

California Department of Transportation

DISTRICT 3
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(530) 821-8401
www.dot.ca.gov



March 20, 2024

GTS# 03-YOL-2024-00240
SCH # 2007072020

Ms. Sherri Metzker
Community Development and Sustainability Director
City of Davis
Department of Community Development and Sustainability
23 Russell Blvd #2
Davis, CA 95616

Palomino Place Project

Dear Ms. Metzker,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals, some of which includes addressing equity, climate change, and safety, as outlined in our statewide plans such as the California Transportation Plan, Caltrans Strategic Plan, and Climate Action Plan for Transportation Infrastructure.

The project is located on North of East Covell Boulevard on an existing property known as Wildhorse Ranch and/or Duffel Horse Ranch in the City of Davis, California. The project is approximately 25.8-acre and about 1.8 mi north-west of Interstate 80 (I-80). The proposed project would demolish two on-site duplex buildings and barn, followed by residential development, comprised of a total of 163 new units, consisting of cottages, half-plex townhomes, single-family residences, and multi-family apartments. The existing ranch home would be retained and renovated. The proposed recreational facilities would include a pool complex and USA Pentathlon Training Facility. The project would also consist of new on-site roadways; associated utility improvements; and open space, landscaping, and trails. Based on the Notice of Preparation of a Draft EIR provided, Caltrans has the following requests and recommendations:

Highway Operations / Forecasting & Modeling

The project is located north of East (E) Covell Boulevard (Blvd) and Monarch Lane intersection, about 1.8 mi north-west of Interstate 80 (I-80) and Mace Blvd. The proposed project would demolish two on-site duplex buildings and barn and construct a residential development comprised of a total of 163 new units, consisting of cottages, half-plex townhomes, single-family residences, and multi-family apartments.

This project would add traffic to the following facilities:

- E Covell Blvd
- Mace Blvd
- I-80
- I-80 westbound (WB)/Mace Blvd Ramps
- I-80 eastbound (EB)/Chiles Road Off-Ramp
- I-80 eastbound (EB)/ Mace Blvd Ramp

Please prepare a VMT-focused traffic study that investigates trip generation and the “No Project” and “Plus Project” scenarios under Existing and Cumulative conditions. The traffic study should investigate off-ramp queue lengths at the following off-ramps:

- I-80 WB/Mace Blvd off-ramp
- I-80 EB/Chiles Road off-ramp

Please utilize peak hour maximum queue length rather than the 95th percentile queue length. Please use a microsimulation model calibrated to existing weekday AM and PM peak hour conditions, built with software such as SimTraffic or VISSIM, for this analysis. Please include on-ramp meters in these simulations.

Additionally, please analyze peak hour level of service operations for the following intersections under Plus Project conditions:

- I-80 WB/Mace Blvd Ramps
- I-80 EB/Chiles Road off-ramp
- Chiles Road/Mace Blvd

Please analyze on-ramp queues from the ramp meters at the following on-ramps. Coordinate with Caltrans Freeway Operations staff for ramp metering rates and future ramp metering assumptions. Please use the methodology described in the Ramp Metering Design Manual.

- I-80 WB/Mace Blvd on-ramp (WB)
- I-80 EB/Mace Blvd loop on-ramp (EB)

Ms. Sherri Metzker, Community Development and Sustainability Director
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Encroachment Permit

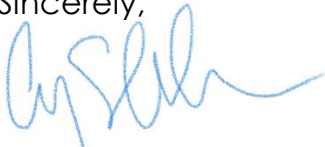
Any project along or within the State's right of way (ROW) requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

Hikmat Bsaibess
California Department of Transportation
District 3, Office of Permits
703 B Street
Marysville, CA 95901

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Satwinder Dhatt, Local Development Review Coordinator, by phone (530) 821-8261 or via email at satwinder.dhatt@dot.ca.gov.

Sincerely,



GARY ARNOLD, Branch Chief
Local Development Review and Complete Streets
Division of Planning, Local Assistance, and Sustainability
California Department of Transportation, District 3



Central Valley Regional Water Quality Control Board

25 March 2024

Sherri Metzker
City of Davis Department of Community
Development and Sustainability
23 Russell Boulevard, Suite 2
Davis, CA 95616
smetzker@cityofdavis.org

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, PALOMINO PLACE PROJECT, SCH#2007072020, YOLO COUNTY

Pursuant to the State Clearinghouse's 23 February 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the Palomino Place Project, located in Yolo County.

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

I. Regulatory Setting

Basin Plan

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

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

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

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

Antidegradation Considerations

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

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

In part it states:

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

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

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

II. Permitting Requirements

Construction Storm Water General Permit

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

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

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

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

Dewatering Permit

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

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

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

Limited Threat General NPDES Permit

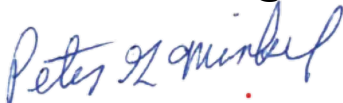
If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a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

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

NPDES Permit

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

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.



Peter G. Minkel
Engineering Geologist

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



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 18, 2024

Eric Lee
Senior Planner
City of Davis Department of Community Development and Sustainability
23 Russell Boulevard
Davis, CA 95616
elee@cityofdavis.org

Subject: Palomino Place Project- Notice of Preparation
SCH No. 2007072020

Dear Eric Lee:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of a Subsequent Environmental Impact Report (EIR) from City of Davis Department of Community Development and Sustainability for the Palomino Place Project (Project) in Yolo County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

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

CDFW ROLE

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

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

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review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

PROJECT DESCRIPTION SUMMARY

The approximately 25.8-acre project site is located north of East Covell Boulevard on an existing property known as the Wildhorse Ranch and/or Duffel Horse Ranch in the City of Davis, California. The project site is identified by Assessor's Parcel Number (APN) 071-140-011.

