

4.7 OTHER EFFECTS

4.7.1 INTRODUCTION

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires that an EIR briefly describe why various environmental effects were determined not to be significant, and therefore, were not discussed in detail in the EIR. The Other Effects chapter of this Subsequent EIR (SEIR) addresses environmental impacts that were determined by the City of Davis, as lead agency, to either not to be significant with implementation of the proposed project or would not be affected by the proposed modifications to the project. The reasons for the conclusion of non-significance are provided for each issue area below, as needed. Where applicable, mitigation measures are identified to reduce a potential impact to a less-than-significant level.

4.7.2 AGRICULTURE AND FORESTRY RESOURCES

The impacts related to agricultural and forestry resources as a result of buildout of the proposed project, in comparison to that of the Wildhorse Ranch Project, are presented below.

Changes in Circumstances

Subsequent to approval of the Wildhorse Ranch Project EIR (2009 EIR), project site conditions have not significantly changed. Additional structures have not been constructed on-site, and other development has not occurred on-site. Consistent with the site description in the 2009 EIR, the majority of the project site is undeveloped and consists of grazing land; although, it should be noted that agricultural activity does not currently occur on-site. Within the central portion of the project site, the site includes a ranch home, two duplexes, a horse barn, and an equestrian training facility that is not currently in use. In the time since the 2009 EIR was certified, the CEQA Checklist Questions have changed to address potential impacts related to conflicts with existing zoning for agricultural use, or a Williamson Act contract; conflicts with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code [PRC] section 12220[g]), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g]); and impacts related to resulting in the loss of forest land or conversion of forest land to non-forest use. As such, substantial changes in circumstances that would affect the analysis in the 2009 EIR related to agriculture and forestry resources have occurred.

Changes in the Project

The currently proposed project would be developed within the footprint previously analyzed in the 2009 EIR, with the exception of the proposed off-site sewer line connection and obstacle course. Similar to the Wildhorse Ranch Project, the majority of the currently proposed project includes the development of most of the project site with residential uses. However, unlike the Wildhorse Ranch Project, the currently proposed project would also include a 1.4-acre site for the future construction of a USA Pentathlon Training Facility and a pool complex, as well as the above-mentioned off-site sewer improvement and obstacle course. In addition, the former Wildhorse Ranch Project included dedication of 2.26 acres of additional agricultural buffer, 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. Whereas the Wildhorse Ranch



Project required City approval of a General Plan Amendment to change the project site's land use designation from Agriculture to urban uses, the currently proposed project is not proposing to amend the General Plan or zoning designation of the site. The project has invoked Builder's Remedy, which is based on a provision of California's Housing Accountability Act (Government Code section 65589.5) that prevents jurisdictions without a substantially compliant housing element from denying an eligible housing project on the basis of inconsistency with the jurisdiction's general plan or zoning ordinance. Therefore, although the proposed project would result in a similar area of disturbance with respect to agriculture and forestry resources as compared to the Wildhorse Ranch Project, the project does present a potentially adverse impact that was not analyzed in the 2009 EIR related to agriculture and forest resources due to the inconsistency with the City's General Plan and zoning ordinance.

Impact Analysis

The 2009 EIR evaluated the Wildhorse Ranch Project's potential to result in the loss of Prime Agricultural land as defined by the Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance, Yolo County. The 2009 EIR determined under Impact 4.1-3 that the entirety of the project site consists of soil types, including Sycamore silt loam, drained (Sp); Sycamore silty clay loam (St); and Tyndall very fine sandy loam, drained (Tc) that are considered to be Prime Farmland soils according to the Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance, Yolo County. In addition, the Land Capability Classification for on-site soils is I-1; pursuant to Section 40A.03.010 of the City's Municipal Code, the City's policy is to protect and conserve agricultural land, especially in areas with Class 1, 2, 3, or 4 soils. According to the Geotechnical Update prepared for the proposed project by Geocon Consultants, Inc. (Geocon) (see Appendix I of this SEIR),¹ soil types discovered on-site were the same as those discussed the 2009 EIR. It is noted that although on-site soils meet the definition of Prime Agricultural lands as defined by the Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance, Yolo County, according to the California Resources Agency Farmland Mapping and Monitoring Program (FMMP), the project site is currently designated as "Other Land," which is defined as land not included in any other mapping category.² Nonetheless, because the proposed project would involve a similar area of disturbance as what was analyzed in the 2009 EIR, the proposed project would result in the conversion of an equal amount of protected agricultural land to non-agricultural use. Thus, similar to the 2009 EIR, even with the implementation of Mitigation Measure 4.1-3, which requires the project applicant to set aside agricultural land, the impact would be significant and unavoidable. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts related to the loss of Prime Agricultural land beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

The 2009 EIR determined that the project site is not under a Williamson Act contract. The project site has not been subject to a Williamson Act contract since the approval of the 2009 EIR. Thus, the proposed project would not conflict with a Williamson Act contract. However, as discussed under Impact 4.1-4 of the 2009 EIR, implementation of Mitigation Measures 4.1-4(a) through (c) were required to ensure consistency with the City's Right-to-Farm Ordinance. It is noted that Mitigation Measure 4.1-4(b) is related to operation of the previously proposed on-site orchard, which is no longer proposed, and Mitigation Measure 4.1-4(c) concerns the Wildhorse Ranch

¹ Geocon Consultants, Inc. *Geotechnical Update – Palomino Place (AKA Wildhorse Ranch)*. September 9, 2022.

² California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed March 2024.



Project's consistency with the planned Davis Sports Park, which is no longer proposed for development in the project vicinity; as such, Mitigation Measures 4.1-4(b) and 4.1-4(c) are not applicable to the currently proposed project. Thus, similar to the 2009 EIR, implementation of Mitigation Measure 4.1-4(a) would be required to reduce potential impacts related to conflicting with existing zoning for agricultural use to a less-than-significant level.

