Public Services section of the Draft EIR does not mention the "new deep well" option. The Public Services section should identify this option as well. To the extent that either a new deep well or augmentation of the distribution system will address the impact, the City should retain flexibility regarding which approach is used. (We understand that distribution system augmentation is the likely "fix" for the impact, but believe the City should also retain the ability to move forward with a new deep well.)

14-11

Chapter 4.1. Land Use and Agricultural Resources

The Draft EIR discusses various rating criteria used to determine whether agricultural land is a significant resource for CEQA purposes. The Draft EIR should also note the LESA model prepared by the Resources Agency, and should evaluate the site using that model. (See Pub. Resources Code, § 21062.1.)

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14-12

Page 4.1-22 **Impact 4.1-1** 4th Paragraph. As noted above, the reference to the number of middle income units is incorrect; the correct number is 30. This paragraph also includes a reference to 40 affordable units; the correct reference is to 40 apartments or multi-family units, 38 of which will be affordable.

14-13

Page 4.1-22 **Impact 4.1-1** Last Paragraph. The math used to calculate the required greenbelt acreage is incorrect. The total of the Agricultural Buffer (2.26 acres) + the Covell Greenstreet (0.33 acres) + the land dedication to the neighbors (1.07 acres) = 3.66 acres, not the 3.92 acres shown, in addition the amount of Greenbelt acreage, 1.61 acres, provided should be deducted from the total. With the correct math, the resultant area from which to calculate the required greenbelt is 20.52 acres (25.79-5.27). This figure should be further reduced by the acreage for the Natural Habitat Area which is 4.44 acres, leaving a net figure of 16.08 acres. The greenbelt requirement is 10% of this total. Therefore the greenbelt requirement is 1.61 acres.

14-14

Page 4.1-24 **Impact 4.1-3**. In the discussion on Agricultural Resources that begins on Page 4.1-7, the text describes certain agricultural land classifications as defined by the California Department of Conservation's (CDC) *A Guide to the Farmland Mapping and Monitoring Program*. The top three categories (Prime, Statewide Farmland, Unique Farmland) require that the land must have been used for the production of irrigated crops at some time during the two update cycles (a cycle is equivalent to two years) prior to the mapping date. This property has not been farmed or irrigated within the past four years, and likely has not been farmed or irrigated for more than ten years. Based on the list of CDC categories, at the most this site would receive a designation of Local Farmland.

14-15

The other ratings used by the USDA do not use the term "Prime Farmland," but rather Classes (in the case of the Land Capability Classification System) and Grades (in the case of the Storie Index Rating System).

14-16

On Page 4.1-11 the analysis states that the Web Soil Survey defines the soil types as being Prime Farmland "only if irrigated." The site is not irrigated, and has not been irrigated for some time. The site therefore does not meet the definition of Prime Farmland.

14-17

In addition to the absence of irrigation, the location, size and configuration of the site diminish its value as agricultural land. The site is adjacent to residential development, well within the buffers recommended by the County for purposes of spraying. For all these reasons, the site is marginal for agricultural production. Moreover, the original entitlements for Wildhorse designated this as Agriculture for the express purpose of authorizing the use of the site as a horse ranch. As such, the site is not actively farmed or a productive agricultural use, but rather a private recreational use.

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14-18

The finding the loss of this land for agriculture as Significant and Unavoidable, even with mitigation, is overstated. This site is not and has not been recently used for productive agricultural purposes. Develop the site as a productive agricultural operation is infeasible in light of the investment required, the restrictions on agricultural practices that would be imposed due to proximity to residences, and the small size and configuration of the site.

14-19

The Draft EIR notes agricultural buffer requirements established by the Municipal Code. (Draft EIR, pp. 4.1-20 – 4.1-21.) The EIR should also note County standards for agricultural practices proximate to residential development. The City should contact the Yolo County Agricultural Commissioner to obtain information regarding restrictions on pesticide application near residential development, and report those restrictions in the Final EIR. Given the location of the site, these standards diminish the value of the site for agriculture.

14-20

The City's General Plan EIR (2000) applied the following significance criteria in evaluating impacts to agricultural resources:

"A land use map alternative was determined to have a significant impact on agricultural lands if the it [sic] was determined to convert prime agricultural land (with potential use for viable farming) to nonagricultural uses." (Draft EIR, p. 5A-31.)

In this case, the project site does not qualify as prime agricultural land. Moreover, the site does not have potential use for viable farming. For both of these reasons, this impact should be considered less than significant, and no mitigation should be required.

14-21

The Wildhorse Draft EIR concludes that this impact is significant, not because of the presence of agricultural operations on the site, but because of soil types. These soil types underlie much of the City. If the impact here is considered significant and unavoidable, then the same conclusion would apply to any other project requiring discretionary approval in the City. That would be true even of small, infill parcels, in that the significance determination here is based solely on soil type, and is not related to actual uses, parcel sizes, or surrounding uses. Such a result is inconsistent with the City's General Plan EIR (2000).

14-22

The mitigation measure requires 2:1 mitigation, as set forth in the City's General Plan. Lead agencies routinely cite such mitigation in support of a conclusion that the impact, as mitigated, will be less than significant. Such mitigation is often cited with respect to impacts on agricultural resources.

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14-23

In this case, it is particularly appropriate to cite the 2:1 mitigation requirement in support of the conclusion that the impact will be less than significant. The City Council must review and approve the land to be provided as mitigation. The mitigation land will have greater agricultural value than the site. For these reasons, even if the City does not revisit its conclusion regarding the significance of this impact *before* mitigation, the City should change the conclusion regarding the significance of this impact *after* mitigation. The City has discretion to change this conclusion. Changing the conclusion in this manner does not require recirculation of the Draft EIR. (CEQA Guidelines, § 15088.5.)

14-24

Alternatively, the City should conclude that adherence to the 2:1 mitigation requirement adopted as part of the 2000 General Plan is sufficient. Because the entire City is located atop agricultural soils, there is nothing peculiar to the parcel or the project with respect to this impact. (CEQA Guidelines, § 15183.) The General Plan EIR included an adequate analysis of this issue, and found the impact to be significant and unavoidable. (General Plan Draft EIR, pp. 5A-31 – 5A-33.) Accordingly to the extent the project adheres to the 2:1 mitigation requirement, no further analysis is required. Instead, even if the City concludes that the project's impact to agricultural lands is significant, application of the 2:1 mitigation requirement addresses this impact, and the City need not re-analyze this impact; rather, the City should simply make a finding that the 2:1 mitigation requirement will be applied to the project; the City need not find that the impact is significant and unavoidable, since the City already did that in the context of the 2000 General Plan. (CEQA Guidelines, § 15183, subs. (c), (e).)

14-25

Page 4.1-24 **Mitigation Measure 4.1-3.** The City should provide a credit for the 2.26 acres provided to the Urban Agricultural Transition Area. This area is in excess of the policy in the General Plan. The first sentence in this mitigation measure should be revised to state:

The project applicant shall set aside in perpetuity active agricultural acreage at a minimum ration of 2:1 based on the total project footprint of 25.79 acres, less the actual acreage of the land area dedicated to the City for the Urban Agricultural Transition Area, . . . "

14-26

Chapter 4.2. Population, Housing & Employment

Page 4.2-10 **Impact 4.2-1** 3rd Paragraph. The percentage of affordable housing in the Project is 36% (30 middle income + 38 low/very low income/191), not the 40% shown.

14-27

Page 4.2-10 **Impact 4.2-1** 3rd Paragraph. As noted above, the middle income unit total is incorrect. The correct number is 30.

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Chapter 4.3. Transportation and Circulation

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14-28

Page 4.3-1. The Draft EIR acknowledges that the traffic impact study included 259 dwelling units in the project, and that the proposed project encompasses only 191 units. Thus, the project's trip-generation will be 26% lower than indicated in the Draft EIR. This is a substantial percentage reduction. Assuming the trip distribution and assignment factors remain unchanged, this will reduce by a corresponding amount (26%) the project's incremental contribution to projected volumes at the study intersections.

14-29

Page 4.3-50 **Impact 4.3-2.** The City's traffic consultant recommends widening street sections in various respects. The recommendations appear to be based on street standards that are typical for a conventional subdivision. The project is intended to represent an evolution away from conventional, auto-centric subdivisions. We agree that street radii and site distances need to be adequate for purposes of providing access to emergency vehicles and waste haulers. We disagree, however, with the recommendations to the extent that they adhere to conventional street section standards for their own sake, or solely to accommodate occasional over-sized moving vans.

14-30

The Applicant is working with the City to develop street cross-sections that will meet the needs of the project. The goal is to provide functional, safe and maintainable streets that are in keeping with the compact layout of the project. These cross-sections are not identical in all respects to standard City sections. In some cases, the project streets are narrower than standard City streets. In preliminary discussions, Public Works staff has indicated a willingness to work with the applicant in developing appropriate cross-sections that are in keeping with the character of the project. We appreciate staff's willingness to discuss these issues with us. At this time, staff has not approved the sections as proposed, nor has staff stated that the proposed sections are unacceptable. The applicant will continue working with the City to resolve these issues. We appreciate staff's willingness to work with us.

14-31

Please note that the proposed street sections provide adequate turning radii to accommodate emergency vehicle access. Similarly, adequate refuse truck access is provided.

14-32

Moving van access will be on a two-tier basis. The applicant proposes that all internal streets be accessible to a standard 26-foot moving van. Access for the larger interstate semi-trailer moving trucks (AASHTO WB-40 and WB-50 models) will be limited to the West Entry Road.

14-33

We also have the following responses to the specific recommendations set forth in the Draft EIR:

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- *Primary Entry Road.* Part of the character of the Project is the experience of living in the community. While the developed area is dense there is a large amount of public open space that is available to residents. Part of enjoying this open space is the daily experience of driving through the orchard area open space and building ownership of the emotional attachment to the community. A traditional neighborhood serving roadway may improve the efficiency of the vehicular movement, but it would not replace the intangible experience of being in the open space every day. The document suggests that the roadway should be designed to accommodate "large trucks", yet these vehicles would represent a very low percentage of use of this roadway. In designing more compact neighborhoods one must assume with a change in living style will come a change in lifestyle, and thus finding new ways to service resident's needs. The design of the project is one that is intended to minimize the paved environment so the Traffic Consultants suggestions to widen the travel lane or eliminate the separate roadway section are in conflict with this goal. The consultants recommendations do not indicate any conflict for normal resident use or regular service providers (mail delivery, waste collection, etc.), and the project proponents have modeled the turning movements of fire and waste collection vehicles to ensure compatibility of the street sections for these vehicles. The project's design is intended to de-emphasize the automobile and the dominate design focus and promote greater green space. The objectives of compact residential design and Smart Growth planning principals require a mindset change on how traffic is viewed relative to the livability of the community, the minor inconvenience to the vehicular traveler is more than offset by the quality of the experience of the resident and the pedestrian traveler within the neighborhood.

14-33
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- *Access Streets (Section E & F).* In older neighborhoods where streets are narrower, streets were generally designed not for the largest vehicle possible to maneuver through the community on rare occasions, but for the residents. Yet, moving or delivery vans figure out a way to service the residents. The scale of the streets in the project site is designed to appeal and accommodate the resident, to encourage getting out and walking, or sitting on the front porch and talking to your neighbor across the street. The design accommodates emergency vehicles and waste pick up vehicles (as well as other types of vehicles of similar size). For this reason, the project will not result in a significant impact with respect to public safety. In our view, the fact that the design may not be ideal for the largest moving vans is not, in itself, a significant impact. Indeed, to accommodate the largest moving van or tractor trailer rig would make these neighborhoods like neighborhoods everywhere else in suburbia. Huge moving vans will rarely travel through the neighborhood. When they do, it may be somewhat cumbersome for

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them, just as it is in older neighborhoods. The community should not be designed to accommodate them, however, when doing so sacrifices the feel of the project. We therefore urge the traffic consultant to reconsider its recommendations aimed at securing turning radii for over-sized moving vans. The radii are adequate for emergency vehicles and waste haulers; that ought to suffice.

14-35

- *Corner Radii.* The radii of the corners will be designed to accommodate fire vehicles, waste collection vehicle and smaller "local move" moving vans. As noted earlier the street network is designed for the pedestrian and narrowing intersections to make the walking experience more friendly is deemed more important than creating minor inconvenience to the occasional large moving van or delivery vehicle.

14-36

Page 4.3-52 **Sidewalks.** The pedestrian paths are located in the front of homes, where the greatest activity and interaction is expected to occur. The "paseo" area is the main access to the home service by street Section E. In particular, Section E is effectively an alley, providing access only to the garage area of the townhomes. Alleys typically do not have sidewalks, and with the limited traffic and limited pedestrian movements a sidewalk in this location would serve little purpose, and would trade landscaped area for pavement. We therefore disagree with this recommendation.

14-37

Page 4.3-55 **Impact 4.3-6.** The analysis refers to Table 4.3-8. This reference appears to be incorrect; please revise. The correct reference appears to be Table 4.3-18.

14-38

According to Table 4.3-11, Second Street/Mace Boulevard operates at acceptable LOS under existing conditions, and under existing + project conditions. The impact at this intersection arises under cumulative + project conditions.

14-39

Table 4.3-18 states that, under cumulative conditions, Second/Mace will operate at LOS F with or without the project. Under such circumstances, an impact is considered significant if the project will result in an increase in the average delay at the intersection by five seconds or more. (Draft EIR, p. 4.3-24.) The discussion of Impact 4.3-6 states that the project will increase the average delay at this intersection by more than five seconds. The discussion also refers to a total contribution of growth in traffic of three percent. We have four concerns regarding this analysis. First, we do not understand why the reference to the three-percent-contribution is included, given that this figure does not relate to the City's significance criteria.

14-40

Second, the conclusion that the project will contribute more than five seconds of delay to this intersection is not supported. Figure 4.3-11 presents the Cumulative (2015) No Project Peak Hour traffic condition and indicates that the total trips during the AM Peak

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time is 4,515 (all turn movements), and a PM Peak total of 5,125 (all turn movements). Figure 4.3-12 presents the Cumulative (2015) Plus Project condition where the AM Peak total is shown to be 4,570 trips (all turn movements), and a PM Peak of 5,202. These volumes indicate that the project adds only 1.2% to the total trips in the AM condition and 1.5% to the PM condition. These volumes appear to be less than the 3% in growth-related trips referenced in the analysis. The analysis does not explain how project-related trips translate into an increase in delay of five or more seconds. Given the numbers, we are skeptical. Please explain.

14-41

Third, please note that the traffic analysis is based on 259 residential units. The project, as revised, consists of 191 units, a reduction of 26%. That makes it even less likely the project will increase the delay at this intersection by five seconds.

14-42

Fourth, as the Draft EIR notes elsewhere (page 4.4-13 Impact 4.4-2), the trip generation rates used in the traffic study over-state the traffic that the project will actually generate. As noted above, the Draft EIR basis its estimate on 269 units, rather than 191. In addition, the EIR uses a trip-generation rate of 12.819 daily trips/unit, which is derived from ITE land-use code 210 (single-family detached). The project includes 73 detached single-family units, 78 attached townhome units, and 40 multi-family units. Townhomes and multi-family units generate fewer trips/day than single-family detached units. The traffic study should have based its analysis on the ITE land-use codes for town-homes and multi-family units, and should have been based on 191 units, rather than 256 units. For all of these reasons, the traffic chapter significantly overstates the amount of traffic the project will actually generate.

14-43

We understand the desire to be conservative. Where there is a choice between accuracy and conservatism, however, accuracy should win out. Right now, the analysis is so conservative that it demonstrably overstates the trips that the project will actually generate. The trip generation rates should be revised.

14-44

After updating this analysis, please reconsider whether project-related traffic will contribute to the cumulative impact at Second / Mace. If the analysis shows that the project will not contribute five seconds of delay at Second / Mace, then Mitigation Measure 4.3-6 should be deleted.

14-45

If Mitigation Measure 4.3-6 is not deleted, then the measure should be revised as follows:

- The improvements required of the Target development should be excluded from the fair share determination.

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- The fair share allocation should only be to those improvements to which the Project contributes significant impacts.

14-46

- The fair share cost should be determined based on the incremental increase to the total traffic to the specific movements that are found to be Significant and are to be improved.

14-47

- The Draft EIR does not specify a method for determining the project's fair-share contribution towards cumulative impact. We recommend considering r all the traffic movements at the intersection during AM and PM peak hours, take the average of the AM and PM peak hour volumes, and then divide the project volume by the total volume. The traffic contributed by the project as a fraction of total traffic would be:

% share =

$$\frac{(\text{Cumulative with Project volume}) - (\text{Cumulative without Project volume})}{(\text{Cumulative with Project volume})}$$

14-48

For 259 units, % share = $68/4,820 = 1.4\%$

For 191 units, % share = $50/4,802 = 1.0\%$

(Note that these numbers use the single-family-detached land-use category from the ITE manual; actual trips will be lower due to attached units and townhomes.)

Chapter 4.6. Biological Resources

14-49

Page 4.6-41 **Mitigation Measure 4.6-2(d)**. To the extent that foraging habitat must be provided at the rate of 6.5 acres/nesting pair, this obligation would be met by the payment of fees for the impacts to Swainson's Hawk foraging habitat (mitigation measure 4.6-6), in that the habitat needs of these species are compatible with one another.

14-50

In addition, this discussion and mitigation appear to be based on the DFG consortium guidance for burrowing owl mitigation, and the mitigation measures follow DFG recommendations. We recommend citing the DFG guidance at the end of this chapter.

14-51

Page 4.6-45 **Mitigation Measure 4.6-5(c)**. The mitigation required here is duplicative of the tree removal mitigation contained in MM 4.6-7(c). The following should be added to this MM after the last sentence:

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The implementation of this measure is not intended to be duplicative of the mitigation for loss of trees contained in Mitigation Measure 4.6-7(c). Accordingly, mitigation provided under MM 4.6-7(c) may also serve as mitigation under this measure, provided that the standards of this measure are met.

14-52

Page 4.6-45 **Impact 4.6-6.** The Project site is not suitable foraging habitat for Swainson's Hawk. Throughout the Biological Resources section, the site is described as highly disturbed and lacking any true resource or habitat value. In addition, the site is surrounded on three sides by urban development. These facts should be noted in the EIR's discussion of the value of the site as foraging habitat. The analysis focuses on the amount of squirrel holes on the south end of the property, but does not note that this area is also adjacent to a main roadway arterial which carries a large volume of traffic at high speed. The project site contains very little vegetation or cover for rodents and other prey of the hawk so it is unlikely that the species would choose the project site over the more compatible agricultural fields to the east. The analysis deletes the land area that is developed on site to arrive at a 15.5-acre figure for foraging habitat, yet this area is fragmented and is at best marginal in terms of attractive foraging habitat for the Swainson's Hawk. In light of the marginal foraging habitat value of this site, this impact should be changed to less-than-significant.

Even if this impact is still considered significant, mitigation measure 4.6-6 should be revised as follows to reflect the marginal quality of the habitat:

Page 4.6-45 **Mitigation Measure 4.6-6(a).** Revise as follows:

14-53

4.6-6(a) The Project site contains foraging habitat of marginal value for the Swainson's Hawk, but does contain potential prey for the species, therefore the project applicant shall secure mitigation in the form of a conservation easement, the form of which shall be acceptable to the Yolo County HCP/NCCP Joint Powers Agency, over suitable land for foraging by the species, or paying an in-lieu fee, based on the then current rate, to the Yolo County HCP/NCCP Joint Powers Agency. The ratio of mitigation shall be 0.5:1. Based on 15.5 acres of potential foraging habitat this would require 7.75 acres for mitigation.

14-54

At present, the text implies that the mitigation ratio may not be 1:1. The text therefore implies that the ratio may be in excess of 1:1. At most, the project should be required to provide 1:1 mitigation. The mitigation measure should be revised to remove the implication that mitigation requirements may be even greater. The text should commit to a specific ratio as a performance standard. As noted above, we do not think the impact is

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significant. If mitigation is provided at all, it should be provided at a 0.5:1 ratio. At the very most, however, the ratio should be 1:1.

Chapter 4.7. Aesthetics

14-55

Page 4.7-8 **Impact 4.7-1.** As noted above the reference to the middle income unit total is incorrect, the correct amount is 30 units.

Chapter 4.9. Public Services and Facilities

14-56

Page 4.9-23 **Mitigation Measure 4.9-1(b).** The formula for calculating the fair share needs to be included with this MM, or description of the methodology needs to be included.

14-57

Page 4.9-26 **Mitigation Measure 4.9-2.** A formula or description of how fair share is to be calculated needs to be added to this measure.

14-58

Page 4.9-28 **Impact 4.9-4.** A map is not provided with this analysis so it is not possible to determine where the project is located relative to the response time, or if the project site differs as compared to other communities in the City. The analysis does not mention that nearly two thirds of the units will be required to have fire sprinklers. These sprinklers will provide additional time for the Fire Department to arrive.

14-59

Page 4.9-28 **Mitigation Measure 4.9-4.** This measure should be revised to be more specific as to what will be required. The City currently collects a Public Safety fee from new development. The payment of such fees is generally regarded as sufficient mitigation for CEQA purposes, where the fee is part of an adopted program or ordinance designed to address the community-wide impact. The text should make clear that the payment of the Public Safety fees represents the project's fair share towards the cost of new equipment and facilities, including the cost a fourth fire station and a ladder truck. If the Public Safety fee is no longer considered adequate, then Mitigation Measure 4.9-4 should be revised as follows:

14-60

Prior to the issuance of building permits, the City shall update its Public Safety fee to include the cost of a fourth fire station, a ladder truck, or other facilities and equipment considered necessary to provide adequate fire service. The updated Public Safety fee shall apply to the Project, as well as to all new development within the City. If prior to the issuance of building permits for the project the Public Safety fee has not been updated, the Project will be allowed to proceed by paying the then applicable Public Safety fee in place. Once the Public Safety fee is updated the project

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applicant shall pay to the City the difference between the prior fee and the newly adopted fee.

14-61

Absent such revisions, the project will pay more than its fair share towards the cost of these improvements, in that the project will bear a significant burden of the cost, even though the benefit will accrue to existing development and other new development.

14-62

Page 4.9-29 **Impact 4.9-5.** The analysis states that the City is not currently meeting its General Plan standard for police officers. With the additional population from the project the change in the officer to population ratio is less than one hundredth of one percent. The additional population is nominal, and the impact is an existing impact that is not made incrementally worse. The analysis here and on Page 4.9-11 do not indicate that there is any problem or underserved part of the City as a result of the current ratio.

14-63

Page 4.9-29 **Mitigation Measure 4.9-5.** This measure is unacceptable. The measure assumes that the project will generate no general fund revenue for police services. This assumption is incorrect. To the extent project-related property taxes or other revenue will contribute to the general fund, and the general fund is used to provide police services, then the payment of these taxes should serve as a credit against any exaction imposed on the project.

14-64

This measure appears to attempt to fund police services through the exaction of a separate endowment on new development. This approach imposes costs that are exorbitant and would render new development infeasible. For example, if an officer receives a salary of \$85,000 per year (\$125,000 per year with full benefits) this cost would translate into an endowment of over \$1 million to cover only 60% of the salary over 20 years, without even taking into account equipment or facilities needs. The project cannot absorb such costs, particularly in light of the significant commitment to affordable housing required by the City.

14-65

If the City adopts this measure, then the City should apply this measure equally to all other development in the City, regardless of its location or size, particularly where the project involves a rezone or General Plan amendment authorizing residential uses. We have reviewed residential projects approved by the City in recent months. The projects we reviewed include:

14-66

- Verona subdivision. 83 housing units (approved by City Council July 29, 2008). Entitlements included change of zoning from Retail to Residential. City adopted mitigated negative declaration. Initial Study concluded that the project would have no impact on Fire Protection, Police Protection or Schools. See Section XI PUBLIC SERVICES.

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14-67

- Grande subdivision. 41 housing units (approved by the City Council December 16, 2008). Original zoning was low-density residential. Council approved General Plan Amendment from Public/Semi-Public to Low Density Residential. City adopted mitigated negative declaration. Initial Study concluded that the impacts to Fire Protection, Police Protection and Schools were "Less than Significant."

14-68

- Chiles Ranch subdivision. 108 housing units (application submitted). The original zoning is a combination of Residential and Agricultural, with Ag comprising 93% of the site. Initial Study concluded that the impacts to Fire Protection, Police Protection and Schools were "Less than Significant."

14-69

Most recently, the City approved the New Harmony Affordable Housing project. The project consists of a 69-unit affordable apartment community on a vacant parcel in south Davis. Entitlements included General Plan amendment to change the land use designation from "Business Park" to "Residential High Density" and a Rezone from "Industrial Research" to "Multi-Family." The City Council certified an EIR and approved the project on March 3, 2009. The EIR did not analyze public services. That is because the City's Initial Study had already concluded, at the scoping phase, that impacts on public services would be insignificant. Here is what the Initial Study said about this issue:

The project is located in an urbanized area where services are already available and provided. The new multi-family project adds residents to the area. It will need basic public services, but it does not require the provision of any new or altered services. Applicable local agencies have reviewed the project and not significant issues have been raised. Fire, police, schools, and other public facilities are available and adequate to serve the project and the project will be required to pay related impact fees. Therefore, the project is considered to have a less than significant impact on public services.

(Draft EIR, Appendix 8.1, p. 38 (August 28, 2008).)

14-70

Please provide information on any other projects approved by the City in the last year. Please identify the police-service related exactions imposed on such development. If the City has imposed a similar condition on any other project, please identify the project and condition. Please note that, if this condition is imposed on Wildhorse, then it should be imposed equally on all other development in the City (both residential and non-residential). In our view, there is no basis for arbitrarily singling out Wildhorse for disparate treatment.

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In light of these concerns, we recommend deleting the existing measure and substituting the following:

14-71

The City shall review its General Plan standard for police officers to determine if the existing level of service is adequate or if the existing standard should be upheld. If the City determines to keep the existing standard then it shall pursue a city wide funding source for new officers and update the Public Safety fee for capital improvements related to the needs of the additional officers. Provided that the fee and funding source is applied citywide the project applicant shall participate on a fair share basis based on the population added to the City total.

Chapter 4.10. Climate Change

14-72

Page 4.10-5 Uncertainty Regarding Global Climate Change. Because of the uncertainty surrounding GHG emissions and climate change, it would be too speculative to determine thresholds at the local level that would address Climate Change on a global level. Every global climate change scenario (even with the scientific community goals of reduction) results in global warming with undesirable consequences.

14-73

Page 4.10-8 Local Regulations. This section requires an update, because it does not include the April 21, 2009, Davis City Council adoption of a resolution to set GHGE reduction levels for new residential subdivisions. The resolution calls for a reduction of 2.4 MT CO₂e per house is required. This amount is based on the City commissioned report, "Carbon Development Allowances" by Deb Niemeier. In its resolution, the City Council determined that 2.4 MT CO₂e was the amount attributable to the energy consumed by a household in a newly constructed house. Council determined that the reduction in the transportation component (the largest contributor of CO₂) of the GHGE produced in a household will need to come from other means. A copy of the staff report for this item is attached.

14-74

Page 4.10-12 Residential Carbon Allowances. The Draft EIR states that more than 75% of the total GHGE generated in Davis is associated with the energy used in Davis homes and personal transportation associated with residential land uses. In light of the City's recent approach to developing standards for GHGE reductions, the Draft EIR should break out separately the percentages related to energy used and transportation.

14-75

Page 4.10-14 Standards of Significance. The Draft EIR does not cite Senate Bill 97. SB 97 directs OPR to propose CEQA Guidelines advising local agencies how to mitigate GHGE. OPR released draft CEQA Guideline amendments in April 2009. The Resources Agency is to adopt the amendments by January 2010. The draft guidelines released by

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OPR direct lead agencies to identify significance thresholds, but do not indicate what those thresholds should be. In addition, although OPR issued a Technical Advisory in 2008, the advisory did not identify recommended thresholds of significance.

14-76

Until such a threshold is adopted, OPR recommends lead agencies to include a discussion of global climate change issues in CEQA documents, and lead agencies have a right under CEQA to adopt their own individual standards of significance in the absence of any guidance from OPR, the Resources Agency, the California Air Resources Board, or other agency. Local standards of significance must be supported by substantial evidence and be consistent with current CEQA practice.

14-77

As noted above, the City recently adopted a resolution establishing residential targets for GHGE. By adopting its own threshold of reductions in GHG emissions for new homes, Davis has set a level of significance that ought to be applicable to this project. To the extent the project is consistent with Davis' adopted targets for such reductions, the City should conclude that the project's impact on GHG/Climate Change is less than significant.

14-78

As the text notes, the project exceeds the City's Green Building Ordinance target by 10 points. (Draft EIR, p. 4.10-20.) The project incorporates dozens of features designed to reduce the project's contribution to GHG emissions. (Draft EIR, Table 4.10-6.) We recognize that, at this time, there is no specific guidance regarding what significance thresholds should be used in evaluating GHG emissions and climate change. As the Draft EIR notes, a number of alternative approaches have been proposed, but no formal guidance has been issued by CARB or OPR. In our view, for a project of this nature, a performance-based approach makes sense. That is, if a project incorporates sufficient features to reduce significantly its contribution to GHG emissions, then the impact of the project ought to be considered less than significant. CARB staff has issued a memorandum endorsing such an approach. A copy is attached. We recommend following this approach, at least until CARB, OPR or the Yolo-Solano AQMD issues guidance addressing this issue. Doing so will spur development to incorporate meaningful measures to address GHG emissions.

14-79

The text does not cite SB 375. Among other things, SB 375 establishes a process designed to provide for streamlined environmental review for projects that are consistent with a region's sustainable communities strategy. This approach is modeled largely after SACOG's regional "blueprint" adopted in 2004. The streamlining mechanisms established by SB 375 will not become available until after CARB adopts regional allocations of GHG emissions, and regional planning agencies assign housing obligations to specific communities in light of those allocations. This process will take several years to play out. Nonetheless, the principles underlying SB 375 are relevant today. Indeed,

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the SACOG Blueprint provides an indication of the planning principles that are likely to be incorporated into the sustainable communities strategy for the Sacramento region. It is therefore noteworthy that the Wildhorse project is consistent with the "preferred plan" adopted as part of the Blueprint, and that the Wildhorse project has been designed with many of the planning principles embodied by the Blueprint. In particular, Wildhorse is designed as a compact, walkable community that incorporates a sustainability plan that includes substantial use of photovoltaics, energy efficient features and green building practices.

14-80

Page 4.10-16 **Project impacts concerning the production GHGs.** The Draft EIR states that the URBEMIS-2007 calculation estimates the project to generate 3,823.54 tons of CO2 annually. Using the conservative amount of residential units at 259, this would amount to 14.7 tons per dwelling unit. The Draft EIR should clarify whether this estimate is based on the project with or without the proposed sustainability plan. If this estimate includes the CO2 savings from the sustainability plan, then 14.7 tons per dwelling unit is approaching 1990 levels as shown in Table 4.10-4. If this estimate does not include the sustainability plan, then the Draft EIR should discuss what CO2 reductions could be attributable to the plan and include them in the calculation. While some of the features of the sustainability plan may not be easily quantifiable, some such as photovoltaics and energy-efficient home features are. This would likely result in a CO2 level that meets 1990 levels as shown in Table 4.10-4. The Draft EIR should therefore conclude that the project's impact on GHG emissions and climate change is less than significant.

14-81

Page 4.10-20 **Conclusion.** With the information provided for Delta Shores and the recent action by the City Council, the Draft EIR should conclude that at the local level, the significant impact will be mitigated to a less than significant impact, while at the global level, any finding of significance regarding GHGE from the project would be too speculative.

14-82

Along with the policies and goals of the City, the project makes great strides in following the goals and strategies of Executive Order S-3-05 (which establish GHGE reduction targets), meets the Attorney General's suggested global warming mitigation measures (see list in the Draft EIR, pages 4.10-21 to 4.10-23) and will achieve local GHGE reductions as required by the thresholds adopted by the Davis City Council on April 21st.

14-83

If the EIR is amended to acknowledge the "global" speculative issue, includes a discussion of Senate Bill 97, acknowledges that Davis has set its own level of significance, then the text of mitigation measure 4.10-1 as it stands should result in a mitigation level of "Less than Significant."

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If, despite the efforts of the project, impacts are identified as significant and unavoidable, two consequences will flow from that approach: (1) development will have no incentive to incorporate measures to address GHG emissions, and (2) the City will not be able to consider any project based on a categorical exemption or negative declaration, regardless of the size of the project, or the extent to which the project incorporates measures to address GHG emissions.