The currently proposed Palomino Place Project would consist of the development of 163 new residential units, in addition to the retention of the existing ranch house. Compared to the residential portion of the former Wildhorse Ranch Project, the currently proposed project would result in a net reduction of 28 residential units. As discussed further below, unlike the original project proposal, the currently proposed project would include a 1.4-acre site for the future construction of a USA Pentathlon Training Facility and a pool complex. In addition, the former Wildhorse Ranch Project included dedication of 2.26 acres of additional agricultural buffer area, 1.61 acres of interior greenbelt, and 4.44 acres of interior open space, whereas the proposed project would include approximately 3.22 acres of interior open space and trails.

A former project, known as the Wildhorse Ranch Project, was proposed on the project site in 2009 and included preparation of an EIR. In July 2009, Davis City Council certified the Wildhorse Ranch Project EIR and approved the Wildhorse Ranch Project. Following approval by the Davis City Council, the Wildhorse Ranch Project required approval by Davis residents before the project could proceed (Measure P); however, the Wildhorse Ranch Project ultimately failed to gain the requisite percentage of votes on the ballot, and thus, was not approved.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the City of Davis Department of Community Development and Sustainability in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR address the following:

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Project Description

The Project description should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment stage area, spoils areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

As required by § 15126.6 of the CEQA Guidelines, the EIR should include an appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Project, the EIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends the EIR specifically include:

1. An assessment of all habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following, *The Manual of California Vegetation*, second edition (Sawyer 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine United States Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see *Data Use Guidelines* on the Department webpage www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDDB Field Survey Forms be completed and

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submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations.

3. A complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code § § 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. The EIR should include the results of focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be directly, indirectly, on or within a reasonable distance of the Project activities. CDFW recommends the City of Davis Department of Community Development and Sustainability rely on survey and monitoring protocols and guidelines available at: www.wildlife.ca.gov/Conservation/Survey-Protocols. Alternative survey protocols may be warranted; justification should be provided to substantiate why an alternative protocol is necessary. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Some aspects of the Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought or deluge.
4. A thorough, recent (within the last two years), floristic-based assessment of special-status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see www.wildlife.ca.gov/Conservation/Plants).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

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Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The EIR should provide a thorough discussion of the Project's potential direct, indirect, and cumulative impacts on biological resources. To ensure that Project impacts on biological resources are fully analyzed, the following information should be included in the EIR:

1. The EIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The EIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed, and it must permit the significant effects of the Project to be considered in the full environmental context.
2. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by Project activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages. The EIR should address Project-related changes to drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
3. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The EIR should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The EIR should include a list of present, past, and probable future projects producing related impacts to biological resources or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects. Please include all potential direct and indirect Project-related impacts to riparian areas, wetlands, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and/or special-status species, open space, and adjacent natural habitats in the cumulative effects analysis.

Mitigation Measures for Project Impacts to Biological Resources

The EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to

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occur as a result of the construction and long-term operation and maintenance of the Project. CDFW also recommends the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Several Fully Protected Species (Fish & G. Code § 3511) have the potential to occur within or adjacent to the Project area, including, but not limited to: white-tailed kite (*Elanus leucurus*). Project activities described in the EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. If fully protected species cannot be completely avoided, the Project should obtain incidental take coverage for all species that have the potential to be present within or adjacent to the Project Area². CDFW also recommends the EIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the City of Davis Department of Community Development and Sustainability include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.
2. *Species of Special Concern*: Several Species of Special Concern (SSC) have the potential to occur within or adjacent to the Project area, including, but not limited to: burrowing owl (*Athene cunicularia*), pallid bat (*Antrozous pallidus*), western pond turtle (*Emys marmorata*), and the American badger (*Taxidea taxus*). Project activities described in the EIR should be designed to avoid any SSC that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the EIR fully analyze potential adverse impacts to SSC due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends the City of Davis Department of Community Development and Sustainability include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce impacts to SSC.
3. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level.

² CDFW may only issue incidental take permits for specified projects if certain conditions are satisfied per SB 147.

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These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer 2009). The EIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.

4. *Native Wildlife Nursery Sites*: CDFW recommends the EIR fully analyze potential adverse impacts to native wildlife nursery sites, including but not limited to bat maternity roosts. Based on review of Project materials, aerial photography, and observation of the site from public roadways, the Project site contains potential nursery site habitat for structure and tree roosting bats and is near potential foraging habitat. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). CDFW recommends that the EIR fully identify the Project's potential impacts to native wildlife nursery sites, and include appropriate avoidance, minimization, and mitigation measures to reduce impacts or mitigate any potential significant impacts to bat nursery sites.
5. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the EIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration, enhancement, or permanent protection should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The EIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

6. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in the regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party

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responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be appropriately timed to ensure the viability of the seeds when planted. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes. Please see our website for more information on Scientific Collecting Permits at www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations-.

7. *Nesting Birds*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory nongame native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Sections 3503, 3503.5, and 3513 of the Fish and Game Code afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Potential habitat for nesting birds and birds of prey is present within the Project area. The Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the EIR.

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CDFW recommends the EIR include specific avoidance and minimization measures to ensure that impacts to nesting birds or their nests do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The EIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. In addition to larger, protocol level survey efforts (e.g., Swainson's hawk surveys) and scientific assessments, CDFW recommends a final preconstruction survey be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

8. *Moving out of Harm's Way*: The Project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, the City of Davis Department of Community Development and Sustainability should state in the EIR a requirement for a qualified biologist with the proper handling permits, will be retained to be onsite prior to and during all ground- and habitat-disturbing activities. Furthermore, the EIR should describe that the qualified biologist with the proper permits may move out of harm's way special-status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities, as needed. The EIR should also describe qualified biologist qualifications and authorities to stop work to prevent direct mortality of special-status species. CDFW recommends fish and wildlife species be allowed to move out of harm's way on their own volition, if possible, and to assist their relocation as a last resort. It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for habitat loss.
9. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as these efforts are generally experimental in nature and largely unsuccessful. Therefore, the EIR should describe additional mitigation measures utilizing habitat restoration, conservation, and/or preservation, in addition to avoidance and minimization measures, if it is determined that there may be impacts to rare, threatened, or endangered species.