As described above, the current project differs from the previously analyzed Wildhorse Ranch Project because it does not seek a General Plan Amendment or Rezone. Because the project was submitted pursuant to Builder's Remedy and without any legislative entitlements, the project is not consistent with the site's General Plan land use designation (Agriculture) or the PD 3-89 zoning district. Therefore, although the proposed project would involve a similar degree of development as the Wildhorse Ranch Project, the proposed project would conflict with existing zoning for agricultural use, creating a potentially significant impact related to agriculture that was not previously addressed in the Wildhorse Ranch Project EIR. As such, the currently proposed project would result in a new potentially significant impact related to conflicting with existing zoning for agricultural use beyond what was previously identified in the 2009 EIR. Feasible mitigation does not exist to reduce the foregoing potentially significant impact to a less-than-significant level. Under Builder's Remedy, the City may not rely on inconsistency with the General Plan or zoning code as a basis for denial of the project. Furthermore, the City entered into a settlement agreement with the applicant that allows the applicant to proceed without legislative entitlements. As a result, bringing the proposed project into consistency with the project site's existing zoning is infeasible. Therefore, the impact is significant and unavoidable.

The 2009 EIR did not address the Wildhorse Ranch Project's potential to conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC section 12220[g]), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g]) because analysis of such was not yet required under CEQA. Nonetheless, at the time the 2009 EIR was prepared, the project site did not contain forest land and was not zoned as forest land, timberland, or timberland zoned Timberland Production. The project site's zoning designation has not changed subsequent to the preparation of the 2009 EIR. In addition, on-site vegetation has not significantly changed since the 2009 EIR was prepared, and although some trees are present on-site, the site is not considered forest land and is not used as timberland. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts related to conflicting with existing zoning for, or cause rezoning of, forest land (as defined in PRC section 12220[g]), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g]), or resulting in the loss of forest land or conversion of forest land to non-forest use, beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR with respect to the potential loss of forest land or timberland.

Similar to the Wildhorse Ranch Project, the proposed project would include the development of residential uses adjacent to existing agricultural operations to the east of the project site. However, effects of the environment on the project, such as potential impacts of agricultural operations on future residents of the project, are not a CEQA consideration. Furthermore, the agricultural land east of the project site is proposed to be developed with residential uses as part of the proposed Shriners Property Project. In addition, the proposed project would be consistent with the existing residential uses located to the north, south, and west. Thus, although the proposed project would be inconsistent with the zoning and General Plan land use designations for the site, the proposed project would not involve any other changes in the existing environment



which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use beyond what was analyzed in the 2009 EIR, and a less-than-significant impact would occur. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts related to involving other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use beyond what was previously identified in the 2009 EIR. Therefore, with respect to farmland conversion, the proposed project would be consistent with the conclusions of the 2009 EIR.

While the proposed project would include similar development to the Wildhorse Ranch Project, because the project was submitted pursuant to Builder's Remedy and without legislative entitlements, the proposed project would be inconsistent with the City's zoning and General Plan land use designations for the site. Due to the limitations placed on the City by State law, a potentially significant impact that cannot be mitigated would occur. Therefore, the impact is significant and unavoidable.

Applicable Mitigation Measure(s) from the 2009 EIR

As discussed above, the 2009 EIR included Mitigation Measure 4.1-4(b), which is related to operation of the previously proposed on-site orchard, as well as Mitigation Measure 4.1-4(c), which concerns the Wildhorse Ranch Project's consistency with the planned Davis Sports Park. An orchard is not proposed to be developed on-site and the Davis Sports Park is no longer proposed for development in the project vicinity. Furthermore, these two considerations are related to the potential effects of surrounding or on-site operations onto future project residents, which is outside the scope of CEQA. Because the foregoing mitigation was included in the 2009 EIR to address potential impacts related to on-site or nearby uses that are no longer proposed, Mitigation Measures 4.1-4(b) and 4.1-4(c) are not required. Therefore, Mitigation Measures 4.1-4(b) and 4.1-4(c) would not be applicable to the proposed project.

Modified Mitigation Measure(s)

Mitigation Measure 4.1-3 from the 2009 EIR has been modified to reflect and refer to the City's current agricultural regulations. Modifications are shown in ~~striketrough~~ and double-underline below. The proposed project would include similar development to the Wildhorse Ranch Project; however, because the project was submitted pursuant to Builder's Remedy and without legislative entitlements, the proposed project would be inconsistent with the City's zoning and General Plan land use designations for the site. Due to the limitations placed on the City by State law, a potentially significant impact that cannot be mitigated would occur, and the impact would remain *significant and unavoidable*.

- 4.1-3 *The project applicant shall comply with City of Davis Municipal Code Chapter 40A.03 (Farmland Preservation Ordinance) and shall set aside in perpetuity active agricultural acreage at a minimum ratio of 2:1 based on the total project footprint of 25.79 acres consistent with the ordinance, through granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the City and/or a qualifying entity approved by the City. The mitigation acreage shall be set aside prior to recordation of the final map(s). The location and amount of active agricultural acreage for the proposed project would be subject to the review and approval of the City Council.*



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

New Mitigation Measure(s)

None feasible.

4.7.3 CULTURAL RESOURCES

The impacts related to cultural resources as a result of buildout of the proposed project, in comparison to that of the Wildhorse Ranch Project, are presented below.

Changes in Circumstances

As discussed above, subsequent to certification of the 2009 EIR, project site conditions have not significantly changed; the project site has not been subject to additional substantial disturbance or development. It is noted that impacts related to cultural resources were not addressed in a technical chapter of the 2009 EIR, but were addressed in the 2007 Initial Study (IS) prepared for the Wildhorse Ranch Project and included as Appendix A to the 2009 EIR. Since certification of the 2009 EIR, Appendix G of the CEQA Guidelines has been updated to include a new section for tribal cultural resources through the adoption of Assembly Bill (AB) 52 in July 2015. Substantial changes in circumstances that would affect the analysis in the 2009 EIR related to cultural resources have not occurred.

Changes in the Project

With the exception of the off-site sewer pipe improvement and obstacle course, the currently proposed project would be developed within the footprint previously analyzed in the 2009 EIR. As such, the proposed project would have a similar potential to result in impacts related to the disturbance of on-site cultural resources. Therefore, project changes that would affect the adequacy of the analysis in the 2009 EIR related to cultural resources have not occurred.

