

## 5. STATUTORILY REQUIRED SECTIONS

### 5.1 INTRODUCTION

The Statutorily Required Sections chapter of the Subsequent Environmental Impact Report (SEIR) includes discussions regarding those topics that are required to be included in an EIR, pursuant to CEQA Guidelines Section 15126.2. The chapter includes a discussion of the proposed project's potential to result in growth-inducing impacts; the cumulative setting analyzed in this SEIR; significant irreversible environmental changes; and significant and unavoidable impacts caused by the proposed project.

### 5.2 GROWTH-INDUCING IMPACTS

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

The CEQA Guidelines are clear that while an analysis of growth-inducing effects is required, induced growth should not be assumed to necessarily be significant or adverse. This analysis examines the following potential growth-inducing impacts related to development of the proposed project and assesses whether the effects are significant and adverse (see CEQA Guidelines Section 15126.2[e]):

1. Foster population and economic growth and construction of housing.
2. Eliminate obstacles to population growth.
3. Affect service levels, facility capacity, or infrastructure demand.
4. Encourage or facilitate other activities that could significantly affect the environment.

#### **Foster Population and Economic Growth and Construction of Housing**

The proposed 175 residential units would increase the available housing within the City of Davis, which would be expected to increase population in the area. Using the 2.57 persons/household average household size for the City of Davis from the City's 2021-2029 Housing Element, the proposed 175 residential units are anticipated to generate an estimated 450 residents. Thus, the proposed project would induce population growth within the City. However, because the currently proposed project would result in the development of 16 fewer residential units than the approved Wildhorse Ranch Project, the increase in population associated with buildout of the proposed project would be reduced compared to what was anticipated for the project site by the Wildhorse Ranch Project EIR (2009 EIR). In addition, similar to the Wildhorse Ranch Project, the currently proposed project would include the development of affordable housing units. According to the City's 2021-2029 Housing Element, the current Regional Housing Needs Allocation (RHNA) for



the City totals 2,075 housing units, including 580 very low-income units, 350 low-income units, 340 moderate-income units, and 805 above moderate-income units.<sup>1</sup> Thus, the currently proposed project would contribute towards the City meeting its RHNA affordable housing requirements. In addition, the 2021-2029 Housing Element notes that the Sacramento Area Council of Governments (SACOG) projects that the City will increase population to 76,884 residents by 2036.<sup>2</sup> Currently, the U.S. Census Bureau estimates that the City has a population of 65,832 residents.<sup>3</sup> Thus, future new residents generated by the proposed project would represent only an incremental contribution to the population growth previously anticipated for the City, as conservatively assuming all future residents of the project would be new residents within the City accounts for approximately 4.1 percent of the population growth already projected to occur in Davis by SACOG. Therefore, the proposed project would not induce population growth that would be considered significant and adverse.

Future residents of the proposed project would likely patronize local business and services in the area, which could foster economic growth. However, as discussed further in the Project Description chapter of this SEIR, Objective #6 of the proposed project is to help address climate change by increasing housing opportunities for those currently commuting to and from Davis for work. Thus, a portion of the project's future residents already support local businesses. Construction of the proposed project would result in increased employment opportunities in the construction field, which could potentially result in an increase to the City's permanent population and demand for housing in the vicinity of the project site. However, short-term construction employment opportunities would likely be filled from the local employee base. Construction workers are also unlikely to relocate their households, to any significant degree, as a result of the construction-related employment opportunities associated with the proposed project. Overall, the proposed project would not be considered to result in substantial long-term employment growth in the area that would cause significant and adverse impacts.

Appendix G of CEQA Guidelines establishes that unplanned population growth would be considered a potentially significant impact. However, growth that is planned and the environmental effects of which have been analyzed in connection with a land use plan or a regional plan, should not by itself be considered an impact. As demonstrated above, the population growth resulting from the proposed project would be within the SACOG growth estimates for the City of Davis and would assist the City in meeting its RHNA affordable housing requirements. Thus, the currently proposed project would not result in a new significant impact or substantially more severe significant impact related to new substantial population and economic growth beyond what was previously identified in the 2009 EIR.