Chapter 6. Alternatives Analysis

14-85

Page 6-3 **Increased Density Alternative.** This discussion is in direct conflict with City Council policy, accepted Smart Growth planning principals, and the SACOG "Blueprint." It suggests that high density results in more traffic and thereby increased impacts. Current thinking in planning circles, however, is that density improves the opportunities for transit use and should then result in lower traffic. Further increased density allows for the provision of more housing units on less acreage thereby reducing the pressure to grow outward.

We are not pushing for the Increased Density Alternative, however the Draft EIR seems to lend support to those who would argue that higher density is undesirable. We disagree.

14-86

Page 6-5 **Alternative 2: Population -- Housing & Employment.** The last sentence states that the No Project alternative would result in less impacts than the Project by concluding that the population would not increase. There is no support for this statement and it implies that population growth is driven by development, when in fact the opposite is true. The No Project Alternative would have more impact in that it would not allow the City to reach its housing needs generated from within the existing population.

14-87

Page 6-7 **Alternative 3: Reduced Density Alternative.** The opening paragraph suggests that the units in this alternative would all be single story. The suggested lot size would be approximately ¼ of an acre, about 10,000 square feet. There are plenty of examples of homes on lots of this size that are two stories; the assumption is overly simplistic and unrealistic. Even if only 30% of the homes in this alternative were two stories in height, the visual impact would be nearly identical to that of the project, in that in either event the long-range view would be affected by second stories to virtually the same degree.

14-88

Page 6-8 **Alternative 3: Transportation and Circulation.** This discussion suggests that the reduced density would result in less traffic impacts. It is true that, from the perspective of trip generation from the project site, Alternative 3 will generate fewer trips than the proposed project. A low-density project, however, would not support increased transit use. Moreover, to the extent housing demand is provided in conventional low-

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density subdivisions, the long-term effect is to increase vehicle trips and vehicle miles travelled.

14-89

Page 6-9 **Alternative 3: Biological Resources.** Tree removal is generally dictated by grading/drainage requirements, street routing and pad elevations. Fewer lots does not equate to the removal of fewer trees.

14-90

Page 6-9 **Alternative 3: Aesthetics.** See comment at beginning of this section. The assumption that all of the homes would be single-story is unrealistic. Even if a small portion of the homes was two stories in height, the impact on the long-range view would be comparable to that of the project.

14-91

Page 6-9 **Alternative 3: Public Services.** This section states that Alternative 3 would have less impact on Public Services than the Project. The analysis in Chapter 4.9 indicates, however, that the fire response time is within the General Plan goal when measured to the Covell/Monarch intersection, but the internal streets are outside of this zone. Unless all 75 units are located on Covell Boulevard, then this Alternative's impacts to fire protection services would be the same as the Project.

14-92

Page 6-10 **Alternative 4: Reduced Density – Agricultural Character.** The example of Clos Du Loc in Loomis is inapposite. The Clos Du Loc project is 200 acres in size. Lot sizes are 10,000+ square feet, yet the Clos Du Loc project includes two-story homes. Thus, large lot sizes do not mean that the houses will be only one story tall. In addition the prices of these homes are generally in excess of \$1 million. HOA dues pay for the farm operation; it is not a money maker, rather an amenity like a clubhouse or tennis court. Such an approach is infeasible at the Wildhorse site due to the smaller size of the parcel, affordability requirements, and the smaller size of the lots.

14-93

Page 6-12 **Alternative 4: Land Use and Agricultural Resources.** Active agriculture adjacent or intertwined with residential is not realistic on this site given the proximity of the existing neighborhood and the configuration of the site. The operation would have to be subsidized by the HOA because the efficiency of the operations would be compromised as a result of the proximity to homes.

14-94

Page 6-12 **Alternative 4: Transportation & Circulation.** This reduced density alternative would not promote, nor achieve the City's goal for the Project of promoting the use of transit.

14-95

Page 6-14 **Alternative 5: Infill Site Alternative.** This discussion introduces the infill site selected, however Grande is less than 5 units per acre and Simmons less than 10 units per acre, combined the projects are just over 7 units per acre, much lower than the City's

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14-95
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goal for infill development at 10 units or more per acre. Both of these sites have existing entitlements. The applicant does not own or control these sites.

14-96

Page 6-15 **Alternative 5: Land Use and Agricultural Resources.** This section suggests that because the properties are infill that they do not result in impacts to agricultural land, however agricultural land designation is not solely determined by its location, but by its soil type. If soils at the infill sites are similar to the project, then the impact to agricultural resources would be similar. If the constraint of the adjacent housing at the project site does not present an obstacle to farming then the infill sites would also not face obstacles to farm use. To the extent the City's analysis is going to focus exclusively on soil, and ignore historic use, lot configuration or proximity to existing residences, then that approach applies as much to infill sites as it does to the project.

14-97

Page 6-16 **Alternative 5: Air Quality.** This section suggests that a combination of sites would result in the same number of units but would be smaller than the project site, thereby reducing the impact from grading. Individually this would be true but if they are to be considered as whole then the impact would be the same as the project.

14-98

Page 6-16 Alternative 5: Biological Resources. The text should note that Swainson's Hawks are known to nest at the Grande site. Other raptor species are known to be present at Chiles Ranch.

14-99

Page 6-17 **Alternative 6: Measure J Alternative.** The analysis here is incorrect in indicating that the project requires annexation. The project site is within the city limits, whereas the Measure J Alternative would require annexation following a Measure J vote.

14-100

Page 6-18 **Alternative 6: Land Use and Agricultural Resources.** The first sentence is incorrect. The property is designated Agriculture in the Yolo County General Plan.

14-101

Page 6-21 **Environmentally Superior Alternative.** The evaluation of the Alternatives appropriately rejects the No Project Alternative, as well as the Reduced Density Alternatives. In suggesting that the Infill locations are superior to the project, the document fails to consider how the Infill sites achieve the goals for the project.

14-102

- The Infill sites do not provide a variety of housing types to provide options to a variety of economic levels, whereas the project provides three distinct housing types with for sale and rent home opportunities.

14-103

- The Infill sites do not protect the viability of agriculture and prime agricultural land around Davis, whereas the project site adds to the existing Urban Agricultural

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Transition Area, and will provide permanent conservation easements on active agricultural land near the City at a ratio of 2:1.

The Infill sites also do not meet the project applicant's goals for the project as follows:

14-104

- The Infill Sites do not create a model for social, ecological and economically sustainable community development, whereas the project site is designed to increase social interaction between residents of all income levels, and it will set the new bar for environmental sustainability by which future projects shall be judged.

14-105

The conclusion that the Infill Sites are environmentally superior because they will not have a Significant and Unavoidable impact with mitigation, yet have similar impacts in other areas fails to consider how the Infill Sites accomplish the goals for the project and bases the determination on a somewhat subjective impact.

* * *

We appreciate the City's consideration of these comments, and look forward to the City's responses. Please feel free to contact us with any questions.

Very truly yours,



Whitman F. Manley

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Attachments: Site Plan

City of Davis, Staff Report to City Council re: Greenhouse gas
emission thresholds and standards for new residential
development (April 21, 2009)

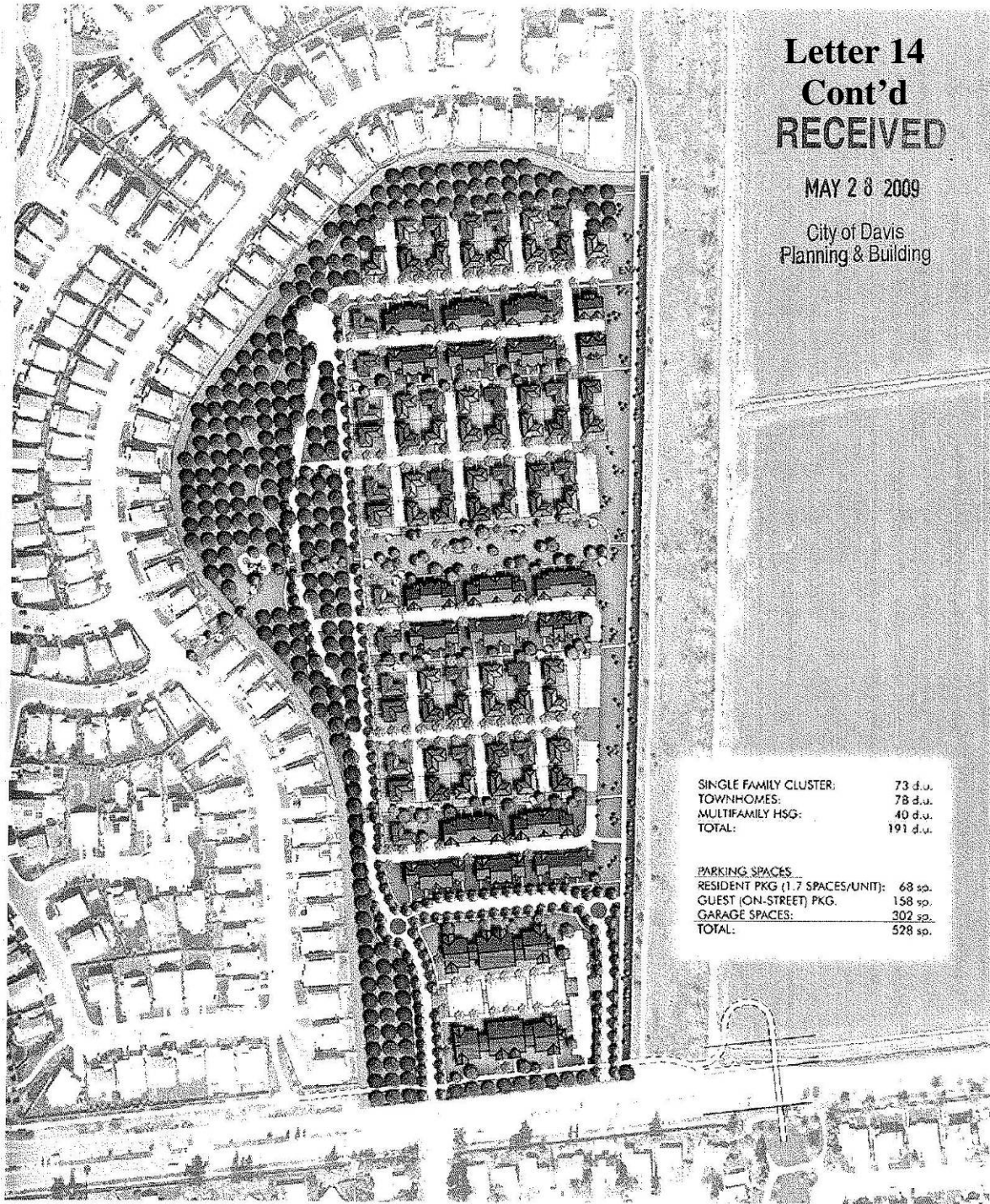
California Air Resources Board, Preliminary Draft Staff Proposal
Recommended Approaches for Setting Interim Significance
Thresholds for Greenhouse Gases under the California
Environmental Quality Act (October 24, 2008)

cc (with attachments): Masud Monfared
John Tallman
Mark Rutheiser

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| | |
|------------------------|----------|
| SINGLE FAMILY CLUSTER: | 73 d.u. |
| TOWNHOMES: | 78 d.u. |
| MULTIFAMILY HSG: | 40 d.u. |
| TOTAL: | 191 d.u. |

| | |
|---------------------------------|---------|
| PARKING SPACES | |
| RESIDENT PKG (1.7 SPACES/UNIT): | 63 sp. |
| GUEST (ON-STREET) PKG. | 158 sp. |
| GARAGE SPACES: | 302 sp. |
| TOTAL: | 528 sp. |

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PRELIMINARY CONCEPT



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STAFF REPORT

DATE: April 21, 2009
TO: City Council
FROM: Donna Silva, Parks and General Services Department Director
Katherine Hess, Community Development Department Director
Mitch Sears, Sustainability Program Manager
SUBJECT: Greenhouse gas emission thresholds and standards for new residential development

Recommendations

1. Adopt the attached resolution establishing greenhouse gas emission thresholds, standards, and mitigation guidelines for new residential development projects.
2. Direct staff to use the thresholds and standards in the attached resolution to determine project GHG emission impacts and for negotiating development agreements.
3. Direct staff to return with an ordinance based on these thresholds and standards as soon as practical.
4. Approve policy guidelines included in this report for expenditure of transportation funds prioritizing transportation projects that minimize GHG emissions.

Overview

This report provides a recommended framework for beginning to reduce greenhouse gas (GHG) emissions produced by new residential development projects. Staff recognizes that this framework exists within the context of a rapidly evolving economic and policy landscape that creates challenges in identifying the most ambitious and achievable GHG emission reductions possible. The recommended standards are designed to achieve critical long-term GHG reductions while maintaining the economic viability of new residential development. The general objective is to offer clear standards based on the best available information and allow flexibility in how those standards are met. To this end, the framework establishes multiple paths for meeting the overall requirements and includes suggested mitigation measures to help guide the development community's challenging work of achieving meaningful GHG reductions. The general rationale behind the standards is that housing built today will be here beyond the 2050; the target year for when society will need to be effectively carbon neutral to minimize the effects of global warming.

This framework builds on the workshop discussion the Council began in November 2008 and the discussions between staff and the development community in the intervening months as projects have been reviewed.

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City Council Staff Report – GHG emissions thresholds and standards for new residential development
Page 2

Council Goals

The discussion items and recommended actions outlined in this report address the Council goal of conserving natural resources and protecting the environment. Specifically, the actions partially implement the Council objective of addressing global warming and reducing the carbon footprint of Davis. These actions, along with existing development requirements should also be evaluated in light of the Council's goal to "Review city policy requirements to determine if the cumulative impact of such requirements affects the provision of certain types or total supply of housing."

Fiscal Impact

No direct costs associated with this report. Costs (and efficiencies) associated with the implementation of the actions recommended in this report will be assumed by the eventual homeowner, if the market will allow costs to be passed on to the buyer. Staff believes that the costs associated with the standards outlined in this report move the City toward a more accurate full cost accounting for new residential development that, for the first time, includes a metric for evaluating impacts associated with global warming. However, staff is also sensitive to the economic reality that until more communities adopt similar standards, development in Davis will be constrained or new houses in Davis will be less affordable than others in the Central Valley. In recognition, the framework phases in GHG reduction standards, sets a threshold project size, provides credit for smart growth measures, and allows for flexibility in how the standards are met. In addition, staff is recommending that existing development impact fees for transportation not be raised at this time to address GHG emissions, but instead be prioritized for projects that result in GHG savings.

Staff believes that this approach strikes a reasonable balance between the urgency of action on global warming and the economic realities associated with producing housing in Davis. Staff notes that from a GHG perspective, even a super efficient house that produces long commute trips is a global warming loser; it does not serve the City's GHG emission reduction goals to adopt policies that result in commuter trips. Decisions on housing are complex and multifaceted, but if the issue of global warming is isolated from other considerations, reducing vehicle miles traveled is the most pressing priority.

Background

In April 2007, the City Council adopted a strategy to reduce local GHG emissions. To achieve this objective, the City joined the Cities for Climate Protection (CCP) program along with hundreds of other communities across the globe working to reduce greenhouse gas emissions at the local level. The CCP is a performance-oriented campaign that offers a framework for local governments to reduce greenhouse gas emissions and improve livability within their municipalities. The framework includes the following 5 steps:

1. Conduct a baseline emissions inventory and forecast.
2. Adopt an emissions reduction target for the forecast year.
3. Develop a Local Action Plan.
4. Implement policies and measures.
5. Monitor and verify results.

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City Council Staff Report – GHG emissions thresholds and standards for new residential development
Page 3

The City completed an updated GHG inventory in May 2008 (Step 1). The Council adopted local GHG reduction targets in November 2008 (Step 2); Davis targets are included as Attachment 1. The targets are consistent with current accepted climate science and the state of California reduction goals and Scoping Plan. As noted in the November staff presentation, the Council has directed staff to pursue early actions to reduce local GHG emissions in parallel with the development of a local action plan (Step 3). Staff, the Climate Action Team, the Science Advisory Team, and the Natural Resources Commission continue to work on the development of the local action plan (Davis Climate Action and Adaptation Plan).

The recommended standards detailed in this report are consistent with the Council's direction to pursue early actions in advance of adoption of the local action plan.

General note: Staff acknowledges that the GHG emissions from new residential projects make up only a small portion of Davis' future emissions. The majority of local GHG emissions are will continue to be generated by residents of existing homes. In addition to the thresholds and standards recommended in this report, the City is considering other early GHG reduction actions to address emissions from existing residents and businesses, including the Low Carbon Diet and a community financing mechanism for household energy efficiency and solar power production. Staff considers these additional actions complementary to the new residential thresholds and standards.

Analysis

The recommended framework addresses how new residential development projects perform relative to the adopted local GHG reduction targets and provides a method for how projects will contribute to meeting those goals. The analysis section is broken into the following sections:

1. General rationale
2. Amount of GHG from residential sector, how calculated, and what's included (not included)
3. General standard – target year, project threshold, threshold of significance. Two paths:
LEED ND or local standard
4. Credits – incentives for smart development
5. Mitigation scenarios - sensitivity analysis (certain and verifiable)
6. Current and recent projects - proposals to reduce GHG emissions
7. Questions and responses related to the overall methodology
8. Transportation development impact fees and GHG
9. Evaluation of the standard
10. Monitoring results
11. Project recognition

1. General Rationale

The City has studied and inventoried local GHG emissions using the best available data and methodology. This includes going beyond the current industry standard to engage a subject matter expert from UC Davis to supplement the local inventory analysis and provide a basis for analyzing GHG emissions at the project level (Carbon Development Allowances, Final Report, Deb Niemeier, September 2008). The City Council has adopted local GHG reduction targets that

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*City Council Staff Report – GHG emissions thresholds and standards for new residential development
Page 4*

are consistent with State targets outlined in AB 32 and Executive Order S-3-05. The GHG targets Council staff report is at:

http://cityofdavis.org/meetings/councilpackets/20081118/05_Greenhouse_Gas_Emissions_Targets.pdf

In addition, the City has lead agency responsibilities under CEQA to address global warming when it approves an activity, including an application for development. CEQA requires mitigation of adverse impacts wherever feasible. The California Attorneys General Office recently commented:

Mitigation measures must be "fully enforceable". Adequate mitigation does not, for example, merely "encourage" or "support" carpools and transit options, green building practices, and development in urban centers. While a menu of hortatory GHG policies is positive, it does not count as adequate mitigation because there is no certainty that the policies will be implemented.

- Climate Change, CEQA, and General Plan Updates FAQ (March 2009)

Given this context and the ability to perform a reasonable assessment of project level GHG emissions, the City has concluded that residential projects built today must make a fair share contribution to efforts to meet local and statewide targets. This conclusion follows on the logic that projects built today are expected to be in existence past the 2050 target date that calls for a minimum reduction of CO₂ to 80% below 1990 levels. The City has accepted the premise that it is not currently feasible to build projects to the 2050 standards, therefore a phase in approach is recommended.

Additionally, the best estimates of local growth and likely advances in state wide GHG savings (e.g. fuel economy improvements), have been factored into the project level GHG calculations. In addition, commute miles have been factored into the calculation with Davis "owning" half and the destination/origin community owning the other half (Carbon Development Allowances, Final Report, Deb Niemeier, September 2008). Staff acknowledges that there will be advances in modeling that may yield more precise results in the future, however the City's current methodology is the most sophisticated approach to staff's knowledge.

2. Amount of GHG from residential sector, how calculated, what's included (not included)

The City's GHG inventory shows that more than three-quarters of the total GHG emissions generated in Davis are associated with the energy used in Davis' homes and personal transportation associated with residential land uses; residential energy use (33%) and transportation (53%) (Source: City of Davis GHG Inventory and Forecast Report, May 2008). Though some of the transportation GHG emissions are associated with the movement of goods, the majority are associated with personal transportation and are therefore linked with residential activities.

Based on the report prepared by Deb Niemeier (Ph.D., P.E, Director John Muir Institute of the Environment, UCD) for the November Council meeting, staff has developed the following table showing the average baseline GHG "allowance" for each Davis resident, and by extension, each

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Davis household. The methodology behind the summary table uses peer reviewed state wide GHG emission totals broken down to the local level and factors in regional growth assumptions and foreseeable statewide initiatives designed to reduce GHG emissions (e.g. low carbon fuel standard). Using the recently adopted City GHG targets (and State targets), staff has calculated the allowances for key target years. This table forms the basis for establishing GHG emissions standards for new residential development projects. Note: this table has been updated since the November Council meeting to correct a misprint that allocated both residential *and* non-residential GHG emissions to each residential unit. Based on this correction, the average GHG emissions that each residential unit generates dropped from 20.25MT/unit to the current 16.6MT/unit. The remaining 3.65MT is allocated to non-residential sources and will be addressed in future actions by the City.

Table 1: Carbon Allowances

| Target year Minimum/Desired | Target | Carbon allowance to meet GHG reduction target* (annual metric tonnes per dwelling unit and per person)** | |
|--------------------------------|----------------|---|-------------------------------|
| | | New Residential | % reduction over existing |
| Existing/Base year (2010) | N/A | 16.5 per unit/ 6.6 per person | 0% per unit/ 0% per person |
| 2012 (Min.) | 1998 level | 15.0 / 6.0 | 9% |
| 2012 (Desired) | 7% below 1990 | 8.6 / 3.4 | 48% |
| 2020 (Min.) | 1990 level | 9.25 / 3.7 | 44% |
| 2020 (Desired) | 28% below 1990 | 6.7 / 2.7 | 59% |
| 2030 (Min.) | 28% below 1990 | 6.7 / 2.7 | 59% |
| 2030 (Desired) | 53% below 1990 | 4.35 / 1.75 | 74% |
| 2040 (Min.) | 53% below 1990 | 4.35 / 1.75 | 74% |
| 2040 (Desired) | 80% below 1990 | 1.85 / .75 | 89% |
| 2050 (Min.) | 80% below 1990 | 1.85 / .75 | 89% |
| 2050 (Desired) | Carbon Neutral | Net 0 | 100% |

* Source: Carbon Development Allowances, Final Report, September 2008

** Assumes 2.5 persons/dwelling unit and an annual growth rate of 1%/yr (Source: City of Davis GHG Inventory and Forecast Report, May 2008).

Staff notes that the carbon allowances represent an average across the community. Some development projects may be more or less efficient than the average. These project specific differences are addressed as part of the GHG emission mitigation process in the form of credit for smart growth factors (e.g. project location) and project specific features (e.g. better than Title 24 home energy efficiency). It should also be noted that the calculation for new residential projects does not include GHG emissions from secondary factors such as carbon embedded in construction materials. As more sophisticated models are developed (by the City or others), the City may choose to add in additional factors that it believes are significant.

3. General standard – target year, project threshold, threshold of significance

The recommended general GHG emissions standard for new residential development projects is a phased approach that provides meaningful GHG reductions and rewards creative design that takes advantage of existing community form. The general standard includes two paths: the first

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is a package approach that the City would recognize as sufficient to satisfy GHG emission standards. The second would be a project specific calculation of GHG emissions and customized mitigation program to reduce project GHG emissions to target year levels.

Initial target year:

Seeking a balance between project viability and meaningful GHG reductions, the recommended initial target year is 1990. Based on Table 1 above, each project would receive a per unit carbon “allowance” equal to 1990 levels. If the project achieved better than 1990 level reductions, it could trade with other future projects. It is recommended that this initial target would be in effect until December 2010. Beginning in January 2011, the target would automatically roll to the next target year based on a linear interpolation to achieve the next key target year (e.g. 2012, 2020 etc.). Review of the target year would be incorporated into regular review of the standard.

Project and CEQA thresholds:

Based on Council adopted residential growth guidelines and working from an assumption that 250 residential units will be built per year between 2010 and 2013, staff is recommending that new residential projects of less than 5% of the total units assumed to be built in a particular year (12 units), are exempt as a de minimus impact. Projects up to 10% of the total units assumed to be built in a particular year (25 units), may pay a GHG mitigation in lieu fee of cost of achieving 35% better than 2005 Title 24 plus \$1,000/unit to fund implementation of community GHG emission reduction programs with no further requirement. Projects over 10% of the total units assumed to be built in a particular year (25+ units), are required to mitigate under one of two paths outlined below.

General standard:

- a. Meet standards for LEED Neighborhood Development Gold certification. The City considers this certification process consistent with the intent of the City GHG (and other) policies and standards. The US Green Building Council has recently completed its pilot program on LEED Neighborhood Development and expects to formally launch the program this summer;

or

- b. Achieve 1990 level project GHG allowances for the house portion of the project (33% of total residential GHG emissions) as specified in Table 1. Mitigation credit for smart growth features, up-graded infrastructure (over 2009 standards), and other project components are addressed in the mitigation section of this report.

If option b. is selected, the City would encourage a majority of GHG savings to occur on-site. The advantage of on-site mitigation is based on the premise that it is much more cost effective to make improvements in houses and infrastructure during construction than to retrofit at a later date. This reduces the likelihood that the City will need to develop and fund programs in the future to retrofit the newly developed portion of the community housing stock in the decades ahead. In addition, it is anticipated that a more efficient home would provide benefits when homes are marketed, and serve as an example for other builders and homeowners.

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4. Credits – incentives for smart development

Although the focus of the GHG allowance concept is on emissions released by operations of a new dwelling unit, staff recognizes that will would not meet our long-term goals if we focused only on the structure. As previously noted, the structure (HVAC, hot water, and appliances) is responsible for approximately one-third of the emissions from a household. The majority of the emissions is from commute and other vehicle trips. For that reason, staff is proposing that the program provide credit for developments that are designed and located to reduce vehicle trips.

Table 2 - Initial list of accepted GHG credit measures

| Factor | Recommended GHG Credit |
|---|---|
| Overall Project Density (General Plan density) – incorporates proximity to employment opportunities <ul style="list-style-type: none"> • High • Medium • Low | <ul style="list-style-type: none"> • 5% • 2% • No credit |
| Proximity to Transit <ul style="list-style-type: none"> • Less than ¼ mile • ¼ mile to ½ mile • over ½ mile to ¾ mile • Over ¾ mile | <ul style="list-style-type: none"> • 5% • 2% • 1% • No credit |

Notes:

1. Credits are additive. For example, a high density project located near a transit line would receive a 10% credit.
2. Credits applied to total project GHG emissions.
3. Credits based on best available information adapted from SACOG traffic modeling to measure effects of project density and location near employment and transit on VMT. These credits may adjust up or down over time as more accurate data and modeling becomes available.

Staff recognizes that there is an imperfect correlation between project design/location and the number of miles that its residents will drive. Staff has asked SACOG to assist with this analysis so that we could make sound recommendations on the value of these credits. Unfortunately, the research hasn't been completed. Pending a more precise resolution of the effects of location and density on vehicle use by Davis residents, staff believes that it is reasonable to conclude that this combination of factors could reduce vehicle use by up to 10% at the project scale.

Staff will continue to work with SACOG to refine this analysis and make recommendations to the Council as additional information becomes available.

5. Mitigation scenarios - sensitivity analysis (certain and verifiable)

The general approach is to provide projects with a clear GHG reduction target and allow for maximum flexibility for mitigation within two basic parameters:

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The GHG savings must be:

- a. Verifiable (measurable) and;
- b. Long-lasting

The City is seeking a reasonable level of certainty in GHG mitigation. In general, the City is focused on proven methods but may accept new approaches for a limited portion of project GHG mitigation requirements when a compelling argument can be made that the potential GHG savings outweigh the risk of an underperforming measure. For example, a low confidence rating may be outweighed by high potential reduction that is measurable, or contribution to the knowledge base on best practices.

In order to allow for flexibility and innovation, staff recommends that each GHG mitigation measure be given a confidence rating and a longevity rating on a scale of 1-5 to guide evaluation and acceptance of the measure. The confidence and longevity rating would be recommended by the applicant proposing a new measure. The City would evaluate and accept or reject the recommendation based on supporting material/data supplied by the applicant. In addition, independent of new project proposals, the City would continue to research and incorporate measures that meet the criteria.

By combining a prescriptive project level GHG goal with a performance based mitigation approach, the City hopes to encourage innovation and low cost options for GHG emission reductions. Staff acknowledges that early projects will pioneer new approaches which later projects will benefit from (i.e. the menu of acceptable mitigation options will increase over time as the program matures). In recognition that early project proposals bear this responsibility, staff has developed a set of recommended pre-approved potential mitigation measures that project applicants can use to satisfy their GHG mitigation.

The pre-approved measures are shown in Table 3 below and are divided into two categories: (1) Full credit measures that provide sufficient certainty in the expected results and (2) Partial credit measures that do not provide adequate certainty but hold high potential for GHG reductions. Under the recommended standards, partial credit measures can satisfy up to 10% of the total GHG mitigation requirements for a project.

Note: One of the early GHG reduction strategies being explored by the City is a community engagement program designed to raise awareness and provide citizens with a way to save energy, money, and reduce local GHG emissions at the household level (Davis Low Carbon Diet). Several development applicants have proposed funding for this type of program as a key mitigation measure for their projects. Though the initial results from the City's pilot of this program indicate the potential for significant GHG emission savings if the program is brought to scale, it is difficult to measure or verify the longevity of those savings. Therefore, staff recommends that this particular mitigation measure be included in the partial credit category.

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Table 3 – Initial list of accepted GH mitigation measures

| Type | Estimated Annual GHG Savings | Longevity rating (1-5) | Confidence rating (1-5) |
|--|---|-------------------------------|-------------------------------|
| Full Credit Measures (Longevity and Confidence Ratings > 3) | | | |
| Energy efficiency upgrades to new units above existing Title 24 standards. Example: 25% above Title 24 standards for a 1,882 sq ft home | Dependent on measure 2,973 lbs/unit ¹ | Dependent on measure 5 | Dependent on measure 5 |
| Household PV (4kW average system) | 3,300lbs/unit ² | 4 | 5 |
| Energy efficiency upgrades to existing structures (residential/non residential) | Dependent on measure | Dependent on measure | Dependent on measure |
| PV on existing structures | Dependent on measure | 4 | 5 |
| Energy efficient and/or low carbon producing project infrastructure upgrades (over 2009 standards) Example: Use of high volume fly ash concrete | Dependent on measure | 5 | 5 |
| Hybrid incentives for homeowners | 2,900lbs/unit ³ | 3 | 4 |
| Neighborhood Electric Vehicle incentives for homeowners ⁴ | 913lbs/unit | 3 | 3 |
| Local employee designated housing (school district, city, UCD, etc.) | 5,218lbs/unit ⁵ | 4 | 4 |

¹ Estimate of building energy use based on MICROPAS that takes effect for the new standards beginning July 2009. MICROPAS is an industry standard computer modeling tool used to calculate compliance with the California Residential Energy Standards (also known as *Title-24*). The heating, cooling, and water heating energy use from MICROPAS was combined with miscellaneous usage determined from Building America's benchmark process which is used to estimate miscellaneous consumption. The projections are based on many assumptions, and are intended give a reasonable indication of usage patterns with house size. Building America's benchmark process based on US Department of Energy, Building America Research Benchmark Definition, Updated December 20, 2007 (<http://www.osti.gov/bridge>)

² Source: PG&E Climate Smart Program, Typical residential system is 3 to 5 kW (4kW average); 18% capacity factor; operating 8,760 hours per year <http://www.pge.com/about/environment/calculator/assumptions.shtml>
US EPA 2007 emissions rate for California (electric): 0.724 lbs CO₂ per kWh
http://www.epa.gov/cleanenergy/documents/eGRID2007V1_1_year05_GHGOutputRates.pdf

³ Source: PG&E Climate Smart Program, Assumes 12,000 miles traveled/yr. Compares hybrid-electric subcompact with comparable vehicle: 2007 Toyota Prius (46 miles per gallon average fuel efficiency) and (non-hybrid) 2007 Honda Civic (29 miles per gallon average fuel efficiency)
<http://www.pge.com/about/environment/calculator/assumptions.shtml>

⁴ Assume NEV used for 20% of total trips, all local at average of 2.5 miles/trip. Total miles 1,800/year. NEV equivalent of 120 mpg.

⁵ Assume 40 mile commute round trip, 48 weeks/yr: 9,600 miles/yr. Local commute not offset: 1,800/yr. Total miles avoided: 7,800/yr. Commute car average 29mpg (Honda Civic 2007).

