

RESOLUTION NO. 26-051, SERIES 2026

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS CERTIFYING THE
FINAL ENVIRONMENTAL IMPACT REPORT; ADOPTING CEQA FINDINGS OF FACT;
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS;
AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE WILLOWGROVE PROJECT
(PLANNING APPLICATION #23-32 – EIR#02-23)**

WHEREAS, the project known as Willowgrove (Project) proposes to develop approximately 232 acres (Assessor's Parcel Number 071-130-007) as a residential community with for-sale attached and detached housing, condominiums, affordable rental apartments, open space and recreational areas, stormwater facilities, and related site improvements; and

WHEREAS, the Project is generally located in the County of Yolo, north of the intersection of East Covell Boulevard and Alhambra Drive and east of the existing Wildhorse residential neighborhood (Project Site). The Project proposes to annex the Project Site into the City of Davis (City); and

WHEREAS, on July 12, 2024, the City circulated a Notice of Preparation regarding its plan to prepare an environmental impact report (EIR) for the Project, commencing a public comment period that ended on August 12, 2024;

WHEREAS, on July 25, 2024, the City held a duly noticed public scoping meeting to receive public comments on the appropriate scope of the Draft EIR; and

WHEREAS, on November 10, 2025, the City circulated the Draft EIR for a 54-day public review and comment period which concluded on January 2, 2026; and

WHEREAS, on December 10, 2025, the Planning Commission held a public meeting to receive comments regarding the adequacy of the Draft EIR; and

WHEREAS, public comments received on the Draft EIR during the public comment period are provided and addressed in the Final EIR; and

WHEREAS, the Final EIR (SCH #2024070522) consisting of the Draft EIR, responses to comments received during the circulation period, minor corrections and clarifications, and mitigation monitoring and reporting program; and

WHEREAS, pursuant to CEQA Guidelines Section 15025(c), the Planning Commission, which serves as the advisory body and must make a recommendation on the Project to the City Council, the decision-making body, which includes a recommendation on the EIR; and

WHEREAS, on April 8, 2026, the Planning Commission held a duly noticed public hearing to review the Final EIR, the staff report pertaining to the EIR, public testimony, and all evidence received at the Planning Commission hearing, and voted 7 to 0 approving Planning Commission Resolution No. 26-001 to recommend that the City Council certify the EIR for the Project and adopt CEQA findings, a statement of overriding considerations, and a mitigation monitoring and reporting program; and

WHEREAS, on May 5, 2026, the City Council held a duly noticed public hearing to consider the Project and Final EIR, project documents and staff report, the Planning Commission recommendation, and public testimony; and

WHEREAS, the Final EIR identified certain significant and potentially significant adverse effects on the environment caused by the project; and

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

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

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

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

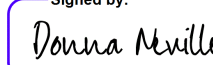
1. Exhibit A (Findings of Fact and Statement of Overriding Considerations) and Exhibit B (Mitigation Monitoring Plan) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The City Council hereby adopts these various findings of fact attached hereto as Exhibits A and B.
2. Exhibit A of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable." The City Council hereby adopts the Statement of Overriding Considerations contained within Exhibit A.
3. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the *CEQA Guidelines* that approval of the project will result in significant effects on the environment, however, the City has eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.

4. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the Project, is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.
5. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.
6. The Mitigation Monitoring and Reporting Plan attached hereto as Exhibit B (Mitigation Monitoring and Reporting Plan) is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.
8. The City Council finds that the Final EIR reflects the lead agency's independent judgement and analysis and hereby certifies the Final EIR in accordance with the requirements of CEQA.
9. A Notice of Determination shall be filed immediately after final approval of the project.
10. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:
 - a) A copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files;
 - b) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA "responsible" agencies.

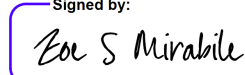
PASSED AND ADOPTED by the City Council of the City of Davis on this 5th day of May, 2026 by the following vote:

AYES: Chapman, Deos, Partida, Vaitla, Neville

NOES: None

Signed by:

 35C0AF4A64BD4AD...
 Donna Neville
 Mayor

ATTEST:

Signed by:

 B5E67BF781AF4AD...
 Zoe S. Mirabile, CMC
 City Clerk

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE WILLOWGROVE PROJECT

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

I. INTRODUCTION

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

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

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

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

- No Project (No Build) Alternative;
- Lower Number of Units – Same Footprint Alternative;
- Same Number of Units - Smaller Footprint Alternative;
- Same Number of Units - Smallest Footprint Alternative; and
- Higher Number of Units – Same Footprint Alternative.

The Findings of Fact set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under CEQA (Public Resources Code [PRC], Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) relating to the proposed project. The Findings provide the written analysis and conclusions of this Council regarding the proposed project's environmental impacts, mitigation measures, and alternatives to the proposed project. With respect to a project for which significant impacts are not mitigated to a less-than-significant level, a public agency, after adopting proper findings, may

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nevertheless approve the proposed project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the proposed project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, Sections 15093, 15043, subd. (b); see also PRC Section 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors*, 216 Cal. App 3d (1989), at p. 576.) The Draft EIR concluded the proposed project would create significant and unavoidable impacts with regard to aesthetics; agricultural resources; air quality, greenhouse gas emissions, and energy; noise; population and housing; transportation; and utilities and service systems. Thus, a Statement of Overriding Considerations is required. The Statement of Overriding Considerations set forth below, in this Council's view, justify approval of the proposed project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Procedural Background

The City of Davis circulated a Notice of Preparation (NOP) for the Draft EIR on July 12, 2024, to responsible and trustee agencies, the State Clearinghouse (SCH#: 2024070522), and the public. A scoping meeting was held on July 25, 2024, in the City of Davis for the purpose of informing the public and receiving comments on the scope of the environmental analysis to be prepared for the proposed project. The comments received during the NOP comment period are presented in Appendix B to the Draft EIR.

The City of Davis published a public Notice of Availability (NOA) for the Draft EIR on November 10, 2025, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse and the County Clerk, was posted on the City's website, and was mailed to surrounding properties pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from November 10, 2025, through January 2, 2026.

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

The City received 27 comment letters regarding the Draft EIR from public agencies, groups, and members of the public during the public comment period. In addition, verbal comments were received during the Draft EIR public comment meeting held on December 10, 2025. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written

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comments received. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

Record of Proceedings and Custodian of Record

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

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

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

Consideration of the Environmental Impact Report

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

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Willowgrove Project, shall continue in full force and effect unless amended or modified by the City.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. AESTHETICS

1. 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).

(a) Potential Impact. The potential for the proposed project to substantially degrade the existing visual character or quality of public views of the site and its surroundings is discussed on pages 4.1-15 through 4.1-18 of the Draft EIR.

(b) Findings. Significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible mitigation measures or project alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to substantially degrading the existing visual character or quality of public views of the site and its surroundings that would result from buildout of the proposed project cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, the proposed project would entirely replace views of the existing agricultural field with the proposed residential, neighborhood retail, and recreational uses. The proposed project would be visible from several key viewpoints in the City as identified in the Draft EIR. In addition, existing distant views from the Wildhorse Agricultural Buffer pedestrian trail of the City of Sacramento skyline, which are identified by the City as potentially visible from the northern project site boundary, would also be blocked by the proposed project. The incorporation of the proposed 44.3-acre Urban Agricultural Transition Area (UATA) in the northern and eastern portions of the site would serve as a buffer between the surrounding agricultural land and the areas developed as part of the proposed project. The proposed project would include a Development Agreement and would undergo the City's Design Review and, thus, would be consistent with City design standards and aesthetics policies. Nonetheless, given that the proposed project would permanently convert views of the site from the existing rural landscape to a mixed-use development, the existing visual character and quality of public views of the project site would be substantially degraded, resulting in a significant and unavoidable impact.

Mitigation Measure(s) Feasible mitigation does not exist to reduce the above potential impact to a less-than-significant level. Therefore, the impact would remain significant and unavoidable. (Draft EIR, pg. 4.1-18).

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- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to substantially degrading the existing visual character or quality of public views of the site and its surroundings, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.
2. LONG-TERM CHANGES IN VISUAL CHARACTER ASSOCIATED WITH CUMULATIVE DEVELOPMENT OF THE PROPOSED PROJECT IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS GENERAL PLAN (IMPACT 4.1-4).
- (a) Potential Impact. The potential for the proposed project to cause long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the City of Davis General Plan is discussed on pages 4.1-20 and 4.1-21 of the Draft EIR.
- (b) Findings. Cumulatively considerable and significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible mitigation measures or project alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to causing long-term cumulative changes in visual character in combination with future buildout of the City of Davis and present and probable future projects cannot be mitigated to a less-than-significant level. Similar to the proposed project, potential development of the Village Farms Davis Project, the Davis Innovation Sustainability Campus (DiSC) 2022 Project, and the approved Palomino Place Project would convert existing agricultural land to urban uses. The proposed project, in combination with potential future development projects facilitated by the buildout of the City's General Plan, would cumulatively contribute to the elimination of open expanses of agricultural land in the area. As such, the loss of the existing on-site panoramic open space/agricultural views could be a significant impact. Thus, development of the proposed project, in conjunction with future development in the cumulative setting, would result in a cumulatively significant impact.
- Mitigation Measure(s).** Feasible mitigation does not exist to reduce the above potential impact to a less-than-significant level. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft EIR pg. 4.1-21).
- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to causing long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the City of Davis General Plan, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

B. AGRICULTURAL RESOURCES

1. CONVERT PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE (FARMLAND), AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USE OR AGRICULTURAL LAND AS DEFINED IN DAVIS MUNICIPAL CODE CHAPTER 40A (GOVERNMENT CODE SECTION 56064) (IMPACT 4.2-1).

(a) Potential Impact. The potential for the proposed project to result in impacts related to the conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to non-agricultural use or agricultural land as defined in Davis Municipal Code Chapter 40A is discussed on pages 4.2-21 through 4.2-23 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the conversion of Farmland to non-agricultural uses or agricultural land as defined in Davis Municipal Code Chapter 40A cannot be mitigated to a less-than-significant level. Davis Municipal Code Section 40A.03.025 states that, "The city shall require agricultural mitigation as a condition of approval for any development project that would change the general plan designation or zoning from agricultural land to nonagricultural land and for discretionary land use approvals that would change an agricultural use to a nonagricultural use." The proposed project contains approximately 192.7 acres of Prime Farmland and 22.5 acres of Farmland of Statewide Importance, bringing the total amount of potentially impacted Farmland to 215.2 acres. In addition, because the project site is currently in agricultural use, and because the Farmland located within the site meets the significance criteria outlined by Yolo County and Yolo Local Agency Formation Commission (LAFCo), agricultural mitigation would be required.

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

4.2-1 *Prior to initiation of grading activities for each phase of development, the project applicant shall set aside in perpetuity, active agricultural acreage in an amount consistent with the applicable agricultural mitigation requirements of the appropriate jurisdiction.*

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The agricultural land shall be secured through the purchase of development rights and execution of an irreversible conservation or agricultural easement, consistent with Section 40A.03.025 of the Davis Municipal Code. The location and amount of active agricultural acreage shall be subject to review and approval by the City of Davis Community Development Department. The amount of agricultural acreage set aside shall account for farmland lost due to the conversion of the project site. Pursuant to Davis Municipal Code Section 40A.03.040, the agricultural mitigation land shall be comparable in soil quality with the agricultural land being changed to nonagricultural use. The easement land must conform with the policies and requirements of Yolo Local Agency Formation Commission (LAFCo), including a Land Evaluation and Site Assessment (LESA) score that is a maximum of 10 percent below that of the project site. The easement instrument used to satisfy this measure shall conform to the conservation easement template of the Yolo Habitat Conservancy or to another conservation easement template acceptable to the City of Davis.

While the mitigation measure above would preserve Farmland acreage elsewhere, that preservation would not create new Farmland. As such, the proposed project would lead to an overall loss of Farmland. Therefore, although implementation of the foregoing mitigation measure would reduce the above significant impact, the impact would remain significant and unavoidable. (Draft EIR, pg. 4.2-23).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to the conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or agricultural land as defined in Davis Municipal Code Chapter 40A (Government Code Section 56064), as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

2. INVOLVE CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD CUMULATIVELY RESULT IN LOSS OF FARMLAND TO NON-AGRICULTURAL USE (IMPACT 4.2-4).

- (a) Potential Impact. The potential for impacts related to involving changes in the existing environment which, due to their location and nature, could cumulatively result in loss of Farmland to non-agricultural use associated with the development of the proposed project is discussed on pages 4.2-25 and 4.2-26 of the Draft EIR.
- (b) Findings. Cumulatively considerable and significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain cumulatively considerable and

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significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or project alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).

- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to involving changes in the existing environment which, due to their location and nature, could cumulatively result in loss of Farmland to non-agricultural use associated with the development of the proposed project cannot be mitigated to a less-than-significant level. As discussed under Impact 4.2-1 in the Draft EIR, the project site contains Prime Farmland and Farmland of Statewide Importance in active agricultural use. Therefore, the proposed project would convert the aforementioned active Farmland types to non-agricultural uses. As discussed under Impact LU-3 in the City's General Plan EIR, the City requires that converted agricultural land be mitigated with preservation of existing agricultural land of comparable quality. Although the proposed project would be subject to mitigation measures, the proposed project would still lead to an overall loss of Farmland. In addition, a portion of probable future projects would further contribute to the cumulative loss of existing Farmland in and adjacent to the City of Davis. Therefore, development facilitated by buildout of the City's General Plan in conjunction with the proposed project, as well as other present and/or probable future projects, would result in a significant impact related to the conversion of Farmland to non-agricultural uses. Thus, the contribution of the proposed project to the significant cumulative impact would be cumulatively considerable.

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

4.2-4 *Implement Mitigation Measure 4.2-1. (see III.B.1 above)*

Implementation of the foregoing mitigation measure would help reduce the incremental contribution towards the cumulative impact related to conversion of important farmland identified above by preserving existing agricultural land of comparable quality. However, the impact would remain cumulatively considerable and significant and unavoidable due to the permanent loss of agricultural land attributable to the proposed project. (Draft EIR, pg. 4.2-26).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to cumulative changes which could convert farmland to non-agricultural uses, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

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C. AIR QUALITY, GREENHOUSE GAS EMISSIONS, AND ENERGY

1. CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN DURING PROJECT OPERATION (IMPACT 4.3-2).

(a) Potential Impact. The potential for the proposed project to conflict with or obstruct implementation of the applicable air quality plan during project operation is discussed on pages 4.3-51 through 4.3-54 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the applicable air quality plan and operational emissions levels cannot be mitigated to a less-than-significant level. The Yolo-Solano Air Quality Management District (YSAQMD) has established mass emissions thresholds for operational emissions of Reactive Organic Gases (ROG), Nitrogen Oxide (NO_x), or Particulate Matter (PM₁₀). If a project's operational emissions exceed the YSAQMD's mass emissions thresholds, a project would be considered to conflict with or obstruct implementation of the YSAQMD's air quality planning efforts. The proposed project's maximum unmitigated operational emissions of NO_x and PM₁₀ would be below the applicable YSAQMD threshold of significance. However, the proposed project's maximum unmitigated operational emissions of ROG would exceed the applicable YSAQMD thresholds of significance. Accordingly, operation of the proposed project could violate an air quality standard or contribute substantially to an existing or projected air quality violation. Therefore, the proposed project would be considered to result in a significant impact related to air quality.

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

4.3-2 *Prior to the issuance of building permits, the project applicant shall ensure that only zero-VOC paints, finishes, adhesives, and cleaning supplies shall be used in the initial construction of all buildings on the project site.*

In addition, verification that only zero-VOC paints, finishes, adhesives, and cleaning supplies are used during operation of the affordable housing components of the proposed project shall be ensured in perpetuity by the project's proposed homeowner's association (HOA).

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For components of the proposed project not subject to an HOA, a zero-VOC paints, finishes, adhesives, and green cleaning products education program shall be made available to all residents and commercial tenants of the proposed project. The program shall include free educational materials such as brochures, pamphlets, checklists, etc., that provide information regarding the proper use of zero-VOC paints, finishes, adhesives, and green cleaning products.

The aforementioned requirements shall be noted on the project improvement plans and the informational sheet filed with the final subdivision map(s), and shall be provided to the City of Davis Community Development Department for review and approval prior to approval of improvement plans for each small lot tentative map.

Implementation of Mitigation Measure 4.3-2 would reduce the operational area source emissions associated with the proposed project through the use of zero-Volatile Organic Compound (VOC) paints, finishes, adhesives, and cleaning supplies. However, even with implementation of Mitigation Measure 4.3-2, the proposed project's operational ROG emissions would continue to exceed the applicable thresholds of significance. Furthermore, feasible mitigation measures to reduce mobile source emissions are not available. Therefore, the proposed project's potential impact related to the proposed project's operational ROG emissions would remain significant and unavoidable.

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to conflicting with or obstructing implementation of the applicable air quality plan during project operation, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.
2. RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD (INCLUDING RELEASING EMISSIONS WHICH EXCEED QUANTITATIVE THRESHOLDS FOR OZONE PRECURSORS) (IMPACT 4.3-6).
- (a) Potential Impact. The potential for the proposed project to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) is discussed on pages 4.3-64 through 4.3-66 of the Draft EIR.
- (b) Findings. Cumulatively considerable and significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain cumulatively considerable and significant and unavoidable. Specific economic, legal, social, technological, or other

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considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or project alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).

- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to resulting in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) associated with the proposed project cannot be mitigated to a less-than-significant level. If a project exceeds the significance thresholds for air pollutants, as identified by the YSAQMD, that project's emissions would be cumulatively considerable, resulting in a significant adverse air quality impact to the region's existing air quality conditions. The proposed project would result in operational emissions of ROG that exceed the YSAQMD's thresholds of significance. Consequently, implementation of the proposed project could conflict with the YSAQMD's adopted attainment plans or inhibit attainment of regional Ambient Air Quality Standards (AAQS). The proposed project's unmitigated operational emissions are equivalent to the proposed project's unmitigated cumulative contribution to regional emissions. Therefore, implementation of the proposed project could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is in non-attainment and could contribute towards regional health effects associated with the existing nonattainment status of ozone and PM standards. Therefore, the proposed project's incremental contribution to the significant cumulative effect would be cumulatively considerable and significant and unavoidable.

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

4.3-6 *Implement Mitigation Measure 4.3-2. (see III.C.1 above)*

Implementation of Mitigation Measure 4.3-6 would reduce operational area-source ROG emissions. However, such emissions would still not be reduced to below the applicable thresholds of significance. In addition, possible additional mitigation measures for further reducing ROG and emissions cannot be feasibly enforced or verified. Even with implementation of the above mitigation measure, the proposed project's incremental contribution to the significant cumulative effect would remain cumulatively considerable and significant and unavoidable. (Draft EIR, pg. 4.3-66).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to resulting in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors), as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

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3. GENERATE GHG EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, OR CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GHGS DURING OPERATION (IMPACT 4.3-8).

- (a) Potential Impact. The potential for the proposed project to generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during operation is discussed on pages 4.3-70 through 4.3-77 of the Draft EIR.
- (b) Findings. Cumulatively considerable and significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain cumulatively considerable and significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or project alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to generating GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during operation, cannot be mitigated to a less-than-significant level. Consistent with the City's adopted Climate Action and Adaptation Plan (CAAP), the proposed project would be considered to have a significant impact if GHG emissions from proposed project operations would result in net positive operational emissions in the year 2040. Should the proposed project be shown to reach net neutrality by the year 2040 compared to existing emissions levels associated with the site, the proposed project would be considered to provide a proportional share of emissions reductions and would not inhibit attainment of citywide net carbon neutrality by the year 2040, nor would the proposed project conflict with the City's CAAP. As analyzed in the Draft EIR, project emissions could exceed net carbon neutrality in the year 2040. As such, implementation of the proposed project could conflict with the City's recently adopted goal of carbon neutrality by the year 2040. Therefore, implementation of the proposed project could generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG, and the proposed project's incremental contribution to this significant cumulative impact would be cumulatively considerable.

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

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4.3-8

The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to building permit issuance for each phase of the proposed project, the project proponent shall indicate how to complete and implement the following steps:

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

Proposed Project		
Year	Maximum Permitted Net Project Emissions (MTCO ₂ e)	Emissions Reductions Achieved (MTCO ₂ e)
2035	10,201.00	0.00
2036	8,160.80	2,040.20
2037	6,120.60	4,080.40
2038	4,080.40	6,120.60
2039	2,040.20	8,160.80
2040	0.00	10,201.00
Total Emissions Reductions		30,603.00

- 3. Should net operational emissions be shown to exceed the maximum emissions levels presented in the applicable table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:*
 - Use of energy-star appliances in all or part of the project;*
 - Installation of on-site photovoltaic systems in excess of the City's or State standards in place at the time of this environmental analysis;*

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- *Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);*
 - *Implement Transportation Demand Management strategies, such as CAPCOA Handbook Strategy T-16 and T-20-A, in accordance with Mitigation Measure 4.13-4 of this EIR;*
 - *Provide electric vehicle charging infrastructure in excess of existing Tier 1 CBSC requirements; and/ or*
 - *Purchase carbon credits to offset project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code Section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the year 2040. Such credits shall be based on CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the CCR, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City of Davis and/or the YSAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by YSAQMD.*
4. *The emissions reductions resulting from implementation of the above measures shall be calculated, using methods acceptable to the City.*
 5. *Proof of compliance with the maximum annual net emissions targets and the steps above shall be verified through the submittal of a Technical Memorandum of Compliance (TMC) to the City of Davis Department of Community Development. The TMC shall document the following minimum items: modeling (step 1); comparison of modeled emissions to maximum emissions levels identified in Mitigation Measure 4.3-8 (step 2); chosen feasible actions to achieve required reductions (step 3); and measurable GHG reduction value of each action (step 4). TMCs prepared in compliance with the foregoing steps may cover individual operational years or multiple operational years. Should a TMC be prepared for multiple operational years, the*

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TMC shall demonstrate compliance with the maximum emissions levels for each year included in the TMC.

6. *Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development. The City upon review and acceptance of implementation, shall issue the certificate of occupancy.*

Implementation of Mitigation Measure 4.3-8 would achieve a downward trajectory of operational GHG emissions and would assure that implementation of the proposed project would not result in long-term operational impacts related to GHG emissions. However, due to uncertainties related to the potential efficacy and feasibility of the GHG reductions measures, as well as the availability of off-site carbon credit programs, the full GHG reductions associated with the proposed project cannot be guaranteed at this time. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft EIR, pg. 4.3-75).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during operation, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

D. NOISE

1. GENERATION OF A SUBSTANTIAL TEMPORARY INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES (IMPACT 4.10-1).
 - (a) Potential Impact. The potential for the proposed project to generate 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, is discussed on pages 4.10-17 through 4.10-23 of the Draft EIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).

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- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the 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 cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, during construction of the proposed project, heavy equipment would be used for site preparation, grading, building construction, paving, architectural coating, and utility installation, all of which would temporarily increase ambient noise levels when in use. Construction of the proposed project is predicted to generate noise-level increases over ambient conditions greater than 5.0 decibels (dB), which is the threshold used in the Draft EIR to identify a significant impact related to construction noise. Even with the use of temporary sound barriers during construction, maximum noise levels associated with construction activities would result in a significant noise-level increase at the nearest sensitive receptors. Therefore, the proposed project would generate a substantial temporary increase in ambient noise levels in the project vicinity in excess of standards established in the Davis General Plan or Noise Ordinance, or applicable standards of other agencies, and a significant impact during construction could occur.

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

4.10-1 *Prior to the approval of grading and/or building permits, the following requirements shall be noted on improvement plans, subject to review and approval by the City of Davis Community Development Department:*

- *The proposed project shall incorporate an eight-foot-tall temporary sound barrier between the existing sensitive receptors to the west and construction activities, as determined by a qualified acoustical consultant prior to commencement of construction (reference locations in Figure 4.10-2 of the Willowgrove EIR);*
- *The sound barrier fencing shall consist of 0.5-inch plywood or minimum Sound Transmission Class (STC) 27 sound curtains placed to shield nearby sensitive receptors. The barrier would be placed along the west boundary of large lot parcels S-4, S-5, and 600 feet along the west side of S-9, as measured from the northwest corner of S-9, unless the easterly Palomino Place residences are developed and occupied prior to Willowgrove construction, in which case the barrier shall extend along the entirety of S-9. The plywood barrier shall be free from gaps, openings, or penetrations to ensure maximum performance. The noise barrier shall stay in place through the construction of buildings on Large Lot Parcels S-4, S-5, and S-9, after which time they may be removed as buildings on the parcels would provide equivalent shielding;*

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- *Construction activities shall only take place between the hours of 7:00 AM and 7:00 PM, Monday through Friday, and 8:00 AM and 8:00 PM, on Saturday;*
- *All construction equipment powered by internal-combustion engines shall be properly muffled and maintained;*
- *Quiet construction equipment, particularly air compressors, are to be selected whenever possible;*
- *All stationary noise-generating construction equipment, such as generators or air compressors, are to be located as far as practical from existing residences. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest to the project site;*
- *Unnecessary idling of internal-combustion engines is prohibited; and*
- *The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest to the project site during all project construction.*

Implementation of Mitigation Measure 4.10-1 would achieve a noise level reduction associated with three construction areas to below the criteria of 5.0 A-weighted decibel (dBA) by implementing the use of eight foot tall temporary noise barriers. However, construction noise associated with the majority of construction areas would remain over the 5.0 dBA increase criteria. Therefore, although implementation of the above mitigation measure would reduce the above significant impact, the impact would remain significant and unavoidable. (Draft EIR, pg. 4.10-19).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to the generation of a substantial temporary increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

E. POPULATION AND HOUSING

1. INDUCE SUBSTANTIAL UNPLANNED POPULATION GROWTH IN AN AREA, EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (E.G., THROUGH PROJECTS IN AN UNDEVELOPED AREA OR EXTENSION OF MAJOR INFRASTRUCTURE) (IMPACT 4.11-1).

- (a) Potential Impact. The potential for the proposed project to induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or

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extension of major infrastructure) is discussed on pages 4.11-7 through 4.11-9 of the Draft EIR.

- (b) Findings. Significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible mitigation measures or project alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the proposed project to induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure) cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, the proposed project would include development of a total of 1,250 residential units, housing an estimated 3,213 residents. Because the project site is not currently located within the City of Davis and does not have a City General Plan land use designation, population growth resulting from the proposed project would not be within the Sacramento Area Council of Governments (SACOG) or City of Davis growth estimates for the project area. As a result, the proposed project would be considered to induce substantial unplanned population growth, and a significant impact would result.

Mitigation Measure(s). Feasible mitigation does not exist to reduce the above impact to a less-than-significant level. Therefore, the impact would remain significant and unavoidable. (Draft EIR, pg. 4.11-9).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to the creation of impacts related to the potential for the proposed project to induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure), as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

2. CUMULATIVE UNPLANNED POPULATION GROWTH (IMPACT 4.11-2).

- (a) Potential Impact. The potential for the proposed project to result in cumulative unplanned population growth is discussed on pages 4.11-9 and 4.11-10 of the Draft EIR.
- (b) Findings. Cumulatively considerable and significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible mitigation measures or project alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).

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- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the proposed project to result in cumulative unplanned population growth cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, buildout of the City of Davis was anticipated to result in population growth within the plan area through the buildout of urban and rural developments. In addition, as discussed above, the population growth associated with implementation of the proposed project has not been anticipated for the region, as the site is not currently located within the City of Davis and does not have a City General Plan Land Use Designation. Furthermore, the General Plan Housing Element projected that a total of 1,737 housing units would be developed in the City between 2020 and 2036; thus, development of the proposed project with 1,250 residential units, in combination with other cumulative development in the City of Davis, would result in a cumulatively considerable impact.

Mitigation Measure(s). Feasible mitigation does not exist to reduce the above impact to a less-than-significant level. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft EIR, pg. 4.11-10).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to cumulative unplanned population growth, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

F. TRANSPORTATION

1. CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B) (IMPACT 4.13-4).
 - (a) Potential Impact. The potential for the proposed project to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) is discussed on pages 4.13-29 through 4.13-34 of the Draft EIR.
 - (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to conflicting or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) cannot be mitigated to a less-than-significant level. According to the Transportation Impact Study (TIS) prepared for the

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proposed project, the proposed project would generate residential vehicle miles traveled (VMT) per capita exceeding 15 percent below baseline local and regional residential VMT per capita averages. Therefore, the proposed project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), and a significant impact could occur.

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

4.13-4 *Prior to occupancy of the first residential unit, unless otherwise noted (e.g., Strategy T-21A) the project applicant shall implement TDM strategies to reduce the number of vehicle trips that would be generated by the residential component of the proposed project, subject to review and approval by the City Engineer. The TDM strategies may include, but not necessarily be limited to, CAPCOA Handbook Strategies T-21A, T-21-B, T-22-A through -C, T-25, and T-46.*

Specifically, the project applicant shall implement the foregoing CAPCOA TDM strategies as follows:

- **Strategy T-21-A:** *Upon completion of the Community Park in Phase 2 of the project, the project applicant shall attempt to partner with a carshare service provider and ensure that carshare vehicles are available to project residents in the community park parking lot.*
- **Strategy T-21-B:** *Upon completion of the Community Park in Phase 2 of the project, the project applicant shall attempt to partner with a carshare service provider and ensure that electric carshare vehicles are available to project residents in the community park parking lot.*
- **Strategy T-22-A:** *The project applicant shall attempt to provide space for third party company to manage a bikeshare program and maintain bikes for on-demand access to short-term rentals. Such a program could encourage a mode shift from vehicles to bicycles, displacing VMT and thus reducing GHG emissions.*
- **Strategy T-22-B:** *The project applicant shall attempt to provide space for third party company to manage an electric bikeshare program and maintain electric bikes for on-demand access to short-term rentals. Such a program could encourage a mode shift from vehicles to electric bicycles, displacing VMT and thus reducing GHG emissions.*
- **Strategy T-22-C:** *The project applicant shall attempt to provide space for third party company to manage a scooter share program and maintain scooters for on-demand access to short-term rentals. Such a program could encourage a mode shift from vehicles to bicycles, displacing VMT and thus reducing GHG emissions.*
- **Strategy T-25:** *The project applicant shall coordinate with Unitrans and Yolobus to request a modification in the service*

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for their Routes P and 43, respectively, to include stops at the project site.

- **Strategy T-46:** *The project applicant shall include bus shelters and real-time bus arrival boards at the proposed bus stops if Unitrans and YoloBus are using real-time bus arrival boards and have the technology in place to operate and use real-time bus arrival boards. The bus pullout, shelter pad and any underground conduit shall be constructed at the same time as project frontage improvements, although the shelter itself and any electrical connections can be delayed until such time that a transit service provider agrees to provide bus service at the stop. Prior to approval of improvement plans for the project frontage, the applicant shall meet and confer with the transit service providers to determine whether one or two transit stops will be provided along the project frontage and the location of the stop(s) along the project frontage. If the transit providers do not agree on the location of one or both transit stops, the City Public Works Engineering and Transportation Director shall make the final decision. The applicant shall either install or provide funding to upgrade the existing bus stop at the south side of East Covell Boulevard at the farside of Alhambra Drive (eastbound service route) to add a bus shelter within the existing concrete area used for the existing bus stop.*
- **Strategy T-23:** *Neighborhood retail employers within the project shall partner with a Community-Based Travel Planning (CBTP) service provider such as Yolo Commute based on the number of full-time equivalent employees and such membership shall be in place prior to retail operations being open to the public and renewed annually based on the number of full-time equivalent employees. Prior to occupancy of the first phase of the project residential component, the project applicant shall partner with a CBTP service provider such as Yolo Commute and ensure that CBTP services are available to project residents. Membership shall be provided for a minimum of five years and rates shall be based on the number of units that will be constructed each year based on the project's phasing.*

Implementation of Mitigation Measure 4.13-4 would reduce residential VMT per capita associated with the proposed project by implementing Transportation Demand Management (TDM) strategies to reduce external vehicle trips generated by residents of the proposed project. However, the effectiveness of the TDM strategies cannot be quantified at this time and subsequent vehicle trip reduction effects cannot be guaranteed. Due to uncertainties regarding the ability for the aforementioned mitigation measure to reduce VMT impacts to less-than-significant levels, VMT impacts of the proposed project would be considered significant and unavoidable. (Draft EIR, pg. 4.13-34).