### **Eliminate Obstacles to Population Growth**

The elimination of either physical or regulatory obstacles to growth is considered to be a growth-inducing effect. A physical obstacle to growth typically involves the lack of public service infrastructure. The extension of public service infrastructure, including roadways, water mains, and sewer lines, into areas that are not currently provided with such services, would be expected to support new development. Similarly, the elimination or change to a regulatory obstacle, including existing growth and development policies, could result in new growth.

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<sup>1</sup> City of Davis. *2021-2029 Housing Element* [page 178]. Adopted December 5, 2023.

<sup>2</sup> City of Davis. *2021-2029 Housing Element* [page 66]. Adopted December 5, 2023.

<sup>3</sup> U.S. Census Bureau. *QuickFacts: Davis city, California*. Available at: <https://www.census.gov/quickfacts/fact/table/daviscitycalifornia/LND110210>. Accessed June 2024.



As discussed in Chapter 4.5, Public Services, Utilities, and Service Systems, of this SEIR, the proposed project would include connections to the City's existing water, sanitary sewer, and storm drain systems. With respect to water service, from the existing eight-inch water line in Caravaggio Drive to the west of the project site, new eight-inch water lines would be installed and extended into the project site within the new on-site internal streets, to which each structure would connect through new laterals. With respect to sewer service, from an existing off-site, 42-inch sewer trunk main to the north of the project site, 2,270 lineal feet of new off-site, 12-inch sewer line would be extended through the edge of the existing Wildhorse Agricultural Buffer to the project site's northeastern corner. From the new 12-inch sewer line, new eight-inch sewer lines would be extended within the new on-site internal streets, to which each structure would connect through new sewer laterals. With respect to storm drainage service, stormwater runoff from new impervious surfaces within the project site would be directed to drain inlets installed along the on-site internal streets. From the drain inlets, flows would be conveyed to the stormwater basin located in the northeast portion of the project site. Following treatment in the stormwater basin, excess flows would be metered to the existing storm drain system in the Wildhorse neighborhood to the north of the project site.

All new utility infrastructure would be designed consistent with the applicable standards established by the City of Davis, including those set forth by the Public Works Department Standard Specifications and Davis Municipal Code Article 30.03. The new utility infrastructure would be sized to accommodate only the proposed project. Thus, while installation of the aforementioned improvements may be considered to eliminate obstacles to growth, such improvements are essential to support the proposed project, and the improvements would not eliminate obstacles to growth in a manner that would encourage previously unplanned growth.

### **Affect Service Levels, Facility Capacity, or Infrastructure Demand**

Increases in population that would occur as a result of a proposed project may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental impacts. As discussed in Chapter 4.5, Public Services, Utilities, and Service Systems, of this SEIR, increased demands for public services, including fire and police protection services, attributable to the proposed project would not necessitate the construction of new or expanded facilities that could cause significant environmental impacts. In addition, as detailed under Impact 4.5-6 in the Public Services, Utilities, and Service Systems chapter, the City is projected to have a surplus of water supplies in normal, single dry, and multiple dry years through 2045 under post-project conditions. Similarly, as discussed under Impact 4.5-7 of this SEIR, wastewater flows under post-project conditions would be 4.2 million gallons per day (mgd). Given that the City's Wastewater Treatment Plant (WWTP) has an existing average dry-weather flow (ADWF) capacity of 6.0 mgd, the City would have adequate capacity to serve the project's wastewater treatment demands in addition to the City's existing commitments. Furthermore, as previously discussed, the new utility infrastructure installed as part of the proposed project would be designed in compliance with applicable standards and sized to accommodate only the proposed project.

Non-recyclable wastes collected from the City are disposed of at the 770-acre Yolo County Central Landfill in the northeast portion of the Davis planning area. The Yolo County Central Landfill has a remaining capacity of 33,140,373 cubic yards (or 68 percent remaining capacity) and has a current anticipated closure date of 2124. As discussed under Impact 4.5-8 in the Public Services and Utilities chapter of this SEIR, the currently proposed project would generate a total of 1,404 pounds of waste per day (0.70 tons), which is less than the amount anticipated by the



2009 EIR for the approved Wildhorse Ranch Project. The Yolo County Central Landfill has a permitted throughput of 3,000 tons/day, and thus, would be able to accommodate the operational waste generated by the proposed project. In addition, considering that the Yolo County Central Landfill has a remaining capacity of 68 percent, the proposed project's operational waste would represent only an incremental contribution to the waste received at the landfill.