The EIR should incorporate mitigation performance standards that would ensure that impacts are reduced to a less-than-significant level. Mitigation measures proposed in the EIR should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral. CEQA Guidelines section 15126.4, subdivision (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. To avoid deferring mitigation in this way, the EIR should describe avoidance, minimization and mitigation measures that would be implemented should the impact occur.

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California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (Fish & G. Code § 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the Project.

State-listed species with the potential to occur in the area include, but are not limited to:

Bank swallow (*Riparia riparia*), Swainson’s hawk (*Buteo swainsoni*), tri-colored blackbird (*Agelaius tricolor*), least Bell’s vireo (*Vireo belli pusillus*), Crotch’s bumblebee (*Bombus crotchii*) (candidate endangered), western bumble bee (*Bombus occidentalis*) (candidate endangered), and giant garter snake (*Thamnophis gigas*).

The EIR should disclose the potential of the Project to take State-listed species and how the impacts will be avoided, minimized, and mitigated. Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To facilitate the issuance of an ITP, if applicable, CDFW recommends the EIR include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity.

Habitat Conservation Plans

Portions of the Project are within the boundaries of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo Plan). CEQA Guidelines section 15125(d) states that EIRs must discuss any inconsistencies between projects and applicable plans (including habitat conservation plans/natural community conservation plans). Because the Yolo Plan is currently being implemented, the EIR must include a discussion on the consistency of each project alternative with the respective plans and how the City of Davis will ensure that implementation of the project alternatives do not impede the plan’s ability to meet its biological goals and objectives. Furthermore, CDFW recommends that the lead agency coordinate with the implementing agency/plan operators (Yolo Habitat Conservancy/Yolo County) of the plan to ensure significant environmental impacts assessed in the EIR are adequately investigated. Particular focus in the EIR’s analysis should be directed to:

- Analysis of all Yolo Plan Covered Species,
- Assessment of habitat types identified in the Yolo Plan,
- Identification of applicable Yolo Plan avoidance, minimization, or mitigation measures; and

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- Analysis of any impacts to land commitments of the Yolo Plan.

CEQA Guidelines section 15125(e) requires the analysis examine both the existing physical conditions at the time of the NOP and the potential future conditions discussed in the adopted plans.

Native Plant Protection Act

The Native Plant Protection Act (Fish & G. Code §1900 *et seq.*) prohibits the take or possession of State-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of State-listed rare and/or endangered plants due to Project activities may only be permitted through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

Lake and Streambed Alteration Program

The EIR should identify all perennial, intermittent, and ephemeral rivers, streams, lakes, other hydrologically connected aquatic features, and any associated biological resources/habitats present within the entire Project footprint (including utilities, access, and staging areas). The environmental document should analyze all potential temporary, permanent, direct, indirect and/or cumulative impacts to the above-mentioned features and associated biological resources/habitats that may occur because of the Project. If it is determined the Project will result in significant impacts to these resources the EIR shall propose appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

1. Substantially divert or obstruct the natural flow of any river, stream or lake;
2. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
3. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

If upon review of an entity's notification, CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of

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an LSA Agreement, if one is necessary, the EIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources. Notifications for projects involving (1) sand, gravel or rock extraction, (2) timber harvesting operations, or (3) routine maintenance operations must be submitted using paper notification forms. All other LSA Notification types must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. More information about LSA Notifications, paper forms and fees may be found at <https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such as United States Army Corps of Engineers) when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. CDFW recommends lead agencies coordinate with us as early as possible, since potential modification of the proposed Project may avoid or reduce impacts to fish and wildlife resources and expedite the Project approval process.

The following information will be required for the processing of an LSA Notification and CDFW recommends incorporating this information into any forthcoming CEQA document(s) to avoid subsequent documentation and Project delays:

1. Mapping and quantification of lakes, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.
2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

Based on review of Project materials, aerial photography, and observation of the site from public roadways, the Project site supports an unnamed tributary from Willow Slough and its associated riparian habitat. CDFW recommends the EIR fully identify the Project's potential impacts to the riparian and edge habitat and its associated vegetation and wetlands.

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ENVIRONMENTAL DATA

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

FILING FEES

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

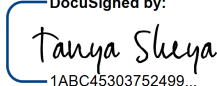
CONCLUSION

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

CDFW appreciates the opportunity to comment on the Notice of Preparation of the EIR for the Palomino Place Project and recommends that the City of Davis Department of Community Development and Sustainability address CDFW's comments and concerns in the forthcoming EIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Alexander Funk, Environmental Scientist at (916) 817-0434 or Alexander.funk@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tanya Sheya
Environmental Program Manager

Palomino Place Project

March 18, 2024

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ec: Ian Boyd, Senior Environmental Scientist (Supervisory)
Alexander Funk, Environmental Scientist
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

March 20, 2024

Sherri Metzker

Community Development and Sustainability Director

City of Davis Department of Community Development and Sustainability

23 Russell Boulevard, Suite 2

Davis, CA 95616

smetzker@cityofdavis.org

RE: NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE PALOMINO PLACE PROJECT DATED FEBRUARY 23, 2024 STATE CLEARINGHOUSE NUMBER [2007072020](#)

Dear Sherri Metzker,

The Department of Toxic Substances Control (DTSC) received a NOP of a DEIR for the Palomino Place Project. The proposed project would demolish two on-site duplex buildings and a barn, followed by residential development, comprised of a total of 163 new units, consisting of cottages, half-plex townhomes, single-family residences, and multi-family apartments. The existing ranch home would be retained and renovated. Proposed recreational facilities would include a pool complex and the USA Pentathlon Training Facility. The project would also consist of new on-site roadways; associated utility improvements; and open space, landscaping, and trails. The project would require the following entitlements from the City: Site Plan and Architectural Review, Vesting

Tentative Map, and an Affordable Housing Plan. After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's [Update to June 2006 Phase I Addendum Guidance](#).
2. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within approved screening levels for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use.