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- (d) **Overriding Considerations.** The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to the potential to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.
2. **CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT FACILITIES AND SERVICES, ASSOCIATED WITH CUMULATIVE DEVELOPMENT OF THE PROPOSED PROJECT IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.13-8).**
- (a) **Potential Impact.** The potential for the proposed project to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, associated with cumulative development of the proposed project in combination with future buildout of the City of Davis is discussed on pages 4.13-37 through 4.13-40 of the Draft EIR.
- (b) **Findings.** Cumulatively considerable and significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain cumulatively considerable and significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).
- (c) **Explanation.** Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, associated with cumulative development of the proposed project in combination with future buildout of the City of Davis cannot be mitigated to a less-than-significant level. Under cumulative conditions, substantial increases in background vehicle travel activity would occur on study area roadways due to reasonably foreseeable land use development elsewhere in and around the City of Davis. Together with the increase in vehicle travel activity caused by the proposed project, increases in vehicle travel activity would cause adverse effects to transit operations by increasing transit service delay and running times along East Covell Boulevard in a manner inconsistent with Unitrans performance standards. Therefore, the proposed project, in combination with future buildout of the City of Davis, could conflict with a program, plan, ordinance, or policy addressing transit facilities and services, and a cumulatively considerable and significant impact could occur.
- Mitigation Measure(s).** The following mitigation measures are prescribed to partially mitigate the impact.

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- 4.13-8(a) *Prior to occupancy of the first residential unit during Phase 1 of the proposed project, the project applicant shall contribute funding for the completion of a Transit Service and Facilities Plan for the area encompassing the project site and other development along the north side of the Covell Boulevard and Mace Boulevard corridor between the westerly City Limits and the I-80 interchange. The plan shall be led either by Unitrans and Yolobus, or by the City with Unitrans and Yolobus participating as active project partners. The plan shall be guided by the Unitrans and Yolobus service development processes and shall be subject to approval by the City of Davis Public Works (Engineering and Transportation) Department. The Transit Service and Facilities Plan shall identify transit service and facility improvements required in accordance with Unitrans and Yolobus policies related to unmet transit needs, timing for improvements, transit service warrants, and performance standards.*

Because applicant funds would be contributing toward plan development, the plan shall explicitly focus on implementing transit service and facilities improvements identified in the aforementioned Transit Service and Facilities Plan that would address project-related contributions to unmet transit needs and project-related deficiencies with respect to transit service warrants and performance standards. The proposed project shall not be responsible for funding improvements that address existing deficiencies. Potential transit improvements include, but are not limited to, the following:

- 1) Modifying existing transit routes or adding new routes to serve the project site, adding service capacity (through increased headways and/or larger vehicles) to prevent overcrowding and maintain productivity standards.*
- 2) Constructing transit priority treatments to improve on-time performance (i.e., transit signal priority and/or Intelligent Transportation Systems (ITS) upgrades at East Covell Boulevard traffic signals, transit queue jumps at East Covell Boulevard intersections, etc.).*
- 3) Improving terminal facilities (i.e., stops) to accommodate additional passengers and transit vehicles.*
- 4) Implementing transit pass/fare subsidies for residents and employees.*

Improvements shall be selected based on relevant performance data and targeted to address areas not meeting established Unitrans or Yolobus performance standards. Transit facility improvements shall be designed and constructed pursuant to applicable City of Davis, Unitrans, and Yolobus standards.

To implement this mitigation measure, the proposed project shall establish an appropriate funding mechanism (e.g., Community Facilities District or other mechanism determined acceptable by the

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City) to fund transit service and facilities improvements and adhere to Unitrans and YoloBus policies related to unmet transit needs, transit service warrants, and performance standards. The funding mechanism shall provide funding for capital costs and ongoing operation of transit services. Ongoing annual fees would be identified and paid by the applicant to fund necessary transit service and facility improvements. Fees would be assessed on all future project land uses that generate an increased demand for transit services, including residential, commercial, civic, and recreation land uses. The project's funding contributions allocated through the funding mechanism shall be limited to improvements and/or portions of improvements that are attributable to the project's contributions to deficient transit service and/or operations. The project shall not contribute funding towards improvements needed to address existing deficiencies and/or improvements needed to address deficiencies attributable to other future land use projects.

Prior to establishing the funding mechanism, the applicant shall submit to the City for review and approval a complete and adequate report supporting the level of assessments/fees necessary for the establishment and continuation of the funding mechanism. The report shall be prepared by a registered engineer, in consultation with a qualified financial consultant. The report shall identify the transit services intended to be funded by the mechanism, the cost to establish and operate these services, the portion of the overall costs to be funded by the applicant, and the assessment/fees to obtain the necessary funding, including a methodology for calculating fee increases over time. A transit service to be explicitly funded by the funding mechanism and included in the report would be the implementation of transit service and facilities improvements necessary to adhere to Unitrans and YoloBus policies related to unmet transit needs, transit service warrants, and performance standards. Project contributions towards ongoing operating costs shall consider other regular established transit funding sources, such as the State of California Local Transportation Fund (LTF) and State Transit Assistance (STA) fund, as well as potential contributions from other future development that would benefit from the transit improvements.

- 4.13-8(b)** *Prior to issuance of any building permits, the project applicant shall pay its fair share toward the installation of a second westbound through lane along the project's East Covell Boulevard frontage, as determined by the City of Davis Department of Public Works Engineering and Transportation.*

Implementation of the above mitigation measures would help reduce the incremental contribution towards the cumulative impact related to conflicting with a program, plan, ordinance, or policy addressing transit facilities and services. Mitigation Measure 4.13-8(a) requires the project applicant to contribute funding for the completion of a Transit Service and Facilities Plan for the area encompassing the project site in order to

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- identify potential transit improvements. In addition, Mitigation Measure 4.13-8(b) requires the project applicant to pay its fair share toward the installation of a second westbound through lane along the project's East Covell Boulevard frontage. However, due to the uncertainties regarding the ability for the foregoing mitigation to be implemented and/or to be effective at reducing the impact to a less-than-significant level, the impact would remain cumulatively considerable and significant and unavoidable.
- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, associated with cumulative development of the proposed project in combination with future buildout of the City of Davis, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.
3. CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B) ASSOCIATED WITH CUMULATIVE DEVELOPMENT OF THE PROPOSED PROJECT IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.13-9).
- (a) Potential Impact. The potential for the proposed project to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) associated with cumulative development of the proposed project in combination with future buildout of the City of Davis is discussed on pages 4.13-40 and 4.13-41 of the Draft EIR.
- (b) Findings. Cumulatively considerable and significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain cumulatively considerable and significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to conflicting or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) associated with cumulative development of the proposed project in combination with future buildout of the City of Davis cannot be mitigated to a less-than-significant level. Under Existing Plus Project conditions, the proposed project would cause a significant impact related to VMT by virtue of resulting in residential VMT per capita measuring above the applicable significance thresholds relative to existing local and regional residential VMT per capita averages. The VMT impact analysis for Existing Plus Project conditions applies to Cumulative Plus Project conditions. The cumulative VMT impact associated with the proposed

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project would be the same as discussed under Impact 4.13-4 of the Draft EIR. Therefore, the proposed project, in combination with future buildout of the City of Davis, would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), and a cumulatively considerable and significant impact could occur.

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

4.13-9 Implement Mitigation Measure 4.13-4. (see F.1 above)

Implementation of the mitigation measure would help reduce the incremental contribution towards the cumulative impact related to conflicting or being inconsistent with CEQA Guidelines section 15064.3, subdivision (b). However, the effectiveness of the TDM strategies cannot be quantified at this time and subsequent vehicle trip reduction effects cannot be guaranteed. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft EIR, pg. 4.13-41).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to the potential for the proposed project to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) associated with cumulative development of the proposed project in combination with future buildout of the City of Davis, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

4. SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT) ASSOCIATED WITH CUMULATIVE DEVELOPMENT OF THE PROPOSED PROJECT IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.13-11).

- (a) Potential Impact. The potential for the proposed project to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) associated with cumulative development of the proposed project in combination with future buildout of the City of Davis is discussed on pages 4.13-42 through 4.13-44 of the Draft EIR.
- (b) Findings. Cumulatively considerable and significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain cumulatively considerable and significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).

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- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the proposed project to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) associated with cumulative development of the proposed project in combination with future buildout of the City of Davis cannot be mitigated to a less-than-significant level. Under cumulative conditions, maximum freeway off-ramp queues would spill back onto the freeway mainline at the West Covell Boulevard/State Route (SR) 113 Southbound Ramps, West Covell Boulevard/SR 113 Northbound Ramps, Mace Boulevard/Interstate 80 (I-80) Westbound Off-Ramp, and Chiles Road/I-80 Eastbound Ramp terminal intersections. The proposed project, in combination with future buildout of the City of Davis, could result in hazards due to a geometric design feature or incompatible uses, and a significant impact could occur.

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

4.13-11 *Prior to occupancy of the first residential unit during Phase 1 of the proposed project, to the satisfaction of the City of Davis, the project applicant shall enter into an agreement to contribute fair share funding, as determined by the City of Davis Public Works Engineering and Transportation Department, to cover their proportionate cost of the following improvements:*

- Covell Boulevard between Shasta Drive/Risling Court and Birch Lane: Coordinate traffic signals, optimize signal timings, and operate with a 140 second cycle length during the AM peak period and a 150 second cycle length during the PM peak period. Such improvements may require controller or communications upgrades.
- Mace Boulevard between Alhambra Drive and Cowell Boulevard: Coordinate traffic signals, optimize signal timings, and operate with a 150 second cycle length during the AM and PM peak periods. Such improvements may require controller or communications upgrades.
- West Covell Boulevard/SR 113 Southbound Ramps: Construct a second westbound left-turn lane and a second receiving lane on the southbound on-ramp.
- West Covell Boulevard/SR 113 Northbound Ramps: Modify the northbound off-ramp to consist of three lanes approaching West Covell Boulevard, including one left-turn lane, one shared left/through/right lane, and one right-turn lane. Construct a second eastbound left-turn lane.
- Mace Boulevard/Second Street/CR 32A: Modify the northbound approach to consist of five lanes, including two left-turn lanes, two through lanes, and a right-turn lane.

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- Mace Boulevard/I-80 Eastbound Slip On-Ramp: Extend the on-ramp and relocate the ramp meter 500 feet east of its current location to provide more ramp meter vehicle storage.
- Mace Boulevard/Chiles Road: Modify the southbound channelized right-turn lane to a standard signal-controlled movement.
- Chiles Road/I-80 Eastbound Off-Ramp: Modify the westbound approach to consist of a single through lane. Modify the eastbound approach to consist of two through lanes and begin the second through lane at the Hanlees Davis Toyota driveway.
- Mace Boulevard between Second Street/CR 32A and Chiles Road: Construct bicycle and pedestrian facility improvements on this segment of Mace Boulevard. Potential improvement options include a Class I shared-use path, Class II bike lanes, or Class IV separated bikeways. Bicycle facility improvements shall reduce the potential for conflicts involving bicyclists at intersections, crossings, and other mixing zones, including (but not limited to) appropriate pavement markings, signage, and physical separation. Pedestrian facility improvement options include modifications to pedestrian crossings of free/channelized vehicular movements to reduce the speed of turning vehicles and to reduce pedestrian exposure to conflicting vehicular traffic.

Implementation of Mitigation Measure 4.13-11 would reduce the proposed project's contribution to cumulative impacts by preventing off-ramp queues from spilling back onto the SR 113 and I-80 mainlines. However, elements of Mitigation Measure 4.13-11 would occur within California Department of Transportation (Caltrans) rights-of-way and would be subject to final approval and actions by Caltrans. Moreover, because the remaining fair share contributions needed for the construction of the improvements have not been identified by the relevant lead agency, fair share payment by the project applicant would not ensure construction. Therefore, the implementation and effectiveness of Mitigation Measure 4.13-11 cannot be guaranteed and the impact would be considered significant and unavoidable. (Draft EIR, pgs. 4.13-43).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to the substantial increase of hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) associated with cumulative development of the proposed project in combination with future buildout of the City of Davis, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

G. UTILITIES AND SERVICE SYSTEMS

1. RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT DOES NOT HAVE ADEQUATE CAPACITY TO SERVE THE

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PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS (IMPACT 4.14-3).

- (a) Potential Impact. The potential for the proposed project to result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments is discussed on page 4.14-24 of the Draft EIR.
- (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the proposed project resulting in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments cannot be mitigated to a less-than-significant level. According to the Wastewater Treatment Plant Capacity Technical Memorandum (WWTP Capacity Memorandum) prepared for the proposed project, City WWTP operations staff had raised concerns that the existing influent WWTP flows and loads may be approaching the capacity of the secondary treatment system. In July 2024, staff engaged consultants Brown & Caldwell to study the City's WWTP, evaluate the operational challenges experienced by the team, assess the overall constituent loads and capacity at the plant, and provide options for the City to consider to address these findings. Brown & Caldwell has recently completed preliminary assessment of the WWTP capacity and tentatively confirmed that the WWTP may be at or nearing capacity for secondary treatment. As shown in Table 4.14-5 of the Draft EIR, the maximum influent average dry-weather flow (ADWF) from the proposed project is estimated to be approximately 0.2 million gallons per day (mgd). Based on these preliminary results, it appears probable that adequate capacity may not exist to accommodate the proposed project's wastewater. Therefore, the proposed project could result in a determination by the wastewater treatment provider that adequate capacity to serve the project's projected demand in addition to the provider's existing commitments does not exist, and a significant impact could occur.

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

- 4.14-3 *Prior to issuance of any building permits, the project applicant shall pay the City's Wastewater Capacity Charges in effect at time of issuance.*

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- Implementation of Mitigation Measure 4.14-3 would require the applicant to pay its fair share towards future expansion of the WWTP, but because the costs for the necessary upgrades are not yet included in the City's Capital Improvement Plan (CIP), the remaining funds necessary to guarantee completion of the upgrades are uncertain. Therefore, the impact would remain significant and unavoidable. (Draft EIR, pg. 4.14-24).
- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to resulting in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.
2. INCREASE IN DEMAND FOR UTILITIES AND SERVICE SYSTEMS ASSOCIATED WITH THE PROPOSED PROJECT, IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS GENERAL PLAN (IMPACT 4.14-5).
- (a) Potential Impact. The potential for the proposed project to result in an increase in demand for utilities and service systems associated with the proposed project, in combination with future buildout of the City of Davis General Plan, is discussed on pages 4.14-26 through 4.14-29 of the Draft EIR.
- (b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the proposed project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures or alternatives identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to an increase in demand for utilities and service systems associated with the proposed project, in combination with future buildout of the City of Davis General Plan, cannot be mitigated to a less-than-significant level. As further described in the Draft EIR, adequate water supply, electricity, telecommunication facilities, and landfill capacity would be available to serve cumulative development in conjunction with development of the proposed project. However, as further described in the Draft EIR and summarized above, Brown & Caldwell has recently completed preliminary assessment of the WWTP capacity and tentatively confirmed that the WWTP may be at or nearing capacity for secondary treatment. As a result, the proposed project in combination with reasonably foreseeable development could result in a significant impact related to WWTP capacity, and the project's incremental contribution could be cumulatively

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considerable. Therefore, the proposed project in combination with reasonably foreseeable development could have a significant cumulative impact to the City's WWTP capacity, and the project's incremental contribution could be cumulatively considerable.

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

4.14-5 *Implement Mitigation Measure 4.14-3. (see III.G.1 above)*

Implementation of Mitigation Measure 4.14-5 would require the applicant to pay its fair share towards future expansion of the WWTP; because the costs for the necessary upgrades are not yet included in the City's CIP, the remaining funds necessary to guarantee completion of the upgrades are uncertain. Therefore, the project's incremental contribution is considered significant and unavoidable. (Draft EIR, pg. 4.14-29).

- (d) Overriding Considerations. The environmental, economic, social and other benefits of the proposed project override the remaining adverse impacts of the proposed project related to an increase in demand for utilities and service systems associated with the proposed project, in combination with future buildout of the City of Davis General Plan, as more fully stated in Section X, Statement of Overriding Considerations Related to the Willowgrove Project Findings, below.

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

A. AESTHETICS

1. CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA (IMPACT 4.1-3).
 - (a) Potential Impact. The potential for the proposed project to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is discussed on pages 4.1-18 and 4.1-19 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.1-19). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of the proposed project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

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- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the potential for the proposed project to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.1-3. The proposed project would change the site from an undeveloped agricultural property to a mixed-use development, therefore generating new sources of light and glare. The proposed project would be subject to General Plan Policy UD 3.2 and the City's Outdoor Lighting Control Ordinance, which would ensure that development does not result in new sources of substantial light. However, because the types of lighting and the specific locations have not yet been finalized, compliance with General Plan Policy UD 3.2 and the City's Outdoor Lighting Control Ordinance cannot be ensured and a significant impact could occur. Mitigation Measure 4.1-3 would require the developer to submit a lighting plan addressing limiting light trespass and glare on the project site through the use of shielding and directional lighting methods. After the implementation of the mitigation measure, any remaining impacts related to the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area would not be significant.

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

- 4.1-3 *In conjunction with submittal of final project improvement plans, the developer shall submit a lighting plan for the review and approval of the Chief Building Official and the Community Development Director of the City of Davis. The lighting plan shall address limiting light trespass and glare on the project site, including any lighting for fields and courts at the proposed community park, through the use of shielding and directional lighting methods, which may include, but is not limited to, fixture location and height. The lighting plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.*

2. CREATION OF NEW SOURCES OF LIGHT OR GLARE ASSOCIATED WITH DEVELOPMENT OF THE PROPOSED PROJECT IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.1-5).

- (a) Potential Impact. The potential for the proposed project to create new sources of light or glare associated with development of the proposed project in combination with future buildout of the City of Davis is discussed on pages 4.1-21 and 4.1-22 of the Draft EIR.
- (b) Findings. Less than cumulatively considerable with mitigation incorporated. (Draft EIR, pg. 4.1-22). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

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- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that impacts related to the creation of new sources of light or glare associated with development of the proposed project in combination with future buildout of the City of Davis would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.1-5. Cumulative development throughout the General Plan planning area, particularly conversion of agricultural or currently vacant sites to urban uses, would increase the sources of light and glare, which would have the potential to contribute to sky glow in the area and result in a significant cumulative impact. However, cumulative development within the General Plan planning area, including the proposed project and future projects within the project vicinity, would be subject to existing regulations and guidelines related to light and glare. Thus, compliance with existing regulations and guidelines would ensure that buildout of the City's planning area, as well as present and future probable projects, would not create new sources of substantial light or glare. However, without the implementation of Mitigation Measure 4.1-5 at the time of construction, the proposed project could create a new source of substantial light or glare that would adversely affect day or nighttime views in the cumulative setting, and the contribution of the proposed project to the cumulative significant impact could be cumulatively considerable. Mitigation Measure 4.1-5 would require the developer to submit a lighting plan addressing limiting light trespass and glare on the project site through the use of shielding and directional lighting methods. After the implementation of the mitigation measure, any remaining impacts related to the creation of new sources of light or glare associated with development of the proposed project in combination with future buildout of the City of Davis would be reduced. Therefore, the proposed project's significant cumulative impact would be reduced to a less than cumulatively considerable level.

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

4.1-5 *Implement Mitigation Measure 4.1-3. (see IV.A.1 above)*

B. AIR QUALITY, GREENHOUSE GAS EMISSIONS, AND ENERGY

1. GENERATE GHG EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, OR CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GHGS DURING CONSTRUCTION (IMPACT 4.3-7).
 - (a) Potential Impact. The potential for the proposed project to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during construction is discussed on pages 4.3-66 through 4.3-70 of the Draft EIR.

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- (b) Findings. Less than cumulatively considerable with mitigation incorporated. (Draft EIR, pg. 4.3-67). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that impacts related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during construction would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.3-7(a) and 4.3-7(b). Construction-related GHG emissions can marginally contribute to global climate change, thus the YSAQMD recommends GHG analysis consistent with the Sacramento Metropolitan Air Quality Management District's (SMAQMD) thresholds of significance. For construction-related GHG emissions, the SMAQMD has adopted a threshold of significance of 1,100 metric tons of carbon dioxide equivalent (MTCO₂e/yr). The total unmitigated construction emissions associated with the proposed project would exceed the SMAQMD 1,100 MTCO₂e/yr threshold of significance. As a result, construction of the proposed project could result in a cumulatively considerable incremental contribution to the significant cumulative impact. Mitigation Measure 4.3-7(a) requires the use of renewable diesel fuel in all off-road equipment greater than 25 horsepower, which would reduce construction-related GHG emissions associated with the proposed project. However, even with implementation of Mitigation Measure 4.3-7(a), construction-related GHG emissions associated with the proposed project would not be reduced to below the applicable SMAQMD threshold of significance. As a result, implementation of Mitigation Measure 4.3-7(b) would be required, which outlines several options for reducing construction-related GHG emissions, to ensure that construction-related GHG emissions would be below the applicable SMAQMD threshold of significance. After the implementation of the mitigation measures, any remaining impacts related to the generation of GHG emissions during construction would not be significant.

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

4.3-7(a) *Prior to approval of any improvement plans and/or grading plans, the project applicant shall provide proof of compliance with the following to the satisfaction of the City of Davis Community Development Department:*

The project applicant shall show on the plans via notation that the contractor shall ensure that all off-road vehicles 25 horsepower or more to be used in the construction of the proposed project, including owned,

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leased, and subcontractor vehicles, shall be fueled by renewable diesel.

In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to five minutes or less in accordance with the In-Use Off-Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site.

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

Proof of conformance with the foregoing requirements shall be submitted by the project contractor to the City of Davis Community Development and Public Works Departments for review and approval.

4.3-7(b)

Prior to the initiation of construction of the proposed project, the project applicant shall demonstrate that construction-related GHG emissions would be reduced to 1,100 MTCO₂e/yr and shall submit proof to the City of Davis Community Development Department.

Construction-related GHG emissions can be reduced through several options, including, but not limited to, the following:

- *Modify the construction schedule to reduce the intensity of construction to lower emissions;*
- *Ensure that phases of development do not overlap;*
- *Improve fuel efficiency from construction equipment by:

 - *Minimizing idling time either by shutting equipment off when not in use or reducing the time of idling to no more than three minutes (five-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site; and*
 - *Using equipment with new technologies (repowered engines, electric drive trains).**
- *Perform on-site emission reductions such as implementing on-site material hauling with trucks equipped with on-road engines (if determined to be less emissive than the off-road engines) or real, quantifiable, permanent, verifiable, and enforceable on-site emission reductions;*
- *Use alternative fuels for generators at construction sites such as propane or solar, or use electrical power;*
- *Use a CARB-approved low carbon fuel for construction equipment; (NO_x emissions from the use of low carbon fuel*

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- must be reviewed and increases mitigated.)*
- *Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes;*
 - *Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones;*
 - *Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75 percent by weight);*
 - *Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products utilized should be certified through a sustainable forestry program;*
 - *Minimize the amount of concrete for paved surfaces or utilize a low carbon concrete option;*
 - *Produce concrete on-site if determined to be less emissive than transporting ready mix;*
 - *Use SmartWay certified trucks for deliveries and equipment transport; and*
 - *Develop a plan to efficiently use water for adequate dust control.*

The project applicant may elect to implement any combination of the foregoing measures to reduce construction-related GHG emissions. All GHG emissions reductions must be quantified using CalEEMod and provided to the City of Davis Community Development and Public Works Department. Compliance with the aforementioned measures shall be ensured by the City of Davis Community Development and Public Works Department.

If the quantified reduction measures do not reduce construction-related GHG emissions associated with the proposed project to below 1,100 MTCO₂e/yr, offsite carbon credits may be purchased to make up the difference. The purchase of off-site mitigation credits shall be negotiated with the City and YSAQMD at the time that credits are sought. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the end of the proposed project's construction period. Such credits shall be based on CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City of Davis and/or the YSAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any

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registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by YSAQMD.

C. BIOLOGICAL RESOURCES

1. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON CROTCH'S BUMBLE BEE (IMPACT 4.4-2).

- (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect, either directly or through habitat modifications, on Crotch's bumble bee is discussed on pages 4.4-60 through 4.4-65 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-63). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial adverse effect, either directly or through habitat modifications, on Crotch's bumble bee would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-2. The riverine habitat associated with Channel A on the project site supports perennial herbs and other floral resources that could provide foraging habitat for Crotch's bumble bee and potential nesting and overwintering sites in mammal burrows. Suitable habitat is also present in off-site areas in perennial grassland and annual grassland habitats with small mammal burrows. Under the proposed project, approximately 0.01-acre of Riverine, 0.22-acre of Annual Grassland, and 0.01-acre of Perennial Grassland could be impacted. If Crotch's bumble bee is present at the time of grading, incidental mortality could occur. As such, without completion of protocol-level preconstruction surveys of areas that would be disturbed to confirm the presence/absence of Crotch's bumble bee, a significant impact could occur. Mitigation Measure 4.4-2 requires, if feasible, initial ground-disturbing activities to take place outside of the colony active period, and if not feasible, a preconstruction survey for special-status bumble bees in the area(s) proposed for impact. If special-status bees are located, and after coordination with the California Department of Fish and Wildlife (CDFW) take of special-status bumble bees cannot be avoided, the project proponent shall obtain an Incidental Take Permit (ITP) from CDFW, and the project proponent shall implement all conditions identified in the ITP, discussed further in Section 4.4.3 of the Draft EIR. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on Crotch's bumble bee would not be significant.

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

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4.4-2

The provisions contained herein only apply if Crotch's bumble bee remains a candidate species or is listed under CESA at the commencement of construction. Following CDFW's status report on Crotch's bumble bee, if the California Fish and Game Commission finds that the petitioned action is not warranted, the provisions contained herein shall not be required.

If feasible, initial ground-disturbing activities associated with the proposed project (e.g., grading, vegetation removal, staging) shall take place between September 1 and March 31 (i.e., outside the colony active period) to avoid potential impacts on special-status bumble bees. If completing all initial ground-disturbing activities between September 1 and March 31 is not feasible, then at a maximum of 14 days prior to the commencement of construction activities, a qualified biologist with 10 or more years of experience conducting biological resource surveys within California or previously approved by CDFW, and familiar with Crotch's bumble bee life history, shall conduct a preconstruction survey for special-status bumble bees in the area(s) proposed for impact.

The survey shall occur during the period from one hour after sunrise to two hours before sunset, with temperatures between 65 degrees Fahrenheit and 90 degrees Fahrenheit, with low wind and zero rain. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying biologist shall select the most appropriate days based on the National Weather Service seven-day forecast and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the extent of suitable floral resources (which represent foraging habitat) present within the area proposed for impact, and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral resources/foraging habitat. A meandering pedestrian survey shall be conducted throughout the area proposed for impact in order to identify patches of suitable floral resources. Suitable floral resources for Crotch's bumble bee include species in the following families: Apocynaceae, Asteraceae, Boraginaceae, Fabaceae, and Lamiaceae. Suitable floral resources for western bumble bee include species in the following families: Asteraceae, Fabaceae, Rhamnaceae, and Rosaceae, as well as plants in the genera Eriogonum and Penstemon.

At a minimum, preconstruction survey methods shall include the following:

- Search areas with floral resources for foraging bumble bees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging bumble bees are present;*
- If special-status bumble bees are observed, watch any special-status bumble bees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest;*

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- *Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat;*
- *If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be removed via hand removal, line trimming, or mowing to a height of a minimum of four inches to assist with locating the nest;*
- *Look for concentrated special-status bumble bee activity;*
- *Listen for the humming of a nest colony; and*
- *If bumble bees are observed, attempt to photograph the individual and identify it to species.*

The biologist conducting the survey shall record when the survey was conducted, a general description of any suitable foraging habitat/floral resources present, a description of observed bumble bee activity, a list of bumble bee species observed, a description of any vegetation removed to facilitate the survey, and their determination of if survey observations suggest a special-status bumble bee nest(s) may be present or if construction activities could result in take of special-status bumble bees. The report shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department prior to the commencement of construction activities.

If bumble bees are not located during the preconstruction survey or the bumble bees located are definitively identified as a common species (i.e., not special-status species), then further mitigation or coordination with the CDFW is not required.

If any sign(s) of a bumble bee nest is observed, and if the species present cannot be established as a common bumble bee, then construction shall not commence until either (1) the bumble bees present are positively identified as common (i.e., not a special-status species), or (2) the completion of coordination with CDFW to identify appropriate mitigation measures, which may include, but not be limited to, waiting until the colony active season ends, establishment of nest buffers, or obtaining an Incidental Take Permit (ITP) from CDFW.

If special-status bees are located, and after coordination with CDFW take of special-status bumble bees cannot be avoided, the project proponent shall obtain an ITP from CDFW, and the project proponent shall implement all conditions identified in the ITP. Mitigation required by the ITP may include, but not be limited to, the project proponent translocating nesting substrate in accordance with the latest scientific research to another suitable location (i.e., a location that supports similar or better floral resources as the impact area), enhancing floral resources on areas of the project site that will remain appropriate habitat, worker awareness training, and/or other measures specified by CDFW.

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2. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON MONARCH BUTTERFLY (IMPACT 4.4-3).

- (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect, either directly or through habitat modifications, on monarch butterfly is discussed on pages 4.4-65 and 4.4-66 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-65). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial adverse effect, either directly or through habitat modifications, on monarch butterfly would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-3. Monarch butterflies could pass through the Study Area, as defined in Chapter 4.4, Biological Resources, of the Draft EIR, during summer migration and use the narrow-leaf milkweed plants located along the riverine corridor on the project site as larval habitat. The majority of the riverine habitat is proposed for avoidance, but one clear span bridge crossing and two stormwater outfalls are proposed along the drainage, which could impact larval habitat for the species. If monarch butterfly eggs, larva, or chrysalises are present on any impacted milkweed plants, incidental mortality could occur. Based on the above, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on monarch butterfly, and a significant impact could occur. Mitigation Measure 4.4-3 requires a preconstruction survey be conducted by a qualified biologist if construction occurs during the breeding season. If eggs, caterpillars, or pupae are found, the plants shall be avoided with a 25-foot buffer until metamorphosis is completed and adult butterflies emerge and leave the host plant. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on monarch butterfly would not be significant.

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

4.4-3 *The provisions contained herein only apply if monarch butterfly remains proposed for listing under FESA at the commencement of construction.*

Any construction activities within 25 feet of milkweed should occur outside of the summer breeding season (from approximately November 1 through March 15 [USFWS 2021]). If construction activities will occur during the breeding season and directly or indirectly impact milkweed

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during the summer breeding for Monarch butterflies (approximately March 16 through October 31), pre-construction surveys shall be conducted by a qualified biologist within one week before the onset of construction. If no Monarch butterfly life stage is identified in or immediately adjacent to the Study Area (within 25 feet), no further surveys or actions would be required.

A report summarizing the results of the survey shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department.

If eggs, caterpillars, or pupae are found, the plants shall be avoided with a 25-foot buffer until metamorphosis is completed and adult butterflies emerge and leave the host plant. Orange construction fencing, flagging, or a similar visible barrier must be used if construction is occurring on-site to demarcate the avoidance area. A biologist shall conduct periodic inspections of the occupied Monarch habitat to determine its life-stage. Monarch butterflies typically take around 30 days to complete their lifecycle from egg to newly hatched adult.

3. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON NORTHWESTERN POND TURTLE (IMPACT 4.4-4).
 - (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle is discussed on pages 4.4-66 and 4.4-67 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-67). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-4. Suitable habitat is marginal for northwestern pond turtle on the project site and is limited to the riverine habitat and surrounding uplands, in which northwestern pond turtle could occasionally occur when the habitat is sufficiently inundated. The majority of the riverine habitat is proposed for avoidance, but one clear span bridge crossing and two stormwater outfalls are proposed along the drainage, which could impact potentially suitable habitat for the species. If northwestern pond turtles are present in Channel A and/or upland areas adjacent to Channel A, incidental mortality of individual turtles or eggs could occur during construction that occurs

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adjacent to the drainage. Based on the above, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle. Thus, a significant impact could occur. Northwestern pond turtle is a Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Covered Species. Thus, Mitigation Measure 4.4-4 requires the project applicant to comply with Yolo HCP/NCCP Avoidance and Minimization Measure (AMM) 14, which requires a permanent buffer zone and a qualified biologist to monitor and move out of harm's way any turtles or hatchlings found during all initial ground disturbing activities. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on northwestern pond turtle would not be significant.