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| Type | Estimated Annual GHG Savings | Longevity rating (1-5) | Confidence rating (1-5) |
|--|---|------------------------|-------------------------|
| Contribution to local PV solar farm To fully offset GHG emissions to meet new residential standard (1990 level) | Dependent on measure 4.9kW/unit ⁶ | 4 | 5 |
| Partial Credit Measures (up to 10% of total project mitigation) (Longevity or Confidence Ratings < 3) | | | |
| Car share program | Dependent on measure | Dependent on measure | 2 |
| Community engagement program (Davis Low Carbon Diet) | Dependent on measure | 2 | 2 |

These measures are intended as a starting point and should not limit the development of potential mitigation measures by either the City or the development community.

In order to explore issues related to these mitigation measures, staff has outlined 3 mitigation scenarios for projects of several sizes using the mitigation measures from Table 3 above. The intent of the various scenarios is to advance the discussion of appropriate GHG mitigation measures and provide a general estimate of potential costs associated with the mitigation measures.

All mitigation scenarios are based on the following assumptions:

- GHG reduction amount is based on GHG emissions of the house portion of the overall GHG emissions associated with a residential land use (33% of residential GHG's)
- To achieve 1990 levels, each unit is required to reduce from 5.5 MT CO₂ to 3.1 MT CO₂ (a 44% reduction). $5.5\text{MT} - 3.1 = 2.4\text{ MT reduction/unit}$. Calculations based on Table 1 above.
- Total project credits for location on transit line and density varies in each of the examples (e.g. high, medium, and low density projects) and are applied to the total GHG emissions of the project.
- All costs are estimates based on general cost information and may vary significantly based on project specific factors (e.g. size of project). For the purposes of these scenarios, cost/unit is equal in all examples.

⁶ For calculation of GHG savings assume 1500 kWh per kw peak per year installed on a fixed tilt angle. Total reduction of 7,306 kWh/unit/yr needed based on EPA estimates (see footnote 2 above). Total estimated installed PV to offset residential energy use (electricity and natural gas) to reach 1990 levels is approximately 4.9kw/unit.

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Mitigation Scenario 1

| Project | Project Credits: 10% | GHG Reduction Req'd to meet 1990 | Total project reduction of GHG |
|---|-------------------------|-------------------------------------|---|
| 30 unit high density project on transit line | 16.5 MT | 72 MT | 55.5 MT (122,322 lbs/CO ₂) |
| Total project GHG (house): (5.5 MT)(30 units)= 165MT | (16.5 MT)(10%)= 16.5 MT | (2.4 MT)(30 units)= 72MT | 72MT-16.5MT= 55.5MT |

Mitigation Program: Scenario 1

| Mitigation | Reduction lbs CO ₂ / unit | Units | Total | % of reduction total | Potential Cost |
|--|---|-------|--------------------|----------------------------|---|
| Energy efficiency upgrades to new units: 25% above Title 24 | 2,973 lbs/unit | 30 | 89,190 | 72.9% | \$5,000/unit* |
| Assume: 1,882 sq ft home | | | | | |
| Household PV (4kW ave. system) | 3,300lbs/unit | 5 | 16,500 | 13.5% | \$15,000/unit |
| Energy efficiency upgrades to existing affordable housing units – air duct sealing, dual pane windows, HVAC upgrades, insulation, etc. | 1,500lbs/unit | 10 | 15,000 | 12.3% | \$3,000 unit |
| Energy efficiency upgrades to school district buildings – air duct sealing, energy- star lighting and appliances, HVAC upgrades, insulation, etc. | --- | --- | 2,000 | 1.6% | \$2,000 |
| Subtotal | --- | --- | 122,690 lbs | 100% | \$257,000 |
| Contribution to local PV solar farm (Remaining reduction needed: 0 lbs) | 786 lbs/kW | 0 | 0 | 0 | |
| Total | --- | --- | 136,690 lbs | 100% | \$257,000 (\$8,566/unit) |
| Credit: | --- | --- | 368 lbs | <1% | |

* City currently requires 15% better than Title 24 under its Green Building Ordinance. Incremental cost of achieving higher energy efficiencies than the current standard is less than amount shown.

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Mitigation Scenario 2

| Project | Project Credits: 5% | GHG Reduction Req'd to meet 1990 | Total project reduction of GHG |
|--|------------------------|-------------------------------------|-----------------------------------|
| 150 unit low density project on transit line | 41.25 MT CO2 | 360 MT | 318.75 MT (702,525 lbs/CO2) |
| Total project GHG (house): (5 SMT)(150 units)=825MT | (825 MT)(5%)= 41.25 MT | (2.4MT)(150 units)=360MT | 360MT-41.25MT= 318.75MT |

Mitigation Program: Scenario 2

| Mitigation: | Reduction lbs CO2 / unit | Units | Total | % of reduction total | Potential Cost |
|---|-----------------------------|-------|--------------------|----------------------------|---|
| Energy efficiency upgrades to new units: 35% above Title 24 | 4,162 lbs/unit | 150 | 624,300 | 88.9% | \$7,000/unit* |
| Assume: 1,882 sq ft home | | | | | |
| Household PV (4kW ave. system) | 3,300lbs/unit | 15 | 49,500 | 7.0% | \$15,000/unit |
| Energy efficiency upgrades to existing affordable housing units – air duct sealing, dual pane windows, HVAC upgrades, insulation, etc. | | | | | |
| Energy efficiency upgrades to city buildings – air duct sealing, energy-star lighting and appliances, HVAC upgrades, insulation, etc. | --- | --- | 10,000 | 1.4% | \$10,000 |
| Hybrid incentives for homeowners | 2,900lbs/unit | 5 | 14,500 | 2.1% | \$37,500 |
| Neighborhood Electric Vehicle incentives for homeowners | 913lbs/unit | 10 | 9,130 | 1.3% | \$50,000 |
| Subtotal: | | | 707,430 lbs | 100.1% | \$1,372,500 |
| Contribution to local PV solar farm (Remaining reduction needed: 0 lbs) | 786 lbs/kW | 0 | 0 | 0 | |
| Total | | | 707,430 lbs | 100.1% | \$1,372,500 (\$9,150/unit) |
| Credit: | | | 4,905 lbs | 0.1% | |

* City currently requires 15% better than Title 24 under its Green Building Ordinance. Incremental cost of achieving higher energy efficiencies than the current standard is less than amount shown.

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Mitigation Scenario 3

| Project | Project Credits: 7% | GHG Reduction Req'd to meet 1990 | Total project reduction of GHG |
|---|-------------------------|-------------------------------------|-----------------------------------|
| 250 unit medium density project on transit line | 96.25 MT CO2 | 600 MT | 503.75 MT (1,110,265 lbs/CO2) |
| Total project GHG (house): (5.5MT)(250 units)=1375MT | (1375 MT)(7%)= 96.25 MT | (2.4MT)(250 units)=600MT | 600MT-96.25MT=503.75MT |

Mitigation Program: Scenario 3

| Mitigation | Reduction lbs CO2 / unit | Units | Total | % of reduction total | Potential Cost |
|---|-----------------------------|------------|----------------------|----------------------------|---|
| Energy efficiency upgrades to new units: 35% above Title 24 | 4,162 lbs/unit | 250 | 1,040,500 | 93.7% | \$7,000/unit* |
| Assume: 1,882 sq ft home | | | | | |
| Household PV (4kW ave. system) | 3,300lbs/unit | | | | |
| Energy efficiency upgrades to existing affordable housing units – air duct sealing, dual pane windows, HVAC upgrades, insulation, etc. | | | | | |
| Energy efficiency upgrades to city buildings – air duct sealing, energy-star lighting and appliances, HVAC upgrades, insulation, etc. | --- | --- | | | |
| Hybrid incentives for homeowners | 2,900lbs/unit | 15 | 43,500 | 3.9% | \$112,500 |
| Neighborhood Electric Vehicle incentives for homeowners | 913lbs/unit | 10 | 9,130 | 0.8% | \$50,000 |
| Local employee designated housing (school district, city, UCD, etc.) | 5,218lbs/unit | 5 | 26,090 | 2.3% | |
| Subtotal: | --- | --- | 1,119,220 lbs | 100.1% | \$1,912,500 |
| Contribution to local PV solar farm (Remaining reduction needed: 0 lbs) | 786 lbs/kW | 0 | 0 | 0 | |
| Total | --- | --- | 1,119,220 lbs | 100.1% | \$1,912,500 (\$7,650/unit) |
| Credit | --- | --- | 8,955 lbs | 0.1% | |

* City currently requires 15% better than Title 24 under its Green Building Ordinance. Incremental cost of achieving higher energy efficiencies than the current standard is less than amount shown.

These scenarios show several possible mitigation programs. Flexibility is a key feature of the approach, with developers choosing the mitigation options (or proposing new) that provide the greatest benefit to their project while meeting the mitigation standards. Several projects have been proposed and approved during the development of the draft standards. The GHG mitigation proposal for each project is outlined below.

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6. Current and recent projects - proposals to reduce GHG emissions

Staff has been in discussion with the applicants for five projects during the development of the proposed new residential GHG standards. The draft standards have informed discussions with applicants regarding project GHG emissions. The direct and indirect effects of these discussions between project applicants and City staff are summarized below:

Verona - Mace Ranch (Approved Summer 2008):

- Project approvals predated initial draft standards.
- Served as an early test case to understand the implications of the research and development of project level GHG standards.
- No GHG mitigation required or proposed (1st subdivision to meet Green Building Ord.)

Grande (Approved January 2009):

- Project agreements with School District predated final draft standards.
- Project level GHG analysis advanced the understanding and implications of potential mitigation standards.
- Through Development Agreement negotiations, the City accepted a GHG mitigation in-lieu fee payment of \$500/unit and a commitment by the School District to create programs/curriculum to improve student and community awareness and develop solutions regarding global warming.

Chiles Ranch (Planning Commission hearing scheduled for Spring 2009)

- Project applications and pre-application public input process predated adoption of recommended final draft standards.
- Sustainability principles incorporated into early project discussions with applicant and public input process.
- Mitigation proposal submitted by applicant to meet proposed 1990 GHG levels includes:
 - 35% better than Title 24 (2005 code)
 - 0.18 acre community garden (74 sq/ft per household)
 - \$1,000/unit contribution to a community engagement program (Low Carbon Diet)

Staff note: This proposal is the most well developed local project level GHG analysis and mitigation program reviewed to date. The community garden and low carbon diet measures rely on behavior change and lack certainty in GHG reductions. Therefore, if the recommended standards are adopted by the Council, the GHG savings associated with these two measures can satisfy up to 10% of the total required mitigation for the project.

Based on the recommended thresholds and standards, the Chiles Ranch GHG mitigation proposal would meet approximately 95% the project GHG mitigation requirements.

Willowbank Park (Planning Commission hearing scheduled for Spring 2009)

- Project pre-applications predated adoption of recommended final draft standards.
- Sustainability principles incorporated into early project discussions with applicant.

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- Preliminary mitigation proposal submitted by applicant focuses on behavioral change in existing households to address community scale issue.

Staff note: The preliminary proposal relies on behavior change (Davis Low Carbon Diet), which lacks certainty in GHG reductions. Therefore, if the recommended standards are adopted by the Council, the GHG savings associated with this measure can satisfy up to 10% of the total required mitigation for the project. See also discussion in analysis section above on the advantage of incorporating GHG mitigation into the project design.

Wildhorse Ranch (Planning Commission hearing scheduled for Spring 2009)

- Project applications predated adoption of recommended final draft standards.
- Project Draft EIR will include analysis of GHG emissions impacts and related mitigation measures. The GHG emissions standards and thresholds adopted by Council will help guide the EIR analysis.
- Sustainability principles incorporated into early project discussions with applicant.
- Sustainability proposal includes reducing residential energy demand by 25% below 2009 Title 24 standards, photovoltaic systems with a total capacity of 460 kW, and exceeding the targets of the City's Green Building ordinance by 10 points.

If approved by the Council, the recommended standards will guide analysis of projects in process and negotiations of development agreements. Recommended follow up actions include development and adoption of an ordinance to establish a clear and consistent approach.

7. Questions and responses related to the overall methodology

- a. Question: What is the appropriate conversion rate for CO₂ per kWh?
Response: To maintain consistency with the City's GHG inventory, the conversion rate is based on the 2007 US EPA Annual Emissions Rate for California (0.724 lbs CO₂ per kWh). This impacts the calculation of the GHG emissions reduction associated with mitigation measures.
- b. Q: Should credit for transportation related factors (e.g. location on a transit line) be permitted if the City is currently only requiring mitigation for the non-transportation related GHG emissions?
R: Staff believes this credit is appropriate as it recognizes the value of implementing smart growth policies. In addition, staff is recommending that an even stronger emphasis be placed on transportation projects that minimize GHG emissions. Therefore, transportation impact fees currently collected from projects will be more specifically directed toward projects that yield GHG savings over time.
- c. Q: Should there be a minimum "on-site" reduction requirement?
R: No, a requirement is not anticipated to be necessary. The majority of GHG reductions are likely to take place on-site since these types of improvements have been shown to be a marketing advantage (e.g. more efficient homes, PV

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systems, etc.) See discussion in analysis section: General standard – target year, project threshold, threshold of significance.

- d. Q: Should the City consider reallocating development impact fees/requirements to address GHG impacts?

R: Yes, see discussion in section below.

- e. Q: Should credit be given for energy efficiency improvements that have occurred in home design since 1990 (GHG targets baseline year)?

R: Staff does not believe that credit should be given for home design improvements since 1990 for the primary reasons that: (1) the 1990 date for GHG targets is arbitrary and therefore no significance can be attached to it. For the purposes of GHG reduction, the City could use 2009 as the baseline year and require that projects reduce below the current level, and (2) this would be giving a credit for meeting minimum standards that have not produced a decline in overall community GHG emissions.

8. Transportation development impact fees and GHG

Davis has prioritized transit, walking and biking as a strategy to slow traffic growth in neighborhoods and improve the environment. With a better understanding of the substantial effect personal transportation has on local GH emissions, staff believes that it is appropriate to begin to place an even greater emphasis on creating and maintaining a greater range of transportation choices. These enhanced transportation options would be intended to work in concert with the City's strong land use policies that bring more people closer to shops, services, and jobs, reducing their need to travel long distances. Although the car will continue to play an important transportation role, its use will need to be deemphasized further to achieve a low carbon future.

To clearly articulate the City's mobility objectives, staff suggests that the following basic priorities guide future transportation investment by the City:

Minimize GHG emissions from local transportation by prioritizing:

1. Walking
2. Biking
3. Transit
4. Goods movement
5. Single-occupancy vehicles

These priorities will be considered in review and approval of the City's annual Capital Improvements Plan, as well as through grant funding activities. By prioritizing funding for transportation projects that minimize GHG emissions, new development projects would be making a small contribution toward the City's GHG reduction targets. It is anticipated that in future revisions to these GHG standards, projects will be asked to directly address a greater portion of the personal transportation GHG emissions associated with new residential projects.

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9. Evaluation of the standard

In order to maintain progress toward future GHG emission targets, staff recommends that the GHG standards for new residential projects be reviewed by the City at a minimum of every two years. The current effort is definitely a work in progress. Additional research at the regional and state level will allow for refinements in the City's approach unless/until there is a coordinated approach through SACOG or the state.

10. Monitoring results

Monitoring mitigation performance is dependent on what measures are implemented. When CEQA approvals are necessary, monitoring can be included in the overall project mitigation monitoring program. Where CEQA approvals are not required but other discretionary approvals are, a basic monitoring program can be incorporated into the project conditions of approval. With the phased in approach that is recommended where most of the GHG savings are anticipated to come from energy efficiency in the house, the monitoring would be limited to verification of compliance with energy efficiency which is currently performed as part of the building permit review process (i.e. Title 24 calculations) and consistency with the Green Building Ordinance. Staff also believes that collaboration with UCD could serve both research and GHG monitoring purposes if long-term research projects are established.

11. Project recognition

Quantification of GHG emissions at the project level enables the City to also recognize projects that exceed standards. Staff is recommending the following categories for project recognition:

- 7% better than 1990 levels (equal to 2012 Kyoto targets): Davis Green Residential Project
- 28% better than 1990 levels (equal to City 2020 desired target): Davis Deep Green Residential Project

Development of a recognition program could include recognition in the project approval process, development of outreach materials, logos, etc. This type of recognition program would be intended to work in conjunction with the existing Davis Green Building Ordinance recognition program.

Attachments

1. Davis GHG Emission Targets – Resolution (2008)
2. Davis GHG Emission Thresholds and Standards for New Residential Projects - Resolution

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RESOLUTION NO. 08-166, SERIES 2008

RESOLUTION ADOPTING GREENHOUSE GAS REDUCTION TARGETS FOR THE CITY OF DAVIS (CITY OPERATIONS AND COMMUNITY)

WHEREAS, the Davis General Plan establishes visions, goals and policies that guide the community away from impacts on natural systems and toward sustainability; and

WHEREAS, Davis has pursued policies and implemented innovative projects over the past four decades that place it among the leaders in the sustainable communities movement; and

WHEREAS, the adopted City Council goals for 2007/08 provide clear direction that action on climate change and related issues is a City priority; and

WHEREAS, as part of its action in adopting the City of Davis Climate Protection/Community Sustainability Framework Strategy in April 2007, the City Council directed staff to aggressively pursue actions to reduce the City's greenhouse gas emissions; and

WHEREAS, the City has adopted resolutions that outline the emerging global warming threat and encourage cities of all sizes to take preventative steps; and

WHEREAS, there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate; and

WHEREAS, there are significant long-term risks to the economy and the environment of the United States, California, and the City of Davis from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations; and

WHEREAS, the potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and thereby have implications for the national security interests of the United States as well as security, economic, and environmental interests of the State of California and the City of Davis; and

WHEREAS, local governments greatly influence their community's energy usage by exercising key powers over land use, transportation, building construction, waste management, and in many cases energy supply and management; and

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for City government, for its businesses, and for its citizens;

WHEREAS, on September 29, 1999, the City of Davis adopted a resolution to participate in the Cities for Climate Protection Campaign; and

WHEREAS, on April 18, 2006, the City of Davis adopted a resolution endorsing the US Mayor's Climate Protection Agreement and committing to strive to meet the Kyoto emission reduction targets of 7 percent below 1990 levels by 2012.

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Resolution No 08-166

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Davis does hereby adopt the following greenhouse gas emissions targets for the Davis community and its own city operations:

Davis GHG Reduction Targets: Community and City Operations

| Year | Target Range* | | Notes |
|--------------|--|---|---|
| | State | Davis** | |
| 2010 | 2000 levels | 1990 levels | <u>Minimum:</u> State target. <u>Desired:</u> Provides baseline for subsequent average annual reductions. |
| 2012 | 1998 levels | 7% below 1990 levels | <u>Minimum:</u> State does not establish target for this year; linear interpolation from 2010 target. <u>Desired:</u> Consistent with Kyoto – Mayors Climate Protection Agreement Pledge – City of Davis Reso. 2006. |
| 2015 | 1995 levels | 15% below 1990 levels | <u>Minimum:</u> State does not establish target for this year; linear interpolation from 2010 target. <u>Desired:</u> Consistent with initial ICLEI modeling conducted by the City. |
| 2015 to 2020 | Average annual reduction | Ave of 2.6% reduction/yr to achieve 80% below 1990 levels by 2040 | <u>Minimum:</u> State does not establish target for these years. <u>Desired:</u> Average reduction encourages monitoring of progress and some flexibility in implementation. |
| 2020 | 1990 levels | 28% below 1990 levels | <u>Minimum:</u> State target. <u>Desired:</u> Average reduction encourages monitoring of progress and some flexibility in implementation. |
| 2020-2040 | No formal target, but must reduce an ave. of 2.66%/yr to achieve 80% below 1990 levels by 2050 | Average of 2.6% reduction/yr to achieve 80% below 1990 levels | <u>Minimum:</u> State does not establish target for these years. <u>Desired:</u> Reduction level adopted by the state based on climate stabilization levels of 3-5.5 degree increase in temp. Average reduction encourages monitoring of progress and some flexibility in implementation. |
| 2050 | 80% below 1990 levels | Carbon neutral | <u>Minimum:</u> State target. Reduction level adopted by the state based on climate stabilization levels of 3-5.5 degree increase in temp. Average reduction encourages monitoring of progress and some flexibility in implementation. <u>Desired:</u> Combination of actions at the local, regional, national, and international levels and carbon offsets. Similar to UC system, City of Berkeley, and Norway. |

* It is anticipated that Davis will achieve reductions within the range of the state targets (minimum) and local targets (desired).

**Due to residency time of GHG gasses in the atmosphere, early GHG reduction is generally more beneficial for mitigation of the most severe impacts of climate change.

Letter 14 Cont'd

Resolution No. 08-166

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City Council of the City of Davis, to this end, continues to call upon all community members who live, work and attend school in the Davis area to participate in the achievement of the greenhouse gas reduction targets to the greatest extent feasible.

PASSED AND ADOPTED by the City Council of the City of Davis this 18th day of November, 2008 by the following vote:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Ruth Uy Asmundson, Ph.D.
Mayor

ATTEST:

Zoe S. Mirabile, CMC
Deputy City Clerk

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RESOLUTION NO. _____, SERIES 2009

RESOLUTION ADOPTING GREENHOUSE GAS REDUCTION THRESHOLDS AND STANDARDS FOR NEW RESIDENTIAL PROJECTS

WHEREAS, the Davis General Plan establishes visions, goals and policies that guide the community away from impacts on natural systems and toward sustainability; and

WHEREAS, Davis has pursued policies and implemented innovative projects over the past four decades that place it among the leaders in the sustainable communities movement; and

WHEREAS, the adopted City Council goals for 2007/08 provide clear direction that action on climate change and related issues is a City priority; and

WHEREAS, as part of its action in adopting the City of Davis Climate Protection/Community Sustainability Framework Strategy in April 2007, the City Council directed staff to aggressively pursue actions to reduce the City's greenhouse gas emissions; and

WHEREAS, the City has adopted multiple resolutions that outline the emerging global warming threat and encourage cities of all sizes to take preventative steps; and

WHEREAS, there is a near unanimous consensus among climate scientists, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate; and

WHEREAS, there are significant long-term risks to the economy and the environment of the United States, California, and the City of Davis from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations; and

WHEREAS, the potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and thereby have implications for the national security interests of the United States as well as security, economic, and environmental interests of the State of California and the City of Davis; and

WHEREAS, local governments greatly influence their community's energy usage by exercising key powers over land use, transportation, building construction, waste management, and in many cases energy supply and management; and

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for City government, for its businesses, and for its citizens;

WHEREAS, on September 29, 1999, the City of Davis adopted a resolution to participate in the Cities for Climate Protection Campaign; and

WHEREAS, on April 18, 2006, the City of Davis adopted a resolution endorsing the US Mayor's Climate Protection Agreement and committing to strive to meet the Kyoto emission reduction targets of 7 percent below 1990 levels by 2012;

WHEREAS, on November 18, 2008, the City of Davis adopted a resolution establishing local greenhouse gas emission reduction targets that establish minimum and desired targets that are consistent with or exceed State of California GHG emission reduction targets; and

1

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WHEREAS, it is estimated that a residence built today in Davis will last more than 100 years; and

WHEREAS, in order to meet future local GHG emission reduction targets, the residences built today must perform to future standards to minimize the need for and burden of future neighborhood scale retrofits that the community currently faces with the existing housing stock; and

WHEREAS, to address the financial burden on new residential development projects, these standards will be phased in over time, credit will be given for projects which build upon the City's existing smart growth land use and transit patterns, and innovation will be encouraged with a flexible approach to mitigation that allows project applicants to develop low cost mitigation options provided certainty in the effectiveness of the measures is maintained;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Davis does hereby adopt the following greenhouse gas emission thresholds and standards for new residential development projects for the period from adoption to December 31, 2010:

Davis GHG Reduction Thresholds and Standards: New Residential Projects

Table 1

| Thresholds and Standards: 2009 to December 31, 2010 | | |
|---|---|---|
| New residential units | Standard | Mitigation |
| Up to 12 units (less than 5% of total units in given year) | De minimis | No direct mitigation required – required to meet green building ordinance |
| 13 to 25 units (up to 10% of total units in given year) | Reduce to 1990 levels (2.4 Metric Tons of CO ₂ e reduction per unit) | In lieu fee option, LEED ND Gold standard or Individualized program |
| Greater than 26 units (greater than 10% of total units in given year) | Reduce to 1990 levels (2.4 Metric Tons of CO ₂ e reduction per unit) | LEED ND Gold standard or Individualized program |

Table 1 notes:

1. GHG reductions from 2010 baseline calculation of energy used in average Davis residential unit. GHG calculation excludes transportation.
2. Assume up to 250 units approved per calendar year based on City Council guidelines on residential growth.
3. In-lieu fee based on time of project approval cost of achieving 35% better than 2005 Title 24 plus \$1,000/unit to fund implementation of community GHG emission reduction programs.

Project Credit Calculation

Table 2

| Factor | GHG Credit |
|---|------------|
| Overall Project Density (General Plan density) – incorporates proximity to employment opportunities | |

2

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| Factor | GHG Credit |
|---|---|
| <ul style="list-style-type: none"> • High • Medium • Low | <ul style="list-style-type: none"> • 5% • 2% • No credit |
| Proximity to Transit <ul style="list-style-type: none"> • Less than ¼ mile • ¼ mile to ½ mile • over ½ mile to ¾ mile • Over ¾ mile | <ul style="list-style-type: none"> • 5% • 2% • 1% • No credit |

Table 2 notes:

1. Credits are cumulative.
2. Credits applied to total project GHG emissions.
3. Credits based on best available information adapted from SACOG traffic modeling to measure effects of project density and location near employment and transit on VMT. These credits may adjust up or down over time as more accurate data and modeling becomes available.

The following list of mitigation measures and estimated GHG savings are acceptable to satisfy the new residential GHG emission reduction standards. Alternative measures may be proposed by project applicants. The GHG savings, longevity and confidence of new alternative measures will be evaluated by the City and assigned as either full or partial credit measures or rejected. Partial mitigation credit measures may satisfy up to 10% of the total GHG mitigation requirements for a project.

Table 3
Initial list of accepted GHG mitigation measures

| Type | Estimated Annual GHG Savings | Longevity rating (1-5) | Confidence rating (1-5) |
|---|------------------------------|------------------------|-------------------------|
| Full Credit Measures (Longevity and Confidence Ratings > 3) | | | |
| Energy efficiency upgrades to new units above 2005 Title 24 standards | Dependent on measure | Dependent on measure | Dependent on measure |
| Example: 25% above Title 24 standards for a 1,882 sq ft home | 2,973 lbs/unit ¹ | 5 | 5 |
| Household PV (4kW ave. system) | 3,300lbs/unit ² | 4 | 5 |
| Energy efficiency upgrades to existing structures (residential/non res) | Dependent on measure | Dependent on measure | Dependent on measure |

¹ Estimate of building energy use based on MICROPAS that takes effect for the new standards beginning July 2009. MICROPAS is an industry standard computer modeling tool used to calculate compliance with the California Residential Energy Standards (also known as Title-24). The heating, cooling, and water heating energy use from MICROPAS was combined with miscellaneous usage determined from Building America's benchmark process which is used to estimate miscellaneous consumption. The projections are based on many assumptions, and are intended give a reasonable indication of usage patterns with house size. Building America's benchmark process based on US Department of Energy, Building America Research Benchmark Definition, Updated December 20, 2007 (<http://www.osti.gov/bridge>)

² Source: PG&E Climate Smart Program, Typical residential system is 3 to 5 kW (4kW ave.); 18% capacity factor; operating 8,760 hours per year <http://www.pge.com/about/environment/calculator/assumptions.shtml>
US EPA 2007 emissions rate for California (electric): 0.724 lbs CO₂ per kWh
http://www.epa.gov/cleanenergy/documents/eGRIDzips/eGRID2007V1_1_year05_GHGOutputRates.pdf

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| Type | Estimated Annual GHG Savings | Longevity rating (1-5) | Confidence rating (1-5) |
|---|------------------------------|------------------------|-------------------------|
| PV on existing structures | Dependent on measure | 4 | 5 |
| Energy efficient and/or low carbon producing project infrastructure upgrades (over 2009 standards) | Dependent on measure | 5 | 5 |
| Example: Use of high volume fly ash concrete | | | |
| Hybrid incentives for homeowners | 2,900lbs/unit ¹ | 3 | 4 |
| Neighborhood Electric Vehicle incentives for homeowners ² | 913lbs/unit | 3 | 3 |
| Local employee designated housing (school district, city, UCD, etc.) | 5,218lbs/unit ² | 4 | 4 |
| Contribution to local PV solar farm | Dependent on measure | 4 | 5 |
| To fully offset GHG emissions to meet new residential standard (1990 level) | 4.9kW/unit ³ | | |
| Partial Credit Measures (up to 10% of total project mitigation) (Longevity or Confidence Ratings < 3) | | | |
| Car share program | Dependent on measure | Dependent on measure | 2 |
| Community engagement program (Davis Low Carbon Diet) | Dependent on measure | 2 | 2 |

PASSED AND ADOPTED by the Davis City Council this ___ day of April 2009 by the following vote:

Ayes:

Noes:

Abstain:

Attest:

Ruth Asmundson, Mayor

Zoe Mirabile, City Clerk

¹ Source: PG&E Climate Smart Program, Assumes 12,000 miles traveled/yr. Compares hybrid-electric subcompact with comparable vehicle: 2007 Toyota Prius (46 miles per gallon average fuel efficiency) and (non-hybrid) 2007 Honda Civic (29 miles per gallon average fuel efficiency) <http://www.pge.com/about/environment/calculator/assumptions.shtml>

² Assume NEV used for 20% of total trips, all local at ave. of 2.5 miles/trip. Total miles 1,800/yr. NEV equivalent of 120 mpg.

³ Assume 40 mile commute round trip, 48 weeks/yr: 9,600 miles/yr Local commute not offset: 1,800/yr. Total miles avoided: 7,800/yr. Commute car ave. 29mpg (Honda Civic 2007).

⁴ For calculation of GHG savings assume 1500 kWh per kw peak per year installed on a fixed tilt angle. Total reduction of 7,306 kWh/unit/yr needed based on EPA estimates (see footnote 2 above). Total estimated installed PV to offset residential energy use (electricity and natural gas) to reach 1990 levels is approximately 4.9kw/unit.

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Cont'd**

RECEIVED

MAY 28 2009

City of Davis
Planning & Building

California Air Resources Board

Preliminary Draft Staff Proposal

**Recommended Approaches for Setting
Interim Significance Thresholds
for Greenhouse Gases under the
California Environmental Quality Act**

Released: October 24, 2008

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Cont'd**

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DOCUMENT AVAILABILITY

Electronic copies of this document and related materials can be found at: <http://www.arb.ca.gov/cc/localgov/ceqa/ceqa.htm>. Alternatively, paper copies may be obtained from the Board's Public Information Office, 1001 I Street, 1st Floor, Visitors and Environmental Services Center, Sacramento, California, 95814, (916) 322-2990.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

DISCLAIMER

This preliminary draft proposal has been reviewed by the staff of the Air Resources Board and approved for publication. Approval does not signify that the contents necessarily reflect the views and policies of the Air Resources Board, nor does mention of trade names or commercial products constitute endorsement or recommendation of use.

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Kyriacos Kyriacou and Jamesine Rogers

Reviewed and approved for distribution by: Lynn M. Terry, Deputy Executive Officer

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ATTACHMENT A: PRELIMINARY DRAFT PROPOSAL FOR INDUSTRIAL PROJECTS

ATTACHMENT B: PRELIMINARY DRAFT PROPOSAL FOR RESIDENTIAL AND COMMERCIAL PROJECTS

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Cont'd**

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INTRODUCTION

Climate change is one of the most serious environmental problems facing the world, the United States, and California today. In this State, climate change already is impacting our coastlines, water supplies, agriculture, and public health, and putting millions of acres of forested land at increased risk of fire. These adverse effects will only increase in number and intensity if we do not promptly and substantially reduce pollution of the atmosphere with greenhouse gases (GHGs).