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the Palomino Place Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sherri Metzker
March 20, 2024
Page 3

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Dave Kereazis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
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Scott Wiley
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NATIVE AMERICAN HERITAGE COMMISSION

Red
3/15/24

February 26, 2024

Sherri Metzker
City of Davis Community Development and Sustainability
23 Russell Blvd
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NAHC HEADQUARTERS
1550 Harbor Boulevard
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West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2007072020, Palomino Place Project, Yolo County

Dear Ms. Metzker:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Pricilla.Torres-Fuentes@NAHC.ca.gov.

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
Cultural Resources Analyst

cc: State Clearinghouse

From: Charlie Tschudin <charlie@yolohabitatconservancy.org>
Sent: Wednesday, March 27, 2024 12:42 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: RE: Palomino Place NOP

Hi Eric,

Thank you for sharing. The project is a covered activity under the Yolo HCP/NCCP and can utilize the plan to receive its federal and state endangered species take permits.

Charlie Tschudin

Natural Resources Planner
Yolo County Dept. of Community Services
Yolo Habitat Conservancy
Office: (530) 666-8850
Cell: (530) 682-4925

From: Eric Lee <ELee@cityofdavis.org>
Sent: Monday, March 18, 2024 3:56 PM
To: Charlie Tschudin <charlie@yolohabitatconservancy.org>
Subject: Palomino Place NOP

Charlie,

I was just thinking that we may not have sent the Palomino Place NOP to YHC.

ERIC LEE
Senior Planner

OFFICE: 530-757-5610 ext. 7237
elee@cityofdavis.org

Department of Community Development and Sustainability
23 Russell Blvd, Suite 2
Davis, CA 95616



This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



TO

Eric Lee

Senior Planner

3/13/2024

City of Davis

23 Russell Blvd, City Hall

Davis, CA 95616

Yolo Transportation District Comments re: Palomino Place EIR Scoping

Dear Mr. Lee,

On February 22, 2024 The Yolo Transportation District (YoloTD) received the Notice of Scoping Meeting and Preparation of a Draft Environmental Impact Report for the Palomino Place project. As the consolidated countywide transportation services and congestion management agency, YoloTD appreciates the opportunity to comment on the project. We take this opportunity to share our thoughts on this proposed project based on our review of the planning application and documents provided in the notice. Our comments are limited to two areas directly related to YoloTD's interests: land use and transportation.

Overview of Current Transit Service. YoloTD currently serves the proposed development on Covell Blvd via our Yolobus Express Route 43 from Davis to downtown Sacramento. As many Davis residents have found, this longstanding route provides Palomino Place residents working in downtown Sacramento excellent access to their workplace.

Future Transit Planning. Both the City of Davis/Unitrans and YoloTD are about to launch updates to their respective Short Range Transit Plans in spring 2024. Both plans will look at service levels and potential route changes to better serve the Davis community's public transportation needs, including consideration of future approved and proposed developments such as Palomino Place, Covell Farms, and Bretton Woods developments, all of which front on Covell Blvd.

Project Land Use. YoloTD does not have substantive comments in this regard. The planning application's Land Use Plan Exhibit illustrates the development's land use distribution by residential density type. The project proposes an admirable mix of transit-supportive housing types and densities, most of which are appropriately located at the property's southern edge where existing Yolobus Express Route 43 and Unitrans routes serve and can be easily accessed by residents without any routing changes.

TDM/VMT Plan. As with most large land use development projects, transportation and sustainability will be held to a high standard within the community and the project will be required to reduce vehicle miles traveled (VMT) to the greatest extent feasible. Given the project's location

and the close correlation between income levels and driving, VMT generation will likely have a significant impact in the EIR. A proactive approach to address transportation demand for Palomino Place residents will be needed to mitigate VMT impacts; addressing VMT passively through multi-modal supportive infrastructure within the site is no longer adequate.





YoloTD recommends the project develop and commit to implementing a transportation demand management (TDM) program to reduce the project’s VMT impacts. The project will not only perform better from a CEQA standpoint but also improve consistency with City transportation sustainability goals through intentional site design. A TDM plan should be developed by experts in the field, employ best practices, and require membership in the existing countywide TDM program, Yolo Commute, either as a condition of approval or included in the development agreement.

The topics referenced in this letter provide some insight into our thoughts on this development project. We look forward to collaborating with the City of Davis and the project applicant as it proceeds through the City’s development application process. We trust the City will convey these comments to the applicant and we offer any assistance helpful for providing sustainable transportation access to future Palomino Place residents.

Sincerely,



Brian Abbanat
Planning Director

	(530) 402-2879
	babbanat@yctd.org
	350 Industrial Way Woodland, CA 95776
	YoloTD.org



TO

Eric Lee

Senior Planner

3/13/2024

City of Davis

23 Russell Blvd, City Hall

Davis, CA 95616

Yolo Transportation District Comments re: Village Farms Davis EIR Scoping

Dear Mr. Lee,

On February 22, 2024 The Yolo Transportation District (YoloTD) received the Notice of Scoping Meeting and Preparation of a Draft Environmental Impact Report for the Palomino Place project. As the consolidated countywide transportation services and congestion management agency, YoloTD appreciates the opportunity to comment on the project. We take this opportunity to share our thoughts on this proposed project based on our review of the planning application and documents provided in the notice. Our comments are limited to two areas directly related to YoloTD's interests: land use and transportation.