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

4.4-4 *Yolo HCP/NCCP AMM14: There are no specific design requirements for western pond turtle habitat, however, project proponents must follow design requirements for the valley foothill riparian and lacustrine and riverine natural communities described in AMMs 9 and 10, which require a 100-foot (minimum) permanent buffer zone from the canopy drip-line (the farthest edge on the ground where water will drip from the tree canopy, based on the outer boundary of the tree canopy). If modeled upland habitat will be impacted, a qualified biologist must be present and will assess the likelihood of western pond turtle nests occurring in the disturbance area (based on sun exposure, soil conditions, and other species habitat requirements). If a qualified biologist determines that there is a moderate to high likelihood of western pond turtle nests within the disturbance area, the qualified biologist will monitor all initial ground disturbing activity for nests that may be unearthed during the disturbance, and will move out of harm's way any turtles or hatchlings found.*

4. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON GIANT GARTER SNAKE (IMPACT 4.4-5).

- (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect, either directly or through habitat modifications, on giant garter snake is discussed on pages 4.4-67 through 4.4-70 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-68). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial

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adverse effect, either directly or through habitat modifications, on giant garter snake would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-5. Giant garter snake requires water during its active season and is generally found in areas with permanent or semi-permanent water. The species could occasionally occur in the on-site riverine habitat when sufficiently inundated but would generally be expected to occur off-site in more suitable habitat. The majority of the riverine habitat is proposed for avoidance, but one clear span bridge crossing and two storm drain outfalls are proposed along the drainage, which could impact potentially suitable habitat for the species. Because the giant garter snake is a HCP/NCCP Covered Species, the proposed project would be required to comply with the applicable Yolo HCP/NCCP AMMs. Therefore, without compliance with the applicable Yolo HCP/NCCP AMMs, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on giant garter snake, and a significant impact could occur. Mitigation Measure 4.4-5 requires the project proponent to comply with Yolo HCP/NCCP AMM 15, which requires avoiding effects on giant garter snake aquatic habitat by not conducting in-water/in-channel activity and maintaining a permanent 200-foot non-disturbance buffer from the outer edge of potentially occupied aquatic habitat. If the project proponent cannot avoid effects of construction activities, the project proponent will implement measures to minimize effects of construction activities including, but not limited to, conducting preconstruction clearance surveys and restricting all construction activity to the snake's active season. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on giant garter snake would not be significant.

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

4.4-5 *Yolo HCP/NCCP AMM15: The project proponent will avoid effects on areas where planning-level surveys indicate the presence of suitable habitat for giant garter snake. To avoid effects on giant garter snake aquatic habitat, the project proponent will conduct no in-water/in-channel activity and maintain a permanent 200-foot non-disturbance buffer from the outer edge of potentially occupied aquatic habitat. If the project proponent cannot avoid effects of construction activities, the project proponent will implement the measures below to minimize effects of construction projects (measures for maintenance activities are described after the following bulleted list).*

- *Conduct preconstruction clearance surveys using USFWS-approved methods within 24 hours prior to construction activities within identified giant garter snake aquatic and adjacent upland habitat. If construction activities stop for a period of two weeks or more, conduct another preconstruction clearance survey within 24 hours prior to resuming construction activity.*
- *Restrict all construction activity involving disturbance of giant garter snake habitat to the snake's active season, May 1*

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through October 1. During this period, the potential for direct mortality is reduced because snakes are expected to move and avoid danger.

- *In areas where construction is to take place, encourage giant garter snakes to leave the site on their own by dewatering all irrigation ditches, canals, or other aquatic habitat (i.e., removing giant garter snake aquatic habitat) between April 15 and September 30. Dewatered habitat must remain dry, with no water puddles remaining, for at least 15 consecutive days prior to excavating or filling of the habitat. If a site cannot be completely dewatered, netting and salvage of giant garter snake prey items may be necessary to discourage use by snakes.*
- *Provide environmental awareness training for construction personnel, as approved by the Conservancy. Training may consist of showing a video prepared by a qualified biologist, or an in-person presentation by a qualified biologist. In addition to the video or in-person presentation, training may be supplemented with the distribution of approved brochures and other materials that describe resources protected under the Yolo HCP/NCCP and methods for avoiding effects.*
- *A qualified biologist will prepare a giant garter snake relocation plan which must be approved by the Conservancy prior to work in giant garter snake habitat. The qualified biologist will base the relocation plan on criteria provided by CDFW or USFWS, through the Conservancy.*
- *If a live giant garter snake is encountered during construction activities, immediately notify the project's biological monitor and USFWS and CDFW. The monitor will stop construction in the vicinity of the snake, monitor the snake, and allow the snake to leave on its own. The monitor will remain in the area for the remainder of the work day to ensure the snake is not harmed or, if it leaves the site, does not return. If the giant garter snake does not leave on its own, the qualified biologist will relocate the snake consistent with the relocation plan described above.*
- *Employ the following management practices to minimize disturbances to habitat:*
 - *Install temporary fencing to identify and protect adjacent marshes, wetlands, and ditches from encroachment from construction equipment and personnel.*
 - *Maintain water quality and limit construction runoff into wetland areas through the use of hay bales, filter fences, vegetative buffer strips, or other accepted practices. No plastic, monofilament, jute, or similar erosion-control matting that could entangle snakes or other wildlife will be permitted.*

Ongoing maintenance covered activities by local water and flood control agencies typically involve removal of vegetation, debris, and

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sediment from water conveyance canals as well as resloping, rocking, and stabilizing the canals that serve agricultural water users. Maintenance of these conveyance facilities can typically occur only from mid-January through April when conveyance canals and ditches are not in service by the agency, although some drainages are used for storm conveyance during the winter and are wet all year. This timing is during the giant garter snake's inactive period. This is when snakes may be using underground burrows and are most vulnerable to take because they are unable to move out of harm's way. Maintenance activities, therefore, will be limited to the giant garter snake's active season (May 1 to October 1) when possible. All personnel involved in maintenance activities within giant garter snake habitat will first participate in environmental awareness training for giant garter snake, as described above for construction-related activities. To minimize the take of giant garter snake, the local water or flood control agency will limit maintenance of conveyance structures located within modeled giant garter snake habitat (Appendix A, Covered Species Accounts) to clearing one side along at least 80 percent of the linear distance of canals and ditches during each maintenance year (e.g., the left bank of a canal is maintained in the first year and the right bank in the second year). To avoid collapses when resloping canal and ditch banks composed of heavy clay soils, clearing will be limited to one side of the channel during each maintenance year.

For channel maintenance activities conducted within modeled habitat for giant garter snake, the project proponent will place removed material in existing dredged sites along channels where prior maintenance dredge disposal has occurred. For portions of channels that do not have previously used spoil disposal sites and where surveys have been conducted to confirm that giant garter snakes are not present, removed materials may be placed along channels in areas that are not occupied by giant garter snake and where materials will not re-enter the canal because of stormwater runoff.

Modifications to this AMM may be made with the approval of the Conservancy, USFWS, and CDFW.

5. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON TRICOLORED BLACKBIRD (IMPACT 4.4-6).
 - (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect, either directly or through habitat modifications, on tricolored blackbird is discussed on pages 4.4-70 and 4.4-71 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-71). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City

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further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial adverse effect, either directly or through habitat modifications, on tricolored blackbird would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-6. Potential nesting habitat for tricolored blackbird is marginal within the Study Area. The only potentially suitable nesting habitat is located along the riverine corridor, and it does not appear to be flooded during the nesting season, which may be unsuitable for the species. The entire Study Area provides suitable foraging habitat for the species and the majority of foraging habitat would be eliminated with project development. However, it should be noted that the loss of on-site foraging habitat would be offset by the proposed project's participation in the Yolo HCP/NCCP and the payment of land conversion fees. The majority of the riverine habitat is proposed for avoidance, but one clear span bridge crossing is proposed along the drainage, which could impact potentially suitable nesting habitat for the species. As such, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on the tricolored blackbird. Thus, a significant impact could occur. Tricolored blackbird is a Yolo HCP/NCCP Covered Species. Mitigation Measure 4.4-6 requires the project applicant to comply with Yolo HCP/NCCP AMM 21, which requires a qualified biologist to identify and quantify tricolored blackbird nesting and foraging habitat within 1,300 feet of project activity. If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s). After the implementation of the mitigation measure, any remaining impacts related to adverse effects on tricolored blackbird would not be significant.

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

- 4.4-6 ***Yolo HCP/NCCP AMM21:** The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008).*

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Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures.

If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

6. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON BURROWING OWL (IMPACT 4.4-7).
 - (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect, either directly or through habitat modifications, on burrowing owl is discussed on pages 4.4-71 through 4.4-76 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-72). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial adverse effect, either directly or through habitat modifications, on burrowing owl would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-7. The Study Area provides suitable habitat for burrowing owl along the margins of the Study Area where small mammal burrows are present. Whitewash, feathers, pellets, or other burrowing owl signs were not observed in the Study Area during the initial survey. Following the initial survey, protocol-level surveys were conducted within the Study Area and a 500-foot buffer to determine the presence or absence of the species. Burrowing owls or evidence of occupancy were not observed during the protocol surveys to date. However, on January 28, 2025, one burrowing owl was observed southeast of the Study Area in the adjacent agricultural field at a water pump system. Given enough time, burrowing owls could colonize the Study Area in the interim between surveys/analysis and commencement of construction activities. If ground disturbance occurs while burrowing owls are occupying the on-site burrows, individuals could be directly impacted by the proposed project. Based on the above,

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the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on the burrowing owl. Thus, a significant impact could occur. Mitigation Measure 4.4-7 requires the project applicant to comply with Yolo HCP/NCCP AMM 18, which includes retaining a qualified biologist to conduct planning-level surveys and identify western burrowing owl habitat. If burrowing owls are identified during the planning-level survey, the project proponent will minimize activities that will affect occupied habitat as described in the Draft EIR. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on burrowing owl would not be significant.

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

4.4-7 *The project applicant shall comply with Yolo HCP/NCCP AMM18. However, should the Yolo HCP/NCCP be modified with respect to burrowing owl coverage in the future given the recent change in the species' status, the project applicant shall comply with the Yolo HCP/NCCP provisions pertaining to burrowing owl as they exist at the time of permit issuance.*

Yolo HCP/NCCP AMM18: *The project proponent will retain a qualified biologist to conduct planning-level surveys and identify western burrowing owl habitat (as defined in Appendix A, Covered Species Accounts) within or adjacent to (i.e., within 500 feet of) a covered activity. If habitat for the species is present, additional surveys for the species by a qualified biologist are required, consistent with CDFW guidelines (Appendix L).*

If burrowing owls are identified during the planning-level survey, the project proponent will minimize activities that will affect occupied habitat as follows. Occupied habitat is considered fully avoided if the project footprint does not impinge on a nondisturbance buffer around the suitable burrow. For occupied burrowing owl nest burrows, this nondisturbance buffer could range from 150 to 1,500 feet (Table 4-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls [incorporated as Table 4.4-5 of this chapter]), depending on the time of year and the level of disturbance, based on current guidelines (California Department of Fish and Game 2012). The Yolo HCP/NCCP generally defines low, medium, and high levels of disturbances of burrowing owls as follows.

- Low: *Typically 71-80 dB, generally characterized by the presence of passenger vehicles, small gas-powered engines (e.g., lawn mowers, small chain saws, portable generators), and high-tension power lines. Includes electric hand tools (except circular saws, impact wrenches and similar). Management and enhancement activities would typically fall under this category. Human activity in the immediate vicinity of burrowing owls would*

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also constitute a low level of disturbance, regardless of the noise levels.

- Moderate: Typically 81-90 dB, and would include medium- and large-sized construction equipment, such as backhoes, front end loaders, large pumps and generators, road graders, dozers, dump trucks, drill rigs, and other moderate to large diesel engines. Also includes power saws, large chainsaws, pneumatic drills and impact wrenches, and large gasoline-powered tools. Construction activities would normally fall under this category.
- High: Typically 91-100 dB, and is generally characterized by impacting devices, jackhammers, compression (“jake”) brakes on large trucks, and trains. This category includes both vibratory and impact pile drivers (smaller steel or wood piles) such as used to install piles and guard rails, and large pneumatic tools such as chipping machines. It may also include large diesel and gasoline engines, especially if in concert with other impacting devices. Felling of large trees (defined as dominant or subdominant trees in mature forests), truck horns, yarding tower whistles, and muffled or underground explosives are also included. Very few covered activities are expected to fall under this category, but some construction activities may result in this level of disturbance.

**Table 4.4-5
Recommended Restricted Activity Dates and
Setback Distances by Level of Disturbance for
Burrowing Owls**

Time of Year	Level of Disturbance (feet) from Occupied Burrows		
	Low	Medium	High
April 1-August 15	600	1,500	1,500
August 16-October 15	600	600	1,500
October 16-March 31	150	300	1,500
Source: Yolo Habitat Conservancy. Yolo County Habitat Conservation Plan/Natural Community Conservation Plan [Table 4-2]. April 2018.			

The project proponent may qualify for a reduced buffer size, based on existing vegetation, human development, and land use, if agreed upon by CDFW and USFWS (California Department of Fish and Game 2012).

If the project does not fully avoid direct and indirect effects on nesting sites (i.e., if the project cannot adhere to the buffers described above), the project proponent will retain a qualified biologist to conduct preconstruction surveys and document the presence or absence of western burrowing owls that could be affected by the covered activity. Prior to any ground disturbance related to covered activities, the qualified biologist will conduct the preconstruction surveys within three

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days prior to ground disturbance in areas identified in the planning-level surveys as having suitable burrowing owl burrows, consistent with CDFW preconstruction survey guidelines (Appendix L, Take Avoidance Surveys). The qualified biologist will conduct the preconstruction surveys three days prior to ground disturbance. Time lapses between ground disturbing activities will trigger subsequent surveys prior to ground disturbance.

If the biologist finds the site to be occupied by western burrowing owls during the breeding season (February 1 to August 31), the project proponent will avoid all nest sites, based on the buffer distances described above, during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups that forage on or near the site following fledging). Occupancy of burrowing owl habitat during preconstruction surveys is confirmed at a site when at least one burrowing owl or sign (fresh whitewash, fresh pellets, feathers, or nest ornamentation) is observed at or near a burrow entrance. Construction may occur inside of the disturbance buffer during the breeding season if the nest is not disturbed and the project proponent develops an AMM plan that is approved by the Conservancy, CDFW, and USFWS prior to project construction, based on the following criteria:

- The Conservancy, CDFW, and USFWS approves the AMM plan provided by the project proponent.*
- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).*
- The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.*
- If the qualified biologist identifies a change in owl nesting and foraging behavior as a result of construction activities, the qualified biologist will have the authority to stop all construction related activities within the non-disturbance buffers described above. The qualified biologist will report this information to the Conservancy, CDFW, and USFWS within 24 hours, and the Conservancy will require that these activities immediately cease within the non-disturbance buffer. Construction cannot resume within the buffer until the adults and juveniles from the occupied burrows have moved out of the project site, and the Conservancy, CDFW, and USFWS agree.*
- If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the project proponent may remove the nondisturbance buffer, only with concurrence from CDFW and USFWS. If the burrow cannot be avoided by construction activity, the biologist will excavate and collapse the burrow in accordance with*

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CDFW's 2012 guidelines to prevent reoccupation after receiving approval from the wildlife agencies.

If evidence of western burrowing owl is detected outside the breeding season (December 1 to January 31), the project proponent will establish a non-disturbance buffer around occupied burrows, consistent with Table 4-2 (incorporated as Table 4.4-5 of this chapter), as determined by a qualified biologist. Construction activities within the disturbance buffer are allowed if the following criteria are met to prevent owls from abandoning important overwintering sites:

- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).*
- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.*
- If there is any change in owl roosting and foraging behavior as a result of construction activities, these activities will cease within the buffer.*
- If the owls are gone for at least one week, the project proponent may request approval from the Conservancy, CDFW, and USFWS for a qualified biologist to excavate and collapse usable burrows to prevent owls from reoccupying the site if the burrow cannot be avoided by construction activities. The qualified biologist will install one-way doors for a 48-hour period prior to collapsing any potentially occupied burrows. After all usable burrows are excavated, the buffer will be removed and construction may continue.*

Monitoring must continue as described above for the nonbreeding season as long as the burrow remains active.

A qualified biologist will monitor the site, consistent with the requirements described above, to ensure that buffers are enforced and owls are not disturbed. Passive relocation (i.e., exclusion) of owls has been used in the past in the Plan Area to remove and exclude owls from active burrows during the nonbreeding season (Trulio 1995). Exclusion and burrow closure will not be conducted during the breeding season for any occupied burrow. If the Conservancy determines that passive relocation is necessary, the project proponent will develop a burrowing owl exclusion plan in consultation with CDFW biologists. The methods will be designed as described in the species monitoring guidelines (California Department of Fish and Game 2012) and consistent with the most up-to-date checklist of passive relocation techniques. This may include the installation of one-way doors in burrow entrances by a qualified biologist during the nonbreeding season. These doors will be in place for 48 hours and monitored twice daily to ensure that the owls have left the burrow, after which time the

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biologist will collapse the burrow to prevent reoccupation. Burrows will be excavated using hand tools. During excavation, an escape route will be maintained at all times. This may include inserting an artificial structure, such as piping, into the burrow to prevent collapsing until the entire burrow can be excavated and it can be determined that no owls are trapped inside the burrow. The Conservancy may allow other methods of passive or active relocation, based on best available science, if approved by the wildlife agencies. Artificial burrows will be constructed prior to exclusion and will be created less than 300 feet from the existing burrows on lands that are protected as part of the reserve system.

7. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON SWAINSON'S HAWK OR WHITE-TAILED KITE (IMPACT 4.4-8).
 - (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk or white-tailed kite is discussed on pages 4.4-76 through 4.4-78 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-77). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk or white-tailed kite would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-8. Swainson's hawk was observed in the Study Area during the site visit conducted on October 5, 2023, which is after the nesting season for the species, and was observed nesting adjacent to the Study Area on April 16, 2024. Over 100 documented occurrences of the species occur within a five-mile radius of the Study Area. The entire Study Area provides suitable foraging habitat for Swainson's hawk and white-tailed kite and suitable nest trees for both species occur along the riverine habitat, along the boundary of the Study Area, and are also present in the surrounding vicinity. Although trees within the riverine habitat are proposed for avoidance, adjacent construction could impact nesting birds (e.g., through disturbance) if conducted during the nesting season. Based on the above, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk and white-tailed kite, representing a significant impact. In addition, the proposed project would result in a loss of foraging habitat for Swainson's hawk and/or white-tailed kite. Swainson's hawk and white-tailed kite are both Yolo HCP/NCCP Covered Species. Mitigation Measure 4.4-8 requires

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the project applicant to comply with Yolo HCP/NCCP AMM 16, which requires the project proponent to retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat. If a construction project cannot avoid potential nest trees by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests and establish a temporary nest disturbance buffer; tree pruning or removal of the nest tree shall not occur during the period between March 1 and August 30. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on Swainson's hawk or white-tailed kite would not be significant.

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

4.4-8 *Yolo HCP/NCCP AMM16: The project proponent will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.*

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

For covered activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory

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Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

8. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON NORTHERN HARRIER, OTHER NESTING BIRDS, AND OTHER RAPTORS PROTECTED UNDER THE MBTA AND CFGC (IMPACT 4.4-9).
 - (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect, either directly or through habitat modifications, on northern harrier, other nesting birds, and other raptors protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) is discussed on pages 4.4-78 and 4.4-79 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-78). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial adverse effect, either directly or through habitat modifications, on northern harrier, other nesting birds, and other raptors protected under the MBTA and CFGC would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-9. Northern harrier and other nesting birds and raptors protected by the MBTA and CFGC have the potential to be present and nest within the project site and off-site areas. If such species are actively nesting within trees, shrubs, or ground cover planned for removal during construction, incidental mortality of individuals could occur. Furthermore, construction activities adjacent to birds nesting in avoided areas could result in nest abandonment. Based on the above, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on nesting songbirds and raptor species protected under the MBTA and CFGC. Thus, a significant impact could occur. Mitigation Measure 4.4-9 requires a preconstruction nesting bird survey be conducted by a qualified biologist if construction activities take place during the typical bird breeding/nesting season (February 15 through August 31). If active raptor nests are found, construction activities shall not take place within 500 feet of the nest until the young have fledged. Additionally, if active songbird nests are found, a 100-foot non-disturbance buffer shall be established. Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the biologist has been conducted and a report has been prepared indicating that the nest (or nests) are not active any longer, and that new nests have not been

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identified. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on northern harrier, other nesting birds, and other raptors protected under the MBTA and CFGC would not be significant.

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

4.4-9 *If construction activities take place during the typical bird breeding/nesting season (February 15 through August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist throughout the project site and all accessible areas within a 500-foot radius of proposed construction areas, at most, 14 days prior to the commencement of construction. If a break in construction activity of more than 14 days occurs, then subsequent surveys shall be conducted. A report summarizing the survey(s) shall be provided to the City of Davis Community Development Department and Public Works Utilities and Operations Department within 30 days of the completed survey and is valid for one construction season. If nests are not found, further mitigation is not required.*

If active raptor nests are found, construction activities shall not take place within 500 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot non-disturbance buffer shall be established. The non-disturbance buffers may be reduced if a smaller, sufficiently protective buffer is approved by the City after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, and nest concealment (i.e., whether visual or acoustic barriers occur between the proposed activity and the nest). A qualified biologist may visit the nest, as needed, to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season.

If the nest buffer is reduced but construction activities cause a nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest in a way that would be considered a result of construction activities, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop the agitated behavior. The revised non-disturbance buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the City.

Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the biologist has been conducted and a report has been prepared indicating that the nest (or nests) are not active any longer, and that new nests have not been identified.

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9. HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS OR BY THE CDFW OR USFWS (IMPACT 4.4-10).
- (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect on any riparian habitat or other Sensitive Natural Communities identified in local or regional plans, policies, regulations or by the CDFW or USFWS is discussed on pages 4.4-79 through 4.4-82 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-80). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial adverse effect on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.4-10(a) and 4.4-10(b). A total of 0.02-acre of valley foothill riparian habitat was mapped in an off-site area west of the project site, which is generally situated along Channel A. Valley foothill riparian is in a topographically low area within the Study Area and is situated between ruderal areas and the intermittent drainage, which supports seasonal marsh vegetation. The proposed project would not directly impact the valley foothill riparian habitat, but setbacks from the habitat are required pursuant to the Yolo HCP/NCCP. The project includes a pedestrian connection to the adjacent Wildhorse Agricultural Buffer, the construction of which would occur in close proximity to the valley foothill riparian habitat. The proposed project would be required to comply with Yolo HCP/NCCP AMM9 and the regulations established by CFGC Section 1600 et seq. and may additionally require a permit from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA). Based on the above, without compliance with the provisions of CFGC Section 1600, et seq., the proposed project could have a substantial adverse effect on riparian habitat, and a significant impact could occur. Mitigation Measure 4.4-10(a) requires buffer zones to be implemented, consistent with Yolo HCP/NCCP AMM 9, as further discussed in the Draft EIR. Mitigation Measure 4.4-10(b) requires the project proponent to apply for a Section 1600 Lake or Streambed Alteration Agreement (LSAA) from CDFW and for minimization and avoidance measures to be implemented. After the implementation of the mitigation measures, any remaining impacts related to adverse effects on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS would not be significant.

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

4.4-10(a) *Yolo HCP/NCCP AMM9: The buffers for each sensitive natural community are as follows:*

- *Alkali prairie and vernal pools: The area necessary to provide the hydrologic conditions needed to support the wetlands within these natural communities (250 feet). Covered activities will avoid vernal pools or alkali seasonal wetlands by 250 feet, or other distance based on site specific topography to avoid indirect hydrologic effects. A buffer of less than 250 feet around vernal pools or alkali seasonal wetlands will be subject to wildlife agency concurrence that effects will be avoided. Considerations that may warrant a buffer of less than 250 feet may include topography (i.e., if the surrounding microwatershed extends less than 250 feet from the pool or wetland), intervening hydrologic barriers such as roads or canals, or other factors indicating that the proposed disturbance area does not contribute to the pool's hydrology. Other considerations may include temporary disturbance during the dry season where measures are implemented to avoid disturbance of the underlying claypan or hardpan, and the area is returned to pre-project conditions prior to the following rainy season.*
- *Valley foothill riparian: One hundred feet from canopy drip-line. If avoidance is infeasible, a lesser buffer or encroachment into the sensitive natural community may be allowed if approved by the Conservancy and the wildlife agencies, based on the criteria listed in AMM1. Transportation or utility crossings may encroach into this sensitive natural community provided effects are minimized and all other applicable AMMs are followed.*
- *Lacustrine and riverine: Outside urban planning units, 100 feet from the top of banks. Within urban planning units, 25 feet from the top of the banks.*
- *Fresh emergent wetland: Fifty feet from the edge of the natural community.*

4.4-10(b) *Prior to the commencement of ground-disturbing activities associated with the off-site pedestrian connections to the Wildhorse Agricultural Buffer, the project proponent shall apply for a Section 1600 Lake or Streambed Alteration Agreement (LSAA) from CDFW. The information provided shall include a description of all the activities associated with the proposed project, not just those closely associated with the drainages and/or riparian vegetation.*

Impacts for each activity shall be broken down by temporary and permanent impacts, as appropriate, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Information regarding project-

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specific drainage and hydrology changes resulting from project implementation shall be provided, as well as a description of stormwater treatment methods.

Minimization and avoidance measures shall be proposed, as appropriate, and may include preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific stormwater best management practices (BMPs).

Mitigation for impacts to riparian vegetation, if determined necessary by CDFW, may include restoration or enhancement of resources on- or off-site, purchase of off-site habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to CDFW. Mitigation shall result in no net loss of riparian vegetation. Written verification of the Section 1600 LSAA shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.

10. HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS (IMPACT 4.4-11).
 - (a) Potential Impact. The potential for the proposed project to have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means is discussed on pages 4.4-82 through 4.4-84 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-83). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.4-11(a) through 4.4-11(d). The riverine feature within the on- and off-site areas, known as Channel A, is likely to be considered a water of the U.S. and State subject to USACE and Regional Water Quality Control

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Board (RWQCB) jurisdiction under Sections 404 and 401 of the CWA. The proposed project could temporarily impact approximately 0.06-acre and permanently impact 0.02-acre of on-site riverine habitat through installation of a pedestrian bridge over Channel A, two storm water outfalls into the Channel, and potential removal of the existing culvert and irrigation pumping infrastructure. Without compliance with the Yolo HCP/NCCP or Section 404 and 401 of the CWA, the proposed project could have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Therefore, a significant impact could occur. The proposed project would be subject to Yolo HCP/NCCP AMM 9, set forth by Mitigation Measure 4.4-11(a), and AMM 10, which requires compliance with National Pollutant Discharge Elimination System (NPDES) permit requirements, set forth by Mitigation Measure 4.4-11(b). Additionally, in order to ensure compliance with the CWA, the proposed project would be subject to Mitigation Measures 4.4-11(c) and (d), which require the project proponent to obtain a Section 404 permit from the USACE and a Section 401 permit from the RWQCB and subjects the proposed project to all conditions set forth in said permits. After the implementation of the mitigation measures, any remaining impacts associated with the proposed project related to resulting in an adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means would not be significant.

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

- 4.4-11(a) *Implement Mitigation Measure 4.4-10(a).*
- 4.4-11(b) *Yolo HCP/NCCP AMM10: Project proponents will comply with stormwater management plans that regulate development as part of compliance with regulations under National Pollutant Discharge Elimination System (NPDES) permit requirements. Covered activities that result in any fill of waters or wetlands will also comply with requirements under Section 404 of the Clean Water Act, State Water Resources Control Board (State Board), Fish and Game Code Section 1602, and Regional Board regulations. Other than requirements for buffers, minimizing project footprint, and species-specific measures for wetland-dependent covered species, this HCP/NCCP does not include specific best management practices for protecting wetlands and waters because they may conflict with measures required by the USACE, State Board, Regional Board, and CDFW.*
- 4.4-11(c) *Prior to the commencement of construction that could result in impacts to potentially regulated aquatic features, the project proponent shall submit an aquatic resources delineation to the U.S. Army Corps of Engineers (USACE) for verification purposes. If USACE takes jurisdiction over the riverine habitat, then the applicant shall apply for a Section 404 permit and Waters that will be impacted shall be replaced*

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or rehabilitated on a “no-net-loss” basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE. Written verification of the Section 404 permit shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.

4.4-11(d) Prior to the commencement of construction that could result in impacts to potentially regulated aquatic features, the project proponent shall apply for a Section 401 water quality certification/waste discharge requirement from the Regional Water Quality Control Board (RWQCB), and adhere to the certification conditions. Written verification of the Section 401 permit shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.

11. CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE, OR HAVE A SUBSTANTIAL ADVERSE EFFECT ON THE ENVIRONMENT BY CONVERTING OAK WOODLANDS OR IMPACTING INDIVIDUAL TREES (IMPACT 4.4-13).

- (a) Potential Impact. The potential for the proposed project to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands or impacting individual trees is discussed on pages 4.4-85 through 4.4-87 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-87). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project’s potential to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands or impacting individual trees would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-13. Under the proposed project, 49 trees would be permanently impacted within the Study Area; two trees in the off-site area on the western border of the site have driplines that overlap with the project plan and may be impacted by grading and construction. Without compliance with the City of Davis Tree Ordinance, the proposed project could have a substantial adverse effect related to conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands or

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impacting individual trees, and a significant impact could occur. Mitigation Measure 4.4-13 requires the implementation of the mitigation requirements included in the City of Davis Tree Ordinance, which may include replanting of trees on-site or off-site, or payment of in-lieu fees to the City's Tree Preservation Fund. After the implementation of the mitigation measure, any remaining impacts related to conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or having a substantial adverse effect on the environment by converting oak woodlands or impacting individual trees would not be significant.

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

4.4-13 *Prior to issuance of grading permits, potential impacts to city trees, street trees, and/or trees of significance, as defined by Davis Municipal Code Chapter 37, shall be mitigated in accordance with the City's Tree Ordinance. Final mitigation requirements shall be determined by the City of Davis and may include the following options:*

- *Incorporation of existing healthy trees into the design of the project;*
- *Replanting of trees on-site;*
- *Replanting of trees off-site in City-owned open space or park; and/or*
- *Payment to the City's Tree Preservation Fund in lieu of replacement.*

12. CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN (IMPACT 4.4-14).

- (a) **Potential Impact.** The potential for the proposed project to conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP is discussed on pages 4.4-87 through 4.4-89 of the Draft EIR.
- (b) **Findings.** Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-88). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) **Explanation.** Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.4-14(a) through 4.4-14(g). Applicants of development projects within the

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Yolo HCP/NCCP permit area are required to complete a Yolo HCP/NCCP application package, which includes an application form, a project description, land cover mapping and planning-level surveys, verification of land cover impacts, an AMM plan, and fees or equivalent mitigation. Payment of land cover impact fees would support the regional preservation of foraging habitat for special-status species under the Yolo HCP/NCCP. In addition, pursuant to Yolo HCP/NCCP Chapter 4, the Yolo HCP/NCCP AMMs are intended to ensure that adverse effects on Covered Species and natural communities are avoided and minimized; the proposed project would be subject to the applicable Yolo HCP/NCCP AMMs. Without compliance with the aforementioned provisions of the Yolo HCP/NCCP, the project would result in a significant impact. Mitigation Measures 4.4-14(a) through 4.4-14(g) require compliance with Yolo HCP/NCCP measures and the implementation of Mitigation Measures 4.4-4, 4.4-5, 4.4-6, 4.4-7, 4.4-8, 4.4-10(a), and 4.4-11(b). After implementation of the mitigation measures, any remaining impacts related to conflicts with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP would not be significant.

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

- 4.4-14(a) *Yolo HCP/NCCP AMM3: Where natural communities and covered species habitat are present, workers will confine land clearing to the minimum area necessary to facilitate construction activities. Workers will restrict movement of heavy equipment to and from the project site to established roadways to minimize natural community and covered species habitat disturbance. The project proponent will clearly identify boundaries of work areas using temporary fencing or equivalent and will identify areas designated as environmentally sensitive. All construction vehicles, other equipment, and personnel will avoid these designated areas.*
- 4.4-14(b) *Yolo HCP/NCCP AMM4: To prevent injury and mortality of giant garter snake, western pond turtle, and California tiger salamander, workers will cover open trenches and holes associated with implementation of covered activities that affect habitat for these species or design the trenches and holes with escape ramps that can be used during non-working hours. The construction contractor will inspect open trenches and holes prior to filling and contact a qualified biologist to remove or release any trapped wildlife found in the trenches or holes.*
- 4.4-14(c) *Yolo HCP/NCCP AMM5: Workers will minimize the spread of dust from work sites to natural communities or covered species habitats on adjacent lands.*
- 4.4-14(d) *Yolo HCP/NCCP AMM6: All construction personnel will participate in a worker environmental training program approved/authorized by the Conservancy and administered by a qualified biologist. The training will provide education regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and*

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federal protection, and the legal implications of violating the FESA and NCCPA Permits. A pre-recorded video presentation by a qualified biologist shown to construction personnel may fulfill the training requirement.