Impact Analysis

According to a cultural resources report prepared for the project site for the 2007 IS, none of the existing on-site structures, which were constructed between 1983 and 1986, are associated with historically significant persons and/or events, or have architectural significance; as such, the 2007 IS concluded that the Wildhorse Ranch Project would not cause a substantial adverse change in the significance of a historical resource. The historical significance of on-site structures has not changed since the 2009 EIR was certified. Because the on-site buildings are less than 50 years old, the structures would not be eligible for listing in the California Register of Historical



Resources. Thus, similar to the 2009 EIR, no impact would occur. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts related to causing a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Although the cultural report prepared for the 2007 IS did not identify prehistoric or archeological sites, or human remains, within the project site, Mitigation Measures V-1 and V-2 were required to reduce the potential impact to a less-than-significant level. With the exception of the off-site sewer pipe improvement and obstacle course, the proposed project would result in the same disturbance area as the Wildhorse Ranch Project. Therefore, Mitigation Measures V-1 and V-2 would remain applicable to the proposed project; although development of the off-site sewer improvement and obstacle course were not anticipated in the 2009 EIR, implementation of the foregoing mitigation would ensure that if cultural resources are encountered, appropriate action would be taken. Thus, similar to the 2009 EIR, with implementation of mitigation, potential impacts to archeological resources and/or human remains would be less than significant. As noted previously, AB 52 was enacted in July 2015, after preparation of the 2009 EIR; because the current analysis is a SEIR, project notification to tribes is not required. Nevertheless, notification of preparation of the SEIR was provided by the City of Davis to tribes that have requested notification. The City received a response from the Yoche Dehe Wintun Nation and has followed up with them to schedule a consultation, as requested. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts related to causing a substantial adverse change in the significance of a unique archeological resource pursuant to Section 15064.5 and/or disturbing any human remains, including those interred outside of formal cemeteries, beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Applicable Mitigation Measure(s) from the 2009 EIR

Implementation of the following mitigation measures from the 2009 EIR would reduce the above potential impact to a *less-than-significant* level.

- V-1 *Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, an archaeological monitor shall be retained by the applicant and approved by the City to train the construction grading crew prior to commencement of earth-grading activity in regard to the types of artifacts, rock, bone, or shell that they are likely to find, and when work shall be stopped for further evaluation. One trained crew member shall be on-site during all earth moving activities, with the assigned responsibility of "monitor." If any earth-moving activities uncover artifacts, exotic rock, or unusual amounts of bone or shell, work shall be halted in the immediate area of the find and shall not be resumed until after the archaeologist monitor has inspected and evaluated the deposit and determined the appropriate means of curation. The appropriate mitigation measures may include as little as recording the resource with the California Archaeological Inventory database or as much as excavation, recordation, and preservation of the sites that have outstanding cultural or historic significance.*



- V-2 *Prior to the approval of tentative map(s), the tentative map(s) shall state that during construction, if bone is uncovered that may be human; the Native American Heritage Commission in Sacramento and the Yolo County Coroner shall be notified. Should human remains be found, the Coroner's office shall be immediately contacted and all work halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains.*

Modified Mitigation Measure(s)

None required.

New Mitigation Measure(s)

None required.

4.7.4 GEOLOGY AND SOILS

The impacts related to geology and soils as a result of buildout of the proposed project, in comparison to that of the Wildhorse Ranch Project, are presented below.

Changes in Circumstances

As discussed above, subsequent to certification of the 2009 EIR, project site conditions have not significantly changed; the project site has not been subject to additional substantial disturbance or development. It is noted that impacts related to geology and soils were not addressed in a technical chapter of the 2009 EIR, but were addressed in the 2007 IS prepared for the Wildhorse Ranch Project and included as Appendix A to the 2009 EIR. Substantial changes in circumstances that would affect the analysis in the 2009 EIR related to geology and soils have not occurred.

Changes in the Project

The currently proposed project would be developed within the footprint of the previously analyzed 2009 EIR, with the exception of the off-site sewer pipe improvement and obstacle course. As such, the proposed project would have a similar potential to result in the impacts related to on-site geologic conditions and soils. In addition, because the Wildhorse Ranch Project included the development of 191 residential units and the proposed project would include the development of up to 175 new residential units, the proposed project would have the potential to expose a decreased number of future residents to seismic and/or geologic hazards, relative to the Wildhorse Ranch Project. Overall, project changes that would affect the analysis in the 2009 EIR related to geology and soils have not occurred.

Impact Analysis

The 2007 IS evaluated potential impacts related to the Wildhorse Ranch Project directly or indirectly causing potential substantial adverse effects involving seismic-related ground failure, including liquefaction and landslides, as well as potential impacts associated with being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, in Section VI, Geology and Soils. The 2007 IS concluded that a less-than-significant impact would occur. As discussed therein, although faults do not run through the City of Davis planning area, the City is surrounded by several faults in the San Andreas Fault system to the west and the Eastern Sierra fault system to the east. The 2007 IS concluded that with compliance



with General Plan policies and the Uniform Building Code (UBC), which are intended to protect structures from collapse during a seismic event, potential impacts related to the rupture of a known earthquake fault or strong seismic ground shaking would not occur. In addition, because of the City's generally flat topography and lack of seismic hazards, the 2007 IS concluded that impacts related to directly or indirectly causing potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction and landslides, as well as being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, would not occur.