Overview of Current Transit Service. YoloTD currently serves the proposed development on Covell Blvd via our Yolobus Express Route 43 from Davis to downtown Sacramento. As many Davis residents have found, this longstanding route provides Palomino Place residents working in downtown Sacramento excellent access to their workplace.

Future Transit Planning. Both the City of Davis/Unitrans and YoloTD are about to launch updates to their respective Short Range Transit Plans in spring 2024. Both plans will look at service levels and potential route changes to better serve the Davis community's public transportation needs, including consideration of future approved and proposed developments such as Palomino Place, Covell Farms, and Bretton Woods developments, all of which front on Covell Blvd.

Project Land Use. YoloTD does not have substantive comments in this regard. The planning application's Land Use Plan Exhibit illustrates the development's land use distribution by residential density type. The project proposes an admirable mix of transit-supportive housing types and densities, most of which are appropriately located at the property's southern edge where existing Yolobus Express Route 43 and Unitrans routes serve and can be easily accessed by residents without any routing changes.

TDM/VMT Plan. As with most large land use development projects, transportation and sustainability will be held to a high standard within the community and the project will be required to reduce vehicle miles traveled (VMT) to the greatest extent feasible. Given the project's location

and the close correlation between income levels and driving, VMT generation will likely have a significant impact in the EIR. A proactive approach to address transportation demand for Palomino Place residents will be needed to mitigate VMT impacts; addressing VMT passively through multi-modal supportive infrastructure within the site is no longer adequate.





YoloTD recommends the project develop and commit to implementing a transportation demand management (TDM) program to reduce the project’s VMT impacts. The project will not only perform better from a CEQA standpoint but also improve consistency with City transportation sustainability goals through intentional site design. A TDM plan should be developed by experts in the field, employ best practices, and require membership in the existing countywide TDM program, Yolo Commute, either as a condition of approval or included in the development agreement.

The topics referenced in this letter provide some insight into our thoughts on this development project. We look forward to collaborating with the City of Davis and the project applicant as it proceeds through the City’s development application process. We trust the City will convey these comments to the applicant and we offer any assistance helpful for providing sustainable transportation access to future Palomino Place residents.

Sincerely,



Brian Abbanat
Planning Director

	(530) 402-2879
	babbanat@yctd.org
	350 Industrial Way Woodland, CA 95776
	YoloTD.org

alclin2@hotmail.com
March 20, 2024

Attn: Eric Lee, Senior Planner
City of Davis Department of Community Development & Sustainability
23 Russell Blvd.
Davis, CA 95616
elee@cityofdavis.org

VIA E-MAIL

RE: Scoping Comments for Draft SEIR for Palomino Place

Dear Mr. Lee:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Subsequent Environmental Impact Report (SEIR) for the Palomino Place project. We are Wildhorse residents and are writing to submit our input and comments for the analysis that should be included in the Draft SEIR. The Draft SEIR should include analysis of the following:

- Effects on wildlife, including species of special concern and other protected species that may use or be present on the property, including burrowing owls, Swainson's Hawk, white-tailed kite, and other raptors. Development of habitat such as that found on the project property [has contributed to a dramatic decline in the burrowing owl population in and around Davis](#). Species that may be significantly affected include Swainson's Hawk and other bird species that are protected from take by the Migratory Bird Treaty Act and the California Fish and Game Code (§§ 3503, 3503.5, 3511, 3513).
- Impacts on traffic, which has increased on Covell Blvd. and Mace Blvd. since the 2009 EIR. The proposed development would compound the congestion on these major arterial streets, busy intersections such as Mace & 2nd Street and Covell & Pole Line, and I-80, especially between Davis and Sacramento. The cumulative impacts of the development on traffic would be significant.
- Adequacy of water supply, analysis of which should account for potential curtailment of water deliveries as climate change leads to more frequent and severe droughts.
- Impacts of the USA Pentathlon Training facility on greenhouse gas emissions, traffic, air pollution, and noise. While this facility appears not to be formally incorporated into the current proposal, such impacts must be analyzed in the SEIR because the facility's development is reasonably

foreseeable. Indeed, the facility has been touted as the [“centerpiece of the proposed Palomino Place development”](#) and as an [“official training center for USA Pentathlon Multisport.”](#) Repeated and significant trips by facility users, including those from outside Davis or even the Sacramento region, could result in significant greenhouse gas emissions, traffic, air pollution, and noise that the SEIR should assess. The SEIR should also assess parking demand of facility users, who would likely need to park on neighborhood streets in the new development as well as Wildhorse.

- Impacts of trash and waste in difficult-to-monitor public spaces. At the scoping meeting, the developer suggested a concern that public spaces might be occupied by vagrants or become unsafe if the city is unable to police those spaces.
- Noise, light pollution, aesthetic impacts, and other significant impacts on residents of existing homes on Caravaggio Drive, particularly where new structures would be located close to existing homes with little or no meaningful buffer (lots numbered 106-108, 113-118, and 133 on the Illustrative Concept Plan dated 03.04.2024). In this regard, the current proposal differs substantially from the proposal analyzed in the 2009 EIR, which dedicated an additional 20 feet of backyard area to the homes along the western and northwestern boundary of the site as well as an open space area beyond the 20-foot dedication (EIR page 4.7-9).