4.4-14(e) *Yolo HCP/NCCP AMM7: Workers will direct all lights for nighttime lighting of project construction sites into the project construction area and minimize the lighting of natural habitat areas adjacent to the project construction area.*

4.4-14(f) *Yolo HCP/NCCP AMM8: Project proponents should locate construction staging and other temporary work areas for covered activities in areas that will ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent project footprints, they will be located either in areas that do not support habitat for covered species or are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land). Construction staging and other temporary work areas located outside of project footprints will be sited in areas that avoid adverse effects on the following:*

- *Serpentine, valley oak woodland, alkali prairie, vernal pool complex, valley foothill riparian, and fresh emergent wetland land cover types.*
- *Occupied western burrowing owl burrows. [Occupied for the purpose of AMM8 means at least one burrowing owl has been observed occupying the burrow within the last three years. Occupancy of a burrow may also be indicated by owl sign at the burrow entrance, including molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site]*
- *Nest sites for covered bird species and all raptors, including noncovered raptors, during the breeding season.*

Project proponents will follow specific AMMs for sensitive natural communities (Section 4.3.3, Sensitive Natural Communities) and covered species (Section 4.3.4, Covered Species) in temporary staging and work areas. For establishment of temporary work areas outside of the project footprint, project proponents will conduct surveys to determine if any of the biological resources listed above are present.

Within one year following removal of land cover, project proponents will restore temporary work and staging areas to a condition equal to or greater than the covered species habitat function of the affected habitat. Restoration of vegetation in temporary work and staging areas will use clean, native seed mixes approved by the Conservancy that are free of noxious plant species seeds.

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4.4-14(g) Implement Mitigation Measures 4.4-4, 4.4-5, 4.4-6, 4.4-7, 4.4-8, 4.4-10(a), and 4.4-11(b).

13. CUMULATIVE LOSS OF HABITAT FOR SPECIAL-STATUS SPECIES (IMPACT 4.4-15).

- (a) Potential Impact. The potential for the proposed project to result in cumulative loss of habitat for special-status species is discussed on pages 4.4-90 through 4.4-92 of the Draft EIR.
- (b) Findings. Less than cumulatively considerable with mitigation incorporated. (Draft EIR, pg. 4.4-91). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to result in cumulative loss of habitat for special-status species would be reduced to a less-than-cumulatively-considerable level with implementation of Mitigation Measure 4.4-15. Buildout of the proposed project, in combination with the foreseeable development projects and other development within the City of Davis, would result in a significant cumulative impact related to the loss of special-status species habitat. The Study Area and off-site areas contain a variety of Yolo County HCP/NCCP land covers, including Irrigated Hayfield, Riverine, Urban, Annual Grassland, Perennial Grassland, Deciduous Orchard, Ruderal, and Valley Foothill Riparian. As discussed throughout the Draft EIR, the above areas represent potential habitat for various special-status species. In addition to preserving 72.2 acres of green space on-site, including the proposed parks, greenbelts, UATA, and trail components, the proposed project would be required to comply with all applicable Yolo HCP/NCCP AMMs and pay all applicable land cover conversion fees to address Covered Activities within the Study Area. With incorporation of the Mitigation Measures 4.4-10(a), 4.4-10(b), 4.4-11(a), 4.4-11(b), 4.4-11(c), and 4.4-11(d) of the Draft EIR, the proposed project's potential to result in cumulative loss of habitat for special-status species would be less than cumulatively considerable.

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

4.4-15 Implement Mitigation Measures 4.4-10(a), 4.4-10(b), 4.4-11(a), 4.4-11(b), 4.4-11(c), and 4.4-11(d).

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D. CULTURAL AND TRIBAL CULTURAL RESOURCES

1. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A UNIQUE ARCHAEOLOGICAL RESOURCE PURSUANT TO CEQA GUIDELINES, SECTION 15064.5 (IMPACT 4.5-2).
 - (a) Potential Impact. The potential for the proposed project to cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5 is discussed on pages 4.5-16 through 4.5-18 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.5-17). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5 would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.5-2. During the field survey conducted for the proposed project, cultural resources were not identified on-site. While the Cultural Resources Assessment prepared for the proposed project determined that the resources identified in Report S-012219 would not be impacted by the proposed project, Report S-025673 recommended on-site archaeological monitoring during construction activities due to the presence of previously recorded cultural resources within 0.5-mile of the Study Area. Though the presence of unknown archaeological resources existing beneath the ground surface is unlikely, in the event that on-site ground-disturbing activities encounter such resources during development of the proposed project, a substantial adverse effect could occur. Therefore, the proposed project could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5, and a significant impact could occur. Mitigation Measure 4.5-2 requires the City and Yocha Dehe Wintun Nation (Tribe) to be notified if archaeological resources are encountered during subsurface excavation activities and for all construction activities within a 100-foot radius of the resource to cease, as well as further appropriate actions to be taken. After the implementation of the mitigation measure, any remaining impacts related to causing a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines would not be significant.

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

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4.5-2

If archaeological resources are encountered during subsurface excavation activities, the City and Yocha Dehe Wintun Nation (Tribe) shall be notified immediately and all construction activities within a 100-foot radius of the resource shall cease. In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, treatment of all cultural items, including ceremonial items and archaeological items shall reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archaeological items, which may be found at the project site shall be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The project proponent shall waive any and all claims to ownership of tribal ceremonial and cultural items, including archaeological items, which may be found on the project site, in favor of the Tribe. If any intermediary is necessary (for example, an archaeologist retained by the project proponent), said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.

If additional significant sites or sites not identified as significant in the project environmental review process, but later determined to be significant, are located within the project impact area, such sites shall be subjected to further archaeological and cultural significance evaluation by the project proponent, the City of Davis, and the Tribe to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner, consistent with CEQA requirements for mitigation of impacts to cultural resources. If human remains are present that have been identified as Native American, all ground-disturbing activities shall cease for a period of up to 30 days in accordance with federal Law.

The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of the foregoing requirements. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified cultural resources specialist and Native American Representative from the Tribe. If the resource is determined to be significant under CEQA, the City and Native American Representative from the Tribe shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the Native American Representative from the Tribe shall prepare and implement a research design and archaeological data recovery plan for the resource. The cultural resources specialists in consultation with the Native American Representative from the Tribe shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources

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Information System), and provide for the permanent curation of the recovered materials. The tribe shall be afforded the opportunity to review all documents before submission to the appropriate information center.

2. DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF DEDICATED CEMETERIES (IMPACT 4.5-3).

- (a) Potential Impact. The potential for the proposed project to disturb any human remains, including those interred outside of dedicated cemeteries, is discussed on pages 4.5-18 and 4.5-19 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.5-18). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to disturb any human remains, including those interred outside of dedicated cemeteries, would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.5-3. According to the Cultural Resources Study prepared for the proposed project, previous cultural resource studies that included the project site did not identify human remains within the site or its vicinity. Furthermore, the field survey conducted as part of the Cultural Resources Assessment did not detect unknown archaeological resources or human remains. Nevertheless, the Study Area is located within 0.5-mile of previously recorded archaeological resources which could be associated with the Native American peoples whose territory encompassed the project site. Thus, the potential for encountering previously unidentified human remains within the site vicinity cannot be entirely ruled out. Given the known precontact occupation of the project vicinity by Native American tribes, the potential for human remains to be discovered during construction cannot be eliminated. Therefore, ground-disturbing activities associated with the proposed project could encounter human remains, including those interred outside of formal cemeteries, and a significant impact could occur. Mitigation Measure 4.5-3 outlines the procedures required if Native American human remains are found during development of the proposed project, consistent with the Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation. After the implementation of the mitigation measure, any remaining impacts related to the proposed project's potential to disturb any human remains, including those interred outside of dedicated cemeteries, would not be significant.

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

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4.5-3

In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, if Native American human remains are found during the course of the proposed project, the determination of Most Likely Descendant ("MLD") under California PRC Section 5097.98 shall be made by the Native American Heritage Commission ("NAHC"), upon notification to the NAHC of the discovery of said remains at the project site. If the location of the site and the history and prehistory of the area is culturally-affiliated with the Tribe, the NAHC shall contact the Tribe. A tribal member shall be designated by the Tribe to consult with the landowner and/or project proponents. Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe is in agreement with this determination, the terms of this protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely.

In the event that Native American human remains are found during development of the proposed project and the Tribe or a member of the Tribe is determined to be MLD pursuant to the above requirements of the Protocol, the following provisions shall apply. The Medical Examiner shall immediately be notified, ground-disturbing activities in that location shall cease, and the Tribe shall be allowed, pursuant to California PRC Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity.

The Tribe shall complete its inspection and make its MLD recommendation within 48 hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future.

The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California PRC Sections 5097.98(a) and (b).

The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains

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are to be treated in the same manner as bones or bone fragments that remain intact.

3. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PRC SECTION 21074 (IMPACT 4.5-4).
 - (a) Potential Impact. The potential for the proposed project to cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074, is discussed on pages 4.5-19 through 4.5-22 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.5-20). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074, would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.5-4(a) through 4.5-4(c). Based on the findings of the Cultural Resources Assessment prepared for the proposed project, as well as the results of the Native American Heritage Commission Sacred Lands File (NAHC SLF) search, known tribal cultural resources do not occur within the project site or in its vicinity. In addition, in compliance with Assembly Bill (AB) 52 and Senate Bill (SB) 18, tribal consultation was conducted for the proposed project; the City consulted with the Yocha Dehe Wintun Nation, whose recommendations are incorporated as Mitigation Measures 4.5-4(a) through 4.5-4(c) of the Draft EIR. Nevertheless, while background research and field surveys did not indicate the presence of known tribal cultural resources, subsurface Native American resources could potentially be identified on the site and the off-site improvement areas during construction activities associated with the proposed project. In the event that tribal cultural resources are discovered during such activities, the proposed project could cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, a significant impact could occur. Mitigation Measure 4.5-4(a) requires a member of Yocha Dehe Wintun Nation to conduct Cultural Sensitivity Training to the construction crew prior to commencement of ground disturbing activities. Mitigation Measure 4.5-4(b) requires a tribal or archaeological monitor to be present on-site to monitor soil grading, excavation, and trenching activities within the areas identified for monitoring in the confidential Willowgrove Monitoring Map, as agreed to by the Tribe. Mitigation Measure 4.5-4(c) outlines the required actions if tribal cultural resources are encountered during subsurface excavation activities, including exclusion buffers and treatment reflecting the religious beliefs, customs, and practices of the Yocha Dehe Wintun Nation Tribe. After the implementation of the mitigation measures, any

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remaining impacts related to the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074, would not be significant.

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

- 4.5-4(a) *At least 14 calendar days prior to commencement of ground disturbing activities, the applicant shall arrange for a member of the Yocha Dehe Wintun Nation to conduct Cultural Sensitivity Training with the construction crew. If a member of the Yocha Dehe Wintun Nation Tribe is not available to conduct a Cultural Sensitivity Training prior to scheduled ground-disturbing activities, then the applicant shall arrange for a qualified archaeologist to conduct Cultural Sensitivity Training to the construction crew. Generally, the training must consist of a presentation to the construction crew about the types of resources and evidence thereof, role of the Tribe or qualified archaeologist(s), what to do if resources are uncovered, etc. To schedule Cultural Sensitivity Training prior to commencement of construction, the applicant shall contact the Cultural Resources Department Administrative Staff, Yocha Dehe Wintun Nation, Office (530) 796-3400, Email: THPO@yochadehe-nsn.gov. Proof of compliance with this measure shall be provided to the City of Davis Community Development Department.*
- 4.5-4(b) *A tribal or archaeological monitor shall be present on-site to monitor soil grading, excavation, and trenching activities within the areas identified for monitoring in the confidential Willowgrove Monitoring Map, as agreed to by the Tribe. At least 14 calendar days prior to commencement of soil grading, excavation, and trenching activities, the applicant shall extend an invitation for a member of Yocha Dehe Wintun Nation Tribe to monitor soil grading, excavation, and trenching activities within the project site. If a member of the Yocha Dehe Wintun Nation Tribe is not available to monitor, then the applicant shall arrange for a qualified archaeologist to monitor soil grading, excavation, and trenching activities within the areas identified for monitoring in the confidential Willowgrove Monitoring Map. The applicant shall prepare a written monitoring plan that shall identify the anticipated ground-disturbing activities scheduled within the areas identified for monitoring in the confidential Willowgrove Monitoring Map. The applicant may revise or update the notification procedures in the written monitoring plan, the role of the tribal or archaeological monitors, timelines for advanced notification to Yocha Dehe Wintun Nation Tribe prior to commencement of activities requiring monitoring, and the procedures to follow in the event tribal cultural resources are uncovered, as established in the mitigation measures. The written monitoring plan shall be approved by the City of Davis Community Development Department staff in advance of ground-disturbing activities within the areas identified for monitoring in the confidential Willowgrove*

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Monitoring Map. Proof of compliance with this measure shall be provided to the City of Davis Community Development Department.

- 4.5-4(c) *If tribal cultural resources are encountered during subsurface excavation activities, the tribal monitor or applicant's qualified archaeologist shall notify the City of Davis, project applicant, and Yocha Dehe Wintun Nation Tribe immediately, and all construction activities within a 100-foot radius of the resource shall cease. The work exclusion buffer may be reduced if the tribal monitor determines the reduced buffer would be adequate to avoid impacts to the resource. In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, treatment of all tribal cultural items (including ceremonial items) shall reflect the religious beliefs, customs, and practices of the Yocha Dehe Wintun Nation Tribe as identified by the tribal monitor. All tribal cultural items, including ceremonial items, which may be found at the project site shall be turned over to the Yocha Dehe Wintun Nation Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The project applicant shall waive any and all claims to ownership of tribal ceremonial and tribal cultural items which may be found on the project site, in favor of the Tribe. If any intermediary is necessary (for example, an archaeologist retained by the project applicant), said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.*

E. GEOLOGY AND SOILS

1. BE LOCATED ON A GEOLOGICAL 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, OR BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1B OF THE UNIFORM BUILDING CODE, CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY (IMPACT 4.6-3).
 - (a) Potential Impact. The potential for the proposed project to cause impacts related to being located on a geological 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, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating substantial risks to life or property is discussed on pages 4.6-14 through 4.6-17 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-16). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to

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impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to cause impacts related to being located on a geological 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, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating substantial risks to life or property would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.6-3. The Geotechnical Engineering Report prepared for the proposed project concluded that the potential exists for the proposed project to be exposed to substantial risks related to expansive soils. From a geotechnical standpoint, provided that the recommendations included in the Geotechnical Engineering Report prepared for the proposed project are implemented into the project design and specifications, the geological and soil conditions on the project site would be adequate to support development of the proposed project. However, conformance with such recommendations cannot be ensured and a final design-level geotechnical engineering report has not yet been prepared. As a result, a significant impact could occur related to expansive soils. Mitigation Measure 4.6-3 requires the project applicant to submit a final geotechnical engineering report with the improvement plan submittal for review and approval by the City of Davis Community Development Department and Public Works Department. The Draft EIR contains further detail about what the design-level geotechnical engineering report would address. After the implementation of the mitigation measure, any remaining impacts related to the potential for the proposed project to cause impacts related to being located on a geological 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, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating substantial risks to life or property, would not be significant.

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

- 4.6-3** *The improvement plan submittal shall include a final geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer for City of Davis Community Development Department and Public Works Department review and approval. The report shall address and make recommendations on the following:*
- A. Road, pavement, and parking area design;*
 - B. Structural foundations, including retaining wall design (if applicable);*
 - C. Grading practices;*
 - D. Erosion/winterization; and*
 - E. Expansive/unstable soils.*

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Once approved by the City of Davis Community Development Department and Public Works Department, two copies of the final report shall be provided to the City of Davis Public Works – Engineering and Transportation Department and one copy to City of Davis Community Development Department – Building Division. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.

If the geotechnical engineering report indicates the presence of critically expansive or other soil problems that, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report shall be required for subdivisions, prior to issuance of Building Permits. This certification may be completed on a lot- by-lot basis or on a Tract basis. This shall be so noted on the improvement plans.

2. DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE (IMPACT 4.6-4).

- (a) Potential Impact. The potential for the proposed project to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature is discussed on pages 4.6-17 and 4.6-18 of the Draft EIR.
- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-17). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.6-4. A Paleontological Records Search for the proposed project was conducted at the University of California Museum of Paleontology (UCMP) in order to determine the presence of paleontological resources on the project site. Results of the records search determined that two localities have been discovered in the vicinity of the project site. Although the project site does not contain any known paleontological resources or unique geologic features, given the undeveloped nature of the project site, the potential exists that a unique paleontological resource or site could be unearthed during project construction activities. Thus, development of the proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. As a result, a significant impact could occur. Mitigation Measure 4.6-

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4 states that if paleontological resources are discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find and if deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution. After the implementation of the mitigation measure, any remaining impacts related to the potential to cause impacts related to directly or indirectly destroying a unique paleontological resource or site or unique geologic feature would not be significant.

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

- 4.6-4 *Should paleontological resources be discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find. Construction may continue in areas outside of the buffer zone. The applicant shall notify the Public Works Department and the City of Davis Community Development Department and retain a qualified paleontologist to inspect the discovery. If deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology [UCMP] or Sierra College), where the discovery would be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement plans approved by the City of Davis Public Works – Engineering and Transportation Department and the City of Davis Public Works – Utilities and Operations Department for the proposed project, where excavation work would be required.*

F. HAZARDS AND HAZARDOUS MATERIALS

1. 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 (IMPACT 4.7-2).
 - (a) Potential Impact. The potential for the proposed project 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 is discussed on pages 4.7-18 through 4.7-21 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.7-21). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City

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further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed 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 would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.7-2. As part of the site reconnaissance conducted for the Phase I Environmental Site Assessment (ESA) prepared for the proposed project, an active irrigation well was observed along the western margin of the site, and an apparent capped on-site well is situated to the south of the active well. Additionally, historical topographic maps show apparent windmills at two locations on the property that were likely used to pump water from wells for crop irrigation. If the on-site water wells are to be abandoned, the project applicant would be required to abandon the foregoing wells in accordance with the standards set forth in California Department of Water Resources Bulletin 74-81. Thus, without abandonment of the on-site wells prior to project implementation, a significant hazard to the public or environment could be created, and the proposed project could exacerbate existing hazardous conditions and create a significant hazard to the public or environment. Mitigation Measure 4.7-2 requires the project applicant to hire a licensed well contractor to obtain a well abandonment permit from the Yolo County Environmental Health Division (YCEHD) for all on-site water supply wells prior to commencement of construction activities and properly abandon the on-site water supply wells in accordance with the relevant regulations. After the implementation of the mitigation measure, any remaining impacts related to the 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 would not be significant.

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

- 4.7-2 *Prior to commencement of construction activities, the project applicant shall hire a licensed well contractor to obtain a well abandonment permit from YCEHD for all on-site water supply wells that will not be used, and properly abandon the on-site water supply wells in accordance with Department of Water Resources Bulletin 74-81 (Water Well Standards, Part III). Verification of abandonment shall be submitted for review and approval of the City of Davis Department of Public Works, Department of Community Development and YCEHD.*

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G. HYDROLOGY AND WATER QUALITY

1. VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY DURING CONSTRUCTION (IMPACT 4.8-1).
 - (a) Potential Impact. The potential for the proposed project to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction is discussed on pages 4.8-14 through 4.8-17 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.8-17). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.8-1. Construction of the proposed project would include grading, excavation, trenching for utilities, and other construction-related activities that could cause soil erosion at an accelerated rate during storm events. Compliance with the State NPDES Construction General Permit would minimize the potential degradation of stormwater quality and downstream surface water associated with construction of the proposed project. In addition, Best Management Practices (BMPs) would be required to be designed in accordance with the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. However, because a Storm Water Pollution Prevention Plan (SWPPP) has not yet been prepared for the proposed project, proper compliance with the aforementioned regulations cannot be ensured at this time, and the proposed project's construction activities could violate water quality standards or waste discharge requirements or otherwise degrade water quality. Therefore, the proposed project could result in a significant impact related to short-term construction-related water quality. Mitigation Measure 4.8-1 requires the applicant to obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity prior to commencement of construction and to prepare a SWPPP prior to ground disturbance. After the implementation of the mitigation measure, any remaining impacts related to the potential to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction would not be significant.

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

4.8-1 *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 City of Davis Public Works – Utilities and Operations Department.*

2. VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY DURING OPERATIONS (IMPACT 4.8-2).

(a) Potential Impact. The potential for the proposed project to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations is discussed on pages 4.8-18 through 4.8-20 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.8-20). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.8-2. Development of the proposed project would result in the conversion of an undeveloped area to a mixed-use development community. The proposed land uses could result in new stormwater pollutants being introduced to the project area. Development of the proposed project could also increase polluted non-stormwater runoff that could violate waste discharge requirements. The proposed project would include site design measures to ensure that stormwater runoff is properly treated prior to discharge to Channel A. However, because a final Stormwater Control Plan has not been prepared, ongoing maintenance of the proposed stormwater treatment system and incorporation of proper source-

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control measures cannot be ensured at this time. Thus, project operation could violate water quality standards or waste discharge requirements or otherwise degrade water quality, and a significant impact could occur. Mitigation Measure 4.8-2 requires a final Stormwater Control Plan to be submitted to City of Davis Public Works – Utilities and Operations Department for review and approval prior to approval of final project improvement plans. After the implementation of the mitigation measure, any remaining impacts related to the potential to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations would not be significant.

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

4.8-2 *Prior to approval of final project improvement plans or grading plans, a final Stormwater Control Plan shall be submitted to City of Davis Public Works – Utilities and Operations Department for review and approval. The final Stormwater Control Plan shall be in compliance with all applicable provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II MS4 General Permit (NPDES General Permit No. CAS000004, Order No. 2013-0001-DWQ) and shall meet the standards of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. Site design measures, source control measures, hydromodification management, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the improvement plans. The final plans shall include calculations demonstrating that the water quality BMPs are appropriately sized, using methodology in the CASQA Stormwater BMP Handbook for New Development and Redevelopment. The final plans shall also incorporate the proposed components for maintaining the stormwater treatment facilities.*

3. SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD: SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF-SITE; OR CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF (IMPACT 4.8-4).

- (a) Potential Impact. The potential for the proposed project to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or

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provide substantial additional sources of polluted runoff is discussed on pages 4.8-21 through 4.8-25 of the Draft EIR.

- (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.8-24). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.8-4. Existing impervious surfaces are not located within the project site, which is currently used for agricultural activities. Therefore, development of the proposed project would result in an approximately 134.5-acre increase in impervious surfaces on-site related to roofs, driveways, and roadways. Increases to peak runoff rates resulting from alterations to the existing drainage pattern of the site have the potential to result in exceedance of existing or planned stormwater drainage systems or flooding on- or off-site. As shown in the Draft EIR, post-project peak flows are lower than pre-project peak flows for all modeled storm events. Therefore, peak discharge from the project site would not exceed existing conditions because the proposed project would include development of on-site detention capable of handling the on-site peak flow volumes. The proposed stormwater drainage system could accommodate the anticipated increases in peak flow and peak volumes relative to existing conditions. Nevertheless, a final drainage report would be required with project improvement plans to substantiate the preliminary drainage design. Overall, the proposed project would substantially alter the drainage pattern of the site, and a significant impact could occur. Mitigation Measure 4.8-4 requires the Revised Preliminary Stormwater Control Plan prepared for the proposed project and associated design-level recommendations to be submitted to the City of Davis Public Works – Utilities and Operations Department in final format. After the implementation of the mitigation measure, any remaining impacts related to the potential for the proposed project to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of

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existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff would not be significant.

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

4.8-4 *As part of the improvement plan submittal process, the Revised Preliminary Stormwater Control Plan prepared for the proposed project shall be submitted to the City of Davis Public Works – Utilities and Operations Department in final format. The final report may require more detail than that provided in the preliminary report, and shall be reviewed in concert with the improvement plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: a written text addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, and proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used during construction, as well as long-term post-construction water quality measures. The final report and associated design-level recommendations provided in the drainage report shall be included in the improvements plans prior to their approval by the City of Davis Public Works – Utilities and Operations Department.*

Prior to approval of final project improvement plans or grading plans, the project applicant shall confer with the Central Valley Flood Protection Board (CVFPB) and, if the CVFPB determines that an CVFPB encroachment permit is required, the applicant shall either obtain a waiver or an encroachment permit from CVFPB.

3. SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS, OR IN FLOOD HAZARD, TSUNAMI, OR SEICHE ZONE, RISK RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION (IMPACT 4.8-5).

(a) Potential Impact. The potential for the proposed project to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation is discussed on pages 4.8-25 and 4.8-26 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.8-26). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City

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further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.8-5. The northeastern portion of the project site includes an area designated by Federal Emergency Management Agency (FEMA) as Zone A, which is defined as an area determined to flood during the one percent annual flood event. However, according to the Revised Preliminary Stormwater Control Plan prepared for the proposed project, the flooding source is anticipated to be backwater flooding from the Yolo Bypass through Willow Slough, not from Channel A. Due to the off-site nature of the regional flooding source, the Revised Preliminary Stormwater Control Plan concluded that the portion of the project site within the mapped floodplain could be elevated above base flood elevations (BFEs) if due consideration was given to overall floodplain storage. As discussed in the Draft EIR, the project design includes the oversizing of the proposed detention basins and the provision of additional storage to ensure flooding on- or off-site would not occur and the capacity of existing drainage systems would not be exceeded as a result of the project, including the raising of the portion of the site above BFEs. In addition, the City of Davis Design Standards require that development areas elevate pads for structures one foot above the applicable BFE for the area. As such, the proposed project is not anticipated to result in the impediment or redirection of flood flows such that on- or off-site structures would be exposed to flood risk. However, a Conditional Letter of Map Revision (CLOMR) would be required prior to improvement plan approval in order to ensure the project's compliance with existing regulations. Therefore, in the absence of a CLOMR submitted to FEMA, a significant impact could occur related to alteration of the existing drainage pattern of the site or area, including through alteration of a course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows. Mitigation Measure 4.8-5 requires the applicant to obtain a CLOMR if required by FEMA, the Yolo County Flood Control and Water Conservation District, or the County Floodplain Administrator prior to improvement plan approval. After the implementation of the mitigation measure, any remaining impacts related to the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation would not be significant.

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

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- 4.8-5 *Prior to improvement plan approval, and if required by the Federal Emergency Management Agency (FEMA), the Yolo County Flood Control and Water Conservation District, or the City Floodplain Administrator, the applicant shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR). A copy of the letter shall be provided to the City of Davis Public Works Engineering and Transportation Department. A Letter of Map Revision (LOMR) from FEMA shall be provided to the City of Davis Public Works Engineering and Transportation Department prior to acceptance of project improvements as complete.*

H. TRANSPORTATION

1. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM DURING CONSTRUCTION ACTIVITIES (IMPACT 4.13-1).
 - (a) Potential Impact. The potential for the proposed project to conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities is discussed on pages 4.13-25 and 4.13-26 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.13-25). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that impacts related to conflicts with a program, plan, ordinance, or policy addressing the circulation system during construction activities will be mitigated to a less-than-significant level. Because detailed information related to construction routes and equipment staging, or a construction management plan, is not available, without proper planning of construction activities, construction traffic and potential street closures could interfere with existing roadway operations, including pedestrian, bicycle, and transit facilities, during the construction phase. In addition, the proposed project includes improvements to East Covell Boulevard which could temporarily disrupt traffic flow during construction. Therefore, the proposed project has the potential to conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities, and a significant impact could occur. Mitigation Measure 4.13-1 requires implementation of a construction traffic control plan in consultation with the City, Yolo County, Caltrans, Unitrans, YoloBus, and local emergency service providers to avoid significant interference with roadway operations. Any remaining impacts related to conflicts with a program, plan, ordinance, or policy addressing the circulation system during construction activities after implementation of Mitigation Measure 4.13-1 would not be significant.

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

4.13-1 *Prior to any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan (CTCP) and submit it for review and approval by the City Department of Public Works Engineering and Transportation. The applicant and the City shall consult with Yolo County, Caltrans, Unitrans, YoloBus, and local emergency service providers for their input prior to approving the CTCP. The CTCP shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. A copy of the CTCP shall be submitted to local emergency response agencies and the agencies shall be notified at least 14 days prior to the commencement of construction that would partially or fully obstruct roadways. At a minimum, the CTCP shall include:*

- *The number of truck trips, time, and day of street closures;*
- *Time of day of arrival and departure of trucks;*
- *Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;*
- *Provision of a truck circulation pattern that minimizes effects on existing vehicle traffic during peak travel periods and maintains safe bicycle circulation;*
- *Resurface and/or repair any damage to roadways that occurs as a result of construction traffic;*
- *Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);*
- *Maintain safe and efficient access routes for emergency vehicles;*
- *Manual traffic control when necessary;*
- *Proper advance warning and posted signage concerning street closures; and*
- *Provisions for pedestrian safety.*

2. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING PEDESTRIAN AND BICYCLE FACILITIES (IMPACT 4.13-2).

(a) **Potential Impact.** The potential for the proposed project to conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities, is discussed on pages 4.13-26 through 4.13-28 of the Draft EIR.

(b) **Findings.** Less than significant with mitigation incorporated. (Draft EIR, pg. 4.13-27). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City

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further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

- (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the proposed project's potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities, would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.13-2. The proposed project would not include any modifications to the existing pedestrian and bicycle facilities; thus, the proposed project would not physically disrupt existing pedestrian or bicycle facilities. The proposed project would construct new pedestrian and bicycle facilities and expand the local network. Additionally, the proposed project would not interfere with the implementation of planned future pedestrian or bicycle facilities. However, as part of Mitigation Measure 4.13-3(b), the project will be required to construct westbound right-turn lanes at the site's two access points on East Covell Boulevard. Because a Class II bike lane is currently located on westbound East Covell Boulevard, construction of the turn lanes would increase conflicts between bicyclists and vehicles. Therefore, the proposed project could conflict with a program, plan, ordinance, or policy addressing pedestrian facilities or bicycle facilities, and a significant impact could occur. Mitigation Measure 4.13-2 outlines several improvements to the project site's two access points along East Covell Boulevard that must take place during the proposed project construction in order to enhance the visibility of bicyclists, as further discussed in the Draft EIR. After the implementation of the mitigation measure, any remaining impacts related to the potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities would not be significant.

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

- 4.13-2 *Prior to occupancy of the first residential unit during Phase 1 of the proposed project, the project applicant shall install the following improvements at the project site's two access points along East Covell Boulevard: a green skip-striping bike lane marking at the transition taper (i.e., mixing zone) at the start of each turn pocket; a continuous green bike lane; and a skip-striped bike lane marking through each intersection. The required improvements shall be subject to review and approval by the City Engineer.*

The design shall be similar to the existing bike lane constructed on eastbound East Covell Boulevard at the signalized access at Harper Junior High, which was installed in 2020/2021. The high-visibility improvements shall alert motorists to the potential for a bicyclist to be present and enhance the profile of bicyclists.

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Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be caused by the proposed project.

3. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT FACILITIES AND SERVICES (IMPACT 4.13-3).
 - (a) Potential Impact. The potential for the proposed project to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, is discussed on pages 4.13-28 and 4.13-29 of the Draft EIR.
 - (b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.13-29). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
 - (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the proposed project to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.13-3. According to the TIS prepared for the proposed project, the proposed project would not conflict with any of the existing transit stops along East Covell Boulevard. In addition, the proposed project would not cause conflicts with any known future planned transit facilities or services. Furthermore, the proposed project would include the construction of two new bus stops on East Covell Boulevard, which would improve access to Unitrans or YoloBus routes. However, according to the TIS, the proposed project would cause a substantial increase in vehicle travel demand and cause increases to peak evening hour delay on East Covell Boulevard during the evening commute period. Thus, the performance of Unitrans and YoloBus routes could suffer, with on-time arrivals becoming more challenging to complete, and the proposed project would exacerbate currently deficient Unitrans performance with respect to on-time performance targets. Therefore, the proposed project could conflict with a program, plan, ordinance, or policy addressing transit facilities and services, and a significant impact could occur. Mitigation Measure 4.13-3 requires the project applicant to construct dedicated right-turn lanes on westbound East Covell Boulevard at the two project accesses to reduce the right-turning traffic currently accommodated by a single travel lane. After the implementation of the mitigation measure, any remaining impacts related to the potential to conflict with a program, plan, ordinance, or policy addressing transit facilities and services would not be significant.