California law provides that climate change is an environmental effect subject to the California Environmental Quality Act (CEQA).¹ Lead agencies therefore are obligated to determine whether a project's climate change-related effects may be significant, requiring preparation of an Environmental Impact Report,² and to impose feasible mitigation to substantially lessen any significant effects.³ Determining significance, however, can be a challenging task. Accordingly, the Governor's Office of Planning and Research in its June 2008 Technical Advisory, "CEQA and Climate Change,"⁴ asked the Air Resources Board (ARB) to make recommendations for GHG-related thresholds of significance – identifiable benchmarks or standards that assist lead agencies in the significance determination.⁵

With this Staff Proposal, ARB staff is taking the first step toward developing recommended statewide interim thresholds of significance for GHGs that may be adopted by local agencies for their own use. The task that ARB staff is undertaking is, however, a limited one. Staff will not attempt to address every type of project that may be subject to CEQA, but instead will focus on common project types that, collectively, are responsible for substantial GHG emissions – specifically, industrial, residential, and commercial projects.⁶ ARB staff believes that thresholds in these important sectors will advance our climate objectives, streamline project review, and encourage consistency and uniformity in the CEQA analysis of GHG emissions throughout the State.

Staff intends to make its final recommendations on thresholds in early 2009, in order to harmonize with OPR's timeline for issuing draft CEQA guidelines addressing GHG emissions⁷ and to provide much needed guidance to lead agencies in the near term.

Public, stakeholder, and local lead agency participation is essential to the success of this project. ARB staff believes that the comment and feedback it receives, along with

¹ Senate Bill 97, Public Resources Code, § 21083.05.

² California Code of Regulations, tit. 14, § 15064, subd. (f)(1).

³ *Id.*, § 15021, subd. (a)(2).

⁴ See: <http://opr.ca.gov/download.php?dl=ceqa/pdfs/june08-ceqa.pdf>

⁵ *Id.*, § 15064.7, subd. (a).

⁶ The collective greenhouse gas emissions from the industrial, residential and commercial sectors, together with the transportation sector, represent approximately 80% of the statewide greenhouse gas emissions inventory in 2004.

⁷ See Senate Bill 97, Public Resources Code § 21083.05 (providing that draft guidelines are due June 1, 2009).

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additional data and analyses, can form a body of evidence that lead agencies may rely on in adopting thresholds of significance consistent with ARB staff's recommendations.

Because the schedule is expedited, staff's recommendations must necessarily be interim and subject to review and revision as more information becomes available.⁸

BACKGROUND

Significance Under CEQA

A significant effect on the environment means a substantial, or potentially substantial, change in the environment caused directly or indirectly by the project.⁹ The incremental effect of a project can be significant when it is cumulatively considerable – that is, when the effect is added to that of other past, present, and reasonably foreseeable probable future projects that also contribute to the problem.¹⁰

To streamline and facilitate consistency in the significance determination, the CEQA Guidelines¹¹ encourage agencies "to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects."¹² A threshold of significance is an identifiable quantitative, qualitative or performance level that marks the division between an impact that is significant and one that is not. A threshold of significance gives rise to a presumption, which can be rebutted by evidence that the threshold should not apply to a particular project.

Thresholds of significance must be supported by "substantial evidence." This does not mean that there is one best threshold. In CEQA, substantial evidence "means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."¹³

Climate Change and GHG Thresholds of Significance

"The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached."¹⁴ But where should a threshold of significance be set for GHG emissions and climate change? This question can be answered only after considering the nature of the environmental problem.

⁸ ARB staff intends to monitor the implementation of thresholds that are adopted as a result of this process for effectiveness. In the same time frame as the update of the AB 32 Scoping Plan, staff intends to revisit its recommendations and to modify them if necessary.

⁹ California Code of Regulations, title 14, §§ 15064, subd. (d), 15382.

¹⁰ *Id.*, § 15355, subd. (b).

¹¹ *Id.*, § 15000, et. seq.

¹² *Id.*, § 15064.7, subd. (a).

¹³ *Id.*, § 15384, subd. (a).

¹⁴ Public Resources Code, § 21000, subd. (d).

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There is a scientific consensus that human activities, chief among them the burning of fossil fuels, profoundly affect the world's climate by increasing the atmospheric concentration of GHG beyond natural levels. Contributing additional GHG pollution to the atmosphere leads to higher global average temperatures, changes to climate, and adverse environmental impacts here in California and around the world.¹⁵ Climate change, caused by "collectively significant projects taking place over a period of time[.]"¹⁶ is a quintessential cumulative impact.

The experts tell us that an additional increase in global average temperatures of just 2 degrees Celsius (3.6 degrees Fahrenheit) is very likely dangerous.¹⁷ With a 2 degree Celsius increase, disastrous effects become likely, including more extreme and more frequent severe weather, more wildfires, greater frequency of droughts and floods, rapid and higher sea level rise, and increased habitat destruction and extinctions.¹⁸ These environmental effects will undoubtedly lead to serious economic, political, and national security disruptions.

In order to reduce the risk of dangerous climate change, we must stabilize atmospheric levels of GHGs at approximately 450 parts per million (ppm) by mid-century.¹⁹ We are fast approaching this limit. Since the beginning of the industrial era, atmospheric concentrations of carbon dioxide, the primary GHG, have climbed to their highest point in the last half-million years, increasing from just under 300 ppm at the turn of the last century, to over 380 ppm today, and rising at about 2 ppm per year.²⁰

In response to the challenge of climate change, California has taken a leadership role by committing to reduce its GHG emissions to 1990 levels by 2020 (about a thirty percent reduction in business-as-usual emissions in 2020) and to eighty percent below 1990 levels by 2050.²¹ The latter target is consistent with the scientific consensus of the reductions needed to stabilize atmospheric levels of GHGs at 450 ppm by mid-century. Assembly Bill 32, the Global Warming Solutions Act of 2006, codifies the 2020 reduction

¹⁵ There is a large body of authoritative sources on the causes and current and projected impacts of climate change. An extended discussion of climate change is beyond the scope of this Staff Proposal. For additional information, ARB recommends the Fourth Assessment Report by the Intergovernmental Panel on Climate Change (IPCC) and, in particular, the IPCC's "Frequently Asked Questions," available at: <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-faqs.pdf> and the 2006 California Climate Action Team's Report to the Governor and Legislature, available at: http://www.climatechange.ca.gov/climate_action_team/reports/index.html.

¹⁶ See California Code of Regulations, tit. 14, § 15355, subd. (b).

¹⁷ See IPCC 4th Assessment Report, Working Group II, Summary for Policymakers, Figure 2, available at: <http://www.ipcc.ch/graphics/graphics/ar4-wg2/ipg/spm2.jpg> (chart showing global impacts at various temperature increases); California Climate Change Center, Our Changing Climate: Assessing the Risks to California (2008) at p. 15, available at <http://www.energy.ca.gov/2006publications/CEC-500-2006-077/CEC-500-2006-077.PDF> (chart showing impacts in California at various temperature increases.)

¹⁸ *Id.*

¹⁹ See IPCC 4th Assessment Report, Working Group III, Summary for Policymakers at p. 17, available at <http://www.ipcc.ch/pdf/assessment-report/ar4/wg3/ar4-wg3-spm.pdf>.

²⁰ IPCC 4th Assessment Report, Working Group I, Figure FAQ 2.1, available at: <http://www.ipcc.ch/graphics/graphics/ar4-wg1/ipg/faq-2-1-fiq-1.jpg>.

²¹ Executive Order S-03-05

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target and charges ARB with development of a Scoping Plan to map out how the State will achieve this target, including regulatory, voluntary, and market-based mechanisms beginning in 2012.²²

There is strong need, however, to aggressively address GHG emissions right now. The pollution we contribute to the atmosphere today will continue to have climate impacts for years, decades, and, in some cases, millennia to come. And the longer we delay in addressing the problem, the more we risk being unable to meet our climate objective. CEQA provides a mechanism that is independent of AB 32 through which lead agencies can begin immediately to reduce the climate change-related impacts of the projects that come before them.

What Type of Threshold is Appropriate?

Some have suggested that because of the need for urgent action and the uncertainty of the precise "tipping point" for dangerous climate change, any contribution of GHGs to the atmosphere may be significant – a so-called "zero threshold."

ARB staff believes that for the project types under consideration, non-zero thresholds can be supported by substantial evidence. ARB staff believes that zero thresholds are not mandated in light of the fact that (1) some level of emissions in the near term and at mid-century is still consistent with climate stabilization and (2) current and anticipated regulations and programs apart from CEQA (e.g., AB 32, the Pavley vehicle regulations, the Renewable Portfolio Standard, the California Solar Initiative, and the commitment to net-zero-energy buildings by 2020 (residential) and 2030 (commercial)) will proliferate and increasingly will reduce the GHG contributions of past, present, and future projects.

But any non-zero threshold must be sufficiently stringent to make substantial contributions to reducing the State's GHG emissions peak, to causing that peak to occur sooner, and to putting California on track to meet its interim (2020) and long-term (2050) emissions reduction targets. ARB staff believes that the preliminary interim approaches outlined in this Staff Proposal are consistent with these objectives.

RECOMMENDED THRESHOLDS – CONCEPTUAL APPROACH

ARB staff believes that different GHG thresholds of significance may apply to projects in different sectors. Two primary reasons that sector-specific thresholds are appropriate are: (1) some sectors contribute more substantially to the problem, and therefore should have a greater obligation for emissions reductions, and, (2) looking forward, there are differing levels of emissions reductions expected from different sectors in order to meet California's climate objectives. We also believe that different types of thresholds – quantitative, qualitative, and performance-based – can apply to different sectors under the premise that the sectors can and must be treated separately given the state of the science and data. A sector-specific approach is consistent with ARB's

²² Health and Safety Code, § 38500, et. seq.

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Proposed Scoping Plan. Consequently, the Staff Proposal takes different, although harmonious, approaches to setting thresholds for different sectors.

The attached flowcharts describe ARB staff's preliminary interim threshold concepts for two important sectors: industrial projects (**Attachment A**) and residential and commercial projects (**Attachment B**). The objective is to develop thresholds for projects in these sectors that will result in a substantial portion of the GHG emissions from new projects being subject to CEQA's mitigation requirement, consistent with a lead agency's obligation to "avoid or minimize environmental damage where feasible."²³ ARB staff is working on a proposal for an interim approach for thresholds for transportation projects and large dairies. Electricity generation is another sector where clarity is needed in the near term. The California Energy Commission (CEC) recently began a public process for identifying an approach for assessing the significance of GHG emissions from power plant projects. CEC staff anticipates concluding that work in Spring 2009.²⁴

ARB staff's proposed recommendations for GHG thresholds address projects for which local agencies are typically the CEQA lead agency. In addition to the CEC, other State agencies also serve as lead agencies under CEQA. ARB is coordinating with these State agencies on their approaches to thresholds of significance.

²³ California Code of Regulations, title 14, § 15021.

²⁴ The CEC adopted an Order Instituting Informational Proceeding on October 8, 2008 to address GHG emissions in power plant licensing cases: http://www.energy.ca.gov/ghg_powerplants/notices/2008-10-06_PROPOSED_GHG_CEQA_OII.PDF.

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REQUEST FOR PUBLIC COMMENT

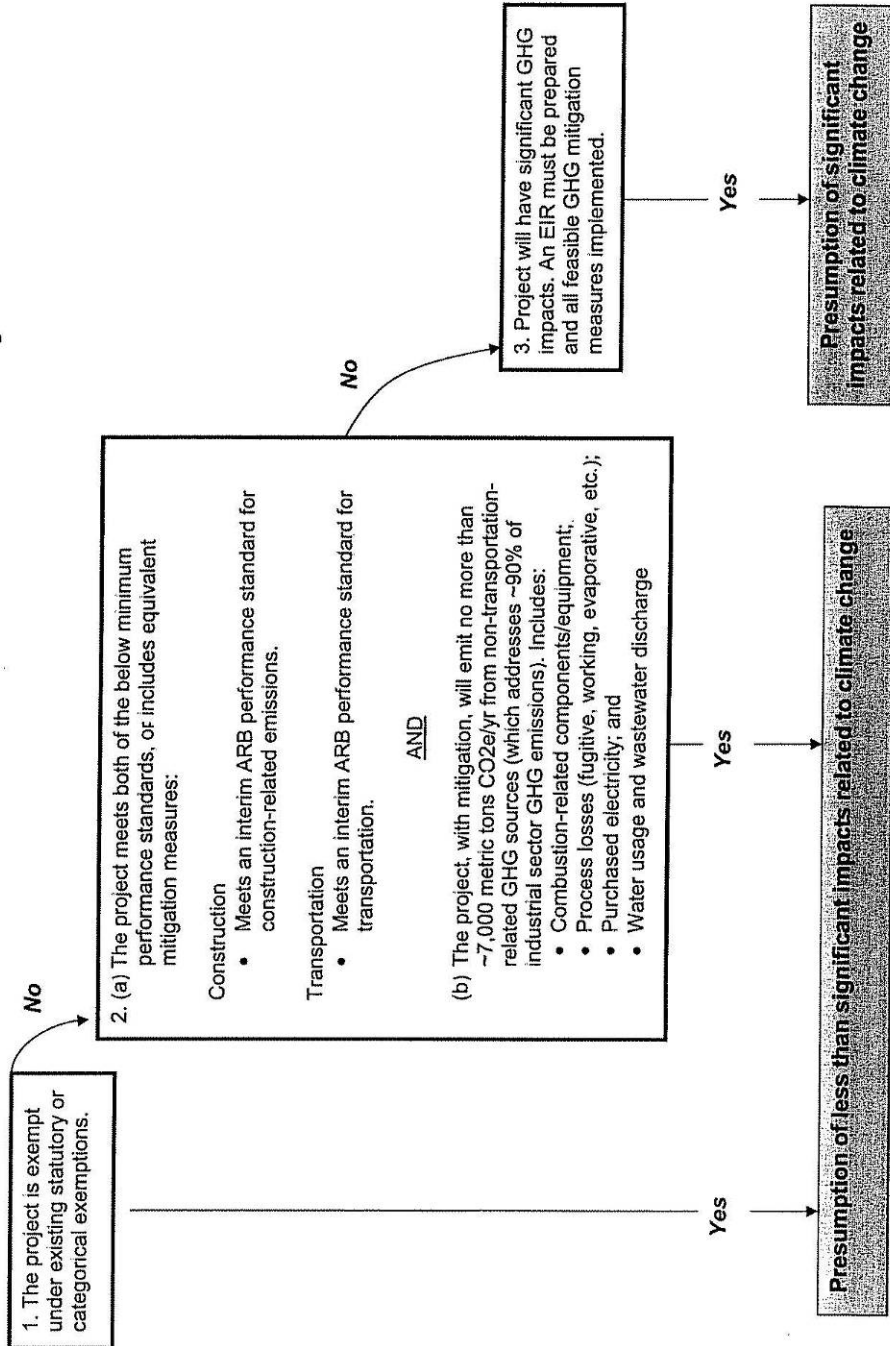
ARB staff believes that the concepts in this Staff Proposal can be further developed into interim thresholds of significance. However, staff recognizes that additional analyses and data are needed to fill in some of the blanks, and to understand how the thresholds will operate in the real world.

Comments on all aspects of the Staff Proposal are encouraged. In particular, ARB seeks the active participation of local lead agencies. Staff has identified a few questions to solicit public comment, but this list is not exhaustive.

- Will the recommended approaches have any unintended consequences, for example, encouraging the piecemealing of projects?
- As set out in the attachments to the Staff Proposal, staff proposes to define certain performance standards (e.g., for energy efficiency) by referencing or compiling lists from existing local, State or national standards. For some sub-sources of GHG emissions (e.g., construction, transportation, waste), ARB staff has not identified reference standards. How should the performance standards for these sub-sources be defined?
- Are any of the industrial, residential, or commercial project types eligible for categorical exemptions likely to contribute more significantly to climate change than staff's preliminary analysis indicates?
- For residential and commercial projects, staff has proposed that the GHG emissions of some projects that meet GHG performance standards might under some circumstances still be considered cumulatively considerable and therefore significant. What types of projects might still have significant climate change-related impacts?

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ATTACHMENT A
Preliminary Draft Proposal for Industrial Projects



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Preliminary Draft Proposal for Industrial Projects

Introduction

CEQA guidelines provide that thresholds of significance can be qualitative, quantitative, or in the form of performance standards. ARB staff's objective is to develop a threshold of significance that will result in the vast majority (~90% statewide) of the greenhouse gas (GHG) emissions from new industrial projects being subject to CEQA's requirement to impose feasible mitigation. ARB staff believes this can be accomplished with a threshold that allows small projects to be considered insignificant. ARB staff used existing data for the industrial sector to derive a proposed hybrid threshold. The threshold consists of a quantitative threshold of 7,000 metric tons of CO₂ equivalent per year (MTCO₂e/year) for operational emissions (excluding transportation), and performance standards for construction and transportation emissions.

The goal of this effort is to provide for the mitigation of GHG emissions from industrial projects on a statewide level. Over time, implementation of AB 32 will reduce or mitigate GHG emissions from industrial sources. Once such requirements are in place, they could become the performance standard for industrial projects for CEQA purposes. ARB staff intends to pursue this approach in conjunction with development of the regulatory requirements for industrial sources in the Proposed AB 32 Scoping Plan. Staff is proposing the use of a quantitative significance threshold at least until such time that performance standards, such as AB 32 regulatory requirements, are in place to ensure mitigation of significant impacts of GHG emissions from projects in the industrial sector.

The performance standards are largely self explanatory and similar to the approaches proposed for residential and commercial projects. The method for deriving the quantitative aspect of the threshold warrants further explanation.

Technical foundation for proposed quantitative aspect of the threshold

Based on the available data, ARB staff found that for the industrial sector, small projects – defined as the portion of new projects that, when viewed collectively, were responsible for only a relatively small amount of emissions – could be allowed to proceed without requiring additional mitigation under CEQA. The question for ARB staff was what line divides these small projects from the rest of the projects that should undergo mitigation to achieve the larger environmental objective.

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ARB decided to construct a representative small project and to estimate that project's expected emissions. First, ARB considered the common sub-sources of GHG emissions in the industrial sector. The four main broad emission categories and their approximate statewide contribution to GHG emissions from industrial facilities other than power plants are:

| Category | MMTCO ₂ e/year | Percent (%) |
|---|---------------------------|-------------|
| Combustion processes | 70 | 63 % |
| Process Losses (evaporative, fugitive, working, etc.) | 15 | 13 % |
| Purchased Electricity | 18 | 17 % |
| Water Use and Wastewater Treatment | 7 | 7 % |

As the table indicates, GHG emissions from industrial sources are dominated by combustion emissions. To ensure that significant industrial emissions would be captured by the proposed threshold, ARB staff evaluated industrial boilers because they are a very common piece of equipment, are essential in many energy-intensive industries, and are a top contributor to industrial combustion emissions.

A recent comprehensive survey of industrial boilers by Oak Ridge National Laboratory²⁵ found that boilers with an input capacity of 10 MMBtu/hr or greater correspond to 93 percent of total industrial boiler input capacity. Based on this data, ARB staff used a natural gas boiler input capacity benchmark of 10 MMBtu/hr which equates to emissions of 4,660 MTCO₂e/yr. This capacity benchmark defines a significant combustion source.

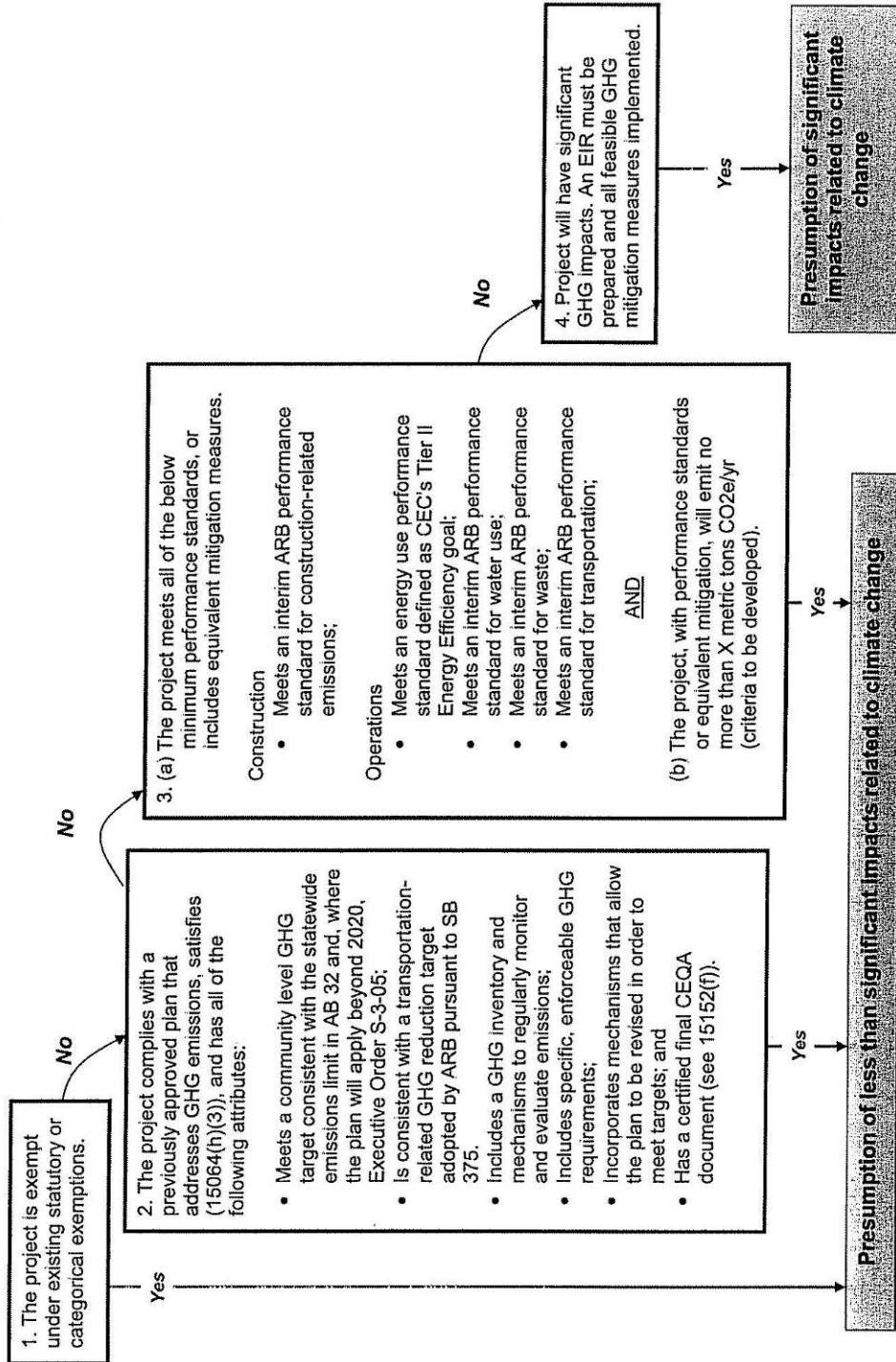
As shown in the above table, combustion processes account for 63 percent of the statewide GHG emissions from industrial facilities. Process losses, purchased electricity, and water use and water treatment account for the remaining 27 percent of emissions. Staff applied these proportions to the benchmark combustion emissions estimate (4,660 MTCO₂e/yr). The result is an overall emissions estimate of approximately 7,000 MTCO₂e/yr for a representative small project that accounts for the four main categories in the table above.

Based on the available data, staff believes that the 7,000 MTCO₂e/year benchmark can be used to effectively mitigate industrial projects with significant GHG emissions.

²⁵ Characterization of the U.S. Industrial/Commercial Boiler Population, Energy, and Environmental Analysis, Inc. submitted to Oak Ridge National Laboratory, available at: http://www.eea-inc.com/natgas_reports/BoilersFinal.pdf.

Letter 14
Cont'd

ATTACHMENT B
Preliminary Draft Proposal for Residential and Commercial Projects



**Letter 14
Cont'd**

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Preliminary Draft Proposal for Residential and Commercial Projects

Introduction

CEQA guidelines provide that thresholds of significance can be qualitative, quantitative, or in the form of performance standards. ARB staff's objective is to develop a threshold for residential and commercial projects that will substantially reduce the greenhouse gas (GHG) emissions from new projects and streamline the permitting of carbon-efficient projects. To achieve this, staff's preliminary recommendation is to develop a threshold based on clear and stringent performance standards.

Performance standards will address the five major emission sub-sources for the sector: energy use, transportation, water use, waste, and construction. For the energy use performance standard, staff recommends reliance on the California Energy Commission's (CEC) Tier II Energy Efficiency standards for solar energy incentive programs. These standards are consistent with what is needed to meet the state's goal of zero net energy buildings and are continuously updated to reflect energy efficiency best practices. For the remaining sub-sources (water, waste, etc.), staff intends to compile benchmark performance standards as part of its final threshold recommendation. Projects may alternatively incorporate mitigation equivalent to these performance standards.

Staff recognizes that a substantial body of measures to address GHG emissions exists through programs like LEED, GreenPoint Rated, and the California Green Building Code. As work on performance standards moves forward, staff intends to make use of these projects.

In addition, staff proposes that a presumption of non-significance apply only to projects whose total net emissions, after meeting the performance standards or equivalent, are below a specified level. Staff proposes to develop this emissions level as part of its final threshold recommendation.

Discussion of Flow Chart

Box 1: In general, categorical exemptions will continue to apply.

Based on its preliminary analysis, ARB staff believes that projects described in CEQA's categorical and statutory exemption provisions (Articles 18 and 19 of the California Code of Regulations, title 14) will not interfere with achieving the objective to minimize emissions from new projects in this sector. GHG emissions from residential and commercial projects that are described in the categorical exemption language appear to be relatively small from a GHG perspective. For example, staff's preliminary analysis indicates that emissions from a project qualifying for the statutory infill project exemption (Cal. Code Regs., tit. 14, § 15195) will emit approximately 1,600 metric tons (MT)CO₂e/yr. Staff believes

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such infill projects represent some of the largest projects described in the exemption provisions. ARB staff expects to provide additional analyses to support a lead agency's determination that the GHG impact of these project types is less than significant. Staff invites the public and stakeholders to provide further evidence on the application of categorical exemptions to residential and commercial projects.

Box 2: If GHGs are adequately addressed at the programmatic level, the impact of certain individual projects can be found to be insignificant.

As OPR noted in its June 2008 Technical Advisory:

CEQA can be a more effective tool for greenhouse gas emissions analysis and mitigation if it is supported and supplemented by sound development policies and practices that will reduce greenhouse gas emissions on a broad planning scale and that can provide the basis for a programmatic approach to project-specific CEQA analysis and mitigation.... For local government lead agencies, adoption of general plan policies and certification of general plan EIRs that analyze broad jurisdiction-wide impacts of greenhouse gas emissions can be part of an effective strategy for addressing cumulative impacts and for streamlining later project-specific CEQA reviews.

ARB staff encourages local agencies to take advantage of a programmatic approach to address climate change, consistent with existing law.

If a project complies with the requirements of a previously adopted GHG emission reduction plan or mitigation program that satisfies California Code of Regulations, title 14, section 15064(h)(3), and includes the attributes specified in that provision and Box 2, the lead agency may determine that the project's GHG impacts are less than significant with no further analysis required. Examples of plans that may satisfy this provision include Climate Action Plans incorporated into General Plans that have inventories, an emissions target, suites of specific and enforceable measures to reach that target, monitoring and reporting, and mechanisms to revise the plan to stay on target. Moreover, a prior EIR that "adequately addressed" climate change may be used for tiering purposes. (See Cal. Code Regs. tit. 14, § 15152.)

Box 3: Projects that meet performance standards, or include equivalent mitigation, can be found to be insignificant.

The threshold incorporates performance standards requiring carbon efficiency for each major sub-source of emissions from projects in these sectors. Provided they are set at a sufficiently stringent level, performance standards will dramatically reduce GHG emissions and promote a transition toward zero and low emission projects. In most cases, ARB staff expects that performance

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standards will need to reach beyond current State mandates by a substantial amount, given that GHG emission reduction goals have not yet been adequately incorporated into State programs. Staff anticipates that performance standards will become more stringent over time.

ARB staff has identified the California Energy Commission's Tier II Energy Efficiency goals as an appropriate performance standard for energy use. Under State law, the CEC is required to establish eligibility criteria, conditions for incentives, and rating standards to qualify for ratepayer-funded solar energy system incentives in California. As part of this effort, the CEC establishes energy efficiency standards for homes and commercial structures, and requires new buildings to exceed current building standards by meeting Tier Energy Efficiency goals. CEC's Tier II Energy Efficiency goals will continue to be updated to achieve energy efficiency best practices, and are consistent with what is needed to meet the California Public Utilities Commission Strategic Plan goals of zero net energy buildings. Currently, the CEC's proposed guidelines for the solar energy incentive program recommend a Tier II goal for residential and commercial projects of a 30 percent reduction in building combined space heating, cooling, and water heating energy compared to the 2008 Title 24 Standards.²⁶

For the remaining sub-sources, staff intends to compile benchmark performance standards as part of its final threshold recommendation. ARB staff believes that existing progressive green building standards provide a starting point for performance standards for transportation, water use, waste, and construction-related emissions. Existing green building rating systems like LEED, GreenPoint Rated, the California Green Building Code, and others, contain examples of measures that are likely to result in substantial GHG emission reductions from residential and commercial projects. The key to this approach will be identifying effective GHG reduction measures within these systems. ARB staff would like input from the public and stakeholders on appropriate performance standards for these sub-sources. Performance standards that already exist and have been proven to be effective – at the local, State, national or international level – are preferable.

Under staff's proposed approach, lead agencies would be allowed to find that a project's mitigation is "equivalent" to identified performance standards, thereby allowing for cost-effective and innovative approaches to reducing GHG emissions.

Staff believes that under some circumstances, projects that meet performance standards or include equivalent mitigation measures will have impacts that may still be cumulatively considerable and therefore significant. For this reason, staff recommends that, in addition to meeting performance standards or including

²⁶ Guidelines for California's Solar Electric Incentive Program Pursuant to Senate Bill 1 - SECOND EDITION - Draft Guidelines can be found at:
<http://www.energy.ca.gov/2008publications/CEC-300-2008-007/CEC-300-2008-007-D.PDF>

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equivalent mitigation measures, a project must also emit no more than "X" MTCO₂e/yr. Criteria for determining this emissions level have yet to be defined. ARB requests public and stakeholder input on what types of projects might still have significant climate change-related impacts.

Box 4: Presumption of significant impacts.

If a project cannot meet the requirements in the previous boxes, it should be presumed to have significant impacts related to climate change. The lead agency must then prepare an EIR, or other appropriate document, and implement all feasible GHG mitigation measures.

LETTER 14: WHITMAN F. MANLEY, REMY, THOMAS, MOOSE AND MANLEY, LLP

Response to Comment 14-1

This comment is an introductory paragraph and does not address the adequacy of the DEIR.

Response to Comment 14-2

The commenter is correct that the reference to 36 middle-income units should be 30 middle-income units.

Chapter 1 of the DEIR, page 1-2, is hereby revised as follows:

Attached single-family townhome, 78 units (~~36~~30 are Middle Income for sale-attached units)...

Chapter 2 of the DEIR, page 2-1, last paragraph is hereby revised as follows:

...73 detached single-family residences, and 78 two to three story attached single-family townhome units (including ~~36~~30 middle-income units) on 11.95-acres and 1.92-acres of attached affordable housing for a maximum of 40 units at 21 du/ac...

Chapter 3 of the DEIR, page 3-4, fourth paragraph is hereby revised as follows:

...73 detached single-family residences, and 78 two to three story attached single-family townhome units (including ~~36~~30 middle-income units) on 11.95-acres and 1.92-acres of attached affordable housing for a maximum of 40 units at 21 du/ac (See Table 3-1, Wildhorse Ranch Project Data and Figure 3-3, Wildhorse Ranch Site Plan).

Chapter 3 of the DEIR, page 3-5, Table 3-1 is hereby revised as follows:

| Project Residential Unit Types | Units |
|--|------------------------------------|
| Detached Single-Family (3,600 square feet) | 73 |
| Attached Single-Family | 78* |
| Middle Income for Sale-Attached | (36 <u>30</u> * of 78) |
| Low/Very Low (Multi-family rental units) | 40* |

Section 4.1 of the DEIR, page 4.1-22, second to last paragraph is hereby revised as follows:

...The proposed project is consistent with the policy because the project includes 73 detached single-family residences, 78 two to three story attached single-family units (including ~~36~~30 middle-income units) on 11.95 acres, and 1.92 acres of attached affordable housing for a maximum of 40 units at 21 dwelling units per

acre. Therefore, the proposed project would provide a mix of densities, price and rents, and housing types.

Section 4.2 of the DEIR, page 4.2-10, third paragraph is hereby revised as follows:

...The affordable housing would be composed of 3630 units of attached for-sale middle-income units, and 1.92 acres of land designated for the development of affordable housing...