With respect to the currently proposed project, according to the Geotechnical Update, the geological conditions of the project site have not changed since the 2009 EIR was certified. In addition, the proposed structures would be built consistent with the most recently adopted California Building Standards Code (CBSC) standards. Therefore, similar to the 2007 IS (attached as Appendix A to the 2009 EIR), impacts related to directly or indirectly causing potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction and landslides, as well as being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, would also be less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

With respect to the Wildhorse Ranch Project's potential to result in substantial soil erosion or the loss of topsoil, the 2007 IS determined that with implementation of Mitigation Measure VI-1, which requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP), consistent with the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) requirements, a less-than-significant impact would occur. With the exception of the off-site sewer pipe improvement and obstacle course, the proposed project would involve buildout on the same site as the Wildhorse Ranch Project. Thus, the potential for the proposed structures to result in substantial soil erosion or loss of topsoil would be similar to what was analyzed in the 2007 IS. As such, Mitigation Measure VI-1 would still apply to the proposed project. Although development of the off-site sewer pipe improvement and obstacle course were not addressed in the 2007 IS, implementation of Mitigation Measure VI-1 would ensure that impacts related to substantial soil erosion or loss of topsoil associated with the off-site improvements would be reduced to a less-than-significant level. Similar to the 2009 EIR, with implementation of mitigation, the proposed project would not result in substantial soil erosion or the loss of topsoil, and the impact would be less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

With respect to impacts related to being located on expansive soils, as defined in Table 18-1B of the UBC (1994), creating substantial direct or indirect risks to life or property, the 2007 IS concluded that with implementation of Mitigation Measure VI-2, which required the preparation of a final design-level geotechnical report and compliance with the recommendations included therein for the project design, a less than significant impact would occur. As discussed previously, Geocon has prepared a Geotechnical Update for the proposed project which includes site preparation and earthwork recommendations that add to and supersede the recommendations in



the 2007 geotechnical report prepared for the 2009 EIR. Because a final design-level geotechnical report has not yet been prepared for the proposed project, Mitigation Measure VI-2, as amended, would still be applicable to the proposed project. Similar to the 2009 EIR, with implementation of mitigation, the impact would be less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Neither the Wildhorse Ranch Project nor the currently proposed project propose to use septic tanks or alternative wastewater disposal systems. As such, similar to the 2009 EIR, no impact would occur as a result of the proposed project related to having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Applicable Mitigation Measure(s) from the 2009 EIR

Implementation of the following mitigation measure from the 2009 EIR would reduce the above potential impact to a *less-than-significant* level.

VI-1 *Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the developer shall prepare a storm water pollution prevention plan (SWPPP), consistent with the State Water Resources Control Board NPDES requirements. A of the SWPPP shall be submitted to the City Engineer subject to review and comment.*

Modified Mitigation Measure(s)

The following mitigation measure from the 2009 EIR has been modified to reflect the latest project-specific geotechnical report title. Modifications are shown in ~~striketrough~~ and double-underline below. Implementation of the following modified mitigation measure from the 2009 EIR would reduce the above potential impact to a *less-than-significant* level.

VI-2 *Prior to the approval of final map(s), a final design-level geotechnical report, with consideration of recommendations from the ~~Wildhorse Geotechnical Investigation~~ Update, shall be prepared and submitted to the Chief Building Official for review and comment. The recommendations of the final geotechnical report shall be incorporated into the project design prior to issuance of building permits for review and approval of the City Engineer and/or Chief Building Official.*

New Mitigation Measure(s)

None required.

4.7.5 HAZARDS AND HAZARDOUS MATERIALS

The impacts related to hazards and hazardous materials as a result of buildout of the proposed project, in comparison to that of the Wildhorse Ranch Project, are presented below.



Changes in Circumstances

As discussed above, subsequent to certification of the 2009 EIR, project site conditions have not significantly changed; the project site has not been subject to additional substantial disturbance or development. It is noted that impacts related to hazards and hazardous materials were not addressed in a technical chapter of the 2009 EIR, but were addressed in the 2007 IS prepared for the Wildhorse Ranch Project and included as Appendix A to the 2009 EIR. Furthermore, it should be noted that since certification of the 2009 EIR, Appendix G of the CEQA Guidelines has been updated through the slight alteration of questions related to hazards and hazardous materials. In addition, Appendix G of the CEQA Guidelines have been updated to include a new section for wildfire. While the Appendix G questions related to wildfire are not included in the 2009 EIR, wildland fire hazards were still considered in the 2007 IS, and, as discussed below, the project site is not located within a designated State or local fire hazard severity zone. Thus, the new questions included in Appendix G of the CEQA Guidelines related to wildfire hazards are not applicable to the currently proposed project. Substantial changes in circumstances that would affect the analysis in the 2009 EIR related to hazards and hazardous materials have not occurred.

Changes in the Project

The currently proposed project would be developed within the footprint of the previously analyzed 2009 EIR, with the exception of the off-site sewer pipe improvement and obstacle course. As such, the proposed project would have a similar potential to result in impacts related to hazards and hazardous materials. Therefore, project changes that would adversely affect the analysis in the 2009 EIR related to hazards and hazardous materials have not occurred.

Impact Analysis

Due to the residential nature of the Wildhorse Ranch Project, the 2007 IS determined that buildout of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Similar to the Wildhorse Ranch Project, the currently proposed project would mostly include the development of residential uses. Although the proposed project would also include the future construction of a USA Pentathlon Training Facility and a pool complex, such uses are not typically associated with the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. Future residents and/or employees of the Training Facility may use common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Furthermore, operation of the proposed pools, including use and storage of pool chemicals such as chlorine, would be required to comply with the provisions of California Health and Safety Code, Article 5, Swimming Pool Sanitation and Safety.³ Due to the regulations governing use of such products and the amount utilized on the site, routine use of such products would not represent a substantial risk to public health or the environment. In addition, the nearest school, Fred T. Korematsu Elementary School, is located approximately 0.4-mile southeast of the project site. As such, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an

³ State of California. *Health and Safety Code, Article 5. Swimming Pool Sanitation and Safety [116025 – 116068]*. Available at: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=104.&title=&part=10.&chapter=5.&article=5. Accessed April 2024.



existing or proposed school. Thus, similar to the 2009 EIR, the impact is less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

With respect to the Wildhorse Ranch Project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, based on a Phase 1 Environmental Site Assessment (ESA) prepared for the Wildhorse Ranch Project, the 2007 IS determined that although organochlorine pesticides (OCPs) were detected on-site due to past agricultural use, none of the OCPs were present in concentrations above the San Francisco Bay Regional Water Quality Control Board's (SFBRWQCB's) environmental screening levels (ESLs) for soil in a residential setting. However, the 2007 IS also determined that a potentially significant impact could occur if the on-site agricultural well and five on-site septic systems are not properly abandoned and/or removed; with implementation of Mitigation Measure VII-1, the impact was concluded to be less than significant.