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

4.13-3 *Prior to occupancy of the first residential unit during Phase 1 of the proposed project, the project applicant shall construct dedicated right-turn lanes on westbound East Covell Boulevard at the two project accesses to reduce right-turning traffic currently accommodated by a single travel lane.*

4. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING PEDESTRIAN AND BICYCLE FACILITIES, ASSOCIATED WITH CUMULATIVE DEVELOPMENT OF THE PROPOSED PROJECT IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.13-7).

- (a) **Potential Impact.** The potential for the proposed project to conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities, associated with cumulative development of the proposed project in combination with future buildout of the City of Davis is discussed on pages 4.13-36 and 4.13-37 of the Draft EIR.
- (b) **Findings.** Less than significant with mitigation incorporated. (Draft EIR, pg. 4.13-37). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the proposed project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
- (c) **Explanation.** Based upon the Draft EIR and the entire record before this City Council, this City Council finds that impacts related to conflicts with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities, associated with cumulative development of the proposed project in combination with future buildout of the City of Davis would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.13-7. Bicycle, pedestrian, and vehicle travel activity would increase in the site vicinity due to development of the proposed project in combination with other reasonably foreseeable development located on the East Covell Boulevard/Mace Boulevard corridor. However, according to the TIS, growth in background travel activity would not materially change the adverse effects to bicycle and pedestrian facilities that would be attributable to the proposed project. Therefore, the project-specific bicycle and pedestrian impact analysis provided in Impact 4.13-2 of the Draft EIR would similarly apply under cumulative conditions. As discussed therein, the proposed project could conflict with a program, plan, ordinance, or policy addressing pedestrian facilities or bicycle facilities, and a significant cumulative impact could occur. Mitigation Measure 4.13-7 requires the implementation of Mitigation Measure 4.13-2, discussed further in the Draft EIR.

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

4.13-7 *Implement Mitigation Measure 4.13-2.*

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

The following categories of environmental effects were found to have no impact as set forth in more detail in Chapter 5, Effects Not Found to be Significant, of the Draft EIR.

Aesthetics: As described in Section 5.2 of the Draft EIR, the following environmental effect was found to have no impact: effects relating to substantially damaging scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

Forestry Resources: As described in Section 5.3 of the Draft EIR, the following environmental effects were found to have no impact: effects 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]); effects resulting in the loss of forest land or conversion of forest land to non-forest use; and effects involving other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.

Geology and Soils: As described in Section 5.4 of the Draft EIR, the following environmental effect was found to have no impact: effects relating to having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Hazards and Hazardous Materials: As described in Section 5.5 of the Draft EIR, the following environmental effects were found to have no impact: effects related to being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; and effects related to being located within an airport land use plan or within two miles of a public airport or public use airport.

Land Use and Planning: As described in Section 5.6 of the Draft EIR, the following environmental effect was found to have no impact: effects related to physically dividing an established community.

Mineral Resources: As described in Section 5.7 of the Draft EIR, the following environmental effects were found to have no impact: effects related to resulting in the

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loss of availability of a known mineral resource that would be a value to the region and the residents of the state; and effects related to 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.

Noise: As described in Section 5.8 of the Draft EIR, the following environmental effect was found to have no impact: effects related to being 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, resulting in the exposure of people residing or working in the project area to excessive noise levels.

Population and Housing: As described in Section 5.9 of the Draft EIR, the following environmental effect was found to have no impact: effects related to displacing substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Wildfire: As described in Section 5.10 of the Draft EIR, the following environmental effect was found to have no impact: effects related to the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

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

Aesthetics: The following specific impact was found to be less than significant in the Draft EIR: 4.1-1.

Agricultural Resources: The following specific impacts were found to be less than significant in the Draft EIR: 4.2-2 and 4.2-3.

Air Quality, Greenhouse Gas Emissions, and Energy: The following specific impacts were found to be less than significant in the Draft EIR: 4.3-1, 4.3-3, 4.3-4, 4.3-5, and 4.3-9.

Biological Resources: The following specific impacts were found to be less than significant in the Draft EIR: 4.4-1 and 4.4-12.

Cultural and Tribal Cultural Resources: The following specific impact was found to be less than significant in the Draft EIR: 4.5-1.

Geology and Soils: The following specific impacts were found to be less than significant in the Draft EIR: 4.6-1 and 4.6-2.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant in the Draft EIR: 4.7-1, 4.7-3, and 4.7-4.

Hydrology and Water Quality: The following specific impact was found to be less than significant in the Draft EIR: 4.8-3.

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Land Use and Planning: The following specific impact was found to be less than significant in the Draft EIR: 4.9-1.

Noise: The following specific impacts were found to be less than significant in the Draft EIR: 4.10-2 and 4.10-3.

Public Services and Recreation: The following specific impacts were found to be less than significant in the Draft EIR: 4.12-1, 4.12-2, 4.12-3, and 4.12-4.

Transportation: The following specific impacts were found to be less than significant in the Draft EIR: 4.13-5 and 4.13-6.

Utilities and Service Systems: The following specific impacts were found to be less than significant in the Draft EIR: 4.14-1, 4.14-2, and 4.14-4.

Wildfire: The following specific impacts were found to be less than significant in the Draft EIR: 4.15-1, 4.15-2, and 4.15-3.

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

Cultural and Tribal Cultural Resources: The following specific impact was found to be less than cumulatively considerable: 4.5-5.

Geology and Soils: The following specific impact was found to be less than cumulatively considerable: 4.6-5.

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.7-5.

Hydrology and Water Quality: The following specific impact was found to be less than cumulatively considerable: 4.8-6.

Land Use and Planning: The following specific impact was found to be less than cumulatively considerable: 4.9-2.

Noise: The following specific impact was found to be less than cumulatively considerable: 4.10-4.

Public Services and Recreation: The following specific impact was found to be less than cumulatively considerable: 4.12-5.

Transportation: The following specific impact was found to be less than cumulatively considerable: 4.13-10.

Wildfire: The following specific impact was found to be less than cumulatively considerable: 4.15-4.

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

- The Draft EIR determined that the impact is less than significant for the proposed project.
- The Draft EIR determined that the proposed project would have a less than cumulatively considerable contribution to the cumulative impact.

VI. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Pursuant to Section 15126.2(c) of the CEQA Guidelines, a Draft EIR must identify any significant irreversible environmental outcomes that could result from the implementation of a proposed project. These may include current or future uses of nonrenewable resources. CEQA requires that irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified. The proposed project's significant irreversible environmental changes are addressed in Section 6.4 of Chapter 6, Statutorily Required Sections, of the Draft EIR.

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

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

The project site consists of generally flat land currently used for agricultural activities. The proposed project would consist of a mixed-use community, including a total of 1,250 dwelling units, comprised of both affordable and market-rate single- and multi-family residences across various residential neighborhoods. In addition, the proposed project would include transit improvements; neighborhood retail uses; a daycare facility; associated on-site roadway improvements; utility improvements; recreational uses, such as a community park, mini park, and a gym, open space, and greenbelts; and off-site improvements. Thus, development of the proposed project would result in a commitment of energy resources associated with maintaining the proposed components over the lifetime of the buildings. A portion of the energy demand required of the proposed project would be supplied by non-renewable resources such as fossil fuels. Energy demands associated with operation of the proposed project are discussed in greater detail in Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy of the Draft EIR. As discussed under Impact 4.3-5 of the Draft EIR, although the proposed project operations would involve an increase in energy consumption, the proposed project would comply with all applicable standards and regulations regarding energy conservation and fuel efficiency during construction and operation.

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Construction of the proposed project would involve consumption of building materials and energy, some of which are nonrenewable or locally limited natural resources (e.g., fossil fuels). Nonrenewable resources used for the proposed project could not be used for other purposes. Consumption of building materials and energy is common to most other development in the region, and commitments of resources are not unique or unusual to the proposed project. The main resource consumption of the proposed project would be of energy, fuel, and wood and metal building materials that would be used for construction of the buildings. Development would not be expected to involve an unusual commitment of nonrenewable resources, nor be expected to consume any resources in a wasteful manner. Accordingly, the proposed project would not be considered to result in a wasteful, inefficient, or unnecessary usage of energy. In addition, as discussed in Chapter 4.12, Public Services and Recreation, of the Draft EIR, although the proposed project would result in an increase in demand for goods and services, such as fire, police, and school services, impacts related to such were determined to be less than significant. Therefore, while the proposed project would involve the use of nonrenewable resources, the proposed project's use of nonrenewable resources would not place an unreasonable burden on future generations.

VII. FINDINGS REGARDING GROWTH-INDUCING IMPACTS

State CEQA Guidelines Section 15126.2(e) requires a Draft EIR to evaluate the potential growth-inducing impacts of a proposed project. Specifically, a Draft 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 Draft EIR included an analysis of growth-inducing impacts in Section 6.2 of Chapter 6, Statutorily Required Sections. 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, including whether the proposed project would:

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.

As discussed in Chapter 4.11, Population and Housing, of the Draft EIR, the proposed 1,250 residential units would increase the available housing within the City of Davis, which would be expected to increase population in the area. Development of the proposed project would increase the total current population of the City of Davis from 65,832 to approximately 69,045, or a 4.9

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percent increase. As discussed in Chapter 4.11, Population and Housing, of the Draft EIR, SACOG has projected that the City's population could grow to as much as 76,884 residents by 2036. However, because the project site is currently not located within the City of Davis and does not have a City General Plan land use designation, the proposed project has not been included as part of the City's growth projections. Therefore, the increase in population resulting from the proposed project would not be within the range of growth projections assumed for the City of Davis. Future residents of the proposed project would likely patronize local business and services in the area, fostering economic growth. While construction of the proposed project could result in increased employment opportunities, potentially resulting in increases in population and housing demand, the nature of this change in demand would be temporary, lasting only as long as construction of the proposed project. New jobs generated by proposed on-site uses would not be substantial in number and would also likely be filled by the local employee base. Therefore, the proposed project and any associated population growth would not result in significant long-term employment growth in the area. Ultimately, population growth resulting from the proposed project would not be within the SACOG or City of Davis growth estimates for the project area. Thus, the proposed project would induce substantial unplanned population growth, and a significant impact related to population and economic growth would occur.

The elimination of either physical or regulatory obstacles to growth is considered to be a growth-inducing effect. As discussed in Chapter 4.14, Utilities and Service Systems, of the Draft EIR, the existing City of Davis water system would be utilized to connect new water lines to the proposed project. The improved on-site water system would be sized to serve only the proposed project, and would be financed by the project applicant. The City of Davis would not need to extend existing water and sewer infrastructure through intervening unincorporated County lands where services are not currently provided. Because implementation of the improvements involved in the construction would be developed to serve only the proposed project, such improvements would not be considered to eliminate obstacles to growth in a manner that would encourage previously unplanned growth.

As discussed in Chapter 4.12, Public Services and Recreation, of the Draft EIR, implementation of the project would increase the number of structures protected by local fire protection services; as such, Davis Fire Department (DFD) has identified the potential need for a facility in the northeastern portion of the City. The proposed project has addressed the need related to fire protection as detailed in the April 30, 2026 Memorandum prepared by Raney. In addition, as discussed in Chapter 4.14, Utilities and Service Systems, of the Draft EIR, although the project would include connections to the existing wastewater treatment and water supply facilities provided by the City of Davis, through compliance with all applicable federal, State, and City regulations, significant environmental impacts would not occur, with the exception of wastewater treatment capacity. The landfill that would serve the project has adequate capacity to manage the solid waste generated as a result of the project, as described in Chapter 4.14, Utilities and Service Systems, of the Draft EIR. Furthermore, mitigation measures set forth in Chapter 4.8, Hydrology and Water Quality, of the Draft EIR would ensure that the proposed project would not create or contribute runoff water that would exceed the capacity of the City's stormwater drainage systems. Therefore, the proposed project would not increase population such that service levels, facility

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capacity, or infrastructure demand would require construction of new facilities that could cause significant environmental impacts, with the exception of wastewater treatment capacity.

The Draft EIR provides a comprehensive assessment of the potential for environmental impact associated with implementation of the proposed project. Please refer to Chapters 4.1 through 4.15 of the Draft EIR, which comprehensively address the potential for impacts from urban development on the project site.

Based on the above, the City finds the analysis within the Draft EIR is consistent with and meets the requirements of the State CEQA guidelines regarding an analysis of growth-inducing impacts.

VIII. FINDINGS REGARDING ENERGY CONSUMPTION

In order to ensure energy implications are considered in project decisions, PRC Section 21100(b)(3) and CEQA Guidelines Appendix F require a discussion of the potential energy impacts of project, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. Pursuant to PRC Section 21100(b)(3) and CEQA Guidelines Appendix F, the Draft EIR addressed energy impacts in Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy, specifically under Impact 4.3-5, beginning on page 4.3-58, and under Impact 4.3-9, beginning on page 4.3-77 of the Draft EIR.

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

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

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

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meets the requirements of Appendix F of the State CEQA Guidelines regarding energy conservation.

IX. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

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

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

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

As explained below, these findings describe and reject, for reasons documented in the Draft EIR and summarized below, each one of the proposed project alternatives, and the City finds that approval and implementation of the proposed Willowgrove Project is appropriate. The evidence supporting these findings is presented in Chapter 7, Alternatives Analysis, of the Draft EIR.

A. IDENTIFICATION OF PROJECT OBJECTIVES

As described above, a Draft EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” (CEQA Guidelines § 15126.6(c).) Chapter 3, Project Description, of the Draft EIR identifies the proposed project’s goals and objectives. The proposed project objectives include:

1. Provide a meaningful number of housing units for the City, in a balanced and wide variety of densities, products and price points.
2. Provide 20 percent of the total residential units for the construction of deed-restricted affordable housing for low, very low and extremely low-income households.

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3. Provide more attainable homeownership opportunities for the “missing middle” households and young families, including 23 percent of the total residential units offering higher density condominiums/townhomes that are anticipated to be more attainable to these households.
4. Prioritize the use of high and medium density housing for the missing middle and young families who are currently unable to find or afford housing in Davis.
5. Create the type of housing that will encourage young families to buy and live in Davis, increasing the number of children attending Davis Joint Unified School District (DJUSD) schools.
6. Encourage people living outside and commuting in to Davis to live in Davis, thereby reducing regional vehicle miles traveled (VMT) and associated environmental impacts.
7. Respect existing agricultural uses by providing buffers that create a transitional space and encourage residents to appreciate the value of both uses coexisting together while establishing a thoughtfully designed urban City boundary.
8. Develop an inclusive community for all, including those with intellectual or developmental disabilities with independent housing, recreation, and employment opportunities designed to meet the unique needs of that cohort.
9. Provide a vibrant community park with active ballfields, inclusive play areas, and an indoor gymnasium, proximate to existing residents as well as new homeowners.
10. Provide a transit station and stops, allowing easy access to transit for neighborhood residents and visitors and reducing the use of individual automobiles.
11. Create outdoor educational opportunities for various age groups and abilities, which encourage exploration and complement existing programs within the City.
12. Expand the City’s existing bikeway and pedestrian trail system and provide important connections to new off-site bikeways and existing public trails.
13. Support existing retailers by avoiding the construction of brick-and-mortar retail and instead providing an eclectic neighborhood retail and entertainment area with opportunities to incorporate a Competitive Integrated Employment (CIE) program for persons living with intellectual or developmental disabilities.
14. Design an environmentally sensitive and sustainable community that features an urban forest throughout the connected trail system and emphasizes the use of rooftop solar electricity to reduce the community’s environmental footprint, reduce automobile and water use, and increase tree cover.
15. Create an economically feasible project able to construct the special amenities and features proposed for the neighborhood.

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B. ALTERNATIVES CONSIDERED BUT DISMISSED

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

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

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

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

The Buildout Within City Limits Alternative was considered but dismissed from detailed analysis in the Draft EIR. The alternative is discussed below, along with the reason(s) for dismissal, within the context of the three above-outlined permissible reasons.

Buildout Within City Limits Alternative

The Buildout Within City Limits Alternative would consist of development of the same project components as the proposed project within the City of Davis city limits. Because the City does not contain one contiguous plot of land that is currently undeveloped and would be large enough to accommodate all components of the proposed project, the Buildout Within City Limits Alternative would include development over multiple vacant and underutilized off-site parcels that are located within the City of Davis.

As the project would not be located all on one site, the Buildout Within City Limits Alternative would not be capable of meeting all of the project objectives, and the opportunity for the project to include a variety of benefits would not occur. For example, the Buildout Within City Limits Alternative would not fully meet Project Objectives #9, #10, #11, #12, and #13, in that the proposed community park, transit station, and neighborhood retail uses would not be centralized within one site. In addition, unlike the proposed project, the Alternative may not provide a transit station and bicycle/pedestrian connections where such improvements are currently needed. With respect to the proposed community park, the same acreage and amenities as the proposed project cannot be guaranteed under the Alternative, as the potential off-site parcels within the City Limits may be smaller than the currently proposed park area.

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Most importantly, and the primary reason for rejection, is the City's lack of available vacant and underutilized sites to accommodate the proposed project. For example, Table 62, Vacant and Underutilized Sites, City of Davis, September 2023, of the Davis Housing Element, identifies a total residential unit capacity of 242 units for the vacant and underutilized sites within the City.¹ However, as noted, Table 62 does not include the capacity in the Downtown area that was created with the Downtown Davis Specific Plan. Appendix E of the Housing Element identifies a potential build-out capacity for the Downtown Davis Specific Plan area of 780 units. While this would close the gap between the proposed project's 1,250 units and 242 residential unit capacity in Table 62 of the Housing Element, only approximately 80 percent of the total project units could be accommodated.

Overall, the Buildout Within City Limits Alternative would not be considered a feasible alternative to the proposed project and has been dismissed from further evaluation.

C. ALTERNATIVES ANALYSIS IN DRAFT EIR

Pursuant to Section 15126.6 of the CEQA Guidelines, the Draft EIR considered five alternatives to the proposed project. The potential alternatives were screened against a set of criteria. The criteria addressed two primary topics: the ability of the alternative to meet the proposed project objectives and purpose, and the feasibility and reasonableness of the alternative. The five alternatives were analyzed in Chapter 7 of the Draft EIR and consist of the following:

1. Alternative 1: No Project (No Build) Alternative;
2. Alternative 2: Lower Number of Units – Same Footprint Alternative;
3. Alternative 3: Same Number of Units – Smaller Footprint Alternative;
4. Alternative 4: Same Number of Units – Smallest Footprint Alternative; and
5. Alternative 5: Higher Number of Units – Same Footprint Alternative.

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

PRC Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines Section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* ["Goleta II"] [1990] 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417.) "[F]easibility' under CEQA encompasses

¹ City of Davis. 2021-2029 Housing Element, City of Davis. Adopted December 5, 2023.

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‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; see also *California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 1001-1002 (*City of Santa Cruz*).

As discussed in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, the issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR, and (2) during the agency's later consideration of whether to approve the project. But differing factors come into play at each stage. For the first phase -- inclusion in the EIR -- the standard is whether the alternative is *potentially* feasible. (CEQA Guidelines Section 15126.6, subdivision [a].) By contrast, at the second phase -- the final decision on project approval -- the decision-making body evaluates whether the alternatives are *actually* feasible. (See CEQA Guidelines Section 15091, subdivision [a][3].)

By these findings, the City Council finds substantial evidence that the proposed project is actually feasible and desirable from an environmental perspective, as will be further discussed below.

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

D. GENERAL FINDINGS FOR PROJECT ALTERNATIVES

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

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

E. FINDINGS FOR REJECTION OF ALTERNATIVES

1. ALTERNATIVE 1: NO PROJECT (NO BUILD) ALTERNATIVE:

The No Project (No Build) Alternative is discussed on pages 7-7 through 7-12 of the Draft EIR. The No Project (No Build) Alternative assumes that the project site would remain in its existing state and additional development would not occur on the site. The current condition of the site consists of generally flat, agricultural land. A drainage course with associated riparian habitat (Channel A) runs east to west through the site, adjacent to the northern private access road, continuing through the Wildhorse Golf Course to the west. Current agricultural operations and cultivation occur within approximately five to 15 feet of Channel A. Existing trees are located along

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the project frontage adjacent to East Covell Boulevard and along both sides of Channel A. The approximately 232-acre site is currently located outside of the City of Davis City Limits and the City of Davis Sphere of Influence (SOI) and within the unincorporated area of Yolo County. Under the No Project (No Build) Alternative, the existing on-site agricultural operations would be anticipated to continue. As such, under the Alternative, the entire project site is conservatively assumed to be subject to continuous disturbance related to disking, planting, and harvesting.

- (a) Findings: The No Project (No Build) Alternative is rejected as an alternative because it would not achieve a majority of the identified project objectives.
- (b) Explanation: Most of the significant impacts identified for the proposed project would not occur under the No Project (No Build) Alternative. However, the No Project (No Build) Alternative would not realize the benefits of the proposed project nor achieve a majority of the proposed project objectives. Because the No Project (No Build) Alternative would preserve the existing agricultural uses on-site, the Alternative would partially meet Objective #7 related to respecting existing agricultural uses. However, the Alternative would not fully meet Objective #7, as agricultural buffers would not be required. In addition, although the No Project (No Build) Alternative would result in fewer impacts to biological resources, the existing on-site agricultural operations would have the potential to impact protected species, the Alternative would not plant new trees, and pesticide use on-site would continue. The City of Davis and the State of California has identified the need for additional housing, as well as new recreation facilities in close proximity to City residents. The No Project (No Build) Alternative would not result in development of the site and, thus, would not result in new housing opportunities. The existing demand for such uses would be satisfied by developing residential projects and recreational facilities on other sites in the City or by the conversion of agricultural land to increase available land zoned for such uses within the City limits.

2. ALTERNATIVE 2: LOWER NUMBER OF UNITS – SAME FOOTPRINT ALTERNATIVE:

The Lower Number of Units – Same Footprint Alternative is discussed on pages 7-12 through 7-19 of the Draft EIR. Under the Lower Number of Units – Same Footprint Alternative, a total of 937 dwelling units, including 263 Residential Low Density (LDR) units, 451 Residential Medium Density (MDR) units, and 223 Residential High Density (HDR) units, would be developed on the same development footprint as the proposed project, resulting in an overall reduction of 313 residential units as compared to the proposed project. To further reduce the demand on City services with the Lower Number of Units – Same Footprint Alternative, the park would be moved to the center of project site and would be designed to primarily serve the needs of the project residents as a neighborhood park instead of a community park with amenities designed for the surrounding communities. As a neighborhood-serving park with fewer Citywide amenities and the lack of proximity to East Covell Boulevard, the retail uses would also be removed. The UATA and landscape buffer along East Covell Boulevard would remain the same under the Alternative as compared to the proposed project. Similar to the proposed project, the Lower Number of Units – Same Footprint Alternative would include the development of transit improvements; a daycare facility within the HDR parcel; associated on-site roadway improvements; utility improvements;

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recreational uses, open space, and greenbelts; and off-site improvements. In addition, similar to the proposed project, the Alternative would reserve land to accommodate a fire station adjacent to East Covell Boulevard.

- (a) Findings: Because The Lower Number of Units – Same Footprint Alternative would include development of the project site with the same types of uses, the majority of the project objectives would generally be met. However, the Alternative is rejected as Project Objectives #6, #9, and #13 would not be met, and Project Objectives #4 and #5 would be met to a lesser degree than under the proposed project (Draft EIR, Table 7-5). In addition, the Alternative would not avoid the Significant and Unavoidable impacts identified for the proposed project.
- (b) Explanation: Although the Lower Number of Units – Same Footprint Alternative would include the development of 313 fewer units than the proposed project, the project site would be developed with the same uses as the proposed project and the development footprint would be similar. As such, impacts related to aesthetics, agricultural resources, biological resources, cultural and tribal cultural resources, hazards and hazardous materials, hydrology and water quality, and noise would remain similar under the Lower Number of Units – Same Footprint Alternative as compared to the proposed project. The Alternative would result in fewer impacts than the proposed project related to air quality, GHG emissions, and energy, geology and soils, population and housing, and utilities and service systems. The Alternative would result in greater impacts related to transportation as compared to the proposed project. Because the Alternative would include the development of 313 fewer units than the proposed project, emissions of ROG, as well as emissions of GHGs associated with operation of the Alternative, would be reduced as compared to the proposed project. However, even with the reduction in residential units, operational emissions associated with the Alternative would not significantly decrease. As such, the impacts related to air quality, greenhouse gas emissions, and energy would remain significant and unavoidable and/or cumulatively considerable, and implementation of Mitigation Measures 4.3-2, 4.3-6, and 4.3-8 would still be required. Similar to the proposed project, the Alternative would be considered to induce substantial unplanned population growth, and a significant and unavoidable and cumulatively considerable and significant and unavoidable impact would occur. However, the Lower Number of Units – Same Footprint Alternative would house approximately 805 fewer residents than the proposed project. Therefore, while the significant and unavoidable impacts related to population and housing would not be avoided under the Lower Number of Units – Same Footprint Alternative, the severity of such impacts would be reduced. Furthermore, due to the development of 313 fewer residential units under the Alternative as compared to the proposed project, the Alternative could have a reduced impact on the City's WWTP capacity. However, while the impact to the City's WWTP capacity could be reduced, the impact would still be significant and unavoidable given the recent capacity analysis that suggested that the WWTP may be at or nearing capacity. Thus, while the significant and unavoidable impacts related to utilities and

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service systems would not be avoided under the Lower Number of Units – Same Footprint Alternative, the severity of such impacts would be reduced.

Because the Lower Number of Units – Same Footprint Alternative would include the development of 313 fewer residential units as compared to the proposed project, VMT per capita could be increased (see the Transportation discussion in Chapter 4.13 of the Draft EIR for more detail). Therefore, even with implementation of Mitigation Measures 4.13-4 and 4.13-9, the Alternative would result in a greater impact related to VMT (i.e., conflicting with CEQA Guidelines Section 15064.3, subdivision [b] as compared to the proposed project), and the impact would remain significant and unavoidable. In addition, while the Alternative would include the development of fewer residential units as compared to the proposed project, the Alternative would similarly contribute to freeway off-ramp queuing that spills onto the freeway mainline. Therefore, the Alternative would still result in a cumulatively considerable and significant and unavoidable impact related to resulting in hazards due to a geometric design feature or incompatible uses.

Because the Lower Number of Units – Same Footprint Alternative would result in a reduction in residential density as compared to the proposed project, the Alternative could result in an increase in VMT per capita as compared to the proposed project and, thus, could have a greater impact related to VMT as compared to the proposed project. In addition, the Alternative would not satisfy Project Objective #6 of reducing regional VMT and associated environmental impacts, Project Objective #9 of providing a vibrant community park with active ballfields, inclusive play areas, and an indoor gymnasium, proximate to existing residents as well as new homeowners, nor Project Objective #13 of supporting existing retailers by avoiding the construction of brick-and-mortar retail and instead providing an eclectic neighborhood retail and entertainment area. For these reasons, the proposed project is deemed superior to the Lower Number of Units – Same Footprint Alternative.

3. ALTERNATIVE 3: SAME NUMBER OF UNITS – SMALLER FOOTPRINT ALTERNATIVE:

The Same Number of Units – Smaller Footprint Alternative is discussed on pages 7-19 through 7-28 of the Draft EIR. The Same Number of Units – Smaller Footprint Alternative would consist of buildout of the same land uses included with the proposed project on a reduced development footprint in order to avoid, to the extent feasible, conversion of on-site high-quality agricultural land with non-agricultural uses, and to reduce residential VMT. The Same Number of Units – Smaller Footprint Alternative would include the development of a total of 1,250 residential units on a 170-acre development footprint, which represents an approximately 27 percent reduction in development area, for a reduction of approximately 62 acres. With the goal of reducing VMT, the HDR parcels would be located closer to East Covell Boulevard to ensure all higher density apartments are closer to proposed transit stops, consistent with strategies to reduce VMT. To accommodate HDR closer to transit stops, the community park would be located in a central area of the project site. As density increases and project footprint decreases, the amenities and size of the park would also be reduced. The park associated with the Alternative would be focused on neighborhood amenities to reduce travel through the project site by non-resident park visitors. In

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addition, the Alternative would not include neighborhood retail in order to accommodate higher density residential uses on a smaller development footprint and due to the lack of proximity to East Covell Boulevard. Under the Alternative, the UATA would be reduced to a minimum and additional trees within the urban forest north of Channel A would not be planted. Channel A would be completely avoided, but existing agricultural operations around Channel A could continue. The landscape buffer along East Covell Boulevard would be reduced in order to accommodate additional units and a sound wall. Similar to the proposed project, the Alternative would reserve land to accommodate a fire station facility adjacent to East Covell Boulevard.

- (a) Findings: Because the Same Number of Units – Smaller Footprint Alternative would include development of the project site with similar uses for the majority of the site, Project Objectives #6, #7, #8, #10, and #11 would be met. The Alternative would satisfy Objective #6 due to its increased density, which is to encourage people living outside and commuting in to Davis to live in Davis, thereby reducing regional VMT and associated environmental impacts, to a greater extent than the proposed project. However, the Alternative would not satisfy Project Objectives #1, #2, #3, #4, #5, and #12 to the same extent as the proposed project, and the Alternative would not meet Project Objectives #9, #13, and #14. In addition, the Alternative would not avoid the Significant and Unavoidable impacts for the proposed project.
- (b) Explanation: The Same Number of Units – Smaller Footprint Alternative would entail development of the project site with similar uses as the proposed project. Thus, impacts related to hazards and hazardous materials, noise, population and housing, and utilities and service systems would remain similar under the Same Number of Units – Smaller Footprint Alternative as compared to the proposed project. The Alternative would include a reduced development footprint, with a reduction of approximately 62 acres as compared to the proposed project. As a result, the Alternative would result in fewer impacts related to aesthetics, agricultural resources, air quality, GHG emissions, and energy, biological resources, cultural and tribal cultural resources, geology and soils, hydrology and water quality, and transportation. With the goal of reducing VMT, the Same Number of Units – Smaller Footprint Alternative would include development of 282 additional HDR units than the proposed project on a reduced development footprint. While the Alternative could be reasonably anticipated to reduce VMT per capita to below the City's VMT threshold, the Alternative would not reduce residential VMT to below the regional threshold. In order to reduce VMT to below the regional threshold, it is anticipated that the Alternative would be required to include an additional 150 HDR units, for a total of 1,400 dwelling units. Therefore, while the Alternative would reduce residential VMT as compared to the proposed project, even with implementation of Mitigation Measures 4.13-4 and 4.13-9, the Same Number of Units – Smaller Footprint Alternative would still result in a significant and unavoidable and cumulatively considerable and significant and unavoidable impact related to VMT (i.e., conflicting with CEQA Guidelines Section 15064.3, subdivision [b]). In addition, while impacts related to aesthetics, agricultural resources, and air quality, greenhouse gas emissions, and energy would be reduced due to the reduced amount of agricultural land that would be converted to urban uses

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and the increased residential density under the Same Number of Units – Smaller Footprint Alternative, the significant and unavoidable impacts identified for the proposed project would remain significant and unavoidable and all associated mitigation measures would still be required.

Because the Same Number of Units – Smaller Footprint Alternative would include a reduced development footprint as compared to the proposed project, the Alternative would not include a community park with active ballfields, inclusive play areas, and an indoor gymnasium, the neighborhood retail component of the proposed project, or the urban forest due to the inability to retain as much land as open space. Therefore, the Alternative would not satisfy Project Objective #9 of providing a community park, Project Objective #13 of providing an eclectic neighborhood retail and entertainment area, nor Project Objective #14 of designing an environmentally sensitive and sustainable community that features an urban forest. For these reasons, the proposed project is deemed superior to the Same Number of Units – Smaller Footprint Alternative.