Section 4.7 of the DEIR, page 4.7-8, second bullet is hereby revised as follows:

- 78 two- to three-story attached single-family units (including 3630 middle-income units) on 11.95 acres; and

The above changes are for clarification purposes only and do not alter any of the conclusions contained within the DEIR.

Response to Comment 14-3

Please see Response to Comment 14-2.

Response to Comment 14-4

Please see Response to Comment 14-2.

Response to Comment 14-5

For clarification purposes, Figure 3-3, page 3-6 of the DEIR is replaced as follows:

**Figure 3-3
 Wildhorse Ranch Site Plan**



In addition to the location of roadways and residential units, the revised Figure 3-3 includes a preliminary concept for various landscape features. The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-6

Based upon clarification with City Staff regarding the affordable housing site, Chapter 3 of the DEIR, page 3-7, second paragraph is hereby revised as follows:

...If dedicated to the City, the land dedication site would be required to be at least 2.671.92 acres. A land dedication site of 2.671.92 acres for a 40-unit requirement is consistent with the City density calculations of 15 du/acre in accordance with the Affordable Housing Ordinance...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-7

Please see Response to Comment 14-6.

Response to Comment 14-8

Chapter 3 of the DEIR, page 3-8, 8th bullet is hereby revised as follows:

- Energy Star rated appliances (to include dishwasher, and refrigerator ~~and clothes washer~~);

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-9

Chapter 3 of the DEIR, page 3-8, 12th bullet is hereby revised as follows:

- Low water-factor ~~clothes washers and~~ dishwashers;

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-10

The comment asks why the option of a new deep aquifer well (an option noted on page 3-10 of the DEIR) is not described in the Public Services Section (Section 4-9 of the DEIR).

Page 4.9-6 of the Public Services section describes projects that the City is currently undertaking to improve availability of water supply (under paragraph entitled *Water Supply Projects and System Upgrades*). Additionally, new deep wells are discussed under the next paragraph (paragraph entitled *City Well Capacity Replacement Project*). However, this discussion limits the City to replacement of existing deep well capacity. This is due to an agreement between the City and U.C. Davis which limits the volume of water that the City can pump from the deep aquifer. The City is limited to 4,500 gpm of capacity from deep aquifer wells; therefore, proposed City projects are limited to replacement of wells which already meet this capacity.

If a developer were to provide a deep well outside the City limits, they would potentially have to go through the same EIR process with U.C. Davis that the City went through but may be able to provide additional water supply through such means.

Response to Comment 14-11

Section 4.1, Land Use and Agricultural, of the DEIR includes an analysis for agricultural resources on the project site. As stated on page 4.1-7 of the DEIR, similar to the criteria in the LESA model, the DEIR analysis used information from the USDA Natural Resources Conservation Service, Land Capability Classification System, Storie Index Rating system, and Farmland Mapping and Monitoring Program. The executive summary of the LESA model states that amendment to Appendix G of the California Environmental Quality Act Guidelines is intended “to provide lead agencies with an optional methodology...” Therefore, the analysis in the DEIR is adequate and further analysis is not warranted.

Response to Comment 14-12

Please see Response to Comment 14-2.

Section 4.1 of the DEIR, page 4.1-22, second to last paragraph is hereby revised as follows:

The project is consistent with *Policy LU A.3* of the General Plan which requires each new development to include a mix of housing types, densities, prices and rents, and designs. The proposed project is consistent with the policy because the project includes 73 detached single-family residences, 78 two to three story attached single-family units (including ~~3630~~ middle-income units) on 11.95 acres, and 1.92 acres of attached ~~affordable-multifamily~~ housing for a maximum of 40 units (38 units are affordable) at 21 dwelling units per acre. Therefore, the proposed project would provide a mix of densities, price and rents, and housing types.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-13

The commenter is correct that the total Agricultural Buffer, Covell Greenstreet, and land dedication is 3.66 acres and the total deduction is 5.27 acres.

Section 4.1 of the DEIR, page 4.1-23, first paragraph is hereby revised as follows:

...Using this approach, a total of ~~3.923.66~~ acres was subtracted from the 25.79-acre total site acreage, resulting in a greenbelt calculation acreage of ~~21.8820.52~~ acres...

Section 4.9 of the DEIR, page 4.9-31, last paragraph is hereby revised as follows:

...Using this approach, a total of ~~3.923.66~~ acres was subtracted from the 25.78-acre total site acreage, resulting in project acreage of ~~21.8820.52~~ acres...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

As stated on page 4.1-14 of the DEIR, Policy LUA.5 of the City of Davis General Plan Update requires all new residential development to designate 10 percent for use as open space primarily for neighborhood greenbelts. The Natural Habitat Area is considered Private Open Space (Orchard Area) and would not reduce the required neighborhood greenbelt area. Therefore, consistent with DEIR conclusions, the neighborhood greenbelt acreage required for the project exceeds the 1.61 acres provided by the proposed project and payment of in-lieu Quimby fees would be required.

Response to Comment 14-14

The commenter is correct that the California Department of Conservation's *Guide to the Farmland Mapping and Monitoring Program* defines Prime, Statewide, and Unique Farmland as requiring irrigation within the 2 years prior to the mapping date. However, Section 40.A.03.020(c) of the Davis Municipal Code defines agricultural land or farmland as the following:

Those land areas of the county and/or city specifically designated and zoned as Agricultural Preserve (A-P), Agricultural Exclusive (A-E), or Agricultural General (A-1), as those zones are defined in the Yolo County zoning ordinance; those land areas designated and zoned Exclusive Agriculture (A-40), as defined in the Solano County zoning ordinance; those lands in agricultural use; those lands designated in the city's general plan as Agricultural (A); and those land areas of the city of Davis specifically designated and zoned as Agricultural (A), Agricultural Planned Development, or Urban Reserve where the soil of the land contains Class 1, 2, 3, or 4 soils, as defined by the Soil Conservation Service.

The proposed project site is designated as Agriculture in City of Davis General Plan. In addition, the City of Davis General Plan, Figure 33, shows the project site as "Class I – Least Limited Soils for Agricultural Use." Class I soils are described on page 287 of the GP as being of "prime agricultural significance." The General Plan EIR concludes on page 5A-33 that conversion of prime agricultural land due to urban development would be a significant and unavoidable impact. Therefore, consistent with the conclusions in the General Plan DEIR, the Wildhorse DEIR is

correct in concluding that the proposed project would result in a significant impact due to the irreversible conversion of Class I soil, which according to the City's General Plan are of prime agricultural significance (See Figure 22 of the Davis General Plan).

Response to Comment 14-15

As stated on Page 4.1-11 of the DEIR, the Land Use and Agricultural Resources analysis includes Land Capability Classification and Storie Index Rating System values for the proposed project site.

Response to Comment 14-16

Please see Response to Comment 14-14.

Response to Comment 14-17

Please see Response to Comment 14-14.

Response to Comment 14-18

Please see Response to Comment 14-14.

Response to Comment 14-19

As stated on page 4.1-25 of the DEIR, the Yolo County Agricultural Commissioner was contacted to obtain information regarding restrictions on pesticide application near residential development. The Yolo County Agricultural Commissioner stated that the County restricts farmers from aerial pesticides applications within 500 feet of any sensitive receptors and within 100 feet for ground spraying. While these restrictions would decrease the amount of area that could be farmed, the impact is still based on the conversion of prime agricultural soils, which as indicated in Response to Comment 14-14, is considered by the City to be a significant and unavoidable impact.

Response to Comment 14-20

Please see Responses to Comments 14-14 and 14-19. Given that the 500-foot aerial pesticide spraying would not be conducted for this site and a 100-foot buffer for ground spraying would be required, a majority of the site could be actively farmed.

Response to Comment 14-21

Please see Response to Comment 14-14.

Response to Comment 14-22

The City of Davis General Plan EIR page 5A-33 mitigation measure requires an amendment to the Farmland Preservation Ordinance to increase the existing mitigation for the loss of farmland from a 1:1 ratio to a 2:1 ratio for conversion of existing agricultural land. As stated on page 4.1-19 of the DEIR, Section 40A.03 of the Right-to-Farm and Farmland Preservation Ordinance states that land adjacent to City Limits and within 0.25 mile of the City Limits requires two times the number of acres to be protected.

Response to Comment 14-23

Please see Response to Comment 14-14.

Response to Comment 14-24

Please see Response to Comment 14-14.

Response to Comment 14-25

Section 40A.05.050b of the Davis Municipal Code states that the 150-foot agricultural buffer/transition area shall not qualify as farmland mitigation. Therefore, the conclusions in the DEIR are correct and revisions are not warranted.

Response to Comment 14-26

Section 4.2 of the DEIR, page 4.2-10, third paragraph is hereby revised as follows:

~~Forty (40)~~ Thirty six (36) percent of the project's housing would be affordable to very low and low as well as middle-income housing provided in accordance with the City's specifications and definitions of affordable and middle income housing.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-27

Please see Response to Comment 14-2.

Response to Comment 14-28

As noted by the commenter, the traffic analysis is based on the analysis of 259 units. The traffic report analyzed the proposed project site under the worst case scenario and further analysis is not warranted.

Response to Comment 14-29

City Staff and the project applicant have previously agreed to have the final determination of project internal street widths and street improvements completed at the time of submittal of the project tentative map. It is at this stage in the process, when sufficient dimensions will be provided for Staff's review and approval. City Staff's review will ensure that final street design will accommodate emergency vehicles, standard moving vans, garbage trucks, etc.

Response to Comment 14-30

Please see Response to Comment 14-29.

Response to Comment 14-31

The comment concurs with information in the DEIR.

Response to Comment 14-32

The comment concurs with information in the DEIR.

Response to Comment 14-33

Please see Response to Comment 14-29.

Response to Comment 14-34

Please see Response to Comment 14-29.

Response to Comment 14-35

Please see Response to Comment 14-29. The proposed project's street design elements, including corner radii, travel width, sidewalk width, and other key dimensions, will be reviewed by City staff at the tentative map submittal and will be conditioned to meet City requirements at that time.

Response to Comment 14-36

Please see Response to Comment 14-35. The Section E streets serve not only as alley access for parking on individual properties, but also may serve substantial numbers of pedestrians walking between parking areas that are not immediately adjacent to individual properties, thus making sidewalks more desirable.

Response to Comment 14-37

The commenter is correct that the reference to Table 4.3-8 should be Table 4.3-18. Section 4.3 of the DEIR, page 4.3-55, last paragraph is hereby revised as follows:

As shown in Table 4.3-84.3-18, the Second Street / Mace Boulevard intersection operates at LOS C under both the Existing and Existing With Project scenarios...

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-38

The comment is an introductory preface to the following comments and does not address the adequacy of the DEIR.

Response to Comment 14-39

The percent contribution is provided as information to support the City's ultimate determination of the project's fair share contribution to off-site mitigations and is not part of the significance criteria needed for an adequate EIR analysis.

Response to Comment 14-40

The five second delay increase is a result of the LOS methodology, and is not linearly related to increase in traffic volume with the project. Please see the Technical Appendix for the detailed LOS calculation worksheets which show the delay calculation (See Appendix C of the DEIR). As to the question regarding the percent increase, the three percent calculation is the ratio of the project traffic to the total growth in traffic (i.e. future cumulative traffic minus existing traffic). The ratio of project traffic to total future cumulative traffic would indeed be a lower percentage. However, when assessing fair share contributions, it is not correct to include existing traffic volumes in the denominator, as existing traffic generators are already assumed to have contributed to the roadway infrastructure through property taxes, development fees, and/or direct contributions to project-required improvements.

Response to Comment 14-41

As noted by the commenter, the traffic analysis is based on the development of 259 units. The traffic report analyzed the proposed project site under the worst case scenario and further analysis is not required.

Response to Comment 14-42

The single-family trip generation rate was the most appropriate rate to use for the project as defined when the DEIR analysis was performed. Please see Response to Comment 14-41. It should be noted that the comment misstates the originally proposed total dwelling unit count twice. The original proposal for the project included 259 units.

Response to Comment 14-43

Please see Responses to Comments 14-41 and 14-42.

Response to Comment 14-44

Please see Responses to Comments 14-41 and 14-42.

Response to Comment 14-45

The Project will be required to contribute, on a fair-share basis, to improvements required as a result of a significant project impact, and may not be required to contribute to improvements that are fully the responsibility of other projects.

Response to Comment 14-46

Please see Response to Comment 14-45.

Response to Comment 14-47

The DEIR provides information on the project's contribution to traffic growth at the significantly impacted locations, as this is the most appropriate measure for fair share determination (please see Response to Comment 14-40). However, the City's final determination of the required contribution to off-site impacts will be determined through the project approval process, particularly the Tentative and Final Maps, and is not specified in the DEIR.

Response to Comment 14-48

Please see Response to Comment 14-47.

Response to Comment 14-49

Swainson's hawk (SWHA) foraging habitat mitigation lands may be used to fulfill burrowing owl habitat mitigation obligations. However, any conservation agreement reached with the California Department of Fish and Game (CDFG) must include habitat management objectives that address both species. In other words, the lands must be managed for the benefit of both species. In addition, in the event that there are more than two pairs or unpaired owls occupying the property, the 15.5 acres of SWHA foraging habitat would be inadequate, thus requiring additional mitigation land.

Response to Comment 14-50

Section 4.6 of the DEIR, page 4.6-1, first paragraph is hereby revised as follows:

This section is primarily based on a *Biological Resource Analysis* (Appendix F),¹
a *Habitat Assessment and Focused Winter Season Survey for Burrowing Owl*

(Appendix G),² and *Focused Breeding Season Survey for Burrowing Owl* (Appendix G)³ prepared by EDAW, Inc., a *Tree Appraisal* (Appendix H)⁴ prepared by Tree Associates, as well as the *City of Davis General Plan*,⁵ as well as *Burrowing Owl Survey Protocol and Mitigation Guidelines*.⁶

Section 4.6 of the DEIR, page 4.6-49, "Endnotes," is hereby revised as follows:

1. EDAW, Inc., *Biological Resource Analysis*, February 13, 2007.
2. EDAW, Inc., *Habitat Assessment and Focused Winter Season Survey for Burrowing Owl*, April 9, 2007.
3. EDAW, Inc., *Focused Breeding Season Survey for Burrowing Owl*, September 26, 2007.
4. Tree Associates, *Tree Appraisal*, September 15, 2006.
5. City of Davis, *City of Davis General Plan*, May 2001.
6. California Burrowing Owl Consortium, *Burrowing Owl Survey Protocol and Mitigation Guidelines*, April 1993.

The above changes are for clarification purposes only and do not alter any of the conclusions contained within the DEIR.

Response to Comment 14-51

Section 4.6 of the DEIR, page 4.6-45, second paragraph is hereby revised as follows:

- 4.6-5(c) *Replacement trees for any potential Swainson's hawk nest trees removed as part of project construction must be planted either on-site or at a nearby site, and/or an in-lieu fee must be paid to the City of Davis Tree Preservation Fund as detailed in Mitigation Measure 4.6-7. The implementation of this measure is not intended to be duplicative of the mitigation for loss of trees contained in Mitigation Measure 4.6-7(c). Accordingly, mitigation provided under Mitigation Measure 4.6-7(c) may also serve as mitigation under this measure, provided that the standards of this measure are met.*

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-52

The project site provides suitable foraging habitat for threatened Swainson's hawks, irrespective of quality. CDFG identifies "dry-land pasture" and "fallow fields" (among other habitats) as "preferred foraging habitats for Swainson's hawks."¹ The project site supports adequate

¹ California Department of Fish and Game, *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California, 1994.*

vegetative cover to harbor an abundance of potential prey items for SWHA including species such as California ground squirrel, burrowing owl, meadow vole, western fence lizard, gopher snake and racer. The project site adjoins open space and agricultural fields to the immediate east. This connection facilitates the movement of potential prey items onto the site and increases the likelihood that hawks will find, and thus, forage on the site. Structures and paved surfaces are not considered suitable foraging habitat and thus have been removed from the total acres of proposed project development. CEQA requires a mandatory finding of significance if a project will impact a threatened or endangered species. The loss of SWHA foraging habitat (regardless of quality) associated with this project is therefore significant, as determined in Impact Statement 4.6-6 of the DEIR.

For further clarification purposes, Section 4.6 of the DEIR, page 4.6-45, Mitigation Measures 4.6-6(a) is hereby revised as follows:

~~4.6-6(a) — The applicant shall be responsible for mitigating the loss of any Swainson's hawk foraging habitat. The extent of any necessary mitigation shall be determined by the City in consultation with CDFG; past recommended mitigation for loss of foraging habitat has been at a ratio of one acre of suitable foraging habitat for every one acre utilized by the proposed project. An "Agreement Regarding Mitigation for Impacts to Swainson's Hawk Foraging Habitat in Yolo County" was executed in August, 2002, between the Cities of Davis, West Sacramento, Winters, Woodland, the County of Yolo, and CDFG. The agreement currently requires 1.0 acre of habitat management lands as mitigation for each 1.0 acre of Swainson's hawk foraging habitat lost.~~

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR. Upon City Staff's further review, it has been determined that Mitigation Measure 4.6-6(a) is redundant with the more detailed Mitigation Measure 4.6-6(b) addressing the same issue - Swainson's hawk foraging habitat.

Response to Comment 14-53

The commenter's proposed revision to Mitigation Measure 4.6-6(a) is inconsistent with State regulatory guidelines for the species and therefore unacceptable. The loss of SWHA foraging habitat associated with this project is considered significant. The project proposes to permanently remove 15.5 acres of SWHA foraging habitat. Active SWHA nests are known to occur within one mile of the project site. Active nests are those that have been used one or more times during the last five years. Historic and current nesting activity within the City supports the likelihood that SWHA would be nesting within one mile of the project site immediately prior to construction. In order to reduce the impact to a less-than-significant level, CDFG requires, for projects within one mile of an active SWHA nest, that one acre of mitigation land be acquired for each one acre of foraging habitat lost. Mitigation ratios decrease by 1/4 acre of mitigation land for each five miles (up to 10 miles) of distance between active nests and lost habitat (i.e. 0.75:1 for nests greater than one mile but within five miles, 0.5:1 for nests greater than five miles but

within 10).² The exceptions for this requirement are "infill projects in areas which have less than five acres of foraging habitat and are surrounded by existing urban development." The project does not qualify for this exception.

For further clarification purposes, Section 4.6 of the DEIR, page 4.6-45, Mitigation Measures 4.6-6(b) is hereby revised as follows:

4.6-6(b) *The project proponent will compensate for the loss of Swainson's hawk foraging habitat by providing Habitat Management lands (HM lands) to CDFG as defined in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (published by California Department of Fish and Game in 1994). If the proposed project is located within 1 mile of an active nest (used during one or more of the last five years, to be determined with preconstruction surveys) the loss of habitat will be compensated at a ratio of 1:1 (HM lands:urban development). The project proponent will provide HM lands through an in-lieu fee process prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, ~~groundbreaking~~ per the Agreement to Yolo County HCP/NCCP Joint Powers Agency. Credits will be purchased through the in-lieu fee program due to the lack of mitigation credits currently available at a bank. As of January 2007, the cost per acre for the in-lieu fee is \$8,660 payable to the Joint Powers Agency. Should the in-lieu fee be increased prior to clearance to grade the project site, the project proponent shall pay the in-lieu fee in effect at that time. The project proponent will issue a check to the Joint Powers Agency if mitigation is required. It is estimated that a total of 15.5 acres of Swainson's hawk foraging habitat would be removed as a result of the project. The applicant shall pay the in-lieu fee for the 15.5 acres based on the removal of this Swainson's hawk foraging habitat.*

Or-

Prior to commencement of construction-related activities ~~for the project including, but not limited to, grading, staging of materials, or earthmoving activities~~, the project proponent shall place and record one or more Conservation Easements that meet the acreage requirements of CDFG's Swainson's Hawk foraging habitat mitigation guidelines. The conservation easement(s) shall be executed by the project proponent and a Conservation operator.

² California Department of Fish and Game, *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California*, 1994.

The City may, at its discretion, also be a party to the conservation easement(s). The conservation easement(s) shall be reviewed and approved in writing by CDFG prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk.

The above changes are for clarification purposes only and do not alter any of the conclusions contained within the DEIR.

Response to Comment 14-54

Please see Response to Comment 14-53.

Response to Comment 14-55

Please see Response to Comment 14-2.

Response to Comment 14-56

Fair share fees will be based on the actual number of units proposed on the Tentative Map application. Fees will be determined at the time of the Tentative Map approval.

Response to Comment 14-57

Please see Response to Comment 14-56.

Response to Comment 14-58

As stated on page 4.9-28 of the DEIR:

...the May 2007 letter and the March 2009 response time map provided by the Fire Department indicated that the internal streets of the proposed project lie just outside of the Department's 5 minute response time area. Furthermore, response times to the project site could be greater if Engine 33 (from Station 33 on Mace Boulevard) is already assigned. The Davis General Plan specifically identified the Wildhorse development as having deficient response times. The proposed project is located within the Davis General Plan area, adjacent to the Wildhorse development area, within the area identified as having a deficient response time. The General Plan EIR identified a significant and unavoidable cumulative impact related to the adequacy of the fire protection infrastructure, as buildout of the General Plan would result in development in areas that are outside of the General Plan update performance standards. The City Council found that feasible mitigation measures did not exist to reduce the impact to a less-than-significant level, and, as a result, fire response times would remain deficient until such time as a fourth fire station is constructed to serve the northwestern portion of the City of Davis. The Davis City Council adopted Findings of Fact and a Statement of Overriding

Considerations that found that the specific economic, legal, social, technological, and other considerations supported approval of the General Plan despite the significant and unavoidable impact. Therefore, consistent with the analysis of the Davis General Plan and General Plan EIR, the proposed project would have a significant impact to fire protection services.

It is not necessary to include the fire response time map referenced in the DEIR text on page 4.9-28, as the DEIR discussion includes the results of City Staff's review of the response time map provided by the Fire Chief and direct correspondence with the Fire Department Chief. Furthermore, the DEIR conclusion regarding fire protection services does not solely rely upon said response time map, but also the conclusions of the Davis General Plan EIR regarding deficient response times for the Wildhorse development area, as stated on page 4.9-28 of the DEIR.

Response to Comment 14-59

Based upon the comment and further consideration by City Staff, Mitigation Measure 4.9-4 on page 4.9-28 of the DEIR is hereby revised for clarification purposes as follows:

4.9-1 *Prior to the issuance of ~~building permits~~ Certificates of Occupancy, the applicant shall ~~contribute funds to the Davis Fire Department for the provision of facilities needed to provide adequate fire protection service to the proposed project. These facilities may include but are not necessarily limited to a fourth City fire station and a ladder truck. The amount of funding shall be~~ pay all applicable major project impact fees per the impact fee schedule determined by the Community Development Director and the Davis Fire Chief.*

It is important to note that the DEIR did not determine that Mitigation Measure 4.9-4 would reduce the project's impact to fire protection services to a less-than-significant level. The above revised Mitigation Measure 4.9-4 would also not be expected to reduce the proposed project's impacts to fire protection services, but rather, the measure would serve to reduce the project's fire services impact to the extent feasible. Therefore, the DEIR conclusions remain unchanged in the respect that the project's impacts to fire protection services would be significant and unavoidable.

Response to Comment 14-60

Please see Response to Comment 14-59.

Response to Comment 14-61

Please see Response to Comment 14-59.

Response to Comment 14-62

As stated in the DEIR on page 4.9-29:

The proposed project involves the construction of 191 residential units, which would result in a population increase in the City of Davis of 474 persons. According to the Davis Police Department, the City's service ratio standard is 1.2 officers per 1,000 population and the existing service level is roughly 0.88 officers per 1,000 population. Utilizing the City's service ratio standard, the project would generate the need for an additional 0.57 officers (Officers required = total project population/1,000 x 1.2). The Davis Police Department has indicated that it does not have adequate resources to meet its current obligations.

The DEIR's conclusion is based upon an increase in the need of police services as a result of the project as determined by the Davis Police Department and Community Development Department staff using applicable City standards. The comment appears to suggest that the project's contribution to the overall demand for City police services is de minimus and therefore not an impact; such an approach to determining an impact is not justified.

Response to Comment 14-63

Based upon the comment, further consideration has been given by City Staff regarding the fact that police service is an issue that is evaluated and addressed at a city-wide level. The City currently collects impact fees from new development and reviews the adequacy of impact fees on an annual basis. Payment of the applicable impact fees by the project applicant would ensure that project impacts to police services are less-than-significant. As a result, Impact Statement 4.9-2 on page 4.9-29 of the DEIR is hereby revised as follows:

4.9-2 Increase demand for law enforcement protection services.

The proposed project involves the construction of 191 residential units, which would result in a population increase in the City of Davis of 474 persons. According to the Davis Police Department, the City's service ratio standard is 1.2 officers per 1,000 population and the existing service level is roughly 0.88 officers per 1,000 population. Utilizing the City's service ratio standard, the project would generate the need for an additional 0.57 officers (Officers required = total project population/1,000 x 1.2). The Davis Police Department has indicated that it does not have adequate resources to meet its current obligations.ⁱ However, police service is an issue that is appropriately evaluated and addressed at a city-wide level. The City currently collects impact fees from new development based upon projected impacts from that development and reviews the adequacy of impact fees on an annual basis. The City also adopts an annual budget allocating resources to police services and other City services based upon community needs. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other

~~revenues generated by the project, would ensure that project impacts to police services are less-than-significant. Therefore, the additional demand created by the proposed project would have a *significant* impact to police protection services.~~

Mitigation Measure(s)

~~Implementation of the following mitigation measures would reduce the above impact to a *less-than-significant* level. None required.~~

~~4.9-5 ——— Prior to the issuance of building permits, the project applicant shall contribute funding to the Davis Police Department needed to provide an additional 0.57 officer. Funding options include, but are not necessarily limited to the following:~~

- ~~1) Provide an endowment fund that would provide for the hiring of approximately 60 percent law enforcement officer and the support equipment and materials for the officer;~~
- ~~2) Contribute toward hiring new officers, their equipment and materials with the goal of improving community relations as a good steward of the community; or~~
- ~~3) The project applicant shall present an alternative and acceptable means, as determined by the Police Chief, whereby the required law enforcement officer will be provided in the long term.~~

~~The final funding mechanism and dollar amount shall be reviewed and approved by the Community Development Director and the Davis Police Chief.~~

The above changes are for clarification purposes only and do not alter any of the conclusions contained within the DEIR.

Response to Comment 14-64

Please see Response to Comment 14-63.

Response to Comment 14-65

Please see Response to Comment 14-63.

Response to Comment 14-66

The comment lists other projects and that similar mitigation measures for public service was not required. The comment is not a DEIR adequacy issue, but will be forwarded to the City decisionmakers.

Response to Comment 14-67

The comment lists other projects and that similar mitigation measures for public service was not required. The comment is not a DEIR adequacy issue, but will be forwarded to the City decisionmakers.

Response to Comment 14-68

The comment lists other projects and that similar mitigation measures for public service was not required. The comment is not a DEIR adequacy issue, but will be forwarded to the City decisionmakers.

Response to Comment 14-69

The comment lists other projects and that similar mitigation measures for public service was not required. The comment is not a DEIR adequacy issue, but will be forwarded to the City decisionmakers.

Response to Comment 14-70

The comment lists other projects and indicates that similar mitigation measures for public services were not required. The comment is not a DEIR adequacy issue, but will be forwarded to the City decisionmakers.

Response to Comment 14-71

Please see Response to Comment 14-63.

Response to Comment 14-72

The DEIR does not presume to determine thresholds for GHG emissions at a local level. In fact, page 4.10-5 of the DEIR states, “Therefore, potential impacts to the proposed project resulting from climate change are based on inferences out of climate models that provide generalized impacts for a large area.”

Response to Comment 14-73

Comment noted. Based on Comment 14-73, Table 4.10-4, Carbon Allowances, on page 4.10-13 of the DEIR is hereby revised as follows:

| Table 4.10-4 Carbon Allowances | | | |
|--|----------------------------------|--|--|
| Target Year Minimum / Desired | Target | Carbon Allowance to Meet GHG Reduction Target (annual metric tonnes per dwelling unit and per person) | |
| | | Residential Type | |
| | | New Residential | Percent Reduction Over Existing |
| Existing / Base Year (2010) | N/A | <u>16.5</u> 20.25 per unit / <u>6.6</u> 8.1 per person | <u>0%</u> 20.25 per unit / <u>0%</u> 8.1 per person |
| 2012 (minimum) 2012 (desired) | 1998 level 7% below 1990 | <u>15.0</u> 18.6 / <u>6.0</u> 7.4 <u>8.61</u> 1.25 / <u>3.4</u> 4.5 | <u>9%</u> 18.75 / 7.5 <u>48%</u> 11.75 / 4.7 |
| 2020 (minimum) 2020 (desired) | 1990 level 28% below 1990 | <u>9.25</u> 12.0 / <u>3.7</u> 4.8 <u>6.7</u> 8.75 / <u>2.7</u> 3.5 | <u>44%</u> 12.75 / 5.1 <u>59%</u> 9.25 / 3.7 |
| 2030 (minimum) 2030 (desired) | 28% below 1990 53% below 1990 | <u>6.7</u> 8.75 / <u>2.7</u> 3.5 <u>4.35</u> 5.75 / <u>1.75</u> 2.3 | <u>59%</u> 9.25 / 3.7 <u>74%</u> 6.0 / 2.4 |
| 2040 (minimum) 2040 (desired) | 53% below 1990 80% below 1990 | <u>4.35</u> 5.75 / <u>1.75</u> 2.3 <u>1.85</u> 2.5 / <u>0.75</u> 1.0 | <u>74%</u> 6.0 / 2.4 <u>89%</u> 2.5 / 1.0 |
| 2050 (minimum) 2050 (desired) | 80% below 1990 Carbon neutral | <u>1.85</u> 2.5 / <u>0.75</u> 1.0 Net 0 | <u>89%</u> 2.5 / 1.0 <u>100%</u> Net 0 |
| * Assumes 2.5 persons per dwelling unit and an annual growth rate of 1% per year. (Source: City of Davis GHG Inventory and Forecast Report, May 2008). | | | |
| Sources: City of Davis, City Council Staff Report, November 4, 2008 <u>April 21, 2009</u> ; and Deb Niemeier, Ph.D., P.E., Carbon Development Allowances, Final Report, September 2008. | | | |

In addition, page 4.10-14 of the DEIR is hereby revised as follows:

New Residential Projects

Pursuant to the April 21, 2009 City Council staff report regarding GHG emission thresholds and standards for new residential development, the Staff is in the process of drafting initial guidelines for GHG reduction standards for new residential projects have been set by the City of Davis. The guidelines use the GHG inventory and allowances to set standards for new residential projects. The intent of the guidelines is to ensure that new residential projects move the City toward its long-term GHG reduction targets. The draft guidelines are currently in the early development stages. The guidelines establish multiple paths for meeting the overall requirements and include suggested mitigation measures to help achieve meaningful reductions in GHG emissions.

Conclusion

Because the City recognized that implementation of programs to reduce residential GHG emissions will require development of a set of standards, measures, and tools to educate and guide existing residents and developers of new residential projects, the City developed recommended GHG emissions standards for new residential projects. Establishment of the allowances is a critical first step, but it must be followed by programs that provide certainty and adequate flexibility to give developers and residents a viable chance of achieving the per-capita targets. According to the April 21, 2009 City Council staff report (p. 08-6), "The recommended general GHG emissions standard for new residential projects is a phased approach that provides meaningful GHG reductions and rewards creative design that takes advantage of existing community form. The general standard includes two paths: the first is a package approach that the City would recognize as sufficient to satisfy GHG emissions standards. The second would be a project-specific calculation of GHG emissions and customized mitigation program to reduce project GHG emissions to target year levels."

In addition, the following text is hereby added to page 4.10-16 of the DEIR:

City of Davis GHG Emissions Standards for New Residential Projects

Based on City Council-adopted residential growth guidelines and working from an assumption that 250 residential units will be built per year between 2010 and 2013, the City recommends that new residential projects of less than five percent of the total units assumed to be built in a particular year (12 units), are exempt as a de minimus impact. Projects of up to 10 percent of the total units assumed to be built in a particular year (25 units), may pay a GHG mitigation in lieu fee of the cost of achieving 35 percent better than 2005 Title 24, plus \$1,000 per unit to fund implementation of community GHG emission reduction programs with no further requirement. Projects over 10 percent of the total units assumed to be built in a particular year (25+ units), are required to mitigate under one of the two following paths:

- Meet standards for LEED Neighborhood Development Gold certification. The City considers this certification process consistent with the intent of the City's GHG standards.