### **Encourage or Facilitate other Activities That Could Significantly Affect the Environment**

This SEIR provides a comprehensive assessment of the potential for environmental impact associated with implementation of the proposed project. Please refer to Chapters 4.1 through 4.6 of this SEIR, which comprehensively address the potential for impacts from urban development on the project site.

### **5.3 CUMULATIVE IMPACTS**

CEQA Guidelines Section 15130 requires that an EIR discuss the cumulative and long-term effects of the proposed project that would adversely affect the environment. "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines Section 15355). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects" (CEQA Guidelines Section 15355[a]). "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (CEQA Guidelines Section 15355[b]).

The need for cumulative impact assessment reflects the fact that, although a project may cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the increment may be "cumulatively considerable" and, thus, significant, when viewed together with environmental changes anticipated from past, present, and probable future projects (CEQA Guidelines, Section 15064[h(1)], Section 15065[c], and Section 15355[b]). Accordingly, particular impacts may be less than significant on a project-specific basis but significant on a cumulative basis if their small incremental contribution, viewed against the larger backdrop, is cumulatively considerable. However, it should be noted that CEQA Guidelines Section 15064(h)(4) states, "[...] the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Therefore, even where cumulative impacts are significant, any level of incremental contribution is not necessarily deemed cumulatively considerable.

Section 15130(b) of the CEQA Guidelines indicates that the level of detail of the cumulative analysis need not be as great as for the project impact analyses, but that the analysis should reflect the severity of the impacts and their likelihood of occurrence, and that the analysis should be focused, practical, and reasonable. To be adequate, a discussion of cumulative effects must include the following elements:

- (1) Either (a) a list of past, present and probable future projects, including, if necessary, those outside the agency's control, or (b) a summary of projections contained in an adopted general plan or related planning document, or in a prior certified EIR, which described or evaluated regional or area-wide conditions contributing to the cumulative impact, provide that such documents are reference and made available for public inspection at a specified location;



- (2) A summary of the individual projects' environmental effects, with specific reference to additional information and stating where such information is available; and
- (3) A reasonable analysis of all of the relevant projects' cumulative impacts, with an examination of reasonable, feasible options for mitigating or avoiding the project's contribution to such effects (Section 15130[b]).

For some projects, the only feasible mitigation measures will involve the adoption of ordinances or regulations, rather than the imposition of conditions on a project-by-project basis (Section 15130[c]). Section 15130(a)(3) states that an EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable, and thus not significant, if a project is required to implement or fund the project's fair share of a mitigation measure or measures designed to alleviate the cumulative impact.

A discussion of cumulative impacts is provided within each of the technical chapters of this EIR pursuant to CEQA Guidelines Section 15130.

### **Cumulative Setting**

The lead agency should define the relevant geographic area of inquiry for each impact category (id., Section 15130[b][3]), and should then identify the universe of "past, present, and probable future projects producing related or cumulative impacts" relevant to the various categories, either through the preparation of a "list" of such projects or through the use of "a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact" (id., subd. [b][1]).

The majority of the cumulative analysis in this SEIR is based upon a summary of projections contained in the City of Davis General Plan, as well as other reasonably foreseeable projects within the project region. Present and future probable local projects within the City of Davis include, but are not limited to, the following projects: Village Farms Davis; Shriners Property; Davis Innovation Sustainability Campus (DiSC) 2022; The Cannery Remainder Commercial Parcels; Sutter Davis Expansion (including adjacent Communicare Expansion); various Bretton Woods developments; The Promenade/Nishi; and Olive Drive Mixed Use.