According to the new Phase 1 Environmental Site Assessment and Limited Pesticide Assessment Report (Phase 1 ESA Report) prepared for the proposed project by Geocon (see Appendix J of this SEIR),⁴ project site conditions have not significantly changed since certification of the 2009 EIR. According to the Phase 1 ESA Report, OCPs were detected below the applicable ESLs; although arsenic was detected at concentrations above the residential ESL, the reported arsenic concentrations are representative of naturally occurring background levels, and Geocon determined the concentrations of arsenic within on-site soils would not be an environmental concern. In addition, the agricultural well and septic systems are still present on-site. However, the Phase 1 ESA Report also addressed an environmental concern that was not mentioned in the 2007 IS. According to the Phase 1 ESA Report, the on-site stockpiled railroad ties located within the western portion of the project site are subject to treated wood waste (TWW) regulations requiring proper management, storage, off-site disposal, and/or permitted on-site reuse. Without proper handling of on-site TWW, the proposed project could result in a previously unidentified significant impact. However, with implementation of Mitigation Measure SEIR 4.7-1, impacts related to creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment would be reduced to a less-than-significant level. Thus, similar to the 2009 EIR, with implementation of mitigation, the impact is less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Although not specifically noted in the 2007 IS, according to the Phase 1 ESA Report, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. In addition, the project site is not located within an airport land use plan or within two miles of a public or private airport. As such, similar to the 2009 EIR, no impact would occur related to hazards associated with the foregoing conditions. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

⁴ Geocon Consultants, Inc. *Phase I Environmental Site Assessment and Limited Pesticide Assessment Report*. August 2022.



The City of Davis does not currently have an adopted emergency response plan or emergency evacuation plan, and, thus, the proposed project would not have the potential to result in impacts related to such. Impacts related to the proposed project's potential to interfere with emergency access to the site are addressed in Chapter 4.6, Transportation, of this SEIR.

The 2007 IS determined that because the project site is surrounded on three sides by residential development, and because wildlands do not exist in the project vicinity, wildfire hazards would not occur. The currently proposed project would include the development of the mostly undeveloped project site with urban uses, which would serve as an extension of the existing residential development to the north, south, and west of the project site. Such development would result in the removal of potential wildland fire fuel from the site, thus reducing the risk of wildfire on-site and in the project vicinity. In addition, because the project site is not located within or in the vicinity of a State Responsibility Area or very high fire hazard severity zone, pursuant to the CEQA Guidelines, a significant impact related to wildfire would not be anticipated to occur. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Applicable Mitigation Measure(s) from the 2009 EIR

Implementation of the following mitigation measure from the 2009 EIR would reduce the above potential impact to a *less-than-significant* level.

VII-1 Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the on-site septic systems and agricultural well(s) shall be located and properly destroyed by a licensed contractor in compliance with Yolo County Environmental Health Department standards. Confirmation of the destruction of such facilities shall be submitted to the City Engineer.

Modified Mitigation Measure(s)

None required.

New Mitigation Measure(s)

Implementation of the following new mitigation measure would reduce the above potential impact to a *less-than-significant* level.

SEIR 4.7-1 Prior to initiation of ground-disturbing activities, all on-site treated wood waste shall be removed and disposed of in compliance with Health and Safety Code Section 25230. Compliance with the forgoing standard includes, but is not limited to, clearly labeling all treated wood waste, accumulating treated wood waste in a manner that is protected from run-on and runoff and is placed on a surface sufficiently impervious to prevent contact with soil and water, and transferring treated wood waste to only a treated wood waste facility or a treated wood waste approved landfill. Proof of compliance shall be submitted for review and approval by the City Engineer.

4.7.6 HYDROLOGY AND WATER QUALITY

The impacts related to hydrology and water quality as a result of buildout of the proposed project, in comparison to that of the Wildhorse Ranch Project, are presented below.



Changes in Circumstances

As discussed above, subsequent to approval of the 2009 EIR, project site conditions have not significantly changed; the project site has not been subject to additional substantial disturbance or development. Substantial changes in circumstances that would affect the analysis in the 2009 EIR related to hydrology and water quality have not occurred.

Changes in the Project

The currently proposed project would be developed within the footprint of the previously analyzed 2009 EIR, with the exception of the off-site sewer pipe improvement and obstacle course. As such, the proposed project would have a similar potential to result in impacts related to hydrology and water quality. Therefore, project changes that would adversely affect the analysis in the 2009 EIR related to hydrology and water quality have not occurred.

Impact Analysis

The 2009 EIR concluded that impacts related to the violation of water quality standards during construction of the Wildhorse Ranch Project would be less-than-significant with mitigation. The proposed project would generally involve buildout on the same site as the Wildhorse Ranch Project, and, thus, the potential for the proposed structures to result in construction-related impacts to water quality would be similar to what was analyzed in the 2009 EIR. As such, Mitigation Measure 4.8-3, which requires the project applicant to obtain a NPDES General Permit and prepare a SWPPP, would still apply to the proposed project. The proposed off-site sewer pipe improvement, which was not addressed in the 2009 EIR, would require a crossing of the Wildhorse Golf Course drainage channel (Channel A), and would be accomplished through a jack-and-bore process. Through implementation of Mitigation Measure 4.8-3, potential impacts to the Channel A associated with the proposed off-site sewer pipe improvement would be reduced to a less-than-significant level. Therefore, with implementation of mitigation, the impact is less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

The City of Davis obtains its municipal water supply from wells located throughout the City as well as surface water. The 2009 EIR determined that although development of the Wildhorse Ranch Project could interfere with groundwater recharge, through the development of on-site detention areas, a less-than-significant impact would occur. The currently proposed project would result in the construction of the project site, the majority of which currently consists of pervious surfaces, with approximately 20.5 acres of impervious surfaces. As such, project buildout would interfere with groundwater recharge. However, according to the Tentative Map Drainage Design Memorandum (Drainage Memo) prepared for the currently proposed project by Cunningham Engineering (see Appendix K of this SEIR),⁵ the proposed project would integrate Low Impact Development (LID) measures throughout the site to provide stormwater quality treatment, consistent with the City of Davis Storm Water Quality Control Standards. The LID measures would include the development of an on-site detention basin that would contain and treat runoff before allowing the flows to infiltrate on-site soils, allowing for groundwater recharge. Thus, the currently proposed project would not substantially decrease water supplies or interfere substantially with groundwater recharge, and impacts related to such would be less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially

⁵ Cunningham Engineering. *Palomino Place – Tentative Map Drainage Design Memo*. March 30, 2024.



more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

With respect to impacts related to the violation of water quality standards during operation of the Wildhorse Ranch Project and/or related to substantially altering the existing drainage pattern of the site, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site, or provide substantial additional sources of polluted runoff, the 2009 EIR determined that compliance with General Plan policies and implementation of best management practices (BMPs) would ensure that impacts related to such would not occur. For example, General Plan Policy WATER 3.2 requires projects to implement BMPs and policies included in the City's Urban Water Management Plan (UWMP) and to enforce provisions to control erosion and sediment from construction sites. The currently proposed project would also be subject to the foregoing standards and requirements. In addition, as discussed above, according to the Drainage Memo, the currently proposed project would integrate LID measures, as well as volume-based BMPs, such as bioretention, infiltration features, and pervious pavement, and flow-based BMPs, such as vegetated swales and stormwater planters. The foregoing features would sufficiently detain and treat on-site flows such that project operations would not result in substantial adverse impacts to water quality. Thus, similar to the 2009 EIR, impacts related to the violation of water quality standards during project operation and/or related to substantially altering the existing drainage pattern of the site, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site, or provide substantial additional sources of polluted runoff, would be less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

With respect to impacts related to substantially altering the existing drainage pattern of the site or area, or creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or substantially increasing the rate or amount of surface runoff in a manner that would result in flooding on- or off-site, the 2009 EIR concluded that implementation of Mitigation Measure 4.8-2, which requires the project applicant to submit a design-level engineering report on the stormwater detention and conveyance system, would reduce impacts to a less-than-significant level. Consistent with the background information presented in the 2009 EIR, the Drainage Memo states that the project site currently drains from north to south, discharging to an inlet near the site's northeastern corner. The inlet drains to an existing 36-inch storm drain pipe, which outfalls into Channel A near the northeast corner of the adjacent Wildhorse residential development. The pipe was originally sized to convey the project site's 10-year peak discharge, assuming agricultural use. The pipe's design discharge is 6.2 cubic feet per second (cfs). According to the Drainage Memo, it is proposed that the existing outlet pipe continue to be used as the site's outlet conveyance to Channel A. In order to address the increase in stormwater flow attributable to the project's impervious surfaces under the 100-year 24-hour storm event, the project would incorporate approximately three acre-feet of on-site detention storage.

During the 100-year 24-hour storm event, when flow conditions prevent flows from Channel A to drain downstream into the Willow Slough Bypass, flows from the watershed spill east, ultimately ponding at the levee adjacent to the Yolo Bypass within the East Davis watershed. The Drainage Memo determined that the increase in ponded volume within the East Davis basin during peak



storm condition as a result of project buildout would be approximately 0.008 percent, which is considered to be negligible without any measurable impact to the peak water surface elevation or limits of ponding downstream. The Drainage Memo also compared the estimated timing of the developed project site's 100-year peak flows with Channel A's peak flow timing. In comparing the timing of peaks for the 100-year 10-day storm, the site's peak outflow (6.2 cfs) preceded Channel A's peak flow (over 1,000 cfs) by about six hours. By the time Channel A's peak flow was attained, the site's outflow had receded by almost 50 percent. The Drainage Memo determined that the site's post-development flow is not expected to have an effect on 100-year peak flows in Channel A. As such, the Drainage Memo concluded that the proposed project would not have an effect on 100-year peak flows in Channel A or other downstream areas. However, because a final drainage plan has not been developed for the currently proposed project, Mitigation Measure 4.8-2 would still be applicable. Therefore, similar to the 2009 EIR, with implementation of mitigation, impacts related to substantially altering the existing drainage pattern of the site or area, or creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or substantially increasing the rate or amount of surface runoff in a manner that would result in flooding on- or off-site would be less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Because the project site is located outside of the 100-year floodplain, as identified by the Davis General Plan, both the 2009 EIR and the 2007 IS concluded that impacts related to the exposure of people and structures to flood hazards and impeding or redirecting flood flows would not occur. According to the Drainage Memo prepared for the proposed project, the project site is currently located within a Federal Emergency Management Agency (FEMA) Zone X, which is an Area of Minimal Flood Hazard. In addition, as discussed in the 2007 IS, the project site is not located in an area that would be exposed to flooding risks from tsunamis, and is not located near a closed body of water, and, thus, would not risk release pollutants due to project inundation. Thus, similar to the 2009 EIR, the impact is less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Applicable Mitigation Measure(s) from the 2009 EIR

Implementation of the following mitigation measure from the 2009 EIR would reduce the above potential impact to a *less-than-significant* level.

- 4.8-3 *Prior to commencement of construction, the applicant shall obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground disturbance. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation. A copy of the SWPPP including BMP implementation provisions shall be submitted to the Chief Building Official.*



Modified Mitigation Measure(s)

The following mitigation measure from the 2009 EIR has been modified to refine the timing trigger for this previously adopted measure. Modifications are shown in ~~strike through~~ and double-underline below. Implementation of the following modified mitigation measure from the 2009 EIR would reduce the above potential impact to a *less-than-significant* level.

- 4.8-2 *In conjunction with the submittal of ~~a tentative map~~ improvement plans, the project applicant shall submit a design-level engineering report on the stormwater detention and conveyance system to the City Engineer demonstrating that the proposed project peak flows into the existing 36-inch storm drain would not exceed 6.2 cfs. The report shall also demonstrate that peak flows from the site do not coincide with peak flows within Channel "A" and demonstrate how the system would function to adequately treat stormwater runoff prior to being discharged into Channel "A." Stormwater detention and conveyance plans shall be reviewed and approved by the City Engineer.*

New Mitigation Measure(s)

None required.