Or

- Achieve 1990 level project GHG allowances for the house portion of the proposed project (33% of total residential GHG emissions) as specified in Table 4.10-4.

If the second path is selected, the City encourages a majority of GHG savings to occur on-site. The advantage of on-site mitigation is based on the premise that it

is much more cost effective to make improvements in houses and infrastructure during construction than to retrofit at a later date. This reduces the likelihood that the City will need to develop and fund programs in the future to retrofit the newly developed portion of the community housing stock in the decades ahead. In addition, it is anticipated that a more efficient home would provide benefits when homes are marketed, and serve as an example for other builders and homeowners.

In addition, page 4.10-16 of the DEIR is hereby revised as follows:

It should be noted that the Davis NRC is in the process of making recommendations to the City Council regarding which GHG reduction target year should be adopted for new development occurring prior to 2010 (See Table 4.10-2) due to the City seeking a balance between project viability and meaningful GHG reductions, the recommended initial target year is 1990. Based on Table 4.10-4, each project would receive a per unit carbon "allowance" equal to 1990 levels. If the project achieved better than 1990 level reductions, the project could trade with other future projects. The City recommends that this initial target be in effect until December 2010. Beginning in January 2011, the target would automatically roll to the next target year based on a linear interpolation to achieve the next key target year (e.g. 2012, 2020 etc.). Review of the target year would be incorporated into regular review of the standard.

In addition, page 4.10-20 of the DEIR is hereby revised as follows:

Conclusion

~~As discussed above, the City is still in the process of establishing GHG reduction targets for new development occurring prior to 2010. Therefore, the City does not currently have an established threshold of significance against which the proposed project can be evaluated. Although the proposed project would implement several design standards to reduce energy use well below 2009 Title 24 standards, as well as ensure overall consistency with the latest GHG reduction measures identified by the California Attorney General, a single project cannot, on its own, feasibly mitigate impacts associated with the large-scale issue of global climate change; therefore, impacts related to GHG emissions and global climate change would remain *significant*.~~

The above changes are for clarification purposes only. The DEIR was based on the best information available at the time of its release. Subsequent to the release of the DEIR, the City adopted guidelines related to GHG emissions. The above DEIR changes are based upon the recently-adopted guidelines, and do not alter any of the conclusions contained within the DEIR

Response to Comment 14-74

Comment noted. As stated in the DEIR (p. 4.10-17), "The project applicant has provided a preliminary sustainability plan to the City, which demonstrates how the proposed project would

reduce levels of project-related GHG emissions, thereby reducing the project's contribution to global climate change. The proposed strategy is to use 2009 Title 24 standards as the baseline for energy usage and then design energy reduction and mitigation from that point." The DEIR then includes a discussion of the mitigation program outlined in the preliminary sustainability plan, which is intended to reduce energy use and GHG emissions at least 25 percent below the 2009 Title 24 standards, and would reduce energy use and GHG emissions an additional 50 percent through the use of photovoltaics and provision of electric vehicles. According to the mitigation program outlined in the preliminary sustainability plan, the mitigation program would include an approximately 25 percent reduction for transportation-related GHG emissions associated with the project.

It should be noted, however, that the final sustainability plan for the proposed project has not yet been submitted or approved by the City. Pursuant to Mitigation Measure 4.10-1 in the DEIR, in conjunction with the submittal of a Tentative Map, the project applicant is required to submit the sustainability plan for the project, for review and approval by the Community Development Department. At the time of submittal of the sustainability plan, quantification of the percentages related to energy used and transportation will be feasible.

Response to Comment 14-75

The comment is incorrect – the DEIR does cite Senate Bill 97 in the Standards of Significance section of Chapter 4.10. However, in order to provide further clarification regarding the pertinence of Senate Bill 97 to a discussion regarding standards of significance for climate change, page 4.10-14 of the DEIR is hereby revised as follows:

Pursuant to Senate Bill 97, Chapter 185 (2007), the California Office of Planning and Research (OPR), the agency responsible for development and updates to the CEQA Guidelines, is not required to have a draft set of guidelines for climate change until July 1, 2009 (pursuant to Senate Bill 97, Chapter 185, 2007). Senate Bill 97 directs OPR to propose CEQA guidelines advising local agencies how to mitigate GHG emissions. Draft amendments to the CEQA Guidelines were issued by OPR in April 2009; the amendments are to be adopted by January 2010. The draft amendments direct lead agencies to identify significance thresholds, but do not indicate what those thresholds should be.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-76

This comment is an informational comment and does not address the adequacy of the DEIR.

Response to Comment 14-77

Comment noted. Although the proposed project would meet the City of Davis standard of reductions in GHG emissions for new residences, as stated in the April 21, 2009 City Council

staff report regarding GHG emission thresholds and standards for new residential development, the City standards are not intended to ensure that GHG emissions would be reduced to a less-than-significant level. The City standards are simply designed to achieve critical long-term GHG reductions while maintaining the economic viability of new residential development. It should be noted that vehicle trips, which are not mitigated through the City standards, account for over 60 percent of the regional GHG emissions in the Davis area. In fact, the staff report (p. 08-2) states, “[...] if the issue of global warming is isolated from other considerations, reducing vehicle miles traveled is the most pressing priority.” Therefore, simply meeting the City standards for reduction of GHG emissions for a residential development would not necessarily reduce the GHG emissions of a project to a less-than-significant level.

Response to Comment 14-78

Please see Response to Comment 14-77.

Response to Comment 14-79

Based on Comment 14-79, the following text is hereby added to page 4.10-17 of the DEIR, above the Wildhorse Ranch Sustainability Plan header:

Senate Bill 375

As discussed in the Regulatory Context section above, SB 375 requires CARB to work with metropolitan planning organizations within the State to align their regional transportation, housing, and land use plans, and prepare sustainable communities strategies to reduce the amount of vehicle miles traveled in their respective regions and demonstrate each region's ability to attain its GHG emission reduction targets. The SACOG Preferred Blueprint Scenario, which was adopted in 2004, provides an indication of the planning principles that are likely to be incorporated into the sustainable communities strategy for the Sacramento region.

The above change is for clarification purposes only and does not alter any of the conclusions contained within the DEIR.

Response to Comment 14-80

Based on Comment 14-80, page 4.10-16, fifth paragraph, fourth sentence, of the DEIR is hereby revised as follows:

Based on the URBEMIS-2007 information, the proposed project was estimated to generate approximately 3,823.54 tons of CO₂ per year. It should be noted that this estimate is based on the proposed project without implementation of the project's future sustainability plan (or any other mitigation).

It should be noted that, as discussed in Response to Comment 14-74, the final sustainability plan for the proposed project has not yet been submitted or approved by the City. Pursuant to Mitigation Measure 4.10-1 in the DEIR, in conjunction with the submittal of a Tentative Map, the project applicant is required to submit the sustainability plan for the project, for review and approval by the Community Development Department. At the time of submittal of the sustainability plan, quantification of CO₂ reductions that would be attributable to the sustainability plan will be feasible. In addition, it should be noted that the DEIR does indicate, on pages 4.10-17 through 4.10-19, by what approximate percentage each of the items of the preliminary sustainability plan (i.e., passive solar design, building systems and equipment, on-site photovoltaic systems, and transportation) would reduce project-related GHG emissions.

Response to Comment 14-81

Please see Response to Comment 14-77.

Response to Comment 14-82

This comment is an informational comment and does not address the adequacy of the DEIR.

Response to Comment 14-83

Please see Response to Comment 14-77.

Response to Comment 14-84

Comment noted. However, the statement that if impacts are identified as significant and unavoidable, new development will not have any incentive to incorporate measures to address GHG emissions is inaccurate. The City intends to review all new development projects, prior to issuance of any building permits, for consistency with the City's GHG emissions standards for new residential projects, in order to ensure that future projects comply with the standards. In addition, according to the April 21, 2009 City Council staff report (p.08-17), the City intends to develop a recognition program for projects that exceed the new GHG emissions standards. The recognition program, which would be intended to work in conjunction with the existing Davis Green Building Ordinance recognition program, could include recognition in the project approval process and development of outreach materials. The City is recommending the following two categories for project recognition: 1) "Davis Green Residential Project" – projects that achieve reduction to levels seven percent better than 1990 levels (equal to 2012 Kyoto targets); and 2) "Davis Deep Green Residential Project" – projects that achieve reduction to levels 28 percent better than 1990 levels (equal to City 2020 desired target). Furthermore, incorporation of measures to address GHG emissions will give development projects a greater chance of receiving the Measure J votes from City residents that would approve the projects.

Response to Comment 14-85

The commenter is correct that higher density promotes the use of alternative modes of transportation. However, an increase in population would also increase vehicle trips. The

decrease in vehicles trips from the use of alternative modes of transportation may not offset the increase of vehicle trips generated by the proposed project.

Response to Comment 14-86

While it can be stated that the No Project Alternative would not provide needed housing, it can also be stated that 474 additional residents would not be added to the City if the project is not developed. As demonstrated in the Public Services and Utilities chapter of the DEIR, this increase in the City's population resulting from the proposed project would have corresponding impacts to public services and utilities.

Response to Comment 14-87

The City does not believe that the single-story assumptions included in the Reduced Intensity – Viewshed Preservation Alternative are overly simplistic and unrealistic. The single-story homes for the Alternative could be designed in such a way as to provide unit types attractive to various segments of the community. As stated on page 6-7 of the DEIR:

Similar single-family product types would be included in this Alternative as are included in the Proposed Project; however, the Alternative would comply with the affordable housing requirement through the creative placement of attached residences, such as duplexes on corner lots. Average lot size would be approximately 0.25 acres in area. The large lot sizes would allow for the development of single-level ranch style units, which would reduce the impact of the development associated with the change in the current character of the site.

Response to Comment 14-88

The Viewshed Preservation Alternative would not likely increase transit use to an extent comparable to the proposed project, given the greater density of the project. However, notwithstanding this, the Alternative would still be expected to increase transit use in the area. Furthermore, the increase in transit use associated with the proposed project would not be likely to outweigh the disadvantages of the increased number of vehicle trips and miles travelled associated with the proposed project.

Response to Comment 14-89

As stated on page 6-9 of the DEIR, Alternative 3 would "...potentially allow for the preservation of a greater number of existing trees..."

Response to Comment 14-90

Please see Response to Comment 14-87. In addition, the DEIR acknowledges that although the Viewshed Preservation Alternative would reduce the magnitude of the proposed project's impact related to the change in visual character of the project site and obstruction of existing scenic views, the DEIR acknowledges on page 6-9 that via implementation of the Viewshed

Preservation Alternative existing views would still be converted from vistas of horse ranch and associated open pastures to those of an urban setting, which would still be considered a significant and unavoidable impact under the Davis General Plan Update EIR criteria.

Response to Comment 14-91

The Public Services and Utilities chapter of the DEIR addresses several public services. Fire protection service is only one of the public services discussed. Other public services, such as police and schools would be less under Alternative 3 due to its lower density than the proposed project. Therefore, consistent with the DEIR, the Alternative's public services impacts would be less than that proposed project.

Response to Comment 14-92

The City does not believe that the concept outlined in the DEIR for the Agricultural Character Alternative is inappropriate. The Clos Du Loc project in Loomis is included in the DEIR as an example of a similar type of concept.

Response to Comment 14-93

Please see Response to Comment 14-19.

Response to Comment 14-94

Please see Response to Comment 14-88.

Response to Comment 14-95

Please see Response to Comment 4-47.

Response to Comment 14-96

In response to the comment, the "Land Use and Agricultural Resources" discussion under the Infill Site Alternative on page 6-15 of the DEIR is hereby revised as follows:

The potential infill sites have been designated for urban uses, such as schools and residential development, and are currently surrounded by other urban uses; therefore, development of any combination of the potential sites would not result in impacts related to agricultural compatibility issues. The Simmons and Nugget Fields would require General Plan Amendments and changes of zoning; however, because the amendment(s) to the General Plan do not necessitate re-designating a property currently designated Agriculture the entitlements would not include Measure J approval. It should be noted, however, that these sites may have soils that are considered of prime agricultural significance, as is the case for the Wildhorse project site. ~~Therefore~~ Overall, the Infill Site Alternative would

~~substantially~~ reduce impacts as compared to the Proposed Project in the area of Land Use and Agricultural Resources.

The above changes do not alter the conclusions of the DEIR, but serve to better describe the characteristics of the Infill Alternative sites.

Response to Comment 14-97

The commenter's point is not easily ascertained. The DEIR maintains that the total graded area for the Infill Site Alternative would be less than that of the proposed project site.

Response to Comment 14-98

The commenter does not provide any evidence to substantiate the claim that Swainson's hawk are known to nest on the Grande School site. Furthermore, the DEIR already states on page 6-16 that with the exception of the Nugget Fields site, the above listed sites (including the Grande Site) are largely undeveloped and contain potential wildlife habitat.

Response to Comment 14-99

The commenter is correct. As a result, page 6-17 of the DEIR is hereby revised as follows:

The Measure J Alternative project site is located in Yolo County, north and east of the City of Davis City limits, southwest of the curve where East Covell Boulevard becomes Mace Boulevard. The Alternative site is comprised of approximately 47 acres. ~~Similar to~~ Unlike the Proposed Project, the Measure J site would need to be annexed to the City of Davis, ~~and Both the Proposed Project and this Alternative~~ would require public approval pursuant to Measure J. The site is not currently owned by the current project applicant. The Measure J Alternative would result in the construction of the same number and type of residential units. However, both the dedicated greenbelt/open space and single-family detached lots sizes would be increased to fill the approximately 21 additional acres.

The above changes serve to more accurately describe the Measure J Alternative in the DEIR. The DEIR's analysis of the potential impacts of the Measure J Alternative relative to the Proposed Project remains unchanged.

Response to Comment 14-100

Page 5A-5 of the Davis General Plan EIR states regarding the Signature Site, "This 90-acre (gross acreage) site is designated for agricultural use in the existing General Plan."

Response to Comment 14-101

As stated on page 6-1 of the DEIR, the primary intent of the alternatives evaluation in an EIR, as stated in Section 15126.6(a) of the CEQA Guidelines, is to "[...] describe a range of reasonable

alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives [...].”

The Infill Site Alternative can be demonstrated to meet most of the basic objectives of the proposed project. For example, the Alternative would be expected to contribute to the City’s regional fair share housing needs; provide a net positive value to the neighborhood and the City; embrace Low Impact Development concepts for the site such as on-site stormwater management; reduced pavement heat sinks; water conserving landscaping; and porous paving; and create architecture that is aesthetically pleasing and that utilizes the best of green building practices.

Response to Comment 14-102

Please see Response to Comment 14-101.

Response to Comment 14-103

Please see Response to Comment 14-101.

Response to Comment 14-104

Please see Response to Comment 14-101.

Response to Comment 14-105

Please see Response to Comment 14-101.

ⁱ Davis Police Department, Landy Black, Davis PD, May 30, 2007.

Letter 15

CITY OF DAVIS

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION

COMMENTS

RE: WILDHORSE RANCH
DRAFT ENVIRONMENTAL IMPACT REPORT

COMMUNITY CHAMBERS
DAVIS, CALIFORNIA

WEDNESDAY, JUNE 3, 2009

REPORTED BY:
ORIGINAL

ESTHER F. SCHWARTZ
CSR NO. 1564

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**Letter 15
Cont'd**

| | |
|----|---|
| 1 | ATTENDEES |
| 2 | |
| 3 | PLANNING COMMISSION: |
| 4 | MARK BRALY, CHAIR |
| 5 | ANANYA CHOUDHURI |
| 6 | ROB HOFMANN |
| 7 | MIKE LEVY |
| 8 | TERRY WHITTIER |
| 9 | STAFF: |
| 10 | MICHAEL WEBB |
| 11 | IKE NJOKU |
| 12 | RANEY PLANNING & MANAGEMENT: |
| 13 | TIM RANEY |
| 14 | PUBLIC SPEAKERS: |
| 15 | PHILIP WYELS |
| 16 | PAM NIEBERG |
| 17 | TANCEY THOMAS |
| 18 | JOHNATHAN POOM |
| 19 | EILEEN SAMITZ |
| 20 | |
| 21 | |
| 22 | |
| 23 | |
| 24 | |
| 25 | |

**Letter 15
Cont'd**

15-1

1 DAVIS, CALIFORNIA
2 WEDNESDAY, JUNE 3, 2009, 7:20 P.M.

3 ---oOo---

4 CHAIR BRALY: I would like to open the
5 public hearing now.

6 How many people would like to speak tonight?

7 One, two. Not many. No time limit is
8 necessary, then. All right.

9 Would you want to approach the podium?

10 MR. WYELS: Good evening, Commissioners.
11 Phil Wyels, and I won't use all of your time
12 tonight. But I will talk for a while just for
13 Esther's benefit, and I will talk louder for her,
14 too.

15 I'm the Chair of the Wildhorse East
16 Neighborhood Association. We are comprised of all
17 the residents of the eastern portion of Wildhorse,
18 most of which you can see on the map over here. We
19 will be submitting written comments. Several of our
20 members will also be submitting written comments. I
21 thought it would be a shame if nobody showed up
22 tonight. So I will give you a quick preview. No
23 particular order.

15-2

24 There are some feasible mitigation measures
25 that we believe that can and should be incorporated

3

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**Letter 15
Cont'd**

15-2
Cont'd

1 into the project that are not currently described in
2 the EIR.

15-3

3 First of all, dust, impacts from dust during
4 construction. I live right adjacent to the horse
5 ranch, to the northern end. We get a lot of wind
6 going through there probably because there is not a
7 lot of trees to knock down the wind. It gets very,
8 very dusty. There are some areas of the horse ranch
9 right now, relatively minor areas, small areas, not
10 covered with any kind of vegetation. And the wind
11 really picks up the dust from those areas. We are
12 concerned if the entire area is graded during a
13 multi year construction period, we are going to have
14 significant dust issues.

15-4

15 Couple feasible mitigation measures for that,
16 of course, would be to require that the property be
17 graded in phases. Only as necessary for the
18 development phases. That would also, of course,
19 help with impacts from storm water runoff.

15-5

20 Second feasible mitigation measure would be to
21 get the orchard, which you see on the western border
22 there, get that orchard in first, because that is
23 also going to help with the dust. Knock down some
24 of the dust before it gets over the fence and into
25 our backyards and houses.

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4

**Letter 15
Cont'd**

15-5
Cont'd

1 The orchard, of course, is going to help, I
2 think, also with a little bit perhaps with the
3 noise, but the visual impact from construction as
4 well. Put that in first and require that as a
5 mitigation measure.

15-6

6 Just as an aside, it occurred to me as was I
7 coming over here today, just saying this as an
8 individual, I'm doing landscape in my yard, and I've
9 been over to U.C. Dave Arboretum where they've
10 public education program. They've got something
11 called the Arboretum All Stars. It would be worth
12 considering, relying fairly strongly on the all
13 stars or similar types of vegetation. They're low
14 maintenance so it's going to cut down on the costs.
15 But they are also low water use. So that is going
16 to cut down on impacts as well from minimizing water
17 use for maintaining the orchard.

15-7

18 Another impact we are concerned about is
19 impact to existing recreational facilities. Right
20 in now the area of the project there is a small
21 park. You can't see it on the map. It's on the
22 border there. It's just to the north, along the
23 northeastern edge, called Duchamp Park. There is
24 another -- and that has a very small play structure
25 on it for smaller children.

**Letter 15
Cont'd**

15-7
Cont'd

1 There is another park due east at the
2 intersection of Moore and Wright. No play
3 structures, just open grass field. And then to the
4 south there's Slide Oak Park and also a greenbelt.
5 So we are concerned that without significant
6 recreational facilities on the site as part of this
7 project, it's going to -- there is going to be
8 significant impacts to existing recreational
9 facilities.

15-8

10 I think there is an easy, and I think perhaps
11 the developer is amenable to this, an easy
12 mitigation measure for that, and that is to use the
13 east -- the sort of centralized east-west corridor
14 that actually put a substantial recreational
15 facility for the children. It would be nice to
16 combine it with sort of a pavilion-type structure
17 like we have at Sandy Motley Park where adults hang
18 out while the children play.

15-9

19 One of our biggest concerns is the visual
20 impacts and the traffic impacts and the parking
21 impacts that we expect are going to occur as a
22 result of the number of units that the project and
23 the EIR are currently contemplating; 191 units on
24 this site. I will sort of briefly identify what the
25 concerns are that we see.

6

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**Letter 15
Cont'd**

15-9
Cont'd

1 With respect to parking. The project includes
2 a certain number of parking spaces, but most of
3 those or the majority of those are garages for what
4 are, frankly, very small units. Our experience just
5 over the fence is that almost everybody uses their
6 garage or at some portion of their garage for
7 storage. The larger houses, but for whatever reason
8 people feel the need to acquire a lot of things and
9 store them in the garage. So we are very concerned
10 that there is going to be -- those are, by the way,
11 three and four car garages. Lots of people park
12 their cars on the driveway all the time.

15-10

13 There aren't any driveways in this project.
14 There are just single car garages planned for most
15 of the units. So we are very much concerned that
16 there is going to be a significant effect of
17 spillover parking in the existing Wildhorse
18 neighborhood, especially along Caravaggio.

15-11

19 That is the parking, that significant effect,
20 that we are concerned about in terms of parking.
21 There are children playing in that street almost all
22 daylight ours of the day. There is a lot of young
23 families in there. We are concerned about traffic
24 impacts as well.

15-12

25 Aesthetics. Right now most of us who neighbor

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7

**Letter 15
Cont'd**

15-12
Cont'd

1 the Wildhorse Ranch property have clear views to the
2 downtown sky line in Sacramento, clear views to the
3 Sierras, beautiful sunrises. That is going away,
4 and that is, appropriately, identified as a
5 significant effect. We do think there are some
6 feasible mitigation measures or at least project
7 alternatives that really need to be considered. Two
8 of the alternatives in the Draft EIR are for 75
9 units. That's a much smaller number than the 191.
10 That would, frankly, mitigate a lot of the impacts
11 that I am speaking of now. But for some reason, and

15-13

12 it is not clear to me why, those two alternatives
13 were presented without the sort of orchard, which
14 also helps to mitigate the impacts. They were
15 presented as -- one alternative was large,
16 essentially quarter-acre size lots with no orchard.
17 The other was also fairly compressed, but with a
18 working, I think, and Tim can correct me here,
19 essentially an idea that there would be sort of a
20 working agricultural portion on the site.

21 So neither one of those alternatives included
22 an orchard as mitigation. We think it would be
23 appropriate to have that alternative considered.
24 Fewer number of units with the mitigation of the
25 orchard. With that fewer number of impacts, we

8

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**Letter 15
Cont'd**

15-13
Cont'd

1 think that the impacts to parking, the visual
2 impacts of the three story building, which are going
3 to be ruining our view, and the traffic impacts
4 would be significantly reduced.

15-14

5 Couple other real quick points here. We are
6 not clear why the Draft EIR doesn't analyze the
7 environmental effects associated with losing a horse
8 ranch. It's talked about in terms of losing prime
9 ag land, but there is, in fact, a horse ranch. It
10 is functioning. Every day when I look over my fence
11 I see people using that horse ranch all the time.
12 There is a riding corral. It's not being fully
13 utilized. A lot theories why that may be the case.
14 It is being used and the presumably these uses will
15 have to go somewhere else. I didn't see much
16 discussion about that in the DEIR.

15-15

17 The last point I will raise here and then go
18 sit down, is the drainage, the site drainage, is
19 using some concepts from what is called low impact
20 development, which is great. One of the major
21 features, though, for storm water runoff is the sort
22 of swale type of approach. Again, good design.

15-16

23 The problem with using that design in this
24 particular location, though, is these soils, if they
25 are anything like my soils just adjacent to the

**Letter 15
Cont'd**

15-16
Cont'd

1 property, they don't percolate at all. I had to dig
2 a footing for a patio structure. And with a Jeep
3 and a drill rig mounted on the Jeep, he almost
4 couldn't get through the clay. When he did, when I
5 filled it with water, it was still precisely full to
6 the same level for days. The soils don't percolate.
7 There is serious concern that we have that the
8 swales that are designed, assuming some percolation,
9 were going to have a very significant impact in
10 terms of breeding grounds for mosquitoes. That is
11 not something we want to be creating in our
12 backyards or anybody else's backyard.

13 I think that is probably all for you tonight.
14 Thank you very much for hearing me out.

15 CHAIR BRALY: Thank you very much.

16 Just a moment, sir. We do have one question.

17 COMMISSIONER CHOUDHURI: You mentioned
18 there was a large concern about traffic impact.
19 Would it be along this street?

15-17

20 MR. WYELS: There is one appendices of the
21 Draft EIR. There is traffic analysis. You're
22 right. The primary concern is for traffic on
23 Caravaggio for people who are looking for parking
24 spaces. Thanks for asking. We are worried that
25 there would be people who -- they need to park

10

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**Letter 15
Cont'd**

15-17
Cont'd

1 somewhere when they get home in the evening. So
2 they drive through the development. Find no parking
3 spaces. They can't just leave their cars. They
4 have to put their cars somewhere. We are concerned
5 that they are going to come looking for parking
6 spaces along Caravaggio, and it is going to increase
7 the traffic impacts where a lot of young children
8 are playing.

15-18

9 The traffic impacts that we are expecting to
10 be along Covell, I don't think there was an analysis
11 of what would happen with a stoplight at Wright and
12 Covell, which is the entrance to the entrance to the
13 existing Wildhorse. But with 191 units, lots of at
14 least commensurate level of trips from the new
15 project. There is going to be impacts on Covell as
16 well.

15-19

17 COMMISSIONER LEVY: Would the neighbors
18 consider a resident parking permit program on
19 Caravaggio would be a useful mitigation measure?

20 MR. WYELS: I think that is certainly something
21 that would be useful. Speed bumps would probably
22 also be a useful mitigation measure.

15-20

23 COMMISSIONER LEVY: On Caravaggio?

24 MR. WYELS: The developer, in one of our
25 discussions, kind of gave us a sketch of the

11

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**Letter 15
Cont'd**

15-20
Cont'd

1 possibility of adding additional parking spaces. He
2 might be able to adjust the specifics. I think
3 there was something like adding 60 or 65 spaces
4 on-site. We thought we could squeeze those in. And
5 one possibility would be to at least retain the
6 option if, in fact, our fears are realized, that
7 there is a parking impact and don't there aren't
8 enough spaces to park.

9 COMMISSIONER LEVY: Thank you.

10 CHAIR BRALY: Thank you very much.

11 MR. WYELS: Thank you.

12 MS. NIEBERG: Hi. My name is Pam Nieberg.

13 I've turned in a lot of comments on this, but I want
14 to talk about a few of them here.

15 First, I want to make just a general
16 statement. I'd like to encourage you to support
17 this proposal. It's a small project. It's well
18 designed. It's infill, higher density. It's
19 innovative project. It incorporates many green
20 features and sustainability elements. With the
21 smaller square footage to the units, they're
22 affordable by design. If you have to provide more
23 housing for our population, you need to consider
24 this type of development. We can't continue with
25 the old sprawl model that continues to pave over our

15-21

12

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**Letter 15
Cont'd**

15-21
Cont'd

1 valuable farmland and open space.
2 A short definition of smart growth is dense,
3 sustainable green communities with an easy access to
4 transit and amenities. And this project is a good
5 example of this type of growth.

15-22

6 Now comments I would like to make. I know
7 that, under the land use and agricultural resources,
8 the EIR states that the mitigation for ag land lost,
9 even though it's mitigated on a two-to-one basis,
10 there'd still be a significant and unavoidable
11 impact because there is still a net loss of ag land.
12 Well, it's true that the soils are Class 1 and 2
13 with a little bit of 4, which is prime land if
14 irrigated. But it might as well be Class 8; it's
15 been a horse ranch for decades. Hasn't been farmed.
16 It will probably never been farmed. No owner has
17 ever expressed an interest in farming it. We are
18 not really losing productive farm land. We are
19 losing a horse ranch.

15-23

20 There actually no significant impacts to
21 roadways, freeway segments or to the Mace
22 overcrossing or intersections, except under some
23 cumulative conditions. Those were actually not
24 directly related to the project itself, but there
25 were cumulative -- an analysis was done that

13

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**Letter 15
Cont'd**

| | |
|-----------------|--|
| 15-23 Cont'd | 1 included impacts from Spring Lake, Gateway in 2 Woodland, UCD's long range development plans and the 3 Davis General Plan. So there were no directly 4 attributable to the project. |
| | 5 Commissioner LEVY: Pardon me. Slow down 6 for Esther just a little bit. |
| 15-24 | 7 MS. NIEBERG: I talk fast. 8 So no significant impacts. In fact, one. The 9 intersection at Mace and Covell actually goes from a 10 lower LOS to a higher because it will be signalized. 11 And none of the intersections dropped to below -- I 12 mean, dropped to LOS. |
| 15-25 | 13 There were significant impacts to site 14 circulation of traffic. Several of the internal 15 roadways don't meet City of Davis standards for 16 local streets. The primary entry, since it serves 17 most of the traffic generated by the project, should 18 meet those standards. And roadways, all the |
| 15-26 | 19 roadways, should be able to accommodate large 20 trucks, moving vans and emergency vehicles. And the |
| 15-27 | 21 round-about should conform to standard urban design. |
| 15-28 | 22 Some of the -- it said in the EIR that some of 23 the pathways and sidewalks might not comply with the 24 ADA accessibility requirements. Those all should. |
| 15-29 | 25 I do have an issue also with the noise, under |

**Letter 15
Cont'd**

15-29
Cont'd

1 the noise, construction noise. Construction noise
2 is going to be significant. And the mitigation for
3 that is to limit construction to normal working
4 hours, which they're defined as Monday through
5 Friday, 7:00 a.m. to 7:00 p.m., Saturday and Sunday,
6 8:00 a.m. to 8:00 p.m.

15-30

7 To begin with, seven to seven on weekdays is
8 not normal work hours. Eight to five generally is.
9 If that 12-hour period includes a period in the
10 beginning to set up and a period at the end to clean
11 up, that is fine. But actual construction noise
12 should be limited to actual real work hours. On the
13 weekends, Saturday and Sunday, eight to eight are
14 not normal work hours. I would think, especially on
15 Sunday, there should not be construction. People
16 are home on weekdays with families, trying to enjoy
17 their yards and that sort of thing, enjoy their
18 families. Especially on Sundays, I can't see why
19 construction.

20 If there is construction on Saturday, it
21 should be conform to the same restrictions as the
22 weekday work hours.

15-31

23 Under biological resources, just had one
24 point. Especially about burrowing owl and Swanson's
25 hawk, will have to be mitigated for loss of their

15

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**Letter 15
Cont'd**

15-31
Cont'd

1 habitat, foraging and nesting habitat. Normally,
2 ideally, the best mitigation would be for the
3 developer to provide one-to-one mitigation with
4 lands elsewhere that is suitable for habitat for the
5 burrowing owl and the Swanson's hawk. But there is
6 also an option for paying an in lieu fee for
7 acquisition of habitat to replace that loss.

15-32

8 The problem there is historically, maybe it's
9 gotten better, I don't know. Usually you would pay
10 the in lieu fee. It goes into a pot of money. It
11 doesn't get spent right away. And the rising land
12 values then make it impossible to purchase. There
13 is not sufficient money to purchase land that was
14 lost because the land costs more now. So the
15 preferred mitigation would be for the developer to
16 actually get the land himself to mitigate the land
17 loss for the burrowing owl and the Swanson's hawk,
18 and put that under an easement.

15-33

19 Under climate change. This was a puzzler to
20 me. I think I understand what it is trying to say.
21 That the proposed project reduces greenhouse gas
22 emissions by 75 percent when you compare it to a
23 project which just meets Title 24 standards. It
24 would exceed the Davis green building ordinance by
25 10 points. So it is 310 points there.

16

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**Letter 15
Cont'd**

15-34

1 Then it goes on to make the statement since it
2 cannot feasibly mitigate impacts associated with
3 climate change -- and I'm paraphrasing here -- that
4 despite the green house gas reductions impact
5 related to the emissions would be remain
6 significant. And, I guess what he means there is
7 because it is not carbon neutral, it didn't reduce
8 the greenhouse gases to zero, that it is going to
9 have an impact.

15-35

10 I mean, when you compare that to the normal
11 development we have here, everywhere, I think this
12 makes significant difference, and I think should get
13 some points for that. Otherwise, it makes no sense
14 to even try.

15 That is it. Thank you.

16 CHAIR BRALY: Thank you very much.

17 Anybody else?

15-36

18 MS. THOMAS: Hello. My name is Tancey
19 Thomas. And I'm here to support this project. I
20 have attended two meetings, a meeting last year and
21 the March 18th meeting at Wildhorse.