Indeed, conversations with the developer at the scoping meeting clarified that the “20-foot-wide tree buffer” intended to separate private lots from existing homes on the central section of Caravaggio Drive would not be enforceable. The “buffer” would consist of tree plantings in the rear of the private lots, with no enforceable guarantee that the plantings would be maintained over time. Once the lots are sold, it seems unlikely that the City—or anyone—would prevent the “buffer” from being used for other purposes or ensure that the new homeowners continue to maintain the trees. Maintaining the shallow lots (113-118 and 133) or buffer land as a City-controlled greenbelt or transferring the buffer land to Caravaggio Drive homeowners would be preferable alternatives to the proposed arrangement.

To address these concerns, the SEIR should analyze the following alternatives to the proposed project:

- (1) an alternative that would replace the entirety of lot numbers 113-118 and 133 with a greenbelt or urban forest;
- (2) an alternative that would transfer the proposed 20-foot buffer land for lot numbers 106-108, 113-118, and 133 to the adjoining homes on the east side of Caravaggio; and

- (3) an alternative that would establish a city-maintained greenbelt between the fenceline of the existing homes on the east side of Caravaggio and lot numbers 106-108, 113-118, and 133 (on the Illustrative Concept Plan dated 03.04.2024); this greenbelt would occupy the same footprint as the proposed 20-foot buffer.

Thank you for your assistance in this matter. Please keep us informed on the status of the project, the CEQA process, and the City's decisionmaking process.

Sincerely,

/s/

Al Lin & Linh Thai

From: CDR Dennis Smith, (USN ret.)
2113 Whistler Ct.
Davis, CA 95618-7625

To: Eric Lee, Senior Planner
City of Davis Department of Community Development and Sustainability
23 Russell Boulevard
Davis, CA 95616

Re: Palomino Place Project Notice of Preparation of a Draft Subsequent Environmental Impact Report (SEIR) under the CEQA

Thank you for the opportunity to provide comments and input on the proposed Draft SEIR for the Palomino Place Project (formerly Wildhorse Ranch Project). I will confine my comments to the Transportation and Circulation section of the Wildhorse Ranch (SCH #2007072020) Draft Environmental Impact Report (April 2009) and the Wildhorse Ranch (SCH #2007072020) Final Environmental Impact Report (July 2009) findings.

The Draft and Final Wildhorse Project EIRs utilized findings from the Traffic Impact Study Existing Traffic Conditions Analysis conducted by the firm Fehr and Peers in 2007 and published in 2009. Since the time that the surveys were completed for that study for the Wildhorse Ranch Project the traffic situation in the project area has changed greatly. Since the time that the 2007 traffic impact study was conducted by Fehr and Peers the Interstate 80 corridor traffic congestion problems have only gotten worse due to the increased burden of traffic associated with the increase in the Northern California population. Friday evening traffic delays on Interstate 80 at the UC Davis bottleneck can increase wait times from 5 – 10 minutes during a Monday through Thursday to up to 30 minutes on a Friday evening commute. Traffic accidents also cause severe traffic backups that cause traffic delays of up to more than an hour which result in delayed traffic emptying onto city and county roads to avoid the resultant traffic delays. That burden has also been greatly compounded by the continuing CALTRANS Yolo I-80 Pavement Rehab Project (Project # 0314000233) which has caused increased delays both during non-commute (LOS D and E) and peak commute hours (LOS F).

Overflow traffic is now being carried by roadways used by commuters using HWY 113, Covell Blvd., Cowell Blvd., County Road 32 A and B, County Road 29, County Road 28H, County Road 105 as well as other city and county arterials to bypass the Interstate 80 traffic delays. Commuters are using driving apps to direct them to the shortest route times indicated on their apps. This rerouting of traffic can be evidenced by backups on Friday evenings going toward Sacramento of up to one to one and a half miles (County

Road 32A and 32B feeding the Interstate 80 onramp), up to one-half mile on Covell Blvd./Mace Blvd. curve from the Second Street/Mace Blvd. traffic light, one-quarter to one-half miles at the County Road 29/Road 102 and County Road 32A/County Road 105 intersections, as well as greatly increased traffic on Covell Blvd. Additionally, the numbers of cars being driven by increased numbers of students and faculty due to University of California Davis expansions as well as construction of new Spring Lake subdivisions since the original traffic study was completed has driven the numbers of commuters going to Spring Lake bedroom developments via Anderson Blvd./Covell Blvd./County Road 102. Increased UCD commuters to Sacramento from that expansion also add to the traffic burden on Covell Blvd., Second Street, Cowell Blvd., as well as County Roads 32A and 32B. Traffic congestion during commute hours on city roadways has increased in time, duration and volume since the 2007 study was conducted due to these factors as well as others. Due to these new exacerbated conditions a new Traffic Impact Study will need to be conducted to assess the direct/indirect/cumulative impacts associated with the Palomino Place Project. Transportation conditions in the project area have changed so drastically since the original study was conducted which necessitates the need for completion of a new study to update the SEIR and inform the public.

At the time of the original Fehr and Peers 2007 traffic study, the Village Farms Davis, Cannery Marketplace (West Block), Cannery Place (East Block), Bretton Woods, Bretton Woods URC, 3820 Childs Roads Apartments, Reynolds and Brown On-the-Curve, and Shriner's Property developments (among others) were not considered in the Direct/Indirect/Cumulative Impact Transportation Study. Any or all of these projects that are in process and under City of Davis city review, City of Davis approved projects pending construction, City of Davis approved projects under construction, or City of Davis approved projects that have completed construction will need to be included in a new Traffic Impact Study using a new Existing Traffic Conditions Analysis baseline.