4.7.7 LAND USE AND PLANNING

The impacts related to land use and planning as a result of buildout of the proposed project, in comparison to that of the Wildhorse Ranch Project, are presented below.

Changes in Circumstances

As discussed above, subsequent to certification of the 2009 EIR, project site conditions have not significantly changed. In addition, the General Plan land use designation and zoning designations of the project site have not changed subsequent to certification of the 2009 EIR. Substantial changes in circumstances that would affect the analysis in the 2009 EIR related to land use and planning have not occurred.

Changes in the Project

The discretionary approvals required by the Wildhorse Ranch Project included approval of a General Plan Amendment to change the project site's land use designation from Agriculture to Residential Low Density, Residential Medium Density, Residential High Density, Neighborhood Greenbelt, Natural Habitat Area, and Urban Agricultural Transition Area, as well as a Rezone to change the site's zoning designation from Planned Development (PD 3-89) to a new PD (residential). Similar to the Wildhorse Ranch Project, the currently proposed project generally consists of residential development. The currently proposed project was submitted pursuant to the Builder's Remedy, which is based on a provision of California's Housing Accountability Act (Government Code section 65589.5) that prevents jurisdictions without a substantially compliant housing element from denying an eligible housing project on the basis of inconsistency with the jurisdiction's general plan or zoning ordinance. Furthermore, the City and applicant have entered into a settlement agreement that requires the City to process the project without legislative entitlements, in this case a General Plan Amendment or Rezone. Potential impacts related to land use and planning associated with the foregoing changes in the project are addressed below.

Impact Analysis

The majority of the project site is undeveloped and consists of grazing land, and is developed with a ranch home, two duplexes, a horse barn, and an inactive equestrian training facility. The project



site is surrounded by existing residential development except to the east, which is agricultural land. The 2007 IS determined that because the Wildhorse Ranch Project would serve to extend the existing Wildhorse Subdivision, the Wildhorse Ranch Project would not physically divide an established community. Similarly, the proposed project consists of the development of a residential community comprised of up to 175 dwelling units of various types and densities. As such, rather than physically divide an established community, the proposed project would serve as an extension of the existing residential development in the project vicinity. Thus, similar to the 2009 EIR, no impact would occur. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

The 2009 EIR analyzed the Wildhorse Ranch Project's consistency with the City of Davis General Plan under Impact 4.1-1 and determined that, with approval of the General Plan Amendment proposed as part of the Wildhorse Ranch Project through the Measure J vote, the Wildhorse Ranch Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As discussed above, although the currently proposed project would also include the development of residential and recreational land uses that would be inconsistent with the site's Agricultural land use designation and PD 3-89 zoning designation, the project has invoked Builder's Remedy and is not seeking a General Plan Amendment and Rezone. It is likely that the City's General Plan designation of Agriculture and the development restrictions in PD 3-89, which significantly limit the development of the site, were adopted for the purpose of preserving agricultural and low density residential ("horse ranch") areas of the City, and to avoid or reduce impacts related to agricultural resources and aesthetics, as well as transportation impacts related to level of service, among others. Therefore, the proposed project could cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Feasible mitigation for the foregoing potentially significant impact does not exist. Under Builder's Remedy, the City may not rely on inconsistency with the General Plan or zoning code as a basis for denial of the project. Furthermore, the City entered into a settlement agreement with the applicant that allows the applicant to proceed without legislative entitlements. As a result, bringing the proposed project into consistency with the applicable land use plans, policies, and regulations for the site or avoid a potentially significant environmental impact is infeasible. Therefore, the impact is significant and unavoidable.

The project is consistent with the City's Affordable Housing Ordinance (Davis Municipal Code Article 18.05). Based upon the proposed mix of residential units and lot sizes, the proposed project is required to provide 26 affordable units. The proposed project would include up to 45 affordable units, as the new multi-family apartment units would be deed-restricted.

Thus, while the proposed project would include the development of similar land uses as the previously analyzed Wildhorse Ranch Project, changes to the project to remove the legislative entitlements have created a potentially significant environmental impact due to conflicts with the City's land use plans, policies, and regulations that are applicable to the site and may have been adopted for the purpose of avoiding an environmental impact. Based on the above, the currently proposed project would result in a new significant impact beyond what was previously identified in the 2009 EIR. As previously discussed, the foregoing impact cannot be mitigated and would remain significant and unavoidable.



Applicable Mitigation Measure(s) from the 2009 EIR

None applicable.

Modified Mitigation Measure(s)

None required.

New Mitigation Measure(s)

None feasible.

4.7.8 MINERAL RESOURCES

The impacts related to mineral resources as a result of buildout of the proposed project, in comparison to that of the Wildhorse Ranch Project, are presented below.

Changes in Circumstances

As discussed above, subsequent to certification of the 2009 EIR, project site conditions have not significantly changed; the project site has not been subject to additional substantial disturbance or development. It is noted that impacts related to mineral resources were not addressed in a technical chapter of the 2009 EIR, but were addressed in the 2007 IS prepared for the Wildhorse Ranch Project and included as Appendix A to the 2009 EIR. Substantial changes in circumstances that would affect the analysis in the 2009 EIR related to mineral resources have not occurred.

Changes in the Project

The currently proposed project would be developed within the footprint of the previously analyzed 2009 EIR, with the exception of the off-site sewer pipe improvement and obstacle course. As such, the proposed project would have a similar potential to result in the impacts related to mineral resources. Therefore, project changes that would adversely affect the analysis in the 2009 EIR related to mineral resources have not occurred.

Impact Analysis

According to the City's General Plan EIR, significant deposits of aggregate resources are not located within the City's planning area. The only mineral resource known to exist within the City is natural gas, but specific resource areas have not been identified. Based on the foregoing information, the 2007 IS concluded that the Wildhorse Ranch Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State, and/or resulting in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Because the project site conditions have not significantly changed subsequent to approval of the 2009 EIR, and because new mineral resources have not been identified within the project site, similar to the 2009 EIR, no impact would occur related to mineral resources. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Applicable Mitigation Measure(s) from the 2009 EIR

None applicable.