4. ALTERNATIVE 4: SAME NUMBER OF UNITS – SMALLEST FOOTPRINT ALTERNATIVE:

The Same Number of Units – Smallest Footprint Alternative is discussed on pages 7-28 through 7-37 of the Draft EIR. The Same Number of Units – Smallest Footprint Alternative would consist of buildout of HDR uses on a reduced development footprint in order to further avoid, to the extent feasible, conversion of on-site high-quality agricultural land with non-agricultural uses, and to further reduce residential VMT. The Alternative would include a total of 1,250 units on a 100-acre development footprint, which represents an approximately 57 percent reduction in development area, for a reduction of approximately 132 acres. With the goal of reducing VMT, the HDR parcels would be located closer to East Covell Boulevard to ensure all higher density apartments are closer to proposed transit stops, consistent with strategies to reduce VMT. As density increases and project footprint decreases, the amenities and size of the park would be reduced. In addition, the Alternative would not include neighborhood retail or the proposed daycare in order to accommodate higher density residential uses on a smaller development footprint and due to the lack of proximity to East Covell Boulevard. Under the Alternative, the UATA would be reduced to a minimum and additional trees within the proposed urban forest north of Channel A would not be planted; Channel A would be completely avoided. Furthermore, the landscape buffer along East Covell Boulevard would be reduced in order to accommodate additional units and a sound wall. Similar to the proposed project, the Alternative would reserve land to accommodate a fire station facility adjacent to East Covell Boulevard.

- (a) Findings: Because the Same Number of Units – Smallest Footprint Alternative would result in the development of HDR and park uses on a reduced development footprint, Project Objectives #6, #7, #8, #10, and #11 would be met. Furthermore, because the Alternative would be developed at a higher density than the proposed project, the Same Number of Units – Smallest Footprint Alternative would result in a greater reduction in VMT; thus, the Alternative would satisfy Project Objective #6 to a greater extent than the proposed project. However, the Alternative would not satisfy Project Objectives #1, #2, #3, #4, #5, and #12 to the same extent as the proposed project,

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and the Alternative would not meet Project Objectives #9, #13, and #14. In addition, the Alternative would not avoid the majority of the Significant and Unavoidable impacts identified for the proposed project with the exception of the Significant and Unavoidable impacts related to VMT, which would not occur under the Alternative.

- (b) Explanation: The Same Number of Units – Smallest Footprint Alternative would result in the development of HDR and park uses on a reduced development footprint. As such, impacts related to hazards and hazardous materials, noise, population and housing, and utilities and service systems would remain similar under the Same Number of Units – Smallest Footprint Alternative as compared to the proposed project. Impacts related to agricultural resources, air quality, GHG emissions, and energy, biological resources, cultural and tribal cultural resources, geology and soils, hydrology and water quality, and transportation would be decreased under the Alternative. Impacts related to aesthetics would be increased under the Alternative as compared to the proposed project because of the inclusion of six-story residential buildings, resulting in greater impacts related to substantially degrading the existing visual character or quality of public views of the site and its surroundings. With respect to VMT, it is reasonably anticipated that the Same Number of Units – Smallest Footprint Alternative would sufficiently reduce residential VMT to below both the regional threshold and the City threshold. Therefore, the Alternative could result in a less-than-significant impact related to VMT (i.e., conflicting with CEQA Guidelines Section 15064.3, subdivision [b]), and Mitigation Measures 4.13-4 and 4.13-9 would not be required. However, even though the Alternative would result in a significant reduction in residential VMT per capita as compared to the proposed project, the Alternative could still result in GHG emissions that could exceed net carbon neutrality in the year 2040. Thus, while the impact would be reduced, the Alternative could still result in a significant and unavoidable impact related to the generation of GHG emissions. The other Significant and Unavoidable impacts that would occur under the proposed project would also occur under the Alternative, including the Significant and Unavoidable impacts related to aesthetics, agricultural resources, and other non-VMT transportation impacts. For example, the cumulatively considerable and significant and unavoidable impact identified for the proposed project related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, associated with cumulative development of the proposed project in combination with future buildout of the City of Davis would still occur, and implementation of Mitigation Measures 4.13-8(a) and 4.13-8(b) would still be required.

Because the significant and unavoidable VMT impact (project-level and cumulative) identified for the proposed project would not occur under the Alternative, the Same Number of Units – Smallest Footprint Alternative is considered to have fewer impacts related to transportation as compared to the proposed project. It is recognized, however, that this Alternative would have similar or greater transportation impacts for other non-VMT topics, as discussed above. In addition, impacts related to aesthetics would be increased in the Same Number of Units – Smallest Footprint Alternative, as the inclusion of six-story residential buildings would result in more severe significant

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and unavoidable impacts related to substantially degrading the existing visual character or quality of public views of the site and its surroundings.

Because the Same Number of Units – Smallest Footprint Alternative would include a reduced development footprint as compared to the proposed project, the Alternative would not include a community park with active ballfields, inclusive play areas, and an indoor gymnasium, the neighborhood retail component of the proposed project, or the urban forest due to the inability to retain as much land as open space. Therefore, the Alternative would not satisfy Project Objective #9 of providing a community park, Project Objective #13 of providing an eclectic neighborhood retail and entertainment area, nor Project Objective #14 of designing an environmentally sensitive and sustainable community that features an urban forest. For these reasons, the proposed project is deemed superior to the Same Number of Units – Smallest Footprint Alternative.

5. ALTERNATIVE 5: HIGHER NUMBER OF UNITS – SAME FOOTPRINT ALTERNATIVE:

The Higher Number of Units – Same Footprint Alternative is discussed on pages 7-38 through 7-45 of the Draft EIR. The Higher Number of Units – Same Footprint Alternative would include the development of 236 additional residences, for a total of 1,486 residential units, as well as the same non-residential uses included in the proposed project. The Alternative would result in a net residential density of approximately 15.5 dwelling units per acre (du/ac). The HDR parcel would be located closer to East Covell Boulevard to ensure all higher density apartments are closer to proposed transit stops, consistent with strategies to reduce VMT. To accommodate HDR closer to transit stops, the community park would be located in a central area of the project site. The variety in residential unit types would be reduced as compared to the proposed project, including fewer “missing middle” (residential medium density) units. Similar to the proposed project, the Alternative would reserve land to accommodate a fire station facility adjacent to East Covell Boulevard.

- (a) Findings: Because the Higher Number of Units – Same Footprint Alternative would generally consist of the development of the project site with similar types of uses as the proposed project, the Alternative would fully meet the majority of the project objectives. However, because the Higher Number of Units – Same Footprint Alternative would include the development of a greater number of residential units than the proposed project with a reduced number of LDR and MDR units, the Alternative would satisfy Project Objectives #1, #3, and #4 to a lesser extent than the proposed project. Project Objective #2 related to providing affordable housing would also be met to a lesser extent, because less affordable housing is required for HDR (condominium and apartment) units. Furthermore, the Alternative would not meet Objective #9, as the Alternative would not include a community park with active ballfields, inclusive play areas, and an indoor gymnasium. The park under the Alternative would be designed to be neighborhood serving. The Alternative would also not meet Objective #13, as the neighborhood retail component of the proposed project would not be viable under the Alternative due to the increased number of residential units and the relocation of

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the park to the center of the site. In addition, the Alternative would not avoid the Significant and Unavoidable impacts for the proposed project.

- (b) Explanation: The Higher Number of Units – Same Footprint Alternative would generally consist of the development of the project site with similar types of uses as the proposed project. As such, impacts related to agricultural resources, biological resources, cultural and tribal cultural resources, hazards and hazardous materials, hydrology and water quality, and noise would remain similar under the Higher Number of Units – Same Footprint Alternative as compared to the proposed project. Impacts related to air quality, GHG emissions, and energy and transportation would be decreased under the Higher Number of Units – Same Footprint Alternative. The reduction in impacts would occur as a result of the increased residential density of the Alternative project site. With respect to VMT, the Higher Number of Units – Same Footprint Alternative would be reasonably anticipated to reduce VMT per capita below the local threshold, but would not reduce residential VMT to below the regional threshold. In order to reduce VMT to below the regional threshold, it is anticipated that the Alternative would be required to include an additional 284 HDR units, for a total of 1,770 dwelling units. Therefore, while the Alternative would reduce residential VMT as compared to the proposed project, even with implementation of Mitigation Measures 4.13-4 and 4.13-9, the Higher Number of Units – Same Footprint Alternative would still result in a significant and unavoidable and cumulatively considerable and significant and unavoidable impact related to VMT (i.e., conflicting with CEQA Guidelines Section 15064.3, subdivision [b]).

Impacts related to aesthetics, geology and soils, population and housing, and utilities and service systems would be greater under the Higher Number of Units – Same Footprint Alternative as compared to the proposed project. The impacts related to aesthetics would increase in the Alternative because development of the Alternative site would include additional and more intensive residential buildings that could disrupt the existing panoramic open space/agricultural views available on the project site to a greater degree than the proposed project. Because the Alternative would include the development of 236 additional dwelling units and would house approximately 607 more residents than the proposed project, the Alternative could expose a greater amount of individuals to geologic hazards, would induce greater unplanned population growth, and would have an increased impact on the City's WWTP capacity. Therefore, impacts related to aesthetics, geology and soils, population and housing, and utilities and services systems would be greater, and the significant and unavoidable impacts related to aesthetics, population and housing, and utilities and service systems would still occur.

Because the Higher Number of Units – Same Footprint Alternative site would generally consist of the development of the project site with similar types of uses as the proposed project, the Alternative would fully meet the majority of the project objectives. However, as described above, because the Higher Number of Units – Same Footprint Alternative site would not include the development of a community park with active ballfields, inclusive play areas, and an indoor gymnasium, nor provide an eclectic neighborhood

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retail and entertainment area, the Alternative would not satisfy Project Objectives #9 or #13. For these reasons, the proposed project is deemed superior to the Higher Number of Units – Same Footprint Alternative.

F. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be designated and states, “If the environmentally superior alternative is the ‘no project’ alternative, the Draft EIR shall also identify an environmentally superior alternative among the other alternatives.” CEQA does not require the City to choose the environmentally superior alternative.

Designating a superior alternative depends in large part on what environmental effects one considers most important. The lead agency may consider certain issue areas as a higher priority than others. For the purposes of the Draft EIR, reduction of impacts related to VMT and GHG emissions are considered a high priority due to the potential consequences of climate change for the City of Davis. Generally, the environmentally superior alternative is the one that would result in the fewest environmental impacts as a result of project implementation. However, it should be noted that the environmental considerations are one portion of the factors that must be considered. Other factors of importance include urban design, economics, social factors, and fiscal considerations. In addition, the superior alternative would, ideally, still provide opportunities to achieve the proposed project objectives.

The environmentally superior alternative to the proposed project was discussed in Section 7.4 of Chapter 7, Alternatives Analysis, of the Draft EIR. All of the significant impacts identified for the proposed project would not occur or would be fewer under the No Project (No Build) Alternative. However, the No Project (No Build) Alternative would not meet any of the project objectives, and thus, an environmentally superior alternative among the other alternatives must be identified pursuant to CEQA.

Apart from the No Project (No Build) Alternative, the Same Number of Units – Smallest Footprint Alternative would generally meet the majority of the project objectives, but to a lesser extent as compared to the proposed project due to the exclusive development of HDR units. In addition, the Same Number of Units – Smallest Footprint Alternative would result in fewer impacts than the proposed project related to transportation; specifically, the significant and unavoidable VMT impact (project-level and cumulative) related to conflicting or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) would not occur under the Alternative due to the increased residential density. The Alternative would result in fewer impacts as compared to the proposed project related to agricultural resources, air quality, greenhouse gas emissions, and energy, biological resources, cultural and tribal cultural resources, geology and soils, hydrology and water quality, and transportation; similar impacts as the proposed project related to hazards and hazardous materials, noise, population and housing, and utilities and service systems; and greater impacts compared to the proposed project related aesthetics. It is noted that the significant and unavoidable impacts related to temporary construction noise, visual character, agricultural resources, population growth, transit facilities (cumulative), transportation hazards (cumulative), and wastewater treatment plant capacity identified for the proposed project would still occur under

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the Alternative. Overall, Same Number of Units – Smallest Footprint Alternative is the only alternative that eliminates the proposed project's significant and unavoidable VMT impacts and associated impacts related to criteria pollutants. Thus, Same Number of Units – Smallest Footprint Alternative is considered the environmentally superior alternative.

For these reasons, the proposed project is deemed superior to the Same Number of Units – Smallest Footprint Alternative. As noted above, CEQA does not require the City to choose the environmentally superior alternative.

X. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE WILLOWGROVE PROJECT FINDINGS

As discussed in the above Findings and in the EIR for the Willowgrove Project, the City's approval of the proposed project would result in the following significant and unavoidable environmental effects even with the adoption of all feasible mitigation measures:

- Impact 4.1-2 – aesthetics impacts related to substantially degrading the existing visual character or quality of public views of the site and its surroundings
- Impact 4.1-4 – cumulative impacts related to long-term changes in visual character
- Impact 4.2-1 – impacts related to the conversion of farmland to non-agricultural use
- Impact 4.2-4 – cumulative impacts involving loss of farmland to non-agricultural use
- Impact 4.3-2 – impacts related to conflicts with air quality plans during operations
- Impact 4.3-6 – cumulative impacts related to the increase of criteria pollutants
- Impact 4.3-8 – impacts related to the generation of GHG emissions
- Impact 4.10-1 – impacts related to the generation of a temporary increase in noise levels
- Impact 4.11-1 – impacts related to unplanned population growth
- Impact 4.11-2 – cumulative impacts related to unplanned population growth
- Impact 4.13-4 – transportation impacts related to VMT
- Impact 4.13-8 – cumulative impacts related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services
- Impact 4.13-9 – cumulative impacts related to VMT
- Impact 4.13-11 – cumulative impacts related to increasing hazards due to a geometric design feature or incompatible uses
- Impact 4.14-3 – impacts related to inadequate wastewater treatment capacity
- Impact 4.14-5 – cumulative impacts related to the increase in demand for utilities and service systems

When a proposed project results in significant and unavoidable adverse impacts, CEQA requires the decision-making body of the Lead Agency to weigh the benefit of the proposed project against such environmental impacts in determining whether or not to approve the proposed project (CEQA Guidelines Section 15043). In making this determination, the Lead Agency is guided by CEQA Guidelines Section 15093, which states:

“(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the Lead Agency approves a project that will result in the occurrence of significant effects, which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.”

In addition, Public Resources Code Section 21081(b) requires that when a public agency finds that economic, legal, social, technological, or other reasons make infeasible the mitigation measures or alternatives identified in the EIR and the project thereby continues to have significant unavoidable adverse impacts, the public agency must also find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh those significant unavoidable impacts of the Project.

Despite the occurrence of these effects, however, the City, in accordance with CEQA Guidelines Section 15093, chooses to approve the proposed project because, in the City’s view, the economic, social, environmental, and other benefits that the proposed project would produce render the significant effects acceptable. After careful consideration of the EIR and supporting administrative record, in the City’s judgment, the proposed project and its benefits outweigh its unavoidable impacts.

The following statement identifies the reasons why, in the City’s judgment, the benefits of the proposed project as approved outweigh its significant and unavoidable effects. Any one of these reasons is sufficient to justify approval of the proposed project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City would stand by its determination that each individual reason is sufficient.

Finding

The City Council finds and determines in approving the project that the EIR has considered the identified means of lessening or avoiding the project’s significant effects and that to the extent any significant direct or indirect environmental effect remains unavoidable or not mitigated to below a level of significance after mitigation, such impact is at an acceptable level in light of the social, legal, economic, environmental, technological, and other project benefits discussed below, and such benefits override, outweigh, and make “acceptable” the remaining environmental impacts of the project (CEQA Guidelines Section 15092(b)). The following benefits and considerations, taken together or individually, outweigh such significant and unavoidable adverse environmental impacts and will provide the following benefits to the City and surrounding community:

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

1. Exceeds affordable housing requirements in City Code and provides 250 deed-restricted affordable units.

The project offers 250 deed-restricted affordable units on a 10.1-acre parcel. Under City Code, the project would be required to provide 141 deed-restricted affordable units on this parcel and thus the project provides 177% of the affordable units required under City Code. These units will serve lower income levels consistent with City Code and directly support vulnerable populations who are increasingly priced out of Davis. Exceeding affordability requirements advances state housing mandates, supports Regional Housing Needs Allocation (RHNA) compliance, and reduces displacement pressures. The long-term covenant structure ensures enduring affordability, creating generational housing stability rather than temporary mitigation.

2. Advances inclusivity with housing opportunities for individuals with Intellectual and Developmental Disabilities (I/DD) and a 1-acre largest inclusive park in Davis.

Through partnership with Alta California Regional Center, at least 10 affordable units will serve individuals with intellectual and developmental disabilities. This is a rare and precedent-setting inclusion in new development and responds directly to a population that often lacks independent living opportunities within integrated communities. By embedding I/DD housing within a walkable neighborhood adjacent to transit, retail, recreation, and employment opportunities, the project promotes dignity, autonomy, and full community participation. This approach aligns with California's disability integration mandates and reflects Davis' long-standing commitment to equity and inclusion. The Community Park will also include a 1-acre inclusive park that will be three times larger than the existing universal inclusive park in the City. With the adjacent smaller format neighborhood retail, employment opportunities for adults with I/DD could create a true live-work model.

3. Expands the City's property tax base and retail tax revenue.

The project's housing will add an estimated \$1.24 billion to the property tax base and an additional \$2.7 million in property tax base for the neighborhood retail as projected in the Fiscal Impact Analysis based on the assessed valuation assumptions for the buildout assumed for the Fiscal Impact Analysis. In addition to property taxes, the City will receive additional revenue through voter-adopted bonds and impact fees and community facilities districts for the project. The project will also generate additional revenue for school districts and other special districts. Overall, the project will provide substantial new revenue for essential public services in the City, including schools, fire and police services, transportation and transit improvements, and more. With the addition of new housing, the project will significantly increase available retail spending potential that will directly benefit existing businesses and generate additional retail revenue for the City. The neighborhood retail component will also fill a gap for walkable neighborhood retail in the area and generate additional retail revenue for the City.

4. Increases school enrollment on an expedited schedule to assist in sustaining Davis Joint Unified School District (DJUSD) excellence and school sites.

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With the addition of new housing opportunities and community amenities designed to attract new families, including an extensive park programmed for youth sports and a daycare facility, the project will bring a significant number of new students to DJUSD. DJUSD has identified the need for additional housing to address its declining enrollment resulting from declining birth rates and housing unaffordability that has placed a serious strain on DJUSD enrollment. Without new students, DJUSD has indicated that the declining enrollment could lead to school closures, staffing cuts, and reduced programming. With these potential closures and reductions facing DJUSD now, the project's inclusion of a Tentative Subdivision Map before voter approval and annexation will expedite construction of new homes and could provide for new students for the 2028-2029 school year.

5. **Directs population growth in a location compatible with further residential development, including an existing undercrossing and proximity to schools and connectivity to Safe Routes to Schools, while preserving agricultural land in the Davis Planning Area.**

While the project requires annexation to the City, it is adjacent to the City boundary on its entire western and southern boundaries. An existing undercrossing already connects the project site to the City bike and pedestrian paths and the City-adopted Safe Routes to School. The project is within close proximity to existing schools and especially close to Harper Junior High, which would allow Harper Junior High to utilize the new proposed project gymnasium for tournaments. While the project would convert existing agricultural land, the project will preserve in perpetuity existing agricultural land within the Davis Planning Area at a 2:1 ratio through conservation easements.

6. **Provides attainable housing opportunities for young families and the “missing middle.”**

The project includes 288 units (23%) designed as attainable, attached condominiums and townhomes for the “missing middle” and young families. This product type supports teachers, healthcare workers, university employees, and early-career professionals who sustain the city's economic and institutional vitality. Retaining young families also supports DJUSD enrollment stability, protects school funding, and maintains demographic balance. These benefits directly strengthen the broader community's social and fiscal structure.

7. **Assists City in meeting its Regional Housing Needs Allocation (RHNA).**

The project provides 1,250 dwelling units in a balanced mix of low, medium, and high-density lots. This level of production represents one of the most substantial additions to Davis' housing stock in decades and meaningfully addresses chronic undersupply that has driven prices upward and forced workers and families into surrounding communities. With preparation of a Tentative Subdivision Map prior to voter approval and annexation, the project streamlines the timeline to construction and could provide new homes by the end of Spring 2028. As noted by the Governor and Legislature as recently as June 30, 2025, in the 2025–2026 state budget bill, California continues to face a housing emergency. The project addresses the continued housing crisis with the addition of 1,250 new residential units for a diverse range of income levels, including low

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

income individuals and young professionals and UC Davis graduates who may wish to continue living in Davis, staff and faculty of UC Davis and the DJUSD, and employees of new start-ups and industries in or encouraged to relocate to Davis with new housing opportunities.

8. Increases new programmed and passive park and recreational opportunities with lighted ballfields, an indoor gymnasium, and shaded community gathering areas.

The project's Community Park is proposed to include a new 9,500 square foot gymnasium with a full-size basketball court, a 1-acre inclusive park, two lighted softball fields, a multipurpose soccer/lacrosse field, six lighted pickleball courts, and two dog parks. The inclusive playground will accommodate children of all abilities, creating equitable recreational access citywide. The lighted fields and gymnasium allow league play, tournaments, youth programming, and indoor recreation, with an emphasis on supporting girls' sports, which is lacking in location space for practice and league play in Davis currently. The project exceeds its parkland dedication requirements under the City Code and will fund the Community Park and gymnasium, which provides an economic value that substantially exceeds the developer's obligations and provides citywide benefit.

The 9,500-square-foot gymnasium and community room facility significantly expands Davis' limited indoor recreation inventory. This facility expands year-round programming capacity, supports youth development, and provides gathering space for civic and community events. Its ability to operate flexibly without permanent on-site staffing enhances cost-effectiveness while maintaining broad public utility. This space enables basketball, futsal, enrichment programs, teen space, senior programming, adaptive recreation, and community meetings. It provides year-round, weather-protected programming capacity that strengthens youth engagement, reduces barriers to recreation, and supports civic gatherings. Its flexible design allows cost-effective operations while maximizing community access. The City can also utilize the indoor gymnasium as a resiliency hub during emergency events. These amenities reduce strain on existing facilities, provide regional tournament capacity, and create long-term public health and youth development benefits.

9. Includes a comprehensive publicly accessible trail network with connectivity to existing trails in the surrounding communities.

The Project would add over three miles of new public trails that would include linkages to adjacent off-site trail networks and open space areas that would expand and provide connections to existing trail facilities. The trail connectivity to the west and connection to the existing undercrossing will expand the City's active transportation routes consistent with the City's Climate Action and Adaptation Plan and City General Plan policies and goals. The project is also designed with a north-south greenbelt spine to encourage pedestrian use and enhance the pedestrian experience.

10. Provides new walkable neighborhood retail opportunities for surrounding communities with opportunities for I/DD employment.

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The project includes approximately 5,000 square feet of neighborhood-serving retail on a 1.5-acre parcel near the transit station. Envisioned as a café or modular neighborhood retail hub, this space provides walkable amenities for residents and park users that are currently lacking. By supporting small-scale commercial activity without creating large traffic-generating retail, the project strengthens local economic activity while preserving the vitality of existing commercial corridors.

11. Enhances climate adaptation and biological uplift with extensive open space and an urban forest.

More than 72 acres (30% of the project area) are devoted to green infrastructure, including parks, greenbelts, and urban agricultural transition areas. The addition of over 2,500 trees enhances carbon sequestration and reduces urban heat island effects. Furthermore, the urban forest improves air quality and expands biodiversity corridors. These environmental benefits extend beyond project boundaries and contribute to regional climate resilience, stormwater management improvements, and long-term public health gains. With the addition of 50-foot buffers north and south of Channel A and no development north of Channel A, the project allows for habitat restoration and expanded corridors for wildlife. The project will provide a biological uplift in the area with over 44 acres of open space to allow the return of habitat on land that has been actively farmed. The Urban Agriculture Transition Area (UATA) is also more than double the UATA required under City Code.

12. Advances City's Climate Action and Adaptation Plan (CAAP) and reduces regional Vehicle Miles Traveled (VMT).

The project's Sustainability Plan details commitments that advance all applicable policies in the City's CAAP, including the project's commitment to an all-electric community. As detailed in the CAAP, additional housing opportunities in the City provide opportunities for City employees currently living outside the City and commuting daily to relocate to the City and replace long commutes with active transportation and public transit, and shortened commutes. The project has also committed to utilizing local greenhouse gas carbon offsets and participating in a municipal utility if the City undertakes either or both citywide programs.

13. Expands City's active transportation and public transit funding and opportunities.

Extensive bike connectivity and a transit station support non-vehicular travel and the proximity to the affordable housing site promotes transportation independence for the IDD Community. The existing undercrossing at the southwest corner of the property will connect the community to the rest of Davis by foot, cycling, or scooter. The project also integrates a transit station, bike connectivity, and direct access to the existing undercrossing connecting to the broader Davis trail system. These benefits extend citywide by improving safety standards and reinforcing Davis' identity as a bicycle-first community. The project will also contribute a fair share toward traffic improvements that extend around the Mace Curve south of I-80. These traffic improvements benefit the entire corridor and are not required to serve the project alone or mitigate environmental impacts.

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14. Minimizes development in the flood zone and increases City resiliency during storm events with the addition of the Channel A basin.

The project will construct the Channel A Basin to the north of Channel A that will include the creation of 33 acre-feet of new storage during high-flow events. This additional flood storage is substantially greater than the 2.72 acre-feet of storage associated with the only 7.2 acres of the project area within a floodplain. The project has also been designed for the 100- and 200-year flood events.

The above findings are supported by the records of proceedings, including consideration of the project by the Social Services Commission, Open Space and Habitat Commission, Climate and Environmental Justice Commission, Recreation and Parks Commission, Transportation Commission, and Fiscal Commission and numerous documents and technical studies in the record, including:

- (a) the Development Agreement and accompanying exhibits that include a comprehensive set of public benefit commitments that enhance the long-term sustainability, livability, and fiscal health of the City of Davis; and
- (b) the October 20, 2025 Fiscal Impact Analysis prepared by BAE Urban Economics on behalf of the City and October 30, 2025 Memorandum prepared by Economic & Planning Systems, Inc. on behalf of the project applicant and provided to the City.

All of the foregoing recorded public Commission meetings and documents are included in the administrative record for the project, and the City Council finds them to be credible evidence supporting the above benefits of the project.

Conclusion: After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above, which outweigh the unavoidable, adverse impacts of the proposed project. The Davis City Council has considered information contained in the Draft EIR and Final EIR prepared for the proposed Willowgrove Project, as well as the public testimony and record of proceedings in which the proposed project was considered. Recognizing that significant and unavoidable impacts (See Section III) may result from implementation of the proposed project, the Council finds that the benefits of the proposed project and overriding considerations outweigh the adverse effects of the proposed project. Having included all feasible mitigation measures in the Mitigation Monitoring and Reporting Program, adopted in conjunction with these findings, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed project and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed project.

XI. CONCLUSION

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

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

1. All significant effects on the environment due to implementation of the proposed project have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed project which would mitigate or substantially lessen the impacts; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

XII. LIST OF ACRONYMS AND ABBREVIATIONS

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

A

AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ADWF	Average Dry-Weather Flow
AMM	Avoidance and Minimization Measure

B

BFE	Base Flood Elevation
BMP	Best Management Practice

C

CAAP	Climate Action and Adaption Plan
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CBTP	Community Based Travel Planning
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFGF	California Fish and Game Code
CIE	Competitive Integrated Employment
CIP	Capital Improvement Plan
City	City of Davis
CLOMR	Conditional Letter of Map Revision
CNDDDB	California Natural Diversity Database
CTCP	Construction-Traffic Control Plan
CVFPB	Central Valley Flood Protection Board
CWA	Clean Water Act

D

dB	Decibel
dBA	A-Weighted Decibel
DFD	Davis Fire Department
DiSC	Davis Innovation Sustainability Campus
DJUSD	Davis Joint Unified School District
du/ac	Dwelling Units per Acre

E

EIR	Environmental Impact Report
ESA	Environmental Site Assessment

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

F

FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
Findings	Findings of Fact

G

GHG	Greenhouse Gas
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H

HCP/NCCP	Habitat Conservation Plan/Natural Community Conservation Plan
HDR	Residential High Density
HOA	Homeowner's Association

I

I	Interstate
ITP	Incidental Take Permit
I-80	Interstate 80

L

LAFCo	Local Agency Formation Commission
LDR	Residential Low Density
LESA	Land Evaluation and Site Assessment
LID	Low Impact Development
LOMR	Letter of Map Revision
LSAA	Lake or Streambed Alteration Agreement
LTF	Local Transportation Fund

M

MBTA	Migratory Bird Treaty Act
MDR	Residential Medium Density
mgd	Million Gallons Per Day
MLD	Most Likely Descendent
MTCO ₂ e/yr	Metric tons of carbon dioxide equivalent

N

NAHC	Native American Heritage Commission
NOA	Notice of Availability
NOI	Notice of Intent
NOP	Notice of Preparation
NO _x	Nitrogen Oxide
NPDES	National Pollutant Discharge Elimination System

P

PERP	Portable Equipment Registration Program
PM ₁₀	Particulate Matter

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

PRC
Proposed project
PTO

Public Resources Code
Willowgrove Project
Permit to Operate

R

ROG
RWQCB

Reactive Organic Gases
Regional Water Quality Control Board

S

SACOG
SB
SCH
SLF
SMAQMD
SOI
SR
STA
STC
SWPPP
SWRCB

Sacramento Area Council of Governments
Senate Bill
State Clearinghouse
Sacred Lands File
Sacramento Metropolitan Air Quality Management District
Sphere of Influence
State Route
State Transit Assistance
Sound Transmission Class
Storm Water Pollution Prevention Plan
State Water Resources Control Board

T

TDM
TIS
TMC

Transportation Demand Management
Transportation Impact Study
Technical Memorandum of Compliance

U

UATA
UCMP
USACE
USFWS

Urban Agricultural Transition Area
University of California Museum of Paleontology
United States Army Corps of Engineers
United States Fish and Wildlife Service

V

VMT
VOC

Vehicle Miles Travelled
Volatile Organic Compound

W

WWTP

Wastewater Treatment Plant

Y

YCEHD
YSAQMD

Yolo-County Environmental Health Division
Yolo-Solano Air Quality Management District

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

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

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

4.2 COMPLIANCE CHECKLIST

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

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

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

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

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



effectively implementing the mitigation measures contained within the MMRP. The City of Davis will be responsible for monitoring compliance.