The City of Davis City Council directed city staff to begin processing and reviewing the Shriners Property development project and to initiate preparation of an EIR for the project. Traffic that may feed onto Covell Blvd./Mace Blvd. from this project (1200 Residential Housing Units), the proposed Reynolds and Brown On-the-Curve project preapplication (551-788 Residential Housing Units) combined with the Palomino Project (163 Residential Housing Units) will dramatically increase the amount of vehicle trips associated with these proposed projects and cause a reduction in LOS with commensurate traffic delays without roadway improvements. Combined with all of the other traffic induced impacts discussed above, the level of significance prior to mitigation for direct/indirect/cumulative impacts associated with the project are expected to be significant given the new environmental conditions.

The Wildhorse Project Draft EIR proposes the following mitigation for the impacts to Cumulative impacts regarding the deterioration of the Second Street / Mace Boulevard intersection LOS associated with the previous proposed Wildhorse Ranch project:

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, restriping 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.

Given the new environmental conditions associated with Transportation and Circulation of traffic since the 2007 Draft and Final EIRs, the need for mitigation associated with the project is expected to increase in scope and magnitude, especially as it pertains to cumulative impacts.

Another consideration that will be needed to be clarified and possibly evaluated is the possible lack of egress of automobile vehicles associated with the proposed 163 residential housing units during a neighborhood emergency situation. It was unclear from the Illustrative Concept Plan Map that was provided at the Monday, March 11, 2024, scoping meeting whether or not there are two egress intersections onto Covell Blvd. from the planned development. Given that there are no roadway interties planned for the existing Wildhorse Ranch development and the planned Shriners Property development, the evaluation of a complete evacuation of the planned development in the case of an emergency (think of the 2017 Coffey Park Fire associated with the Tubbs Fire Incident in Santa Rosa) should be evaluated. Even though such a similar situation is a remote possibility, given the unknown planned construction materials for the housing units and their flammability, an emergency egress evaluation should be conducted. If the south side of the development (Covell Blvd. border) is blocked by fire or some other impediment there is no way of egress except by the bike path between the Wildhorse development and Palomino Place on the western side of the proposed project. At the scoping meeting it was explained to me that this bike path could/would be used by emergency services in the case of emergency/disaster. The addition of additional access to the agricultural buffer zone surrounding the project on the east side of the project in case of emergency may want to be considered.

I would like to thank the City of Davis for the opportunity to review the new Palomino Place Project proposal (revised Wildhorse Ranch Project) and provide comments on the proposed scope and content of the SEIR. If there are any questions, I can be reached at the contacts listed below.

V/R,

/s/

CDR Dennis Smith
2113 Whistler CT.
Davis, CA 95618-7625
530-601-0895 (cell)
530-759-8895 (home)
dennismith7664@gmail.com

Attn: Eric Lee, Senior Planner
City of Davis Department of Community Development and Sustainability 23 Russell
Boulevard
Davis, CA 95616
elee@cityofdavis.org

Dear Mr. Lee,

I am reaching out to share my concerns regarding the Conceptual Site Plan for Palomino Place, proposed in January 2024. After a detailed analysis grounded in the City of Davis General Plan, the Parks and Facilities Master Plan, and insights from the 2009 Wildhorse Ranch Environmental Impact Report (EIR), it has become clear that this proposal significantly diverges from essential stipulations and principles. These deviations are notably pronounced in areas pivotal to environmental sustainability, community development, and the preservation of neighborhood character. Below, I delineate specific areas of discrepancy that demand our immediate attention:

1. Mandate for 10% Greenbelt Allocation

A critical discrepancy in the current site proposal is its non-compliance with the mandate that 10% of new residential projects be dedicated to greenbelt spaces. (see page 15 of [Parks and Facilities Master Plan](#), <https://www.cityofdavis.org/home/showpublisheddocument/3160/635713549755500000>)

This directive, rooted in our community's commitment to environmental sustainability and quality of life, is not sufficiently addressed in the proposed plan. Instead of offering a substantive greenbelt or public greenspace, the plan proposes a minimal 20-foot wide "tree buffer" under a "private easement for tree plantings" at the rear of private lots, which falls significantly short of our city's standards and expectations for greenbelt integration.

The current approach offers minimal environmental, recreational, and aesthetic benefits and places the burden of maintenance and success of these tree plantings on individual homeowners. It lacks the foresight to establish a sustainable, community-enriching green space that would serve as a natural buffer and communal asset. Contrastingly, a dedicated greenbelt, possibly realized by converting specific lots into city-maintained greenspaces, would not only align with the mandate but also significantly enhance the quality of life for residents and the local ecosystem.

2. Inadequate Greenbelt Buffer

The proposal's suggested 20-foot wide "tree buffer" inadequately addresses the need for meaningful separation and environmental integration between new and existing developments. This buffer's limited scope and reliance on private maintenance undermine its potential effectiveness in mitigating visual, auditory, and environmental impacts on adjacent residences. A more robust and publicly managed greenbelt would provide a substantial and sustainable solution.

3. Inconsistency with General Plan Urban Design Goals

The current proposal falls short of aligning with the city's Urban Design Goals, specifically GOAL UD 2, which emphasizes the creation of an aesthetically pleasing environment and the management of a sustainable community forest. The envisioned development, through a significant greenbelt, would better serve these objectives, fostering a visually cohesive and environmentally rich urban fabric that benefits all community members.

4. Incomplete Mitigation of Aesthetic Impacts

Lastly, the proposed plan does not adequately mitigate the aesthetic impacts previously identified in the Wildhorse Ranch development's Environmental Impact Report. A significant, well-integrated greenbelt could address these concerns, preserving the semi-rural character of the area and ensuring that new developments enhance rather than detract from the existing landscape.

In light of these concerns, rooted in the City's formally adopted plans and policies, I respectfully urge a substantial revision of the Conceptual Site Plan for Palomino Place. It is essential that any development on this site not only complies fully with the General Plan but also proactively addresses these identified impacts, ensuring the preservation and enhancement of our community's environmental and aesthetic values.