Limited situations exist where geographic setting differs between project chapter analysis within a particular region. Examples include air quality, for which the cumulative geographic setting is the Sacramento Valley Air Basin (SVAB). Global climate change is, by nature, a cumulative impact. Greenhouse gas (GHG) emissions contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change (e.g., sea level rise, impacts to water supply and water quality, public health impacts, impacts to ecosystems, impacts to agriculture, and other environmental impacts). A single project could not generate enough GHG emissions to contribute noticeably to a change in the global average temperature. However, the combination of GHG emissions from a project in combination with other past, present, and future projects could contribute substantially to the worldwide phenomenon of global climate change and the associated environmental impacts. Although the geographical context for global climate change is the Earth, for analysis purposes under CEQA, and due to the regulatory context pertaining to GHG emissions and global climate change applicable to the proposed project, the geographical context for global climate change in this SEIR is limited to the State of California.



## 5.4 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

As established in CEQA Guidelines Section 15126.2(d), this SEIR is required to include consideration of significant irreversible environmental changes that would be caused by the proposed project, should the project be implemented. An impact would be determined to be a significant and irreversible change in the environment if:

- Buildout of the project area could involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of development could generally commit future generations to similar uses (e.g., a highway provides access to a previously remote area);
- Development of the proposed project could involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The phasing and eventual development of the project could result in an unjustified consumption of resources (e.g., the wasteful use of energy).

The proposed project would likely result in, or contribute to, the following significant irreversible environmental changes:

- Conversion of predominantly vacant land to a fully built-out community with residential and recreational uses, thus, precluding alternative land uses in the future;
- Irreversible consumption of goods and services, such as fire, police, and school services, associated with the future population; and
- Irreversible consumption of energy and natural resources, such as water and electricity, associated with the future residential and recreational uses.

## 5.5 SIGNIFICANT AND UNAVOIDABLE IMPACTS

According to CEQA Guidelines, an EIR must include a description of those impacts identified as significant and unavoidable should the proposed action be implemented (CEQA Guidelines Section 15126.2[c]). Such impacts would be considered unavoidable when the determination is made that either mitigation is not feasible or only partial mitigation is feasible such that the impact is not reduced to a level that is less-than-significant. This section identifies significant impacts that could not be eliminated or reduced to a less than significant level by mitigation measures imposed by the City. The final determination of the significance of impacts and the feasibility of mitigation measures would be made by the City as part of the City's certification action. The significant and unavoidable impacts of the proposed project are summarized below.

**In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality. (Impact 4.1-2)**

The Wildhorse Ranch Project would have permanently altered the character of the site and blocked partial views towards the east, which are characterized by distinct background views of the Sierra Nevada foothills. Thus, the 2009 EIR concluded that a significant and unavoidable impact would have occurred, with feasible mitigation unavailable. However, it should be noted that the impact was related to degrading the existing visual character of the site.

The currently proposed project was submitted pursuant to a settlement agreement with the City that provides that the project will be processed without legislative entitlements, including a



General Plan amendment or zoning amendment. Therefore, the proposed project would be inconsistent with the General Plan Agricultural land use designation and PD zoning for the project site. Under Builder's Remedy, the City cannot deny the project based on inconsistency with the General Plan or zoning code. Therefore, this inconsistency cannot be fully mitigated, and the currently proposed project could result in a new significant impact or substantially more severe significant impact related to conflicts with zoning and other regulations governing scenic quality beyond what was previously identified in the 2009 EIR. Even with implementation of Mitigation Measure SEIR 4.1-2, the development of the project site with the currently proposed uses would be inconsistent with the designation and zoning, resulting in a new significant and unavoidable impact.

**Long-term changes in visual character associated with development of the proposed project in combination with future buildout of the City of Davis and present and probable future projects. (Impact 4.1-4)**

Because the proposed project was submitted pursuant to Builder's Remedy and without any legislative entitlements, the proposed project would not be consistent with the project site's designation as Agriculture in the General Plan or the PD 3-89 zoning district. As such, the proposed project is not required as part of project approval to demonstrate consistency with the related standards, including those associated with scenic quality.