4.3 MITIGATION MONITORING AND REPORTING PROGRAM

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



MITIGATION MONITORING AND REPORTING PROGRAM Willowgrove Project					
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Aesthetics					
4.1-3	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	4.1-3 <i>In conjunction with submittal of final project improvement plans, the developer shall submit a lighting plan for the review and approval of the Chief Building Official and the Community Development Director of the City of Davis. The lighting plan shall address limiting light trespass and glare on the project site, including any lighting for fields and courts at the proposed community park, through the use of shielding and directional lighting methods, which may include, but is not limited to, fixture location and height. The lighting plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.</i>	City of Davis Chief Building Official City of Davis Community Development Director	In conjunction with submittal of final project improvement plans	
4.1-5	Creation of new sources of light or glare associated with development of the proposed project in combination with future buildout of the City of Davis.	4.1-5 <i>Implement Mitigation Measure 4.1-3.</i>	See Mitigation Measure 4.1-3	See Mitigation Measure 4.1-3	
4.2 Agricultural Resources					
4.2-1	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of	4.2-1 <i>Prior to initiation of grading activities for each phase of development, the project applicant shall set aside in perpetuity, active agricultural acreage in an amount consistent with the applicable agricultural mitigation requirements of the appropriate jurisdiction.</i>	City of Davis Community Development Department	Prior to initiation of grading activities for each phase of development	



MITIGATION MONITORING AND REPORTING PROGRAM Willowgrove Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
	the California Resources Agency, to non-agricultural use or agricultural land as defined in Davis Municipal Code Chapter 40A.	<i>The agricultural land shall be secured through the purchase of development rights and execution of an irreversible conservation or agricultural easement, consistent with Section 40A.03.025 of the Davis Municipal Code. The location and amount of active agricultural acreage shall be subject to review and approval by the City of Davis Community Development Department. The amount of agricultural acreage set aside shall account for farmland lost due to the conversion of the project site. Pursuant to Davis Municipal Code Section 40A.03.040, the agricultural mitigation land shall be comparable in soil quality with the agricultural land being changed to nonagricultural use. The easement land must conform with the policies and requirements of Yolo Local Agency Formation Commission (LAFCo), including a Land Evaluation and Site Assessment (LESA) score that is a maximum of 10 percent below that of the project site. The easement instrument used to satisfy this measure shall conform to the conservation easement template of the Yolo Habitat Conservancy or to another conservation easement template acceptable to the City of Davis.</i>			
4.2-4	Involve changes in the existing environment which, due to their location or nature, could cumulatively result in loss of Farmland to non-agricultural use.	4.2-4 <i>Implement Mitigation Measure 4.2-1.</i>	See Mitigation Measure 4.2-1	See Mitigation Measure 4.2-1	



MITIGATION MONITORING AND REPORTING PROGRAM Willowgrove Project					
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
4.3 Air Quality, Greenhouse Gas Emissions, and Energy					
4.3-2	Conflict with or obstruct implementation of the applicable air quality plan during project operation.	4.3-2 <i>Prior to the issuance of building permits, the project applicant shall ensure that only zero-VOC paints, finishes, adhesives, and cleaning supplies shall be used in the initial construction of all buildings on the project site.</i> <i>In addition, verification that only zero-VOC paints, finishes, adhesives, and cleaning supplies are used during operation of the affordable housing components of the proposed project shall be ensured in perpetuity by the project's proposed homeowner's association (HOA).</i> <i>For components of the proposed project not subject to an HOA, a zero-VOC paints, finishes, adhesives, and green cleaning products education program shall be made available to all residents and commercial tenants of the proposed project. The program shall include free educational materials such as brochures, pamphlets, checklists, etc., that provide information regarding the proper use of zero-VOC paints, finishes, adhesives, and green cleaning products.</i> <i>The aforementioned requirements shall be noted on the project improvement plans and the informational sheet filed with the final subdivision map(s), and shall be provided to the City of Davis Community Development Department for review and approval prior to</i>	City of Davis Community Development Department	Prior to the issuance of building permits Prior to the approval of improvement plans for each small lot tentative map	



MITIGATION MONITORING AND REPORTING PROGRAM Willowgrove Project					
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<i>approval of improvement plans for each small lot tentative map.</i>			
4.3-6	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	4.3-6 <i>Implement Mitigation Measure 4.3-2.</i>	See Mitigation Measure 4.3-2	See Mitigation Measure 4.3-2	
4.3-7	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during construction.	4.3-7(a) <i>Prior to approval of any improvement plans and/or grading plans, the project applicant shall provide proof of compliance with the following to the satisfaction of the City of Davis Community Development Department:</i> <i>The project applicant shall show on the plans via notation that the contractor shall ensure that all off-road vehicles 25 horsepower or more to be used in the construction of the proposed project, including owned, leased, and subcontractor vehicles, shall be fueled by renewable diesel.</i> <i>In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to five minutes or less in accordance</i>	City of Davis Community Development and Public Works Departments	Prior to approval of any improvement plans and/or grading plans	



MITIGATION MONITORING AND REPORTING PROGRAM Willowgrove Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<i>with the In-Use Off-Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site.</i> <i>Portable equipment over 50 horsepower must have either a valid YSAQMD Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.</i> <i>Proof of conformance with the foregoing requirements shall be submitted by the project contractor to the City of Davis Community Development and Public Works Departments for review and approval</i> <i>4.3-7(b) Prior to the initiation of construction of the proposed project, the project applicant shall demonstrate that construction-related GHG emissions would be reduced to 1,100 MTCO₂e/yr and shall submit proof to the City of Davis Community Development Department.</i> <i>Construction-related GHG emissions can be reduced through several options, including, but not limited to, the following:</i> <i>Modify the construction schedule to reduce the intensity of construction to lower emissions;</i>			
			City of Davis Community Development and Public Works Departments	Prior to the initiation of construction of the proposed project	



MITIGATION MONITORING AND REPORTING PROGRAM Willowgrove Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		• <i>Ensure that phases of development do not overlap;</i> • <i>Improve fuel efficiency from construction equipment by:</i> ○ <i>Minimizing idling time either by shutting equipment off when not in use or reducing the time of idling to no more than three minutes (five-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site; and</i> ○ <i>Using equipment with new technologies (repowered engines, electric drive trains).</i> • <i>Perform on-site emission reductions such as implementing on-site material hauling with trucks equipped with on-road engines (if determined to be less emissive than the off-road engines) or real, quantifiable, permanent, verifiable, and enforceable on-site emission reductions;</i> • <i>Use alternative fuels for generators at construction sites such as propane or solar, or use electrical power;</i>			



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		• Use a CARB-approved low carbon fuel for construction equipment; (NO_x emissions from the use of low carbon fuel must be reviewed and increases mitigated.) • Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes; • Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones; • Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75 percent by weight); • Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products utilized should be certified through a sustainable forestry program; • Minimize the amount of concrete for paved surfaces or utilize a low carbon concrete option; • Produce concrete on-site if determined to be less emissive than transporting ready mix;			



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		• Use SmartWay certified trucks for deliveries and equipment transport; and • Develop a plan to efficiently use water for adequate dust control. The project applicant may elect to implement any combination of the foregoing measures to reduce construction-related GHG emissions. All GHG emissions reductions must be quantified using CalEEMod and provided to the City of Davis Community Development and Public Works Department. Compliance with the aforementioned measures shall be ensured by the City of Davis Community Development and Public Works Department. If the quantified reduction measures do not reduce construction-related GHG emissions associated with the proposed project to below 1,100 MTCO₂e/yr, offsite carbon credits may be purchased to make up the difference. The purchase of off-site mitigation credits shall be negotiated with the City and YSAQMD at the time that credits are sought. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the end of the proposed project's construction period. Such credits shall be based on CARB-approved protocols that are			



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		<i>consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City of Davis and/or the YSAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by YSAQMD.</i>			
4.3-8	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during operation.	4.3-8 The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to building permit issuance for each phase of the proposed project, the project proponent shall indicate how to complete and implement the following steps: 1. Model operational GHG emissions using CalEEMod, or another method accepted for the purpose of modeling GHG emissions for the proposed project, taking into account applicable building standards and other regulatory requirements, as well as	City of Davis Department of Community Development	Prior to building permit issuance for each phase of the proposed project	



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		<i>building design, use of renewable energy, etc. The updated modeling shall take into account any updated project design measures incorporated in compliance with this mitigation measure or as proposed in future project design details</i> 2. <i>Based on the construction and operational schedules proposed at the time of building permitting, the modeled emissions shall be compared to the maximum permitted emissions for the first year of occupancy, based on the applicable Table below:</i> <table><tr><th colspan="3">Proposed Project</th></tr><tr><th>Year</th><th>Maximum Permitted Net Project Emissions (MTCO_{2e})</th><th>Emissions Reductions Achieved (MTCO_{2e})</th></tr><tr><td>2035</td><td>10,201.00</td><td>0.00</td></tr><tr><td>2036</td><td>8,160.80</td><td>2,040.20</td></tr><tr><td>2037</td><td>6,120.60</td><td>4,080.40</td></tr><tr><td>2038</td><td>4,080.40</td><td>6,120.60</td></tr><tr><td>2039</td><td>2,040.20</td><td>8,160.80</td></tr><tr><td>2040</td><td>0.00</td><td>10,201.00</td></tr><tr><td colspan="2">Total Emissions Reductions</td><td>30,603.00</td></tr></table> 3. <i>Should net operational emissions be shown to exceed the maximum emissions levels presented in the</i>	Proposed Project			Year	Maximum Permitted Net Project Emissions (MTCO _{2e})	Emissions Reductions Achieved (MTCO _{2e})	2035	10,201.00	0.00	2036	8,160.80	2,040.20	2037	6,120.60	4,080.40	2038	4,080.40	6,120.60	2039	2,040.20	8,160.80	2040	0.00	10,201.00	Total Emissions Reductions		30,603.00			
Proposed Project																																
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		<i>applicable table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:</i> <i>• Use of energy-star appliances in all or part of the project;</i> <i>• Installation of on-site photovoltaic systems in excess of the City's or State standards in place at the time of this environmental analysis;</i> <i>• Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);</i> <i>• Implement Transportation Demand Management strategies, such as CAPCOA Handbook Strategy T-16 and T-20-A, in accordance with Mitigation Measure 4.13-4 of this EIR;</i> <i>• Provide electric vehicle charging infrastructure in excess of existing Tier 1 CBSC requirements; and/or</i>			



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		Purchase carbon credits to offset project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code Section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the year 2040. Such credits shall be based on CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the CCR, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City of			



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		<i>Davis and/or the YSAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by YSAQMD.</i> 4. <i>The emissions reductions resulting from implementation of the above measures shall be calculated, using methods acceptable to the City.</i> 5. <i>Proof of compliance with the maximum annual net emissions targets and the steps above shall be verified through the submittal of a Technical Memorandum of Compliance (TMC) to the City of Davis Department of Community Development. The TMC shall document the following minimum items: modeling (step 1); comparison of modeled emissions to maximum emissions levels identified in Mitigation Measure 4.3-8 (step 2); chosen feasible actions to achieve required reductions (step 3); and</i>			



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		<i>measurable GHG reduction value of each action (step 4). TMCs prepared in compliance with the foregoing steps may cover individual operational years or multiple operational years. Should a TMC be prepared for multiple operational years, the TMC shall demonstrate compliance with the maximum emissions levels for each year included in the TMC.</i> 6. <i>Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development. The City upon review and acceptance of implementation, shall issue the certificate of occupancy.</i>			
4.4 Biological Resources					
4.4-2	Have a substantial adverse effect, either directly or through habitat modifications, on Crotch's bumble bee.	4.4-2 <i>The provisions contained herein only apply if Crotch's bumble bee remains a candidate species or is listed under CESA at the commencement of construction. Following CDFW's status report on Crotch's bumble bee, if the California Fish and Game Commission finds that the petitioned action is not warranted, the provisions contained herein shall not be required.</i> <i>If feasible, initial ground-disturbing activities associated with the proposed project (e.g., grading, vegetation removal, staging) shall take place between September 1 and March 31 (i.e., outside the colony active period) to avoid potential impacts on special-status</i>	City of Davis Community Development Department and Public Works Utilities and Operations Department California Department of Fish and Wildlife (CDFW), if special-status bees are	If Crotch's bumble bee remains a candidate species or is listed under CESA Within 14 days prior to the commencement of construction if initial ground-disturbing activities are not all completed between September 1 and March 31	



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		<i>bumble bees. If completing all initial ground-disturbing activities between September 1 and March 31 is not feasible, then at a maximum of 14 days prior to the commencement of construction activities, a qualified biologist with 10 or more years of experience conducting biological resource surveys within California or previously approved by CDFW, and familiar with Crotch's bumble bee life history, shall conduct a preconstruction survey for special-status bumble bees in the area(s) proposed for impact.</i> <i>The survey shall occur during the period from one hour after sunrise to two hours before sunset, with temperatures between 65 degrees Fahrenheit and 90 degrees Fahrenheit, with low wind and zero rain. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying biologist shall select the most appropriate days based on the National Weather Service seven-day forecast and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the extent of suitable floral resources (which represent foraging habitat) present within the area proposed for impact, and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral resources/foraging habitat. A meandering pedestrian survey shall be conducted</i>	located, and after coordination with CDFW take of special-status bumble bees cannot be avoided		



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		<i>throughout the area proposed for impact in order to identify patches of suitable floral resources. Suitable floral resources for Crotch's bumble bee include species in the following families: Apocynaceae, Asteraceae, Boraginaceae, Fabaceae, and Lamiaceae. Suitable floral resources for western bumble bee include species in the following families: Asteraceae, Fabaceae, Rhamnaceae, and Rosaceae, as well as plants in the genera Eriogonum and Penstemon.</i> <i>At a minimum, preconstruction survey methods shall include the following:</i> <i>• Search areas with floral resources for foraging bumble bees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging bumble bees are present;</i> <i>• If special-status bumble bees are observed, watch any special-status bumble bees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest;</i> <i>• Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat;</i> <i>• If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be</i>			



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		<i>removed via hand removal, line trimming, or mowing to a height of a minimum of four inches to assist with locating the nest;</i> <i>Look for concentrated special-status bumble bee activity;</i> <i>Listen for the humming of a nest colony; and</i> <i>If bumble bees are observed, attempt to photograph the individual and identify it to species.</i> <i>The biologist conducting the survey shall record when the survey was conducted, a general description of any suitable foraging habitat/floral resources present, a description of observed bumble bee activity, a list of bumble bee species observed, a description of any vegetation removed to facilitate the survey, and their determination of if survey observations suggest a special-status bumble bee nest(s) may be present or if construction activities could result in take of special-status bumble bees. The report shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department prior to the commencement of construction activities.</i> <i>If bumble bees are not located during the preconstruction survey or the bumble bees located are definitively identified as a common species (i.e., not special-status species), then</i>			



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		<i>further mitigation or coordination with the CDFW is not required.</i> <i>If any sign(s) of a bumble bee nest is observed, and if the species present cannot be established as a common bumble bee, then construction shall not commence until either (1) the bumble bees present are positively identified as common (i.e., not a special-status species), or (2) the completion of coordination with CDFW to identify appropriate mitigation measures, which may include, but not be limited to, waiting until the colony active season ends, establishment of nest buffers, or obtaining an Incidental Take Permit (ITP) from CDFW.</i> <i>If special-status bees are located, and after coordination with CDFW take of special-status bumble bees cannot be avoided, the project proponent shall obtain an ITP from CDFW, and the project proponent shall implement all conditions identified in the ITP. Mitigation required by the ITP may include, but not be limited to, the project proponent translocating nesting substrate in accordance with the latest scientific research to another suitable location (i.e., a location that supports similar or better floral resources as the impact area), enhancing floral resources on areas of the project site that will remain appropriate habitat, worker awareness training, and/or other measures specified by CDFW.</i>			



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4.4-3	Have a substantial adverse effect, either directly or through habitat modifications, on monarch butterfly.	4.4-3 <i>The provisions contained herein only apply if monarch butterfly remains proposed for listing under FESA at the commencement of construction.</i> <i>Any construction activities within 25 feet of milkweed should occur outside of the summer breeding season (from approximately November 1 through March 15 [USFWS 2021]). If construction activities will occur during the breeding season and directly or indirectly impact milkweed during the summer breeding for Monarch butterflies (approximately March 16 through October 31), pre-construction surveys shall be conducted by a qualified biologist within one week before the onset of construction. If no Monarch butterfly life stage is identified in or immediately adjacent to the Study Area (within 25 feet), no further surveys or actions would be required.</i> <i>A report summarizing the results of the survey shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department.</i> <i>If eggs, caterpillars, or pupae are found, the plants shall be avoided with a 25-foot buffer until metamorphosis is completed and adult butterflies emerge and leave the host plant. Orange construction fencing, flagging, or a similar visible barrier must be used if</i>	City of Davis Community Development Department and Public Works Utilities and Operations Department	If monarch butterfly remains proposed for listing under FESA, within one week before the onset of construction if construction activities will occur during the breeding season and directly or indirectly impact milkweed during the summer breeding for Monarch butterflies (approximately March 16 through October 31)	



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		<i>construction is occurring on-site to demarcate the avoidance area. A biologist shall conduct periodic inspections of the occupied Monarch habitat to determine its life-stage. Monarch butterflies typically take around 30 days to complete their lifecycle from egg to newly hatched adult.</i>			
4.4-4	Have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle.	4.4-4 <i>Yolo HCP/NCCP AMM14: There are no specific design requirements for western pond turtle habitat, however, project proponents must follow design requirements for the valley foothill riparian and lacustrine and riverine natural communities described in AMMs 9 and 10, which require a 100-foot (minimum) permanent buffer zone from the canopy drip-line (the farthest edge on the ground where water will drip from the tree canopy, based on the outer boundary of the tree canopy). If modeled upland habitat will be impacted, a qualified biologist must be present and will assess the likelihood of western pond turtle nests occurring in the disturbance area (based on sun exposure, soil conditions, and other species habitat requirements). If a qualified biologist determines that there is a moderate to high likelihood of western pond turtle nests within the disturbance area, the qualified biologist will monitor all initial ground disturbing activity for nests that may be unearthed during the disturbance, and will move out of harm's way any turtles or hatchlings found.</i>	City of Davis Community Development Department Yolo Habitat Conservancy	Prior to the commencement of construction If modeled upland habitat will be impacted	



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4.4-5	Have a substantial adverse effect, either directly or through habitat modifications, on giant garter snake.	4.4-5: <i>Yolo HCP/NCCP AMM15: The project proponent will avoid effects on areas where planning-level surveys indicate the presence of suitable habitat for giant garter snake. To avoid effects on giant garter snake aquatic habitat, the project proponent will conduct no in-water/in-channel activity and maintain a permanent 200-foot non-disturbance buffer from the outer edge of potentially occupied aquatic habitat. If the project proponent cannot avoid effects of construction activities, the project proponent will implement the measures below to minimize effects of construction projects (measures for maintenance activities are described after the following bulleted list).</i> • <i>Conduct preconstruction clearance surveys using USFWS-approved methods within 24 hours prior to construction activities within identified giant garter snake aquatic and adjacent upland habitat. If construction activities stop for a period of two weeks or more, conduct another preconstruction clearance survey within 24 hours prior to resuming construction activity.</i> • <i>Restrict all construction activity involving disturbance of giant garter snake habitat to the snake's active season, May 1 through October 1. During this period, the potential for direct mortality is reduced because</i>	City of Davis Community Development Department Yolo Habitat Conservancy U.S. Fish and Wildlife Service (USFWS), if the project proponent cannot avoid effects of construction activities CDFW, if the project proponent cannot avoid effects of construction activities	Prior to the commencement of construction If the project proponent cannot avoid effects of construction activities within 200 feet from the outer edge of potentially occupied aquatic habitat or in-water/in-channel activity	



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		<i>snakes are expected to move and avoid danger.</i> <i>In areas where construction is to take place, encourage giant garter snakes to leave the site on their own by dewatering all irrigation ditches, canals, or other aquatic habitat (i.e., removing giant garter snake aquatic habitat) between April 15 and September 30. Dewatered habitat must remain dry, with no water puddles remaining, for at least 15 consecutive days prior to excavating or filling of the habitat. If a site cannot be completely dewatered, netting and salvage of giant garter snake prey items may be necessary to discourage use by snakes.</i> <i>Provide environmental awareness training for construction personnel, as approved by the Conservancy. Training may consist of showing a video prepared by a qualified biologist, or an in-person presentation by a qualified biologist. In addition to the video or in-person presentation, training may be supplemented with the distribution of approved brochures and other materials that describe resources protected under the Yolo HCP/NCCP and methods for avoiding effects.</i> <i>A qualified biologist will prepare a giant garter snake relocation plan</i>			



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		<i>which must be approved by the Conservancy prior to work in giant garter snake habitat. The qualified biologist will base the relocation plan on criteria provided by CDFW or USFWS, through the Conservancy.</i> • <i>If a live giant garter snake is encountered during construction activities, immediately notify the project's biological monitor and USFWS and CDFW. The monitor will stop construction in the vicinity of the snake, monitor the snake, and allow the snake to leave on its own. The monitor will remain in the area for the remainder of the work day to ensure the snake is not harmed or, if it leaves the site, does not return. If the giant garter snake does not leave on its own, the qualified biologist will relocate the snake consistent with the relocation plan described above.</i> • <i>Employ the following management practices to minimize disturbances to habitat:</i> ○ <i>Install temporary fencing to identify and protect adjacent marshes, wetlands, and ditches from encroachment from construction equipment and personnel.</i> ○ <i>Maintain water quality and limit construction runoff into</i>			



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		wetland areas through the use of hay bales, filter fences, vegetative buffer strips, or other accepted practices. No plastic, monofilament, jute, or similar erosion-control matting that could entangle snakes or other wildlife will be permitted. Ongoing maintenance covered activities by local water and flood control agencies typically involve removal of vegetation, debris, and sediment from water conveyance canals as well as resloping, rocking, and stabilizing the canals that serve agricultural water users. Maintenance of these conveyance facilities can typically occur only from mid-January through April when conveyance canals and ditches are not in service by the agency, although some drainages are used for storm conveyance during the winter and are wet all year. This timing is during the giant garter snake's inactive period. This is when snakes may be using underground burrows and are most vulnerable to take because they are unable to move out of harm's way. Maintenance activities, therefore, will be limited to the giant garter snake's active season (May 1 to October 1) when possible. All personnel involved in maintenance activities within giant garter snake habitat will first participate in environmental awareness training for giant garter snake, as described			



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		<i>above for construction-related activities. To minimize the take of giant garter snake, the local water or flood control agency will limit maintenance of conveyance structures located within modeled giant garter snake habitat (Appendix A, Covered Species Accounts) to clearing one side along at least 80 percent of the linear distance of canals and ditches during each maintenance year (e.g., the left bank of a canal is maintained in the first year and the right bank in the second year). To avoid collapses when resloping canal and ditch banks composed of heavy clay soils, clearing will be limited to one side of the channel during each maintenance year.</i> <i>For channel maintenance activities conducted within modeled habitat for giant garter snake, the project proponent will place removed material in existing dredged sites along channels where prior maintenance dredge disposal has occurred. For portions of channels that do not have previously used spoil disposal sites and where surveys have been conducted to confirm that giant garter snakes are not present, removed materials may be placed along channels in areas that are not occupied by giant garter snake and where materials will not re-enter the canal because of stormwater runoff.</i> <i>Modifications to this AMM may be made with the approval of the Conservancy, USFWS, and CDFW.</i>			



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4.4-6	Have a substantial adverse effect, either directly or through habitat modifications, on tricolored blackbird.	4.4-6 <i>Yolo HCP/NCCP AMM21: The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008).</i> <i>Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures.</i> <i>If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to</i>	City of Davis Community Development Department Yolo Habitat Conservancy USFWS, if an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area CDFW, if an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area	Prior to the commencement of construction	



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		<i>avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.</i>			
4.4-7	Have a substantial adverse effect, either directly or through habitat modifications, on burrowing owl.	4.4-7 <i>The project applicant shall comply with Yolo HCP/NCCP AMM18. However, should the Yolo HCP/NCCP be modified with respect to burrowing owl coverage in the future given the recent change in the species' status, the project applicant shall comply with the Yolo HCP/NCCP provisions pertaining to burrowing owl as they exist at the time of permit issuance.</i> <i>Yolo HCP/NCCP AMM18: The project proponent will retain a qualified biologist to conduct planning-level surveys and identify western burrowing owl habitat (as defined in Appendix A, Covered Species Accounts) within or adjacent to (i.e., within 500 feet of) a covered activity. If habitat for the species is present, additional surveys for the species by a qualified biologist are required, consistent with CDFW guidelines (Appendix L).</i>	City of Davis Community Development Department Yolo Habitat Conservancy USFWS, if evidence of western burrowing owl is detected CDFW, if evidence of western burrowing owl is detected, and if the Yolo Habitat Conservancy	Prior to the commencement of construction	



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		<i>If burrowing owls are identified during the planning-level survey, the project proponent will minimize activities that will affect occupied habitat as follows. Occupied habitat is considered fully avoided if the project footprint does not impinge on a nondisturbance buffer around the suitable burrow. For occupied burrowing owl nest burrows, this nondisturbance buffer could range from 150 to 1,500 feet (Table 4-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls [incorporated as Table 4.4-5 of this chapter]), depending on the time of year and the level of disturbance, based on current guidelines (California Department of Fish and Game 2012). The Yolo HCP/NCCP generally defines low, medium, and high levels of disturbances of burrowing owls as follows.</i> <i><u>Low:</u> Typically 71-80 dB, generally characterized by the presence of passenger vehicles, small gas-powered engines (e.g., lawn mowers, small chain saws, portable generators), and high-tension power lines. Includes electric hand tools (except circular saws, impact wrenches and similar). Management and enhancement activities would typically fall under this category. Human activity in the immediate vicinity of burrowing owls would also</i>	determines that passive relocation is necessary		



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		constitute a low level of disturbance, regardless of the noise levels. • <u>Moderate</u>: Typically 81-90 dB, and would include medium- and large-sized construction equipment, such as backhoes, front end loaders, large pumps and generators, road graders, dozers, dump trucks, drill rigs, and other moderate to large diesel engines. Also includes power saws, large chainsaws, pneumatic drills and impact wrenches, and large gasoline-powered tools. Construction activities would normally fall under this category. • <u>High</u>: Typically 91-100 dB, and is generally characterized by impacting devices, jackhammers, compression ("jake") brakes on large trucks, and trains. This category includes both vibratory and impact pile drivers (smaller steel or wood piles) such as used to install piles and guard rails, and large pneumatic tools such as chipping machines. It may also include large diesel and gasoline engines, especially if in concert with other impacting devices. Felling of large trees (defined as dominant or subdominant trees in mature forests), truck horns, yarding tower whistles, and muffled or underground explosives are also included. Very few covered activities are expected to fall			



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		<i>under this category, but some construction activities may result in this level of disturbance.</i> <table><tr><th colspan="4">Table 4.4-7 Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls</th></tr><tr><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance (feet) from Occupied Burrows</th></tr><tr><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>April 1- August 15</td><td>600</td><td>1,500</td><td>1,500</td></tr><tr><td>August 16- October 15</td><td>600</td><td>600</td><td>1,500</td></tr><tr><td>October 16- March 31</td><td>150</td><td>300</td><td>1,500</td></tr><tr><td colspan="4">Source: Yolo Habitat Conservancy. Yolo County Habitat Conservation Plan/Natural Community Conservation Plan [Table 4-2]. April 2018.</td></tr></table> <i>The project proponent may qualify for a reduced buffer size, based on existing vegetation, human development, and land use, if agreed upon by CDFW and USFWS (California Department of Fish and Game 2012).</i> <i>If the project does not fully avoid direct and indirect effects on nesting sites (i.e., if the project cannot adhere to the buffers described above), the project proponent will retain a</i>	Table 4.4-7 Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls				Time of Year	Level of Disturbance (feet) from Occupied Burrows			Low	Medium	High	April 1- August 15	600	1,500	1,500	August 16- October 15	600	600	1,500	October 16- March 31	150	300	1,500	Source: Yolo Habitat Conservancy. Yolo County Habitat Conservation Plan/Natural Community Conservation Plan [Table 4-2]. April 2018.						
Table 4.4-7 Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls																																
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April 1- August 15	600	1,500	1,500																													
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		<i>qualified biologist to conduct preconstruction surveys and document the presence or absence of western burrowing owls that could be affected by the covered activity. Prior to any ground disturbance related to covered activities, the qualified biologist will conduct the preconstruction surveys within three days prior to ground disturbance in areas identified in the planning-level surveys as having suitable burrowing owl burrows, consistent with CDFW preconstruction survey guidelines (Appendix L, Take Avoidance Surveys). The qualified biologist will conduct the preconstruction surveys three days prior to ground disturbance. Time lapses between ground disturbing activities will trigger subsequent surveys prior to ground disturbance.</i> <i>If the biologist finds the site to be occupied by western burrowing owls during the breeding season (February 1 to August 31), the project proponent will avoid all nest sites, based on the buffer distances described above, during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups that forage on or near the site following fledging). Occupancy of burrowing owl habitat during preconstruction surveys is confirmed at a site when at least one burrowing owl or sign (fresh whitewash, fresh pellets, feathers, or nest ornamentation) is observed at or near a burrow entrance. Construction may occur</i>			



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		<i>inside of the disturbance buffer during the breeding season if the nest is not disturbed and the project proponent develops an AMM plan that is approved by the Conservancy, CDFW, and USFWS prior to project construction, based on the following criteria:</i> <i>• The Conservancy, CDFW, and USFWS approves the AMM plan provided by the project proponent.</i> <i>• A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).</i> <i>• The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.</i> <i>• If the qualified biologist identifies a change in owl nesting and foraging behavior as a result of construction activities, the qualified biologist will have the authority to stop all construction related activities within the non-disturbance buffers described above. The qualified biologist will report this information to the Conservancy, CDFW, and USFWS within 24 hours, and the Conservancy will require that these activities immediately cease within the non-disturbance buffer. Construction</i>			



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		<i>cannot resume within the buffer until the adults and juveniles from the occupied burrows have moved out of the project site, and the Conservancy, CDFW, and USFWS agree.</i> <i>If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the project proponent may remove the nondisturbance buffer, only with concurrence from CDFW and USFWS. If the burrow cannot be avoided by construction activity, the biologist will excavate and collapse the burrow in accordance with CDFW's 2012 guidelines to prevent reoccupation after receiving approval from the wildlife agencies.</i> <i>If evidence of western burrowing owl is detected outside the breeding season (December 1 to January 31), the project proponent will establish a non-disturbance buffer around occupied burrows, consistent with Table 4-2 (incorporated as Table 4.4-5 of this chapter), as determined by a qualified biologist. Construction activities within the disturbance buffer are allowed if the following criteria are met to prevent owls from abandoning important overwintering sites:</i> <i>A qualified biologist monitors the owls for at least three days prior to construction to determine baseline</i>			



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		foraging behavior (i.e., behavior without construction). • The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities. • If there is any change in owl roosting and foraging behavior as a result of construction activities, these activities will cease within the buffer. • If the owls are gone for at least one week, the project proponent may request approval from the Conservancy, CDFW, and USFWS for a qualified biologist to excavate and collapse usable burrows to prevent owls from reoccupying the site if the burrow cannot be avoided by construction activities. The qualified biologist will install one-way doors for a 48-hour period prior to collapsing any potentially occupied burrows. After all usable burrows are excavated, the buffer will be removed and construction may continue. Monitoring must continue as described above for the nonbreeding season as long as the burrow remains active. A qualified biologist will monitor the site, consistent with the requirements described above, to ensure that buffers are enforced and owls are not disturbed. Passive relocation			



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		<i>(i.e., exclusion) of owls has been used in the past in the Plan Area to remove and exclude owls from active burrows during the nonbreeding season (Trulio 1995). Exclusion and burrow closure will not be conducted during the breeding season for any occupied burrow. If the Conservancy determines that passive relocation is necessary, the project proponent will develop a burrowing owl exclusion plan in consultation with CDFW biologists. The methods will be designed as described in the species monitoring guidelines (California Department of Fish and Game 2012) and consistent with the most up-to-date checklist of passive relocation techniques. This may include the installation of one-way doors in burrow entrances by a qualified biologist during the nonbreeding season. These doors will be in place for 48 hours and monitored twice daily to ensure that the owls have left the burrow, after which time the biologist will collapse the burrow to prevent reoccupation. Burrows will be excavated using hand tools. During excavation, an escape route will be maintained at all times. This may include inserting an artificial structure, such as piping, into the burrow to prevent collapsing until the entire burrow can be excavated and it can be determined that no owls are trapped inside the burrow. The Conservancy may allow other methods of passive or active relocation, based on best available science, if approved by the wildlife agencies. Artificial burrows will be constructed prior to exclusion</i>			



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		<i>and will be created less than 300 feet from the existing burrows on lands that are protected as part of the reserve system.</i>			
4.4-8	Have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk or white-tailed kite.	4.4-8 <u>Yolo HCP/NCCP AMM16:</u> The project proponent will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. <i>If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000), between March 15 and August 30, within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the Conservancy and CDFW. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take</i>	City of Davis Community Development Department Yolo Habitat Conservancy CDFW, if construction cannot avoid potential nest trees, and if project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season USFWS, if project related activities within the temporary nest disturbance buffer are	Prior to the commencement of construction	



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		<i>of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks.</i> <i>For covered activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.</i>	determined to be necessary during the nesting season		



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4.4-9	Have a substantial adverse effect, either directly or through habitat modifications, on northern harrier, other nesting birds, and other raptors protected under the MBTA and CFGC.	4.4-9 <i>If construction activities take place during the typical bird breeding/nesting season (February 15 through August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist throughout the project site and all accessible areas within a 500-foot radius of proposed construction areas, at most, 14 days prior to the commencement of construction. If a break in construction activity of more than 14 days occurs, then subsequent surveys shall be conducted. A report summarizing the survey(s) shall be provided to the City of Davis Community Development Department and Public Works Utilities and Operations Department within 30 days of the completed survey and is valid for one construction season. If nests are not found, further mitigation is not required.</i> <i>If active raptor nests are found, construction activities shall not take place within 500 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot non-disturbance buffer shall be established. The non-disturbance buffers may be reduced if a smaller, sufficiently protective buffer is approved by the City after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, and nest concealment (i.e., whether visual or acoustic barriers occur between the proposed</i>	City of Davis Community Development Department and Public Works Utilities and Operations Department	If construction activities take place during the typical bird breeding/nesting season (February 15 through August 31), within 14 days prior to the commencement of construction	