22 I am not going to address the EIR
23 specifically, other than I think that a lot has been
24 done since the first meeting I attended to mitigate,
25 comply with many of the concerns of the neighbors.

17

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**Letter 15
Cont'd**

15-36
Cont'd

1 I think that this is a wonderful project. It
2 has wild factor that Steve Sousa says he looks for
3 in housing development, and I have been really
4 working hard on that. I think it is a family
5 friendly development. I see it as a very useful for
6 people who want to do, like, entry level, beginning
7 homeowners. I see many of the staff, City and
8 university staff, graduate students, any young
9 families, there is a lot of options in this
10 project. And so far as the --

11 I am really concerned about the affordable
12 housing component to it. I am sensitive to that. I
13 live in affordable housing, rental affordable
14 housing. North Star called Twin Pines. And I like
15 it there. We have all kinds of people. A lot of
16 them are from the university. And what makes me
17 bring this up is that there was some at the last
18 meeting, there was an individual, who almost engaged
19 in demagogic type of speech, in which he was
20 concerned about, among many things, about the type
21 of people that might inhabit these units, especially
22 the affordable housing part. And I like the idea
23 that the last time, I think I was probably
24 Wildhorse, had a problem with affordable housing,
25 the League of Women Voters ran a bus and showed them

18

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**Letter 15
Cont'd**

15-36
Cont'd

1 what the affordable housing in Davis looks like.
2 Many of them were surprised. They were thinking of
3 some urban area and all kinds of terrible things
4 happening, I guess. Maybe Natomas, he really had a
5 thing going about urban sprawl and Natomas.

6 And so I am very concerned about the affluence
7 of this kind of talk in which people might be coming
8 up with many reasons not to go forward with this.
9 Because it might lower their property values. And
10 that happens quite often in Davis, this nimbyism
11 concern. So I am very sensitive to that. I have
12 been here since 1970. I have been very active in
13 this community. I am on the Senior Citizens
14 Commission, and I have been on the Human Relations
15 Commission. I have run for City Council twice. I
16 have been very active, and my daughter is raised
17 here and she has graduated from U.C. Davis and works
18 for U.C. Davis. So we don't know anything about
19 guns and shooting anybody.

20 And so this particular individual was very
21 disturbing to me. He was very -- I thought had
22 disruptive to the meeting. So I have to put that
23 out there. And I definitely am going to support
24 this project. It is needed. Especially for, like I
25 said, young families, graduate students. We have

19

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**Letter 15
Cont'd**

15-36
Cont'd

1 been -- where I live a lot of UCD people live in the
2 affordable housing.

3 CHAIR BRALY: Did you have any comments
4 specifically on the adequacy of the EIR?

15-37

5 MS. THOMAS: On the EIR, I thought between
6 this time, the first time when the neighbors came
7 and they made a lot of suggestions, which was well
8 received, and then by the time this EIR came, a lot
9 of it, much of it has been mitigated. They had made
10 adjustments. And I think it is within reason now of
11 what can be corrected, they corrected and have dealt
12 with. So, yes, like I said, I support this.

13 CHAIR BRALY: Thank you very much.

14 COMMISSIONER WHITTIER: Don't forget to
15 come back when the project comes to us.

16 MS THOMAS: I won't.

17 CHAIR BRALY: Is there anyone else who
18 wants to speak on this matter?

15-38

19 MS. SAMITZ: Good evening, Planning
20 Commissioners. Eileen Samitz, former Planning
21 Commissioner. And I also serve on the General Plan
22 update and the Housing Element Steering Committee.

15-39

23 I have a number of concerns about this
24 project. Number one and foremost, the most obvious
25 is why we are using this ag land, prime ag land, to

20

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**Letter 15
Cont'd**

15-39
Cont'd

1 be paved over. Especially, now when we potentially
2 have better sites to use. The fact that during the
3 whole Wildhorse election issue -- I was actually
4 involved in that -- and the neighborhoods worked
5 with the developers and with a lot of battling back
6 and forth, and finally some of the -- live with
7 three neighborhoods battled with the developer. One
8 thing that we all kind of expected long-term would
9 be that we fought for a conversation easement,
10 audubon conservation easement on the golf course,
11 which we were successful in. One thing we didn't
12 realize that we should have asked for at the time
13 was a conservation easement on the farm. This thing
14 would go to a vote, and the expectation was that
15 this would stay a horse farm. That was one of the
16 amenities, one of the aesthetics, one of the little
17 remnants of the original horse farm that was there.
18 It made it beautiful. It made it reminiscent of the
19 ag historical value of the site.

20 So the concern here is: Why is this site
21 being used? It was something the citizens voted on.
22 Expectation was for it to stay that way. Now we
23 understand that, because of the development
24 agreement, that it can be renegotiated. That is the
25 key issue. And whether it is being used for ag

21

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**Letter 15
Cont'd**

| | |
|-----------------|--|
| 15-39 Cont'd | 1 land, farming or not is not an issue. Because, I 2 mean, that would be like an argument against the 3 livestock industry. We should be saying because it 4 is not being farmed, they are not to have horse 5 farms. We are not to have cattle ranches. That 6 is -- |
| 15-40 | 7 So the bottom line is ag land has many 8 different interpretations of how it used. This is 9 one version of it, which happens to be a very 10 aesthetic one. |
| 15-41 | 11 The other issues I have regarding the 12 burrowing owl issues and Swanson's hawk issues. 13 Creates just concern about mitigation of that. As 14 Pam has said, and I agree with here, it should be 15 land mitigation not buyout. We had same problem 16 downtown with parking. In lieu fees instead of 17 parking. You can't recreate land. But the buy-off 18 in the short term is not worth it. It is, in my 19 experience in the past, we have learned the hard 20 way, especially the downtown stuff. We are finding 21 the same problem with ag mitigation. I agree with 22 Pam completely, that it should be land mitigation, 23 and not in lieu fees. |
| 15-42 | 24 Insufficient parking is a huge issue in this 25 project. I can speak to this. I live in the Green |

**Letter 15
Cont'd**

15-42
Cont'd

1 Meadows area, and we have an enormous parking issue
2 because it is one-side -- one street sided parking.
3 And it does not work. Let me tell you, no matter
4 how much, even if you are ticketed from time to
5 time, it does not work. There are even, like,
6 little zones of parking within the neighborhood to
7 supposedly accommodate that, but it does not work.

8 Clearly, the number of units they have here
9 and the type of parking, there is not enough
10 on-street parking or enough parking in general. It
11 is clear to me on this issue, on this project.

12 And I guess pretty much it. So I have grave
13 concerns about this. I do not feel it is a project
14 that should be moving forward at this point,
15 especially all these issues have to be addressed and
16 the concerns of the neighbors in terms of how things
17 being laid out. We have concerns.

18 Thank you.

19 CHAIR BRALY: Thank you.

20 Anyone else?

15-43

21 MR. POOM: Johnathan Poom. I live out in
22 East Davis myself. And there are just two concerns.
23 Thank you for hearing me, Commissioners. Few
24 concerns.

25 So the concern I have is that, two things is

23

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**Letter 15
Cont'd**

15-43
Cont'd

1 that we are going through an economic crisis in this
2 town budget-wise. So where are we going to come up
3 with resources to support the development? Who is
4 gone to pay for taking care of roads, the fire
5 department, police officers? With such increase in
6 the number of people, we are going to need more
7 people to manage in terms of the city. And with the
8 budget crisis that is -- we are short \$3.4 million
9 right now, we are looking at drastic cuts right now,
10 rather than be able to add to our resources in terms
11 of management for property.

15-44

12 So in terms of environment, I would be
13 concerned about that as well as the number of people
14 that would be moving to the city, et cetera, et
15 cetera. So, also, I guess more on the lines of is
16 it properly -- the timing of such a development, is
17 it proper for the town of Davis now with housing the
18 way it is, would building 191 complex units, I
19 guess, be fair to the citizens now, not in terms of
20 economics, but in terms of timing because we have a
21 lot of houses that aren't being sold now. By
22 building more, you know, it might be vacant lots;
23 and that is also a concern, too.

24 So we have to look down the road as opposed to
25 be proactive about it, as opposed to just being

**Letter 15
Cont'd**

15-44
Cont'd

1 aggressive and just try to maintain a certain amount
2 of growth in the city when there might not be any.

3 That is all I have to say. Thank you.

4 CHAIR BRALY: Thanks a lot.

5 Anybody else?

6 Seeing none, we will then close the public
7 hearing and perhaps we can get comments from the
8 Commissioners.

9 COMMISSIONER WHITTIER: I raise the issue
10 of alternative sites. I presume that it has been
11 adequately covered. I glanced at it, but I didn't
12 go into it very far. We have an obligation to
13 consider alternate sites.

15-45

14 Have we done that quite thoroughly?

15 MR. NJOKU: Let me make sure I understand.
16 Are you asking for alternatives in terms of various
17 sites we have done appropriately?

18 COMMISSIONER WHITTIER: Yeah.

19 MR. WEBB: Alternative sites have been
20 evaluated as part of the alternatives.

21 COMMISSIONER WHITTIER: I don't wish to
22 take up a lot of time. I don't want to display my
23 ignorance, either. So I only have a couple
24 questions that will probably be understood. Seems
25 like one of my comments is there would be a real

25

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**Letter 15
Cont'd**

15-45
Cont'd

1 positive to changing from a horse ranch to homes,
2 based on the air quality surrounding the horse ranch
3 when it is windy.

4 If we go to 4.1-5, which is on 5-4.

5 MR. WEBB: Are you referring to Figure
6 4.1-5 or page --

7 COMMISSIONER WHITTIER: 4.1-5 paragraph on
8 impacts, on Page 5-4.

9 MR. WEBB: What page number is on the
10 bottom right-hand corner?

11 COMMISSIONER WHITTIER: 5-4.

12 MR. WEBB: Thank you.

13 MR. NJOKU: Go ahead.

15-46

14 COMMISSIONER WHITTIER: The last sentence,
15 even with implementation of mitigation measures, the
16 impact would be remain significant and unavoidable.
17 There are -- what you are saying, there are no
18 mitigation measures that can be taken?

19 MR. RANEY: To say that a little clearer,
20 this is under a cumulative discussion, so this
21 project plus all other projects and the loss of
22 agricultural farmland would result in a significant
23 and unavoidable impact.

15-47

24 COMMISSIONER WHITTIER: The top of the next
25 page, 5-5five. Something that I found really

26

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**Letter 15
Cont'd**

15-47
Cont'd

1 confusing is that sentence less than significant
2 cumulative land use impact would result. What
3 you're adding -- I am not sure about what it means,
4 what cumulative land use impact is. I wondered if
5 Ike or maybe Tim could explain that to me.

6 MR. RANEY: This is an impact that is
7 dealing with consistency with the City of Davis
8 policies under land use. If you look under the
9 header on Page 4.5-4, under 4.1-6, the discussion
10 here is cumulative impacts, plans, policies and
11 ordinances with the City. Because this is an
12 entitlement change that is being asked of the City
13 Council to consider for approval. If they approve
14 it, there would not be an inconsistency. So it is a
15 little bit of a pretzel, if you are looking at it.
16 Cumulatively, you approve the project, you no longer
17 have an inconsistency. Therefore, we just find that
18 it is less than significant.

15-48

19 COMMISSIONER WHITTIER: Okay. I did have a
20 general amendment discretionary action of the City
21 Council.

22 MR. RANEY: They have the discretion to
23 change those under state law. Therefore, if you
24 change it, there no longer is inconsistency when
25 changed.

27

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**Letter 15
Cont'd**

15-49 1 COMMISSIONER WHITTIER: The mitigation was
2 under 4.2-4, where it says total single family
3 residents, 15,442, which is below the 16,500 growth
4 management and less than significant impact that
5 would result. I wonder if that was the answer to
6 unavoidable mitigation, that this was a planned City
7 Council General Plan growth, and, therefore, this
8 growth will be within that 15,500 growth management.
9 Is that a connection or an answer one to the other?

10 MR. RANEY: Again, this is cumulative.
11 This project plus all other projects considered
12 would be, if council does approve this project,
13 would still be within that growth management 15,500
14 number. Therefore, it is bound to be less than
15 significant impact.

15-50 16 COMMISSIONER WHITTIER: So it sounds to me
17 like, then looking back at the other sentence,
18 mitigation measure is not really required. You
19 don't mitigate if it is already within your General
20 Plan plan. Does that make sense?

21 MR. RANEY: We do not recommend mitigation
22 measure for.

23 MR. WEBB: Because it is a less than
24 significant impact, no mitigation is required.

15-51 25 COMMISSIONER WHITTIER: I am not too smart

**Letter 15
Cont'd**

15-51
Cont'd

1 about mitigation measures. I did want to ask a
2 general question. I didn't find it in here. Is it
3 -- I know for a long, long time horse ranches,
4 especially when I was quite younger, used to a lot
5 because extreme of flies by bothered everybody as
6 well as horses I wonder if the soil needs to be
7 sampled in order to determine pollutants or
8 hazardous contamination such as DDT or something
9 like that.

10 MR. RANEY: A Phase I has been done for the
11 project. That is a warranted good comment that we
12 will take back and address in the Final EIR. I want
13 to make sure we do that, commit to that process. I
14 don't try to answer questions here, because part of
15 the process is we collect these comments during the
16 Draft EIR period. That the rest of the public gets
17 the opportunity to see the responses to those.

18 It is appropriate to collect the comments and
19 respond to them in the final, that it is appropriate
20 for us to collect and give a direct response in the
21 Final EIR.

15-52

22 COMMISSIONER WHITTIER: Mike, can I ask you
23 a question about Appendix I, Page 12? There is a
24 chart there that shows water used. I wonder,
25 looking at UCD intertie, buying water, is that only

29

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**Letter 15
Cont'd**

15-52
Cont'd

1 if we exceed the peak of this line, peak hour
2 demands? If we stayed below that, we wouldn't need
3 to buy that water. That is showing what would
4 happen if we exceeded the peak?

5 MR. WEBB: I think it is simply showing
6 what the capacity of the system would be with
7 various projects being brought on line relative to
8 the peak hour demand.

9 I think, in other words, the relationship
10 whether there is a U.C. Davis intertie or any
11 particular project. I think aren't necessarily
12 related, but it is just trying to juxtapose the
13 demand versus the supply of the variety of projects.
14 You get a picture cumulatively of the demand versus
15 supply.

16 COMMISSIONER WHITTIER: This is not saying
17 we are going to this; this is a possibility.
18 Okay.

19 MR. RANEY: That's correct.

20 COMMISSIONER WHITTIER: That is all the
21 questions I really want for now.

22 Thank you.

23 CHAIR BRALY: Anybody else?

15-53

24 COMMISSIONER CHOUDHURI: Couple of
25 questions for staff, actually. The noise ordinance

30

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**Letter 15
Cont'd**

15-53
Cont'd

1 does not allow construction activity during the
2 weekends, does it?

3 MR. NJOKU: Yes, it does.

4 MR. WEBB: There is during the week.

5 Construction hour noise is 7:00 a.m. to 7:00 p.m.

6 On weekend, Saturday and Sunday, 8:00 a.m. to 8:00
7 p.m.

8 MR. NJOKU: That is what is in the EIR that
9 is being referenced.

15-54

10 COMMISSIONER CHOUDHURI: Just to make sure.
11 There is no roadway connection between this project
12 and the established neighborhood, is there?

13 MR. NJOKU: There is a [inelibible] and
14 bike path.

15 COMMISSIONER CHOUDHURI: No vehicle road.

16 MR. NJOKU: No vehicle access, yes.

15-55

17 COMMISSIONER CHOUDHURI: Just a general
18 comment going by the questions coming up from
19 Commissioners and public. Is just -- I know we have
20 other environmental impact reports down the road.

21 Just a little more detail presentation on the
22 process itself. Like what is the objective of
23 having alternatives? What is it supposed to
24 address? Things like that. Just to make it a
25 little easier. We are not dealing with the

31

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**Letter 15
Cont'd**

1 Environmental Impact Report?

2 MR. NJOKU: Right. --

3 COMMISSIONER CHOUDHURI: I have my
4 comments. I didn't bring my copy. I would have it
5 forwarded to you by Monday.

6 MR. WEBB: I will not, too. On a few
7 occasions in the past, [ineligible] and myself have
8 put together a presentation for the Commission and
9 Commission Members that are interested in,
10 basically, on how to read an EIR. And we, of
11 course, always would be happy to do that for the
12 Commission or public or for groups that make that
13 request. I will put that out for you and everyone's
14 knowledge. 'Cause the EIRs are technical documents,
15 they are exposure documents. They don't deal with
16 them very frequently. You, as the Commission, deal
17 with them occasionally. Public deals with them very
18 infrequently. We certainly recognize that there can
19 be a challenge on how to read a very technical
20 document like this. We can appreciate how tough it
21 can be sometimes to provide that defect.

22 CHAIR BRALY: Thank you.

23 Any other comments?

24 COMMISSIONER WHITTIER: I do have one more
25 hopped into my head. Because putting this

15-55
Cont'd

15-56

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**Letter 15
Cont'd**

15-56
Cont'd

1 altogether, does this EIR cover the possibility that
2 this project might expand as much to 259 units,
3 which was suggested by a few, by City Council? It
4 said this project could be as much as 259 units. If
5 this was approved, and we are only looking at 191,
6 would the EIR have to change at all if it expanded
7 to more than 200 units?

8 MR. NJOKU: Not at all. You have to
9 recognize what Council's direction was. Look into
10 the analysis, to look into what if the project went
11 to 259, if the impacts were identified at 259, which
12 is higher than 191, it would not be significant if
13 you lower the number of units. It is not going to
14 make a significant difference by lowering the number
15 of units.

16 COMMISSIONER WHITTIER: By expanding the
17 number of units --

18 MR. NJOKU: Not expansion; 259 is higher
19 than 191. It is actually lowering the number of
20 units. The initial Council direction was to look at
21 259 units, and the current proposal is 191. It
22 helps. So the impact would be less.

23 COMMISSIONER WHITTIER: This EIR is written
24 based on the max number.

25 MR. RANEY: On the 259.

33

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**Letter 15
Cont'd**

15-56
Cont'd

1 MR. NJOKU: The traffic analysis is based
2 on 259. The majority description, as you see it in
3 EIR, that land use services is based on 191.

4 COMMISSIONER WHITTIER: Excellent.
5 Thank you very much.

6 COMMISSIONER LEVY: One thing that was
7 mentioned, I guess, previous projects. Do we have
8 an analysis anywhere of the cumulative effects of
9 the increase in groundwater and aquifers and
10 subsidence associated with increasing draft of the
11 aquifers?

12 MR. NJOKU: Repeat the question.

13 COMMISSIONER LEVY: Is there an analysis of
14 the increase in drafting of the groundwater
15 resources on the capacity of aquifers?

15-57

16 MR. NJOKU: No. The reason, as you saw on
17 that, basically, there was added -- Public Works
18 Department took into consideration the deep water
19 aquifer EIR that was done when you were the chair
20 of NIC. They also did an update of that by
21 basically looking at other improvements, which we
22 sent in a memorandum that can occur and would occur
23 prior to this project going forward. And Terry
24 pointed out that we just looked at what would happen
25 if all the projects being proposed and with

34

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**Letter 15
Cont'd**

15-57
Cont'd

1 implementation of those modifications, which is
2 oversizing of the water tanks, the new two-,
3 three-quarter projects getting on line, as well as
4 the oversize in the tank, for existing tank on the
5 west side. So all those were to occur and U.C.
6 Davis using that maximum and we using maximum at
7 peak. It does show there would be a dip in aquifer.
8 Doesn't seem to affect, that would be significant
9 effect. City would not be able to accommodate this
10 project. That is the reason there aren't any
11 mitigation proposed by staff.

12 COMMISSIONER LEVY: Thank you. I
13 appreciate hearing the neighbors, in particular
14 folks right next door. They have sense of impacts,
15 who live right there.

16 Thank you very much.

15-58

17 COMMISSIONER HOFMANN: I want to say I will
18 be submitting comments. I would be anticipating
19 with the paper coverage, having dealt with projects
20 in the past, we had considerably more public
21 comments. I was anticipating more this evening. I
22 will pass it along.

23 CHAIR BRALY: I also will be submitting
24 comments. I will send that to you, Mike.

25 Are there any other comments before we end the

35

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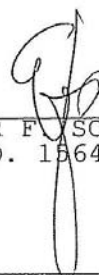
**Letter 15
Cont'd**

15-58
Cont'd

1 hearing?
2 Hearing none, I think we have taken care of
3 it.
4 MR. NJOKU: Thank you.
5 CHAIR BRALY: Thank you to members.
6 MR. WEBB: To those in the listening
7 audience or at home, the end of the comment period
8 is June 8 at 5:00 p.m. Written comments should be
9 submitted to the Community Development Department at
10 City Hall. Looking forward to reviewing those
11 comments.
12 Thank you.
13 (Comments concluded at 8:10 p.m.)
14 ---oOo---
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**Letter 15
Cont'd**

| | | |
|----|---|-------|
| 1 | REPORTER'S CERTIFICATE | |
| 2 | | |
| 3 | | |
| 4 | STATE OF CALIFORNIA |) |
| 5 | COUNTY OF SACRAMENTO |) ss. |
| 6 | | |
| 7 | | |
| 8 | I, ESTHER F. SCHWARTZ, certify that I was the | |
| 9 | official Court Reporter for the proceedings named | |
| 10 | herein, and that as such reporter, I reported in | |
| 11 | verbatim shorthand writing those proceedings; | |
| 12 | That I thereafter caused my shorthand writing | |
| 13 | to be reduced to printed format, and the pages | |
| 14 | numbered 3 through 36 herein constitute a complete, | |
| 15 | true and correct record of the proceedings. | |
| 16 | | |
| 17 | IN WITNESS WHEREOF, I have subscribed this | |
| 18 | certificate at Sacramento, California, on this 12th | |
| 19 | day of June, 2009. | |
| 20 | | |
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| 23 | | |
| 24 | | |
| 25 | | |



ESTHER F. SCHWARTZ
CSR NO. 1564

Letter 15: Planning Commission Verbal Comments

Response to Comment 15-1

The comment is an introductory comment to begin the meeting.

Response to Comment 15-2

The comment is an introductory comment and does not address the adequacy of the EIR.

Response to Comment 15-3

Please see Response to Comment 1-1. In addition, page 4.4-12 of the DEIR, mitigation measure 4.4-1 includes dust control best management practices, but not necessarily limited to the following:

- *Apply nontoxic soil stabilizers according to manufacturer's specifications to all inactive construction areas (previously graded areas inactive for ten days or more);*
- *Reestablish ground cover in disturbed areas quickly;*
- *Water recently disturbed construction areas (ground disturbed within 10 days) at least twice daily to avoid visible dust plumes;*
- *Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;*
- *Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);*
- *Enforce a speed limit of 15 MPH for equipment and vehicles operated in unpaved areas;*
- *All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard; and*
- *Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.*

As stated in the DEIR, implementation of the above mitigation measures would reduce the impact from construction-related fugitive dust to a less-than-significant level.

Response to Comment 15-4

Please see Responses to Comments 1-1 and 15-3.

Response to Comment 15-5

Please see Responses to Comments 1-1 and 15-3. Development of the orchard first would result in the placement of young trees on-site that would provide little dust and noise mitigation. The suggestion, however, will be forwarded to the decisionmakers for their consideration. Mitigation Measure 4.4-1 of the DEIR has also been revised in the Final EIR to suspend all grading operations when wind speeds exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Please see Response to Comment 1-8.

Response to Comment 15-6

The commenter suggests using low maintenance and low water use vegetation in the orchard. The comment does not specifically address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration.

Response to Comment 15-7

Please see Response to Comment 6-19. The commenter is concerned that existing parks will be affected because the project does not include recreational facilities. As stated in Table 3-1, Wildhorse Ranch Project Data, on page 3-5 of the DEIR, the proposed project includes a 1.61-acre neighborhood greenbelt that will connect to the existing greenbelt. In addition, Impact Statement 4.9-8 of the DEIR addresses the project's impacts on recreational facilities and requires the payment of in lieu fees.

Response to Comment 15-8

The comment suggests alternative mitigation for providing recreational facilities for project residents. The comment does not address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration.

Response to Comment 15-9

Please see Response to Comment 9-3.

Response to Comment 15-10

Please see Response to Comment 9-3.

Response to Comment 15-11

Please see Response to Comment 9-3.

Response to Comment 15-12

The commenter is correct that the Viewshed Preservation Alternative and the Reduced Intensity Alternative would reduce impacts compared to the proposed project. However, the alternatives would not satisfy all of the City's and applicant's objectives for the project site.

Response to Comment 15-13

As stated on page 6-7 of the DEIR, the Viewshed Preservation Alternative land dedications for roadways, agricultural buffers, and greenbelt/open space would remain the same. Therefore, similar to the proposed project, the Viewshed Preservation Alternative would include an orchard area. Please see Response to Comment 8-5 for three-story buildings.

Response to Comment 15-14

Please see Response to Comment 8-4.

Response to Comment 15-15

The comment is an introductory paragraph to the commenter's drainage concern and does not address the adequacy of the DEIR.

Response to Comment 15-16

As stated on page 4.8-11 of the DEIR, the preliminary hydrological calculations were conducted using the HEC-HMS computer model. The HEC-HMS includes the use of soil data types to calculate peak flow of Channel "A." In addition, mitigation measure 4.8-2 requires the applicant to submit a design-level engineering report on the stormwater detention and conveyance system to the City Engineer. The design-level report will take into account soil profiles for percolation and hydrologic properties.

Response to Comment 15-17

Please see Response to Comment 9-3.

Response to Comment 15-18

Table 4.3-11, Existing and Existing Plus Project Peak Hour Intersection Levels of Service, on page 4.3-32 of the DEIR indicates that the study intersections along East Covell Boulevard would operate at acceptable LOS standards with implementation of the proposed project.

Response to Comment 15-19

The commenter and Planning Commission discussed alternative measures to mitigate parking concerns.

Response to Comment 15-20

Please see Response to Comment 15-19.

Response to Comment 15-21

The comment expresses support for the project. The comment does not address the adequacy of the DEIR, but will be forwarded to the decisionmakers for their consideration.

Response to Comment 15-22

Please see Response to Comment 4-4.

Response to Comment 15-23

The comment reiterates language in the DEIR and does not address the adequacy of DEIR.

Response to Comment 15-24

The comment reiterates language in the DEIR and does not address the adequacy of DEIR.

Response to Comment 15-25

Please see Response to Comment 4-17.

Response to Comment 15-26

Please see Response to Comment 4-17.

Response to Comment 15-27

Please see Response to Comment 4-17.

Response to Comment 15-28

Please see Response to Comment 4-18.

Response to Comment 15-29

Please see Response to Comment 4-27.

Response to Comment 15-30

Please see Response to Comment 4-27.

Response to Comment 15-31

Please see Responses to Comments 4-37 and 4-38.

Response to Comment 15-32

Please see Responses to Comments 4-37 and 4-38.

Response to Comment 15-33

This comment reiterates language in the DEIR and does not address the adequacy of the DEIR.

Response to Comment 15-34

Please see Response to Comment 4-43.

Response to Comment 15-35

Please see Response to Comment 4-43.

Response to Comment 15-36

As noted by the commenter, the comment does not address the adequacy of the EIR, but the comment will be forwarded to the decisionmakers for their consideration.

Response to Comment 15-37

The comment does not address the adequacy of the EIR, but will be forwarded to the decisionmakers for their consideration.

Response to Comment 15-38

The comment is an introductory paragraph and does not address the adequacy of the DEIR.

Response to Comment 15-39

Please see Responses to Comments 4-4 and 8-4.

Response to Comment 15-40

Please see Responses to Comments 2-3 and 4-4.

Response to Comment 15-41

Please see Responses to Comments 4-37 and 4-38.

Response to Comment 15-42

Please see Response to Comment 9-3.

Response to Comment 15-43

Fire and police services are discussed in Section 4.9 of the DEIR, Public Services and Facilities. Mitigation Measure 4.9-4 related to fire protection services is on page 4.9-28 of the DEIR and has been revised in this Final EIR, as presented in Response to Comment 14-59. In addition, police service is addressed in Response to Comment 14-63. Regarding fire protection, Mitigation Measure 4.9-4 as revised in this Final EIR, requires the applicant to pay all applicable major project impact fees per the impact fee schedule. Regarding police services, payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would ensure that project impacts to police services are less-than-significant.

The proposed project would also be required to pay addition public service fees for the provision of infrastructure and other public services including water, wastewater, schools, and parks/recreation.

Response to Comment 15-44

The comment speaks to the timing of development given today's housing market and does not specifically address the adequacy of the DEIR; however, the comment will be forwarded to the decisionmakers for their consideration.

Response to Comment 15-45

The comments presented are back-and-forth discussions between Commissioner Whittier, Mr. Njoku, and Mr. Webb. The comment does not address the adequacy of the EIR, and serves as an introduction to the comments below. This comment does not address the adequacy of the DEIR.

Response to Comment 15-46

As stated within the comment, Impact 4.1-5 is a cumulative impact. As noted in Chapter 4.1, Land Use and Agricultural Resources, on page 4.1-28 of the DEIR, “The cumulative context for [...] agricultural impacts is other development projected in the City of Davis General Plan and in Yolo County.” The mitigation measure referred to by Commissioner Whittier is Mitigation Measure 4.1-5, which requires the project applicant to set aside in perpetuity active agricultural acreage. Therefore, mitigation measures are required for the identified cumulative impact, but the impact cannot feasibly be mitigated to a less-than-significant level.

Response to Comment 15-47

As noted in Chapter 4.1, Land Use and Agricultural Resources, beginning on page 4.1-28 of the DEIR and reiterated in this comment, approval of the proposed project would require the approval of both the City Council and the residents of Davis. The proposed project includes a General Plan Amendment, which would bring the land use designation for the site into conformance with the proposed use. Therefore, upon approval of the project, which includes the General Plan Amendment, a less-than-significant impact would result.

Response to Comment 15-48

Please refer to Response to Comment 15-47, above. As noted in this comment, upon approval of the project, any inconsistencies would be removed.

Response to Comment 15-49

As noted in the comment, on page 4.2-12 in Chapter 4.2 of the DEIR, and on page 5-5 of Chapter 5 of the DEIR, the long-term impacts to population, housing, and employment from the proposed project in combination with existing and future developments in the Davis area would be less-than-significant.

Response to Comment 15-50

As noted in the comment, on pages 4.2-12 and 5-5 of the DEIR, the DEIR indicates that mitigation is not required for long-term impacts to population, housing, and employment from the proposed project in combination with existing and future developments in the Davis area because the impact would be less-than-significant.

Response to Comment 15-51

As noted in the comment, a Phase I Environmental Site Assessment was prepared the project site. The Hazards and Hazardous Materials section of the Initial Study (Appendix C of the DEIR) included an analysis of the project site for pesticide residue in the on-site soil. As stated on page 34 of the Initial Study, concentrations of DDT, DDD, toxaphene, dieldrin or any other EPA method 8080 constituents were not detected in any soil samples. However, DDE was detected in all samples at concentrations ranging from 0.043 to 0.083 parts per million (ppm).

The presence of DDE in the soil was found to be well below the Total Threshold Limit Concentration of 1.0 ppm. Therefore, because pesticide residues are well below the Total Threshold Limit Concentration, the proposed project would result in a less-than-significant impact.

Response to Comment 15-52

As stated in the comment, page 12 of Appendix I, Figure 1 shows the capacity of the system and water demand as it relates to peak hour demand. This comment does not address the adequacy of the DEIR.

Response to Comment 15-53

As noted in the comment and Mitigation Measure 4.5-3 on page 4.5-12 of the DEIR, allowable daytime working hours include 8:00 AM to 8:00 PM on Saturday and Sunday (consistent with the City Noise Ordinance).

Response to Comment 15-54

As noted in the comment, a roadway connect does not exist, or is not proposed, to connect to the existing surrounding neighborhood to the north and west. This comment does not address the adequacy of the DEIR.

Response to Comment 15-55

This comment does not address the adequacy of the DEIR.

Response to Comment 15-56

The original proposal included 259 units, which was subsequently reduced to 191 units. However, the decision was made to not revise the technical reports with the understanding that the analyses assuming 259 units would be a worst-case scenario. All impacts related to number of units (i.e., Traffic, Noise, etc.) were either less-than-significant or less-than-significant with incorporation of the required mitigation measures. It should be noted that if the project was to change to include 259 units, additional entitlements would be required and the EIR would be reviewed to see if any of the impact analyses would be modified due to a change in the project description.