As discussed above, the proposed project would conflict with applicable zoning, creating a potentially significant impact on aesthetics that was not previously addressed in 2009 EIR. The inconsistency would be partially mitigated by the implementation of Mitigation Measure SEIR 4.1-2, which would require that the project comply with conditions of approval imposed by the City on the project's Tentative Map in order to ensure visual consistency with adjacent uses to the north, south, and west of the project site.

Based on the above discussion, despite the fact that the proposed project would involve similar development as the Wildhorse Ranch Project, the proposed project's incremental contribution to the significant cumulative effect would be cumulatively considerable due to its inconsistency with the site's General Plan land use and zoning designations. Although the 2009 EIR identified a significant and unavoidable aesthetic impact, the focus of the impact was related to changes in visual character, rather than conflicts with scenic regulations. Therefore, the currently proposed project's contribution to the significant cumulative aesthetic impact is considered a new cumulatively considerable and significant and unavoidable impact.

**Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Impact 4.4-1)**

During project construction, heavy equipment would be used for grading excavation, paving, and building construction, which would increase ambient noise levels when in use. Based on the equipment noise levels in Table 4.4-10 of this SEIR, worst-case on-site project construction equipment maximum noise levels at the nearest existing residential uses located 25 feet away are expected to range from approximately 82 to 91 dB  $L_{max}$ .

Because short-term noise level increases associated with project construction could result in substantial noise level increases exceeding 5.0 dB or more above baseline ambient conditions at the nearest existing residences, a modified version of Mitigation Measure 4.5-3 from the 2009



EIR would be required, which necessitates implementation of standard construction noise best management practices (BMPs). The 2009 EIR concluded that implementation of said BMPs would reduce potential impacts related to temporary increases to ambient noise levels to a less-than-significant level. However, the 2009 EIR did not clearly articulate an ambient noise level increase threshold to determine construction noise impact significance. In contrast, based on recent CEQA case law, this SEIR uses an ambient increase construction noise threshold of 5.0 dB, and thus, implementation of mitigation must be shown to be capable of reducing ambient noise level increases attributable to construction below 5.0 dB over ambient levels. While implementation of Mitigation Measure 4.5-3 from the 2009 EIR (as modified) would ensure compliance with the Davis Municipal Code, the measure cannot conclusively be shown to reduce increases in ambient noise levels due to project construction to at or below 5.0 dB at the nearest sensitive receptors. Therefore, even with implementation of the measure, the potential impact is conservatively assumed to be a new significant and unavoidable increase in severity of a significant impact previously identified in the 2009 EIR.

**Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Impact 4.6-4)**

The proposed project's non-residential component would reduce total vehicle miles traveled (VMT) within the region by 1,089 VMT. Therefore, the project's non-residential component would not result in a net increase in total VMT. However, the residential VMT per capita generated by the project's residential component would be 9.7 percent and 52.6 percent above baseline local and regional residential VMT per capita averages, respectively. Thus, the project residential component would generate residential VMT per capita exceeding the applicable threshold of 15 percent below baseline local and regional residential VMT per capita averages. Mitigation Measure SEIR 4.6-4 includes transportation demand management (TDM) strategies to reduce residential VMT per capita. Altogether, the TDM strategies described in Mitigation Measure 4.6-4 would reduce project-generated residential VMT per capita by 2.72 percent, for a total residential VMT per capita of 32.1, or 6.6 percent and 47.9 percent above baseline local and regional residential VMT per capita averages, respectively. Therefore, even with mitigation measures, project-generated residential VMT per capita would remain more than 15 percent below baseline local and regional residential VMT per capita averages, and the impact would remain significant and unavoidable.

**Conflict with existing zoning for agricultural use, or a Williamson Act contract. (Section 4.7.2)**

As discussed throughout this chapter, because the currently proposed 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 previously discussed, under Builder's Remedy, the City may not rely on inconsistency with the 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. Absent a zone change, feasible mitigation does not exist to reduce the foregoing significant impact to a less-than-significant level. Therefore, due to the limitations placed on the City by State law, the impact is significant and unavoidable.





**Conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Section 4.7.7)**

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. Without a General Plan Amendment or Rezone for the proposed project, the forgoing impact cannot be mitigated and would remain significant and unavoidable.