Modified Mitigation Measure(s)

None required.

New Mitigation Measure(s)

None required.

4.7.9 NOISE

Potential airport noise is discussed below. For a discussion of the project's potential construction and operational noise effects, please refer to Chapter 4.4, Noise.

Changes in Circumstances

As discussed above, subsequent to approval of the 2009 EIR, project site conditions have not significantly changed; the project site has not been subject to additional substantial disturbance or development. In addition, new airports have not been developed or proposed within the project vicinity. Substantial changes in circumstances that would affect the analysis in the 2009 EIR related to noise have not occurred.

Changes in the Project

Whereas the Wildhorse Ranch Project proposed the development of 191 residential units, the currently proposed project would include the development of 175 new residential units, as well as a USA Pentathlon Training Facility. In addition, it is noted that while the Wildhorse Ranch Project proposed the demolition of all existing on-site residences, the currently proposed project would include the demolition of the two on-site duplex buildings and barn, but would retain and renovate the existing on-site ranch home.

Impact Analysis

According to the City's General Plan EIR, impacts to noise-sensitive uses have not been found to exist at the UC Davis Airport, which is the only airport in the vicinity of the City of Davis. As such, the 2007 IS concluded that the project site is not located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and no impact would occur related to the exposure of people residing or working in the project area to excessive noise levels. As discussed above, new airports have not been developed or proposed within the project vicinity since the certification of the 2009 EIR. Therefore, similar to the 2007 IS (attached as Appendix A to the 2009 EIR), no impact would occur related being within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, resulting in the exposure of people residing or working in the project area to excessive noise levels. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Applicable Mitigation Measure(s) from the 2009 EIR

None applicable.

Modified Mitigation Measure(s)

None required.



New Mitigation Measure(s)

None required.

4.7.10 POPULATION AND HOUSING

The impacts related to population and housing as a result of buildout of the proposed project, in comparison to that of the Wildhorse Ranch Project, are presented below.

Changes in Circumstances

Since the release of the 2009 EIR, new population and housing growth has occurred within the City of Davis. In addition, new State law related to housing has gone into effect, such as Senate Bill (SB) 330, which became effective January 1, 2020. SB 330 establishes a statewide housing emergency to be in effect until January 1, 2025. During the housing emergency period, cities and localities in urban areas, including the City of Davis, are generally prohibited from rezoning actions or imposing new development standards that would reduce the zoned capacity for housing, or adopting new design standards that are not objective. In addition, on November 18, 2019, the Sacramento Area Council of Governments (SACOG) adopted an update to the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), which includes new growth projections and transportation strategies for the City of Davis and the surrounding region. According to the SACOG MTP/SCS, the project site is located within an established community that is forecasted to have 3,800 new residential units by 2040. Although substantial changes in circumstances have occurred since certification of the 2009 EIR, none of the foregoing changes would affect the analysis in the 2009 EIR related to population and housing.

Changes in the Project

Whereas the Wildhorse Ranch Project proposed the development of 191 residential units, the currently proposed project would include the development of up to 175 new residential units, as well as a USA Pentathlon Training Facility. As such, the proposed project would have a reduced potential to result in population growth as compared to the Wildhorse Ranch Project. In addition, it is noted that while the Wildhorse Ranch Project proposed the demolition of all existing on-site residences, the currently proposed project would include the demolition of the two on-site duplex buildings and barn, but would retain and renovate the existing on-site ranch home. Potential impacts related to population and housing associated with the foregoing changes in the project are addressed below.

Impact Analysis

Because the Wildhorse Ranch Project included the development of residential uses that would be inconsistent with the site's existing Agriculture land use designation, the population increase associated with buildout of the Wildhorse Ranch Project was not anticipated in the General Plan. As such, as discussed under Impact 4.2-2, the 2009 EIR concluded that the Wildhorse Ranch Project could induce substantial unplanned population growth in the area. However, at the time that the 2009 EIR was certified, the population of the City of Davis had already exceeded the overall City population anticipated in the General Plan without the additional contribution of residences associated with buildout of the Wildhorse Ranch Project. Given that the City's population had already exceeded what was anticipated in the General Plan, as well as the fact that the Wildhorse Ranch Project would provide affordable housing needed to meet the City's Regional Housing Needs Allocation (RHNA), the 2009 EIR concluded that impacts related to inducing unplanned population growth would be less than significant. As discussed above, because the currently proposed project would result in the development of 16 fewer residential units than the Wildhorse Ranch Project, the increase in population associated with buildout of the



currently proposed project would be reduced compared to what was anticipated in the 2009 EIR. In addition, similar to the Wildhorse Ranch Project, the currently proposed project would include the development of affordable housing. It is noted that the recently adopted General Plan Housing Element acknowledges the currently proposed project as a pending peripheral project, meaning that although the site has been anticipated for potential development with residential uses, the anticipated units are not counted towards the current RHNA cycle. As such, although the proposed project could result in unplanned population growth, the currently proposed project would contribute towards meeting the City's RHNA. Furthermore, the currently proposed project is subject to Builder's Remedy, which is based on a provision of California's Housing Accountability Act (Government Code section 65589.5) that prevents jurisdictions without a substantially compliant housing element from denying an eligible housing project on the basis of inconsistency with the jurisdiction's general plan or zoning ordinance. Thus, similar to the 2009 EIR, the impact is less than significant. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe significant impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

The 2007 IS determined that although the Wildhorse Ranch Project would result in the demolition of three residential buildings, the construction of 191 units would create a net gain of residential units, and impacts related to displacing substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, would be less than significant. Although the proposed project would include the development of 16 fewer residential units as compared to the Wildhorse Ranch Project, only two of the existing on-site residences would be demolished. As such, the proposed project would also increase the number of residential units available in the City. Based on the above, the currently proposed project would not result in new significant impacts or substantially more severe impacts beyond what was previously identified in the 2009 EIR. Therefore, the proposed project would be consistent with the conclusions of the 2009 EIR.

Applicable Mitigation Measure(s) from the 2009 EIR

None applicable.

Modified Mitigation Measure(s)

None required.

New Mitigation Measure(s)

None required.