Response to Comment 15-57

The DEIR notes, in Chapter 4.9, that the water supply for the Project will come from the City of Davis domestic water supply. This is currently groundwater from a mix of intermediate and deep wells. With anticipated upgrades to the existing system (as noted in Impact 4.9-1), the City will have sufficient capacity to meet project water demands.

The EIR prepared for the Davis Well Capacity Replacement project (State Clearinghouse Number 2004102043, July 2005) analyzed the potential impacts of one storage tank and two to three deep aquifer drinking water wells with a combined maximum design pumping capacity of approximately 4,500 gallons per minute. The water tank will begin construction in summer 2009. One of the wells has been constructed and the other is being prepared for construction bid; and the City is seeking to achieve 4,500 gallons per minute with two wells in lieu of three wells.

The Davis Well Capacity Replacement EIR concluded that most of the Davis Well Capacity Replacement Project's potentially significant impacts are mitigated to less-than-significant levels with the identified mitigation measures. In addition, the Davis Well Capacity Replacement EIR concluded that land subsidence impacts are significant and unavoidable with either the Davis Well Capacity Project or the No Project alternative. The City Council concluded that the water quality and quantity needs of the City and the City's municipal water users, so that the water provided through the water system meets current and future water quality standards and the appropriate amount of water is available to meet the City's needs, is of high importance. The City is obligated to meet water quality standards and to provide safe drinking water to the citizens. This cannot be accomplished without some subsidence. This was the basis for the Statement of Overriding Consideration adopted on August 1, 2005.

Response to Comment 15-58

This comment includes concluding statements and closing remarks for the hearing, and does not address the adequacy of the DEIR.

4

MITIGATION MONITORING PLAN

4.0 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 environmental impact reports.

The following is the Mitigation Monitoring Plan for the Wildhorse Ranch project. The Plan includes a description of the requirements of the California Environmental Quality Act and a compliance checklist. The project as approved includes mitigation measures. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Environmental Impact Report for this project. Unless otherwise noted, the applicant shall fund the cost of implementing the mitigation measures as prescribed by this Plan.

4.1 COMPLIANCE CHECKLIST

The Mitigation Monitoring Plan (MMP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Environmental Impact Report for the Wildhorse Ranch project prepared by the City of Davis. This MMP is to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Environmental Impact Report prepared for the proposed project.

The Wildhorse Ranch project Environmental Impact Report presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA 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.
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMP 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 MMP. The City of Davis will be responsible for ensuring compliance.

During construction of the project, the City will assign an inspector who will be responsible for field monitoring of mitigation measure compliance. The inspector will report to the City's Planning and Building Department and will be thoroughly familiar with permit conditions and the MMP. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. In order to track the status of mitigation measure implementation, field-monitoring activities will be documented on compliance monitoring report worksheets. The time commitment of the inspector will vary depending on the intensity and location of construction. Aided by the attached table, the inspector will be responsible for the following activities:

- On-site, day-to-day monitoring of construction activities.
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.
- Ensuring contractor knowledge of and compliance with the MMP.
- Verifying the accuracy and adequacy of contract wording.
- Having the authority to require correction of activities that violate mitigation measures. The inspector shall have the ability and authority to secure compliance with the MMP.
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City of Davis.
- Obtaining assistance as necessary from technical experts in order to develop site-specific procedures for implementing the mitigation measures.
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

4.2 MITIGATION MONITORING PLAN

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

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
|---|---|--|----------------------------------|---|----------|
| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| 4.1 Land Use and Agricultural Resources | | | | | |
| 4.1-3 | Loss of prime agricultural land. | 4.1-3 <i>The project applicant shall set aside in perpetuity active agricultural acreage at a minimum ratio of 2:1 based on the total project footprint of 25.79 acres, through granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the City and/or a qualifying entity approved by the City. The mitigation acreage shall be set aside prior to recordation of the final map(s). The location and amount of active agricultural acreage for the proposed project would be subject to the review and approval of the City Council.</i> | City Council | Prior to recordation of final map(s) | |
| 4.1-4 | Incompatibilities between future residential uses on the project site and surrounding uses. | 4.1-4(a) <i>Consistent with Action AG 1.1(g) of the General Plan and the Davis Right-to-Farm Ordinance, the applicant/developer shall inform and provide recorded notice to prospective buyers within 1,000 feet of agricultural land in writing and prior to purchase, as prescribed by the City's Right to Farm Ordinance, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that Davis and Yolo County are agricultural areas and residents of the property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, and from pursuit of agricultural operations, including,</i> | Community Development Department | Language of disclosure prior to recording of final maps with signature of each prospective property owner at time of sale | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <p><i>but not limited to cultivation, irrigation, plowing, spraying, aerial application, pruning, harvesting, crop protection, and agricultural burning which occasionally generate dust, smoke, noise, and odor. The language and format of such notification shall be reviewed and approved by the Community Development Director prior to recording final maps. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.</i></p> | | | |
| | | <p>4.1-4(b) <i>Prior to the use of pesticides on the orchard, the Home Owner's Association and contractor(s) shall obtain a permit and comply with all regulations from the Yolo County Agricultural Commissioner. In addition, signage shall be posted at the perimeter of the orchard notifying the public that pesticides have been recently applied. The signage shall remain posted for the appropriate length, as determined during the permit process.</i></p> | <p>Yolo County Agricultural Commissioner</p> | <p>Prior to the use of pesticides on the orchard</p> | |
| | | <p>4.1-4(c) <i>Prior to recordation of final map(s), in the event the Davis Sports Park is constructed adjacent and east of the proposed project, the applicant shall prepare and submit a disclosure statement for the review and approval of the Community Development Director which shall disclose the operations</i></p> | <p>Community Development Department</p> | <p>Prior to recording of final maps if Davis Sports Park is constructed adjacent to the site</p> | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <i>associated with the Davis Sports Park Project which will include ballfield lights, weekly games, tournaments etc. Language shall be included on the final map(s) to ensure that the disclosure of the Sports Park runs with the land, and is therefore provided to all prospective buyers of property.</i> | | | |
| 4.1-5 | Long-term impacts to Prime Farmland from the proposed project in combination with existing and future developments in the Davis area. | 4.1-5 <i>Implement Mitigation Measure 4.1-3.</i> | N/A | N/A | |
| 4.3 Transportation and Circulation | | | | | |
| 4.3-2 | Impacts related to the provision of efficient site access and circulation. | 4.3-2 <i>Prior to approval of the Tentative Map, the project applicant shall ensure that the following items are incorporated into the project design, for the review and approval by the City Engineer:</i> <ul style="list-style-type: none"> • <i>Provision of adequate sight distance at both project access intersections, by setting back any barrier walls far enough from the curb, and by ensuring that existing and new plantings do not obstruct drivers' views;</i> • <i>Design of the internal roadways to meet City standards, and inclusion of internal traffic calming elements as may be determined to be necessary, subject to the</i> | City Engineer | Prior to approval of the Tentative Map | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <p style="text-align: center;"><i>review and approval of the City Engineer; and</i></p> <ul style="list-style-type: none"> • <i>Provision of traffic control devices, if and where needed in the internal roadway system, based on an analysis of the internal traffic turning movements to be prepared when the project design is more detailed.</i> | | | |
| 4.3-3 | Impacts related to pedestrian and bicycle access and circulation. | 4.3-3 <i>Prior to approval of the Tentative Map, the project applicant shall ensure that the pathway and sidewalk network meets ADA accessibility requirements, subject to the review and approval by the City Engineer.</i> | City Engineer | Prior to approval of the Tentative Map | |
| 4.3-5 | Impacts to traffic flow from construction traffic associated with grading and development of the project site. | 4.3-5 <i>Prior to any on-site construction activities, the project applicant shall prepare a Construction Traffic Management Plan subject to the review and approval by the City Engineer. The Construction Traffic Management Plan shall include all measures for temporary traffic control, temporary signage and striping, location points for ingress and egress of construction vehicles, haul routes, staging areas, and shall provide for the timing of construction activity that appropriately limits hours during which large construction equipment may be brought onto or taken off of the site.</i> | City Engineer | Prior to any on-site construction | |
| 4.3-6 | Cumulative impacts regarding the deterioration of the Second Street / Mace | 4.3-6 <i>Prior to the issuance of building permits, or such other time as may be approved at the time of Tentative Map, the project applicant shall pay a fair share fee, as determined by</i> | Public Works Department | Prior to issuance of building permits | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | Boulevard intersection LOS. | <i>the City Public Works Department, for improvements to the intersection of Second Street and Mace Boulevard; these improvements may include, but are not necessarily limited to: construction of a second left-turn lane on the northbound approach to the intersection of Second Street and Mace Boulevard, re-striping of the eastbound through lane to a shared through-left turn lane, and modification of the signal phasing to allow eastbound and westbound split phasing.</i> | | | |
| 4.4 Air Quality | | | | | |
| 4.4-1 | Exhaust emissions and fugitive dust emissions from project-associated construction activities. | <p><i>4.4-1 Prior to commencement of any ground disturbing activities, the applicant shall submit a dust control plan to the City Engineer and the Yolo-Solano Air Quality Management District and the dust control plan shall be approved by the Yolo-Solano Air Quality Management District. This plan shall ensure that adequate dust controls are implemented during all phases of project construction. The dust control best management practices (BMPs) shall include but are not necessarily limited to the following:</i></p> <ul style="list-style-type: none"> <i>• Apply nontoxic soil stabilizers according to manufacturer's specifications to all inactive construction areas (previously graded areas inactive for ten days or more);</i> <i>• Reestablish ground cover in disturbed</i> | <p>City Engineer Yolo-Solano Air Quality Management District</p> | Prior to ground disturbing activities | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <p><i>areas quickly;</i></p> <ul style="list-style-type: none"> • <i>Water recently disturbed construction areas (ground disturbed within 10 days) at least twice daily to avoid visible dust plumes;</i> • <i>Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;</i> • <i>Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</i> • <i>Enforce a speed limit of 15 MPH for equipment and vehicles operated in unpaved areas;</i> • <i>All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard;</i> • <i>Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads; and</i> • <i>All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer on site a minimum of one time per day. Additional</i> | | | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <i>hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecast to be greater than 15 mph.</i> | | | |
| 4.5 Noise | | | | | |
| 4.5-3 | Short-term noise impacts from construction activities. | <p>4.5-3 <i>Compliance with the following measures shall be incorporated within the Final Planned Development with specific criteria and standards to be reviewed and approved by the Planning Commission:</i></p> <ul style="list-style-type: none"> • <i>Construction activities shall be scheduled to occur during normal daytime working hours (i.e., 7:00 AM to 7:00 PM Monday through Friday and 8:00 AM to 8:00 PM Saturday and Sunday). These criteria shall be included in the Improvement Plans prior to initiation of construction. Exceptions to allow expanded construction activity hours shall be reviewed on a case-by-case basis as determined by the Community Development Director;</i> • <i>All heavy construction equipment and all stationary noise sources (such as diesel generators) shall be fitted with factory-specified mufflers; and</i> • <i>Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from</i> | <p>Community Development Department</p> <p>Planning Commission</p> | In conjunction with the Final Planned Development approval | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <i>existing residences as feasible.</i> | | | |
| 4.5-4 | Noise impacts associated with greenbelt and orchard maintenance activities. | 4.5-4 <i>Prior to recordation of final map, disclosure statements advising that periods of orchard and greenbelt maintenance could result in elevated noise levels, shall be prepared and submitted for the review and approval of the Community Development Director. A copy of the approved disclosure statements shall be provided to all prospective buyers of property within the Wildhorse Ranch Subdivision. Language shall be included on the Final Map to ensure that disclosure of elevated noise levels are provided at the time of all future sales.</i> | Community Development Department | Prior to recording of final maps | |
| 4.6 Biological Resources | | | | | |
| 4.6-1 | Potential Impacts to the American Badger. | 4.6-1(a) <i>A qualified biologist shall conduct pre-construction surveys for American badger in all construction areas identified as potential habitat located within the project area two weeks prior to initiation of construction activities. If an American badger or active burrow, indicated by the presence of badger sign (i.e. suitable shape and burrow-size, scat) is found within the construction area during pre-construction surveys, the California Department of Fish and Game (CDFG) shall be consulted to obtain permission for animal relocation.</i> | Community Development Department California Department of Fish and Game (CDFG) | Two weeks prior to construction | |
| | | 4.6-1(b) <i>If the qualified biologist determines that potential dens are inactive, the biologist shall</i> | Community Development | Prior to construction | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <p><i>excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.</i></p> <p>4.6-1(c) <i>If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.</i></p> <p><i>Prior to initiating passive relocation efforts, adjacent lands will be evaluated to confirm that suitable habitat and refugia for badgers is present adjacent to the active den site. If necessary, artificial dens will be created in suitable areas within close proximity (as close as is feasible) to reduce exposure to predation during relocation. If passive relocation is ineffective, active relocation techniques will be coordinated with CDFG and carried out by a qualified biologist. A suitable relocation site will be found in the vicinity of the project site and a relocation plan designed to minimize stress to the animal will be developed for</i></p> | <p>Department</p> <p>Community Development Department</p> <p>CDFG</p> | <p>Prior to construction</p> | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <p><i>approval by CDFG and the City.</i></p> <p>4.6-1(d) <i>If badger are determined to be actively using the site, a qualified biologist shall provide project contractors and construction crews responsible for site demolition and/or grading operations with a worker-awareness program before any ground disturbance work within the project area. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.</i></p> | Community Development Department | Prior to construction | |
| 4.6-2 | Potential Impacts to Western Burrowing Owl. | <p>4.6-2(a) <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities and within 15 days of initiation of any grading or other construction activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area and within 250 feet of the project boundary. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to the CDFG and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed.</i></p> <p>4.6-2(b) <i>If potentially nesting burrowing owl are present during pre-construction surveys</i></p> | Community Development Department CDFG | Prior to and within 15 days of construction related activities | |
| | | | CDFG | Prior to construction | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <p>conducted between February 1 and August 31, grading or other construction related disturbance shall not be allowed within 250 feet of any active nest burrows during the nesting season (February 1 – August 31) unless approved by CDFG.</p> <p>4.6-2(c) <i>If burrowing owl are detected during pre-construction surveys outside the nesting season (September 1 – January 31), passive relocation and monitoring may be undertaken by a qualified biologist following the CDFG and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone of the impact area. A minimum of one week shall be allowed to accomplish this task and allow for owls to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1 - August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.</i></p> <p><i>If passive relocation is unsuccessful, the feasibility of active relocation will be</i></p> | <p>CDFG</p> <p>Community Development Department</p> | <p>Prior to construction</p> | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <p><i>discussed with CDFG and an alternate strategy evaluated. Any active relocation efforts must be approved by CDFG and the City, and carried out by a qualified biologist with similar burrowing owl relocation experience and according to an approved plan.</i></p> <p>4.6-2(d) <i>If burrowing owl or sign of burrowing owl are detected at any time on the project site, a minimum of 6.5 acres of foraging habitat per pair or individual resident bird, shall be acquired and permanently protected to compensate for the loss of burrowing owl habitat. The acreage shall be based on the maximum number of owls observed inhabiting the property for any given observation period, pre-construction survey, or other field visit. The protected lands shall be occupied burrowing owl habitat and at a location acceptable to CDFG. A report shall be submitted to the City describing the agreed upon location. First priority for habitat preservation shall be accomplished on-site. If the required acreage cannot be preserved on-site, second priority shall be given to habitat preservation at an off-site location within the Davis city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Davis city limits. Habitat in the amount</i></p> | <p>Community Development Department</p> <p>CDFG</p> | <p>Any time burrowing owls are detected on-site prior to or during construction</p> | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <p><i>specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of burrowing owl habitat on the project site. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).</i></p> <p>4.6-2(e) <i>If burrowing owl are determined to be actively using the site, a qualified biologist shall conduct an education session for project contractors and construction crews responsible for site demolition and/or grading operations before any ground disturbance work within the project area. The education session, shall include includes photos of burrowing owl for identification purposes, habitat description, limits of construction activities in the project area, and guidance regarding general measures being implemented to conserve burrowing owl as they relate to the project. A qualified biologist shall provide materials and instructions to train new workers, whose jobs involve initial ground disturbance, grading, or paving. Training for personnel finalizing exteriors and interiors would not be required.</i></p> | Community Development Department | Prior to ground disturbance | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | 4.6-2(f) <i>A monitoring report of all activities associated with pre-construction surveys, avoidance measures, and passive relocation of burrowing owls shall be submitted to the City and CDFG no later than three days before initiation of grading.</i> | Community Development Department CDFG | Three days prior to grading | |
| 4.6-3 | Potential Impacts to Nesting Birds. | 4.6-3(a) <i>The removal of any buildings, trees, or shrubs shall occur from September 1 through December 15, outside of the avian nesting season. If removal of buildings, trees, or shrubs occurs, or construction begins between February 1 and August 31 (nesting season for passerine or non-passerine land birds) or between December 15 and August 31 (nesting season for raptors), a nesting bird survey shall be performed by a qualified ornithologist within 15 days prior to the removal or disturbance of a potential nesting structure, tree, or shrub, or the initiation of other construction activities. During this survey, a qualified biologist shall inspect all potential nesting habitat (trees, shrubs, structures, grasslands, etc.) for nests in and immediately adjacent to the impact areas. A report of the survey findings shall be provided to the City and CDFG.</i> | Community Development Department CDFG | Prior to construction if buildings, trees, or shrubs are removed outside of September 1 through December 15 | |
| | | 4.6-3(b) <i>All vegetation and structures with active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nest site. The size of the buffer</i> | CDFG | Prior to construction | |

| MITIGATION MONITORING PLAN WILDHORSE RANCH | | | | | |
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| Mitigation Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign Off |
| | | <p><i>zone shall be determined by the project biologist in consultation with CDFG and shall depend on the species involved, site conditions, and type of work to be conducted in the area.</i></p> <p>4.6-3(c) <i>A qualified biologist shall monitor active nests to determine when the young have fledged and are feeding on their own. The project biologist and CDFG shall be consulted for clearance before construction activities resume in the vicinity.</i></p> | CDFG | Prior to construction and after young have fledged | |
| 4.6-4 | Potential Impacts to Special-Status Bat Species. | <p>4.6-4(a) <i>A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to any removal of trees or structures on the site. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, the following mitigation measures shall be implemented.</i></p> <p>4.6-4(b) <i>If active maternity roosts or hibernacula are found in trees or structures which will be removed as part of project construction, the project shall be redesigned to avoid the loss of the tree or structure occupied by the roost to the extent feasible as determined by the City. If an active maternity roost is located and the project cannot be redesigned to avoid removal</i></p> | Community Development Department CDFG | Within 30 days prior to removal of trees or structures on the site Prior to construction and before maternity colonies form or after young are volant | |

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| | | <p><i>of the occupied tree or structure, demolition shall commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones, as determined by a qualified biologist in coordination with CDFG, shall be observed during the maternity roost season (March 1 - July 31).</i></p> | | | |
| | | <p>4.6-4(c) <i>If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition shall then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.</i></p> | CDFG | If a non-breeding bat hibernacula is found in a tree or structure prior to removal of tree or structure | |
| | | <p>4.6-4(d) <i>If special-status bats are found roosting within trees or structures on-site that require removal, appropriate replacement roosts shall be created at a suitable location on site or off</i></p> | CDFG | Prior to removal of tree or structure | |

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| | | <i>site in coordination with a qualified biologist, CDFG, and the City.</i> | | | |
| 4.6-5 | Potential Impacts to Nesting Swainson's Hawk. | <p>4.6-5(a) <i>In order to ensure that nesting Swainson's hawks will not be affected by construction on the project site, a qualified biologist shall conduct pre-construction surveys according to the CDFG and Swainson's hawk Technical Advisory Committee guidelines (2000). Survey Period I occurs from January 1 – March 20, Period II from March 20 – April 5, Period III from April 5 – April 20, Period IV from April 21 – June 10, and Period V from June 10 – July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project's initiation and shall encompass the area within one half mile of the project site.</i></p> <p>4.6-5(b) <i>Because of the potential for Swainson's hawk to nest on-site, potential adverse affects to this species shall be avoided by establishment of CDFG approved buffers around any active nests. No construction activities shall take place within 0.25 mile of the nest until the young have fledged, or authorization has been obtained from CDFG. Weekly monitoring reports summarizing nest activities shall be submitted to the City and CDFG until the young have fledged and the nest is determined to be inactive. Trees containing nests that must be removed as a result of project</i></p> | <p>Community Development Department CDFG</p> <p>Community Development Department CDFG</p> | <p>Prior to construction</p> <p>Prior to construction activities and after young have fledged</p> | |

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| | | <p><i>implementation shall be removed during the non-breeding season (late September to March) and in accordance with the CDFG “Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California,” November 8, 1994.</i></p> <p>4.6-5(c) <i>Replacement trees for any potential Swainson’s hawk nest trees removed as part of project construction must be planted either on-site or at a nearby site, and/or an in-lieu fee must be paid to the City of Davis Tree Preservation Fund as detailed in Mitigation Measure 4.6-7. The implementation of this measure is not intended to be duplicative of the mitigation for loss of trees contained in Mitigation Measure 4.6-7(c). Accordingly, mitigation provided under Mitigation Measure 4.6-7(c) may also serve as mitigation under this measure, provided that the standards of this measure are met.</i></p> | Community Development Department | During construction | |
| 4.6-6 | Potential Impacts to Swainson’s Hawk Foraging Habitat. | 4.6-6 <i>The project proponent will compensate for the loss of Swainson’s hawk foraging habitat by providing Habitat Management lands (HM lands) to CDFG as defined in the Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California (published by California Department of Fish and Game in 1994). If the proposed project is located within 1 mile of an active nest (used during one or more of the</i> | CDFG | Prior to construction | |

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| | | <p><i>last five years, to be determined with preconstruction surveys) the loss of habitat will be compensated at a ratio of 1:1 (HM lands:urban development). The project proponent will provide HM lands through an in-lieu fee process prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, per the Agreement to Yolo County HCP/NCCP Joint Powers Agency. Credits will be purchased through the in-lieu fee program due to the lack of mitigation credits currently available at a bank. As of January 2007, the cost per acre for the in-lieu fee is \$8,660 payable to the Joint Powers Agency. Should the in-lieu fee be increased prior to clearance to grade the project site, the project proponent shall pay the in-lieu fee in effect at that time. The project proponent will issue a check to the Joint Powers Agency if mitigation is required. It is estimated that a total of 15.5 acres of Swainson's hawk foraging habitat would be removed as a result of the project. The applicant shall pay the in-lieu fee for the 15.5 acres based on the removal of this Swainson's hawk foraging habitat.</i></p> <p style="text-align: center;"><i>-Or-</i></p> | | | |

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| | | <p><i>Prior to commencement of construction-related activities, the project proponent shall place and record one or more Conservation Easements that meet the acreage requirements of CDFG's Swainson's Hawk foraging habitat mitigation guidelines. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The City may, at its discretion, also be a party to the conservation easement(s). The conservation easement(s) shall be reviewed and approved in writing by CDFG prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk.</i></p> | <p>Community Development Department CDFG</p> | <p>Prior to construction related activities</p> | |
| 4.6-7 | Potential Impacts to Tree Removal. | <p>4.6-7(a) <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, a tree preservation plan, in compliance with Ordinance 37.03.010 in the City of Davis Municipal Code, shall be submitted to the Community Development Department and City Arborist for review and approval, which shall ensure the following measures:</i></p> <ul style="list-style-type: none"> • <i>Trees shall be cordoned off with chain link fence prior to construction as specified;</i> | <p>Community Development Department City Arborist</p> | <p>Prior to construction related activities</p> | |

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| | | <ul style="list-style-type: none"> • Soil compaction under trees is to be avoided; • The fence shall prevent equipment traffic and storage under the trees and should extend beyond the drip-line; • Excavation within this zone shall be accomplished by hand, and roots ½" and larger shall be preserved; • Proper fertilization and irrigation prior to and during the construction period shall be provided as specified; • New landscaping under existing trees shall be carefully planned to avoid any grade changes and any excess moisture in trunk area. Existing plants which have compatible irrigation requirements and which complement the trees' color, texture and form are to be saved; • Trenching within the drip-line shall be performed only with prior approval of the Park and General Services Department. Boring is preferred when feasible; • All paving plans and specifications shall clearly prohibit the use of soil sterilants adjacent to preserved trees; and • Grade changes greater than one foot within the drip-line shall be avoided and nothing other than a saw shall be used for root cutting. | | | |

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| | | <p>4.6-7(b) <i>Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, a sheet shall be included with the project plans, which indicates all of the trees identified. The tree report with corresponding descriptions of each tree by species, health, etc. should also be included. In addition, notes shall be included on the plans which clearly state protection procedures for trees that are to be preserved. Any tree care practices, such as cutting of roots, pruning the top, etc., shall be adequately described and shall have the approval of a representative of the Parks and General Services Department prior to execution. In the event of damage to existing trees, a penalty clause shall be replacement tree(s) of equal size in D.B.H. unless specified otherwise by the Parks and General Services Department.</i></p> | <p>Parks and General Services Department</p> | <p>Prior to construction related activities</p> | |
| | | <p>4.6-7(c) <i>Trees identified on the site as Trees of Significance, that are proposed for removal, shall be replaced either on site or at a nearby site deemed acceptable by the Director of the City of Davis Parks and General Services Department. The Director may require an in-lieu fee to be paid to the City of Davis Tree Preservation Fund instead of or in addition to tree replacement. The recommendations for</i></p> | <p>Parks and General Services Department City Arborist</p> | <p>Prior to issuance of grading permit</p> | |

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| | | <p><i>avoidance of trees contained in Chapter 37 of the City of Davis Municipal Code (Tree Planting, Preservation, and Protection) should be adopted if feasible. If infeasible, the applicant should identify trees slated for removal on the site plan, including those with encroachments within 30-feet of the drip line of trees and develop a tree replacement plan that shall be reviewed and approved by the City prior to issuance of the grading permit. Tree replacement shall be implemented according to options outlined in Section 37.03.070 of the City's Municipal Code as follows:</i></p> <p><i>(i) Replanting a tree(s) on site: Trees shall be planted in number and size so that there is no net loss in tree diameter at breast height (DBH). For example, if one tree is removed with a 12-inch DBH size, mitigation may consist of a replacement of equal size, two trees each 6-inch DBH, or four trees each 3-inch DBH. The replanted tree(s) shall be minimum 5 gallon size and of a species that will eventually equal or exceed the removed tree in size.</i></p> <p><i>(ii) Replanting a tree(s) off site: If there is insufficient space on the property for the replacement tree(s), required planting shall occur on other property in the</i></p> | | | |

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| | | <p><i>applicant's ownership or in City-owned open space or park, subject to the approval of the City Arborist and authorized property owners.</i></p> <p><i>(iii) Payment to the Tree Preservation Fund in lieu of replacement: If in the City Arborist's determination no feasible alternative exists to plant the required mitigation, or there are other considerations for alternative mitigation, the applicant shall pay into the Tree Preservation Fund an amount determined by the Director based upon the ISA appraisal guidelines or other approved method. If the Director approves another method of appraisal guideline, the Director shall publish notice of that approval and notify the permit applicant at the time the permit application is issued.</i></p> | | | |
| 4.7 Aesthetics | | | | | |
| 4.7-2 | Construction-related impacts to surface water quality. | 4.7-2(a) <i>Prior to issuance of the first building permit, the developer shall submit a street lighting plan for review and approval by the City Engineer. Street lightning shall be limited to reduced height low-profile fixtures. The Plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.</i> | City Engineer | Prior to issuance of first building permit | |

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| | | 4.7-2(b) <i>Prior to the issuance of building permits, the developer shall submit a lighting plan for the review and approval of the Chief Building Official of the City of Davis. The lighting plan shall include shielding on all light fixtures and shall address-limiting light trespass and glare through the use of shielding and directional lighting methods, including but not limited to, fixture location and height. The Plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.</i> | Chief Building Official | Prior to issuance of building permit | |
| 4.8 Hydrology, Water Quality, and Drainage | | | | | |
| 4.8-2 | Increased stormwater runoff from the project site contributing to downstream flooding. | 4.8-2 <i>In conjunction with the submittal of a tentative map, the project applicant shall submit a design-level engineering report on the stormwater detention and conveyance system to the City Engineer demonstrating that the proposed project peak flows into the existing 36-inch storm drain would not exceed 6.2 cfs. The report shall also demonstrate that peak flows from the site do not coincide with peak flows within Channel "A" and demonstrate how the system would function to adequately treat stormwater runoff prior to being discharged into Channel "A." Stormwater detention and conveyance plans shall be reviewed and approved by the City Engineer.</i> | City Engineer | In conjunction with tentative map submittal | |
| 4.8-3 | Construction-related impacts to surface water quality. | 4.8-3 <i>Prior to commencement of construction, the applicant shall obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity</i> | State Water Resources Control Board (SWRCB) | Prior to construction and ground disturbance | |

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| | | <i>(Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground disturbance. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation. A copy of the SWPP including BMP implementation provisions shall be submitted to the Chief Building Official.</i> | Chief Building Official | | |
| 4.8-6 | Cumulative impacts related to degradation of water quality. | 4.8-6 | Implement Mitigation Measures 4.8-2 and 4.8-3. | N/A | N/A |
| 4.9 Public Services and Facilities | | | | | |
| 4.9-1 | Ability of existing water conveyance facilities to meet project water demands. | 4.9-1(a) | <i>Prior to issuance of building permits, the East Area Tank, the East Area Main Upsize, and the West Area Main Upsize shall be included within the City's Capital Improvement Plan and fully funded for construction.</i> | City Engineer | Prior to issuance of building permits |
| | | 4.9-1(b) | <i>If the following is not included in the City's water connection charge at the time the water charge is paid for any unit in the project, then, in addition to the water connection charge, the project shall pay fair share fees for the</i> | City Engineer | At building permit issuance |

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| | | <i>above-listed improvements at the time of building permit issuance. This fair share shall include any additional costs that the City may incur to accelerate the timing of the above-listed projects.</i> | | | |
| 4.9-2 | Long-term availability of water supply to meet the project water demand. | 4.9-2 <i>The project applicant shall pay fair share fees for the future water supply project(s) required to meet City demand beyond 2020 at the time of building permit issuance.</i> | City Engineer | Prior to issuance of building permits | |
| 4.9-3 | Increased demand for wastewater disposal. | 4.9-3 <i>Prior to the approval of a tentative map for the Wildhorse Ranch project, the applicant shall submit a design-level wastewater report for the proposed project that demonstrates how the project's wastewater will be delivered to the Wastewater Treatment Plant. Included in the report shall be a determination of the capacity of downstream sewer lines and what improvements, if any, need to be constructed to accommodate and convey the project's additional wastewater, and the construction and operational costs of the options. The wastewater report shall be subject to approval by the City Engineer. The applicant shall be required to fully fund and construct the necessary wastewater improvements determined by the wastewater report.</i> | City Engineer | Prior to approval of tentative map | |
| 4.9-4 | Increased demand for fire protection services. | 4.9-4 <i>Prior to the issuance of Certificates of Occupancy, the applicant shall pay all applicable major project impact fees per the impact fee schedule.</i> | Community Development Department | Prior to issuance of certificates of occupancy | |

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| 4.9-6 | Increased demand for school resources. | 4.9-6 <i>Prior to the issuance of building permits, the applicant shall show proof to the Community Development Department of payment of current SB50 and AB 16 school impacts fees.</i> | Community Development Department | Prior to issuance of building permits | |
| 4.9-8 | Increased demand for park and recreation services and facilities. | 4.9-8 <i>Prior to the issuance of Certificates of Occupancy, the applicant shall pay in-lieu Quimby fees for required park acreage.</i> | Community Development Department | Prior to issuance of certificates of occupancy | |
| 4.10 Climate Change | | | | | |
| 4.10-1 | Project impacts concerning the production of Green House Gasses. | 4.10-1 <i>In conjunction with the submittal of a Tentative Map for the proposed project, the project applicant shall submit, for the review and approval of the Community Development Department, a sustainability plan, which demonstrates that the proposed project does not conflict with the goals and strategies of Executive Order S-3-05, the Attorney General's suggested global warming mitigation measures, or City of Davis Resolution No. 08-166. The sustainability plan shall include, but not be limited to, the compliance measures listed in the right column of Table 4.10-6, which is labeled "Wildhorse Ranch Compliance."</i> | Community Development Department | In conjunction with submittal of Tentative Map | |