I appreciate your consideration of these pivotal issues. I am eager to see modifications to the plan that more accurately reflect our community's values and the established standards for new development.

Sincerely,

Frank Young

2328 Caravaggio Dr., Davis CA 95618

Palomino Place Project EIR
NOP Scoping Comment

NAME: Greg Rowe

- ① EIR should study cumulative traffic impacts of this project plus all of the proposed Measure D projects in the Covell Blvd corridor; i.e.; Village Farms, Shriners, the Reynolds & Brown Project ("on the curve.")
- ② EIR should examine the traffic impacts of the Pentathlon Facility, particularly at the times of the day and days of the week when it will attract the most attendees.
- ③ Identify whether the Pentathlon Facility will have solar panels; ^{examine net energy use with and w/o solar.}
- ④ If there will be ADUs, identify where ADU residents will park and the resulting impacts.
- ⑤ Examine air pollution emissions impact of vehicles idling at the project's traffic light (both internal to the project and on ~~Covell~~ Covell at Monarch Lane intersection.
- ⑥ There should be an Alternative that would not include the Pentathlon facility, and instead construct housing at the site. Given the proximity of Half-Plex Townhomes, ~~this~~ this housing type would be the most logical alternative land use at the Pentathlon site.

From: Jeffrey Flynn <jjflynn@ucdavis.edu>
Sent: Wednesday, February 28, 2024 8:51 AM
To: Eric Lee <ELee@cityofdavis.org>
Cc: Ryan Chapman <RChapman@cityofdavis.org>
Subject: Palomino Place Project

Hi Eric,

I got the Draft EIR notice in the mail today for Palomino Place.

I'd like to request a provision for a new bus stop on Covell Boulevard Westbound at Monarch Lane.

Do you know if Monarch/Covell will be planned to be signalized?

Thank you,
Jeff

From: KuK Chow <kukchow@hotmail.com>
Sent: Monday, March 25, 2024 4:35 PM
To: Eric Lee <ELee@cityofdavis.org>
Cc: KuK Chow <kukchow@hotmail.com>
Subject: RE: Palomino Place Scoping Meeting

Dear Eric

There are 4 areas of concern.

1. Impact on Traffic.
For all cars leaving the Project, there is only one narrow exit which leads to East Covell Boulevard, causing extreme and unbearable congestion during peak traffic hours.
2. Impact on Wildlife
Immediately adjacent to the Project, there is the Wildhorse Agricultural Buffer which is a sensitive and protected wildlife research area.
3. Impact on Hygiene and Health
The storm-water pond located at the north end of the Project will hold stagnant water during heavy rainy days, which becomes a favorable breeding ground for mosquitoes. The pond location is too close to adjacent residential units in Caravaggio Place.
 - a. Is there any protective shield covering or shielding the pond ?
 - b. What measures are taken to ensure and monitor a fast and efficient drainage system to drain off water ?
 - c. Can the pond be re-located to the Southern / Eastern side of the Project to face the agricultural land, instead of facing residential units on the north ?
4. Impact on Air Circulation
High-rise apartments (3 – storey) will block air circulation.

Can the number of residential units be further cut down to reduce the environmental impacts produced by the Project ?

Thanks for your consideration.

Kuk
(Davis resident)

From: yan zhang <fyaa100@yahoo.com>
Sent: Monday, March 25, 2024 12:40 PM
To: Eric Lee <ELee@cityofdavis.org>
Subject: Urgent Revision Needed: Palomino Place Site Plan Concerns

To: Eric Lee, Senior Planner

City of Davis Department of Community Development and Sustainability
23 Russell Boulevard, Davis, CA 95616
elee@cityofdavis.org

Dear Mr. Lee,

I hope this letter reaches you in good spirits. I am reaching out with a pressing concern about the January 2024 Conceptual Site Plan for Palomino Place. My review, grounded in the City of Davis General Plan, the Parks and Facilities Master Plan, and insights from the 2009 Wildhorse Ranch Environmental Impact Report (EIR), has led me to identify key areas where the proposal falls short of our community's values and standards.

Greenbelt Allocation Requirement

A significant oversight in the plan is its deviation from the greenbelt allocation requirement. According to page 15 of the Parks and Facilities Master Plan, 10% of new residential projects must be dedicated to greenbelt spaces. The proposal's suggestion of a 20-foot "tree buffer" as a substitute for a comprehensive greenbelt seriously undermines our commitment to environmental sustainability and community quality of life.

Adequacy of Proposed Tree Buffer

The plan's proposed "tree buffer" does not provide a meaningful solution for environmental integration or aesthetic enhancement. A dedicated and publicly managed greenbelt would fulfill the need for a sustainable barrier, significantly benefiting both the environment and community well-being.

Alignment with Urban Design Goals

The proposal does not align with the city's Urban Design Goals, particularly GOAL UD 2, which aims to foster an aesthetically pleasing environment and a sustainable community forest. Incorporating a significant greenbelt into the development would address these objectives, enhancing urban cohesion and environmental richness.

Mitigation of Aesthetic Impacts

The proposed plan overlooks the need to mitigate aesthetic impacts, a concern previously raised in the Wildhorse Ranch development's EIR. A well-integrated

greenbelt is essential for preserving the semi-rural character of the area and ensuring that new developments are in harmony with the existing landscape.

Call for Action

In light of these concerns, I urge a comprehensive review and revision of the Conceptual Site Plan for Palomino Place. It is imperative that the development not only adheres to the General Plan but also addresses the identified environmental and aesthetic impacts to uphold and enhance our community's values.

Thank you for considering these crucial issues. I look forward to seeing a plan revision that more accurately reflects our community's standards and aspirations.

Warm regards,

Yan Zhang
2328 Caravaggio Dr., Davis, CA 95618