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		<i>activity and the nest). A qualified biologist may visit the nest, as needed, to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season.</i> <i>If the nest buffer is reduced but construction activities cause a nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest in a way that would be considered a result of construction activities, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop the agitated behavior. The revised non-disturbance buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the City.</i> <i>Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the biologist has been conducted and a report has been prepared indicating that the nest (or nests) are not active any longer, and that new nests have not been identified.</i>			
4.4-10	Have a substantial adverse effect on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, regulations or	4.4-10(a) <u>Yolo HCP/NCCP AMM9</u>: <i>The buffers for each sensitive natural community are as follows:</i> <i>Alkali prairie and vernal pools: The area necessary to provide the hydrologic conditions needed to support the wetlands within these</i>	City of Davis Community Development Department Yolo Habitat Conservancy	Prior to the commencement of construction	



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	by the CDFW or USFWS.	<i>natural communities (250 feet). Covered activities will avoid vernal pools or alkali seasonal wetlands by 250 feet, or other distance based on site specific topography to avoid indirect hydrologic effects. A buffer of less than 250 feet around vernal pools or alkali seasonal wetlands will be subject to wildlife agency concurrence that effects will be avoided. Considerations that may warrant a buffer of less than 250 feet may include topography (i.e., if the surrounding microwatershed extends less than 250 feet from the pool or wetland), intervening hydrologic barriers such as roads or canals, or other factors indicating that the proposed disturbance area does not contribute to the pool's hydrology. Other considerations may include temporary disturbance during the dry season where measures are implemented to avoid disturbance of the underlying claypan or hardpan, and the area is returned to pre-project conditions prior to the following rainy season.</i> <i>Valley foothill riparian: One hundred feet from canopy drip-line. If avoidance is infeasible, a lesser buffer or encroachment into the sensitive natural community may be allowed if approved by the Conservancy and the</i>			



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		wildlife agencies, based on the criteria listed in AMM1. Transportation or utility crossings may encroach into this sensitive natural community provided effects are minimized and all other applicable AMMs are followed. - Lacustrine and riverine: Outside urban planning units, 100 feet from the top of banks. Within urban planning units, 25 feet from the top of the banks. - Fresh emergent wetland: Fifty feet from the edge of the natural community. 4.4-10(b) Prior to the commencement of ground-disturbing activities within 100 feet of Valley Foothill Riparian habitat, the project proponent shall apply for a Section 1600 Lake or Streambed Alteration Agreement (LSAA) from CDFW. The information provided shall include a description of all the activities associated with the proposed project, not just those closely associated with the drainages and/or riparian vegetation. Impacts for each activity shall be broken down by temporary and permanent impacts, as appropriate, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Information regarding project-specific drainage and hydrology changes resulting from project implementation shall be	City of Davis Community Development Department and Public Works Utilities and Operations Department CDFW	Prior to the commencement of ground-disturbing activities within 100 feet of Valley Foothill Riparian habitat	



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		<i>provided, as well as a description of stormwater treatment methods.</i> <i>Minimization and avoidance measures shall be proposed, as appropriate, and may include preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific stormwater best management practices (BMPs).</i> <i>Mitigation for impacts to riparian vegetation, if determined necessary by CDFW, may include restoration or enhancement of resources on- or off-site, purchase of off-site habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to CDFW. Mitigation shall result in no net loss of riparian vegetation. Written verification of the Section 1600 LSAA shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.</i>			
4.4-11	Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal,	<i>4.4-11(a) Implement Mitigation Measure 4.4-10(a).</i> <i>4.4-11(b) <u>Yolo HCP/NCCP AMM10</u>: Project proponents will comply with stormwater management plans that regulate development as part of</i>	See Mitigation Measure 4.4-10(a) City of Davis Public Works Utilities and	See Mitigation Measure 4.4-10(a) Prior to the commencement of construction	



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	filling, hydrological interruption, or other means.	<i>compliance with regulations under National Pollutant Discharge Elimination System (NPDES) permit requirements. Covered activities that result in any fill of waters or wetlands will also comply with requirements under Section 404 of the Clean Water Act, State Water Resources Control Board (State Board), Fish and Game Code Section 1602, and Regional Board regulations. Other than requirements for buffers, minimizing project footprint, and species-specific measures for wetland-dependent covered species, this HCP/NCCP does not include specific best management practices for protecting wetlands and waters because they may conflict with measures required by the USACE, State Board, Regional Board, and CDFW.</i> 4.4-11(c)<i>Prior to the commencement of construction that could result in impacts to potentially regulated aquatic features, the project proponent shall submit an aquatic resources delineation to the U.S. Army Corps of Engineers (USACE) for verification purposes. If USACE takes jurisdiction over the riverine habitat, then the applicant shall apply for a Section 404 permit and Waters that will be impacted shall be replaced or rehabilitated on a “no-net-loss” basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE. Written verification of the Section 404 permit shall be submitted to the City of Davis Community Development Department and</i>	Operations Department City of Davis Community Development Department and Public Works Utilities and Operations Department U.S. Army Corps of Engineers (USACE)	Prior to the commencement of construction that could result in impacts to potentially regulated aquatic features	



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		<i>Public Works Utilities and Operations Department.</i> <i>4.4-11(d) Prior to the commencement of construction that could result in impacts to potentially regulated aquatic features, the project proponent shall apply for a Section 401 water quality certification/waste discharge requirement from the Regional Water Quality Control Board (RWQCB), and adhere to the certification conditions. Written verification of the Section 401 permit shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.</i>	City of Davis Community Development Department and Public Works Utilities and Operations Department Regional Water Quality Control Board (RWQCB)	Prior to the commencement of construction that could result in impacts to potentially regulated aquatic features	
4.4-13	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands or impacting individual trees.	<i>4.4-13 Prior to issuance of grading permits, potential impacts to city trees, street trees, and/or trees of significance, as defined by Davis Municipal Code Chapter 37, shall be mitigated in accordance with the City's Tree Ordinance. Final mitigation requirements shall be determined by the City of Davis and may include the following options:</i> <i>• Incorporation of existing healthy trees into the design of the project;</i> <i>• Replanting of trees on-site;</i> <i>• Replanting of trees off-site in City-owned open space or park; and/or</i> <i>• Payment to the City's Tree Preservation Fund in lieu of replacement.</i>	City of Davis Community Development Department	Prior to issuance of grading permits	



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4.4-14	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	4.4-14(a) <u>Yolo HCP/NCCP AMM3</u> : Where natural communities and covered species habitat are present, workers will confine land clearing to the minimum area necessary to facilitate construction activities. Workers will restrict movement of heavy equipment to and from the project site to established roadways to minimize natural community and covered species habitat disturbance. The project proponent will clearly identify boundaries of work areas using temporary fencing or equivalent and will identify areas designated as environmentally sensitive. All construction vehicles, other equipment, and personnel will avoid these designated areas.	City of Davis Community Development Department Construction Contractor	Prior to the commencement of construction and during construction	
		4.4-14(b) <u>Yolo HCP/NCCP AMM4</u> : To prevent injury and mortality of giant garter snake, western pond turtle, and California tiger salamander, workers will cover open trenches and holes associated with implementation of covered activities that affect habitat for these species or design the trenches and holes with escape ramps that can be used during non-working hours. The construction contractor will inspect open trenches and holes prior to filling and contact a qualified biologist to remove or release any trapped wildlife found in the trenches or holes.	City of Davis Community Development Department Construction Contractor	During construction	
		4.4-14(c) <u>Yolo HCP/NCCP AMM5</u> : Workers will minimize the spread of dust from work sites to natural communities or covered species habitats on adjacent lands.	City of Davis Community Development Department	During construction	



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		4.4-14(d) <i>Yolo HCP/NCCP AMM6: All construction personnel will participate in a worker environmental training program approved/authorized by the Conservancy and administered by a qualified biologist. The training will provide education regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and federal protection, and the legal implications of violating the FESA and NCCPA Permits. A pre-recorded video presentation by a qualified biologist shown to construction personnel may fulfill the training requirement.</i> 4.4-14(e) <i>Yolo HCP/NCCP AMM7: Workers will direct all lights for nighttime lighting of project construction sites into the project construction area and minimize the lighting of natural habitat areas adjacent to the project construction area.</i> 4.4-18(f) <i>Yolo HCP/NCCP AMM8: Project proponents should locate construction staging and other temporary work areas for covered activities in areas that will ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent</i>	Construction Contractor City of Davis Community Development Department Yolo Habitat Conservancy City of Davis Community Development Department Project Contractor City of Davis Community Development Department Project Contractor	Prior to the commencement of construction During construction Prior to the commencement of construction and during construction	



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		<i>project footprints, they will be located either in areas that do not support habitat for covered species or are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land). Construction staging and other temporary work areas located outside of project footprints will be sited in areas that avoid adverse effects on the following:</i> <i>Serpentine, valley oak woodland, alkali prairie, vernal pool complex, valley foothill riparian, and fresh emergent wetland land cover types.</i> <i>Occupied western burrowing owl burrows. [Occupied for the purpose of AMM8 means at least one burrowing owl has been observed occupying the burrow within the last three years. Occupancy of a burrow may also be indicated by owl sign at the burrow entrance, including molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site]</i> <i>Nest sites for covered bird species and all raptors, including noncovered raptors, during the breeding season.</i> <i>Project proponents will follow specific AMMs for sensitive natural communities (Section 4.3.3, Sensitive Natural Communities) and covered species (Section 4.3.4, Covered Species) in temporary staging and work areas.</i>			



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		<i>For establishment of temporary work areas outside of the project footprint, project proponents will conduct surveys to determine if any of the biological resources listed above are present.</i> <i>Within one year following removal of land cover, project proponents will restore temporary work and staging areas to a condition equal to or greater than the covered species habitat function of the affected habitat. Restoration of vegetation in temporary work and staging areas will use clean, native seed mixes approved by the Conservancy that are free of noxious plant species seeds.</i> 4.4-14(g) Implement Mitigation Measures 4.4-4, 4.4-5, 4.4-6, 4.4-7, 4.4-8, 4.4-10(a), and 4.4-11(b).	See Mitigation Measures 4.4-4, 4.4-5, 4.4-6, 4.4-7, 4.4-8, 4.4-10(a), and 4.4-11(b)	See Mitigation Measures 4.4-4, 4.4-5, 4.4-6, 4.4-7, 4.4-8, 4.4-10(a), and 4.4-11(b)	
4.4-15	Cumulative loss of habitat for special-status species.	4.4-15 Implement Mitigation Measures 4.4-10(a), 4.4-10(b), 4.4-11(a), 4.4-11(b), 4.4-11(c), and 4.4-11(d).	See Mitigation Measures 4.4-10(a), 4.4-10(b), 4.4-11(a), 4.4-11(b), 4.4-11(c), and 4.4-11(d)	See Mitigation Measures 4.4-10(a), 4.4-10(b), 4.4-11(a), 4.4-11(b), 4.4-11(c), and 4.4-11(d)	
4.5 Cultural and Tribal Cultural Resources					
4.5-2	Cause a substantial adverse change in the significance of a unique archaeological resource	4.5-2 If archaeological resources are encountered during subsurface excavation activities, the City and Yocha Dehe Wintun Nation (Tribe) shall be notified immediately and all	City of Davis Yocha Dehe Wintun Nation	If archaeological resources are encountered during	



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	pursuant to CEQA Guidelines, Section 15064.5.	<i>construction activities within a 100-foot radius of the resource shall cease. In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, treatment of all cultural items, including ceremonial items and archaeological items shall reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archaeological items, which may be found at the project site shall be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The project proponent shall waive any and all claims to ownership of tribal ceremonial and cultural items, including archaeological items, which may be found on the project site, in favor of the Tribe. If any intermediary is necessary (for example, an archaeologist retained by the project proponent), said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.</i> <i>If additional significant sites or sites not identified as significant in the project environmental review process, but later determined to be significant, are located within the project impact area, such sites shall be subjected to further archaeological and cultural significance evaluation by the project proponent, the City of Davis, and the Tribe to</i>	(Tribe)	subsurface excavation activities	



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		determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner, consistent with CEQA requirements for mitigation of impacts to cultural resources. If human remains are present that have been identified as Native American, all ground-disturbing activities shall cease for a period of up to 30 days in accordance with federal Law. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of the foregoing requirements. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified cultural resources specialist and Native American Representative from the Tribe. If the resource is determined to be significant under CEQA, the City and Native American Representative from the Tribe shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the Native American Representative from the Tribe shall prepare and implement a research design and archaeological data recovery plan for the resource. The cultural resources specialists in consultation with the Native American			



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		<i>Representative from the Tribe shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System), and provide for the permanent curation of the recovered materials. The tribe shall be afforded the opportunity to review all documents before submission to the appropriate information center.</i>			
4.5-3	Disturb any human remains, including those interred outside of dedicated cemeteries.	4.5-3 <i>In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, if Native American human remains are found during the course of the proposed project, the determination of Most Likely Descendant ("MLD") under California PRC Section 5097.98 shall be made by the Native American Heritage Commission ("NAHC"), upon notification to the NAHC of the discovery of said remains at the project site. If the location of the site and the history and prehistory of the area is culturally-affiliated with the Tribe, the NAHC shall contact the Tribe. A tribal member shall be designated by the Tribe to consult with the landowner and/or project proponents. Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe is in agreement with this determination, the terms of this protocol relating to the treatment of such Native American human remains shall not be</i>	Native American Heritage Commission (NAHC)	If Native American human remains are found during the course of the proposed project	



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		<i>applicable; however, that situation is very unlikely.</i> <i>In the event that Native American human remains are found during development of the proposed project and the Tribe or a member of the Tribe is determined to be MLD pursuant to the above requirements of the Protocol, the following provisions shall apply. The Medical Examiner shall immediately be notified, ground-disturbing activities in that location shall cease, and the Tribe shall be allowed, pursuant to California PRC Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity.</i> <i>The Tribe shall complete its inspection and make its MLD recommendation within 48 hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future.</i> <i>The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period</i>			



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		<i>of time. Reburial of human remains shall be accomplished in compliance with the California PRC Sections 5097.98(a) and (b).</i> <i>The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.</i>			
4.5-4	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074.	<i>4.5-4(a) At least 14 calendar days prior to commencement of ground disturbing activities, the applicant shall arrange for a member of the Yocha Dehe Wintun Nation to conduct Cultural Sensitivity Training with the construction crew. If a member of the Yocha Dehe Wintun Nation Tribe is not available to conduct a Cultural Sensitivity Training prior to scheduled ground-disturbing activities, then the applicant shall arrange for a qualified archaeologist to conduct Cultural Sensitivity Training to the construction crew. Generally, the training must consist of a presentation to the construction crew about the types of resources and evidence thereof, role of the Tribe or qualified archaeologist(s), what to do if resources are uncovered, etc. To schedule</i>	City of Davis Community Development Department Yocha Dehe Wintun Nation	At least 14 calendar days prior to commencement of ground disturbing activities	



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		<i>Cultural Sensitivity Training prior to commencement of construction, the applicant shall contact the Cultural Resources Department Administrative Staff, Yocha Dehe Wintun Nation, Office (530) 796-3400, Email: THPO@yochadehe-nsn.gov. Proof of compliance with this measure shall be provided to the City of Davis Community Development Department.</i> 4.5-4(b) <i>A tribal or archaeological monitor shall be present on-site to monitor soil grading, excavation, and trenching activities within the areas identified for monitoring in the confidential Willowgrove Monitoring Map, as agreed to by the Tribe. At least 14 calendar days prior to commencement of soil grading, excavation, and trenching activities, the applicant shall extend an invitation for a member of Yocha Dehe Wintun Nation Tribe to monitor soil grading, excavation, and trenching activities within the project site. If a member of the Yocha Dehe Wintun Nation Tribe is not available to monitor, then the applicant shall arrange for a qualified archaeologist to monitor soil grading, excavation, and trenching activities within the areas identified for monitoring in the confidential Willowgrove Monitoring Map. The applicant shall prepare a written monitoring plan that shall identify the anticipated ground-disturbing activities scheduled within the areas identified for monitoring in the confidential Willowgrove Monitoring Map. The applicant</i>	City of Davis Community Development Department Yocha Dehe Wintun Nation	At least 14 calendar days prior to commencement of soil grading, excavation, and trenching activities During soil grading, excavation, and trenching activities within the areas identified for monitoring in the confidential Willowgrove Monitoring Map	



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		may revise or update the notification procedures in the written monitoring plan, the role of the tribal or archaeological monitors, timelines for advanced notification to Yocha Dehe Wintun Nation Tribe prior to commencement of activities requiring monitoring, and the procedures to follow in the event tribal cultural resources are uncovered, as established in the mitigation measures. The written monitoring plan shall be approved by the City of Davis Community Development Department staff in advance of ground-disturbing activities within the areas identified for monitoring in the confidential Willowgrove Monitoring Map. Proof of compliance with this measure shall be provided to the City of Davis Community Development Department. 4.5-4(c) If tribal cultural resources are encountered during subsurface excavation activities, the tribal monitor or applicant's qualified archaeologist shall notify the City of Davis, project applicant, and Yocha Dehe Wintun Nation Tribe immediately, and all construction activities within a 100-foot radius of the resource shall cease. The work exclusion buffer may be reduced if the tribal monitor determines the reduced buffer would be adequate to avoid impacts to the resource. In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, treatment of all tribal cultural items (including ceremonial items) shall reflect	City of Davis Project applicant Yocha Dehe Wintun Nation	If tribal cultural resources are encountered during subsurface excavation activities	



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		<i>the religious beliefs, customs, and practices of the Yocha Dehe Wintun Nation Tribe as identified by the tribal monitor. All tribal cultural items, including ceremonial items, which may be found at the project site shall be turned over to the Yocha Dehe Wintun Nation Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The project applicant shall waive any and all claims to ownership of tribal ceremonial and tribal cultural items which may be found on the project site, in favor of the Tribe. If any intermediary is necessary (for example, an archaeologist retained by the project applicant), said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.</i>			
4.6 Geology and Soils					
4.6-3	Be located on a geological 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, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating	4.6-3 The improvement plan submittal shall include a final geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer for City of Davis Community Development Department and Public Works Department review and approval. The report shall address and make recommendations on the following: A. Road, pavement, and parking area design; B. Structural foundations, including retaining wall design (if applicable); C. Grading practices; D. Erosion/winterization; and	City of Davis Public Works Engineering and Transportation Department City of Davis Community Development Department – Building Division	Prior to final improvement plan submittal	



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	substantial risks to life or property.	<i>E. Expansive/unstable soils.</i> Once approved by the City of Davis Community Development Department and Public Works Department, two copies of the final report shall be provided to the City of Davis Public Works – Engineering and Transportation Department and one copy to City of Davis Community Development Department – Building Division. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. If the geotechnical engineering report indicates the presence of critically expansive or other soil problems that, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report shall be required for subdivisions, prior to issuance of Building Permits. This certification may be completed on a lot- by-lot basis or on a Tract basis. This shall be so noted on the improvement plans.			
4.6-4	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	4.6-4 Should paleontological resources be discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find. Construction may continue in areas outside of the buffer zone. The applicant shall notify the Public Works Department and the City of Davis Community Development Department and retain a qualified paleontologist to inspect the discovery. If	City of Davis Public Works Engineering and Transportation Department City of Davis Public Works	If paleontological resources are discovered during ground-disturbing activities	



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		<i>deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology [UCMP] or Sierra College), where the discovery would be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement plans approved by the City of Davis Public Works – Engineering and Transportation Department and the City of Davis Public Works – Utilities and Operations Department for the proposed project, where excavation work would be required.</i>	Utilities and Operations Department City of Davis Community Development Department		
4.7 Hazards and Hazardous Materials					
4.7-2	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.	4.7-2(a) <i>Prior to commencement of construction activities, the project applicant shall hire a licensed well contractor to obtain a well abandonment permit from YCEHD for all on-site water supply wells that will not be used, and properly abandon the on-site water supply wells in accordance with Department of Water Resources Bulletin 74-81 (Water Well Standards, Part III). Verification of abandonment shall be submitted for review and approval of the City of Davis Department of Public Works, Department of Community Development and YCEHD.</i>	City of Davis Department of Public Works City of Davis Department of Community Development Yolo County Environmental Health Division (YCEHD)	Prior to commencement of construction activities	



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		4.7-2(b) <i>The location of the abandoned gas well shall be identified on the small lot tentative map and any structure, concrete, asphalt, or fencing shall not be placed, and trees shall not be planted (collectively, "improvement") over the abandoned gas well unless the placement of such improvement over the abandoned gas well is approved in writing by the California Geologic Energy Management Division of the California Department of Conservation (CalGEM). The location of the abandoned gas well and restriction against improvements over the abandoned gas well consistent with this mitigation measure shall be recorded prior to issuance of a certificate of occupancy for the lot containing the abandoned gas well. Proof of compliance shall be submitted to the City of Davis Community Development Department for review and approval.</i>	City of Davis Department of Community Development California Geologic Energy Management Division of the California Department of Conservation (CalGEM), if seeking improvements over the abandoned gas well	Prior to issuance of a certificate of occupancy for the lot containing the abandoned gas well	
4.8 Hydrology and Water Quality					
4.8-1	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction.	4.8-1 <i>Prior to commencement of construction, the applicant shall obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground disturbance. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or</i>	City of Davis Public Works Utilities and Operations Department	Prior to commencement of construction	



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		<i>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 City of Davis Public Works – Utilities and Operations Department.</i>			
4.8-2	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations.	4.8-2 <i>Prior to approval of final project improvement plans or grading plans, a final Stormwater Control Plan shall be submitted to City of Davis Public Works – Utilities and Operations Department for review and approval. The final Stormwater Control Plan shall be in compliance with all applicable provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II MS4 General Permit (NPDES General Permit No. CAS000004, Order No. 2013-0001-DWQ) and shall meet the standards of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. Site design measures, source control measures, hydromodification management, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the improvement plans. The final plans shall include calculations demonstrating that the water quality BMPs are appropriately sized, using methodology in the CASQA Stormwater BMP Handbook for New Development and Redevelopment. The final plans shall also incorporate the proposed components for maintaining the stormwater treatment facilities.</i>	City of Davis Public Works Utilities and Operations Department	Prior to approval of final project improvement plans or grading plans	



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4.8-4	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	<i>4.8-4 As part of the improvement plan submittal process, the Revised Preliminary Stormwater Control Plan prepared for the proposed project shall be submitted to the City of Davis Public Works – Utilities and Operations Department in final format. The final report may require more detail than that provided in the preliminary report, and shall be reviewed in concert with the improvement plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: a written text addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, and proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used during construction, as well as long-term post-construction water quality measures. The final report and associated design-level recommendations provided in the drainage report shall be included in the improvements plans prior to their approval by the City of Davis Public Works – Utilities and Operations Department.</i> <i>Prior to approval of final project improvement plans or grading plans, the project applicant shall confer with the Central Valley Flood Protection Board (CVFPB) and, if the CVFPB determines that an CVFPB encroachment</i>	City of Davis Public Works Utilities and Operations Department	Prior to final improvement plan submittal	



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		<i>permit is required, the applicant shall either obtain a waiver or an encroachment permit from CVFPB.</i>			
4.8-5	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation.	4.8-5 <i>Prior to improvement plan approval, and if required by the Federal Emergency Management Agency (FEMA), the Yolo County Flood Control and Water Conservation District, or the City Floodplain Administrator, the applicant shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR). A copy of the letter shall be provided to the City of Davis Public Works Engineering and Transportation Department. A Letter of Map Revision (LOMR) from FEMA shall be provided to the City of Davis Public Works Engineering and Transportation Department prior to acceptance of project improvements as complete.</i>	City of Davis Public Works Engineering and Transportation Department	Prior to improvement plan approval and if required by the Federal Emergency Management Agency, the Yolo County Flood Control and Water Conservation District, or the County Floodplain Administrator	
4.10 Noise					
4.10-1	Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	4.10-1 <i>Prior to the approval of grading and/or building permits, the following requirements shall be noted on improvement plans, subject to review and approval by the City of Davis Community Development Department:</i> <i>The proposed project shall incorporate an eight-foot-tall temporary sound barrier between the existing sensitive receptors to the west and construction activities, as determined by a qualified acoustical consultant prior to commencement of construction (reference locations in Figure 4.10-2 of the Willowgrove EIR);</i>	City of Davis Community Development Department	Prior to the approval of grading and/or building permits	



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		- The sound barrier fencing shall consist of 0.5-inch plywood or minimum Sound Transmission Class (STC) 27 sound curtains placed to shield nearby sensitive receptors. The barrier would be placed along the west boundary of large lot parcels S-4, S-5, and 600 feet along the west side of S-9, as measured from the northwest corner of S-9, unless the easterly Palomino Place residences are developed and occupied prior to Willowgrove construction, in which case the barrier shall extend along the entirety of S-9. The plywood barrier shall be free from gaps, openings, or penetrations to ensure maximum performance. The noise barrier shall stay in place through the construction of buildings on Large Lot Parcels S-4, S-5, and S-9, after which time they may be removed as buildings on the parcels would provide equivalent shielding; - Construction activities shall only take place between the hours of 7:00 AM and 7:00 PM, Monday through Friday, and 8:00 AM and 8:00 PM, on Saturday; - All construction equipment powered by internal-combustion engines shall be properly muffled and maintained;			



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		- Quiet construction equipment, particularly air compressors, are to be selected whenever possible; - All stationary noise-generating construction equipment, such as generators or air compressors, are to be located as far as practical from existing residences. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest to the project site; - Unnecessary idling of internal-combustion engines is prohibited; and - The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest to the project site during all project construction.			
4.13 Transportation					
4.13-1	Conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities.	4.13-1 Prior to any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan (CTCP) and submit it for review and approval by the City Department of Public Works Engineering and Transportation. The applicant and the City shall consult with Yolo County, Caltrans, Unitrans, YoloBus, and local emergency service providers for their input	City of Davis Public Works Engineering and Transportation Department	Prior to any construction activities for the project site	



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		prior to approving the CTCP. The CTCP shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. A copy of the CTCP shall be submitted to local emergency response agencies and the agencies shall be notified at least 14 days prior to the commencement of construction that would partially or fully obstruct roadways. At a minimum, the CTCP shall include: • The number of truck trips, time, and day of street closures; • Time of day of arrival and departure of trucks; • Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting; • Provision of a truck circulation pattern that minimizes effects on existing vehicle traffic during peak travel periods and maintains safe bicycle circulation; • Resurface and/or repair any damage to roadways that occurs as a result of construction traffic; • Provision of driveway access plans so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pickup and drop-off areas);			



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		• Maintain safe and efficient access routes for emergency vehicles; • Manual traffic control when necessary; • Proper advance warning and posted signage concerning street closures; and • Provisions for pedestrian safety.			
4.13-2	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities.	4.13-2 Prior to occupancy of the first residential unit during Phase 1 of the proposed project, the project applicant shall install the following improvements at the project site's two access points along East Covell Boulevard: a green skip-striping bike lane marking at the transition taper (i.e., mixing zone) at the start of each turn pocket; a continuous green bike lane; and a skip-striped bike lane marking through each intersection. The required improvements shall be subject to review and approval by the City Engineer. The design shall be similar to the existing bike lane constructed on eastbound East Covell Boulevard at the signalized access at Harper Junior High, which was installed in 2020/2021. The high-visibility improvements shall alert motorists to the potential for a bicyclist to be present and enhance the profile of bicyclists. Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians	City of Davis City Engineer	Prior to occupancy of the first residential unit during Phase 1 of the proposed project	



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		<i>that would otherwise be caused by the proposed project.</i>			
4.13-3	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services.	4.13-3 <i>Prior to occupancy of the first residential unit during Phase 1 of the proposed project, the project applicant shall construct dedicated right-turn lanes on westbound East Covell Boulevard at the two project accesses to reduce right-turning traffic currently accommodated by a single travel lane.</i>	City of Davis Department of Public Works Engineering and Transportation	Prior to occupancy of the first residential unit during Phase 1 of the proposed project	
4.13-4	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	4.13-4 <i>Prior to occupancy of the first residential unit, unless otherwise noted (e.g., Strategy T-21A) the project applicant shall implement TDM strategies to reduce the number of vehicle trips that would be generated by the residential component of the proposed project, subject to review and approval by the City Engineer. The TDM strategies may include, but not necessarily be limited to, CAPCOA Handbook Strategies T-21A, T-21-B, T-22-A through -C, T-25, and T-46.</i> <i>Specifically, the project applicant shall implement the foregoing CAPCOA TDM strategies as follows:</i> • Strategy T-21-A: Upon completion of the Community Park in Phase 2 of the project, the project applicant shall attempt to partner with a carshare service provider and ensure that carshare vehicles are available to project residents in the community park parking lot.	City of Davis City Engineer	Prior to occupancy of the first residential unit	



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		• Strategy T-21-B: Upon completion of the Community Park in Phase 2 of the project, the project applicant shall attempt to partner with a carshare service provider and ensure that electric carshare vehicles are available to project residents in the community park parking lot. • Strategy T-22-A: The project applicant shall attempt to provide space for third party company to manage a bikeshare program and maintain bikes for on-demand access to short-term rentals. Such a program could encourage a mode shift from vehicles to bicycles, displacing VMT and thus reducing GHG emissions. • Strategy T-22-B: The project applicant shall attempt to provide space for third party company to manage an electric bikeshare program and maintain electric bikes for on-demand access to short-term rentals. Such a program could encourage a mode shift from vehicles to electric bicycles, displacing VMT and thus reducing GHG emissions. • Strategy T-22-C: The project applicant shall attempt to provide space for third party company to manage a scootershare program and maintain scooters for on-demand access to short-term rentals. Such a program could encourage a mode			



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		shift from vehicles to bicycles, displacing VMT and thus reducing GHG emissions. • Strategy T-25: The project applicant shall coordinate with Unitrans and Yolobus to request a modification in the service for their Routes P and 43, respectively, to include stops at the project site. • Strategy T-46: The project applicant shall include bus shelters and real-time bus arrival boards at the proposed bus stops if Unitrans and Yolobus are using real-time bus arrival boards and have the technology in place to operate and use real-time bus arrival boards. The bus pullout, shelter pad and any underground conduit shall be constructed at the same time as project frontage improvements, although the shelter itself and any electrical connections can be delayed until such time that a transit service provider agrees to provide bus service at the stop. Prior to approval of improvement plans for the project frontage, the applicant shall meet and confer with the transit service providers to determine whether one or two transit stops will be provided along the project frontage and the location of the stop(s) along the project frontage. If the transit			



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		<i>providers do not agree on the location of one or both transit stops, the City Public Works Engineering and Transportation Director shall make the final decision. The applicant shall either install or provide funding to upgrade the existing bus stop at the south side of East Covell Boulevard at the farside of Alhambra Drive (eastbound service route) to add a bus shelter within the existing concrete area used for the existing bus stop.</i> • Strategy T-23: <i>Neighborhood retail employers within the project shall partner with a Community-Based Travel Planning (CBTP) service provider such as Yolo Commute based on the number of full-time equivalent employees and such membership shall be in place prior to retail operations being open to the public and renewed annually based on the number of full-time equivalent employees. Prior to occupancy of the first phase of the project residential component, the project applicant shall partner with a CBTP service provider such as Yolo Commute and ensure that CBTP services are available to project residents. Membership shall be provided for a minimum of five years and rates shall be based on the number of units that will be</i>			



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		<i>constructed each year based on the project's phasing.</i>			
4.13-7	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities, associated with cumulative development of the proposed project in combination with future buildout of the City of Davis.	4.13-7 <i>Implement Mitigation Measure 4.13-2.</i>	See Mitigation Measure 4.13-2	See Mitigation Measure 4.13-2	
4.13-8	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, associated with cumulative development of the proposed project in combination with future buildout of the City of Davis.	4.13-8(a) <i>Prior to occupancy of the first residential unit during Phase 1 of the proposed project, the project applicant shall contribute funding for the completion of a Transit Service and Facilities Plan for the area encompassing the project site and other development along the north side of the Covell Boulevard and Mace Boulevard corridor between the westerly City Limits and the I-80 interchange. The plan shall be led either by Unitrans and YoloBus, or by the City with Unitrans and YoloBus participating as active project partners. The plan shall be guided by the Unitrans and YoloBus service development processes and shall be subject to approval by the City of Davis Public Works (Engineering and Transportation) Department. The Transit Service and Facilities Plan shall identify transit service and facility improvements required in accordance with Unitrans and YoloBus</i>	City of Davis Public Works Engineering and Transportation Department	Prior to occupancy of the first residential unit during Phase 1 of the proposed project	



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		<i>policies related to unmet transit needs, timing for improvements, transit service warrants, and performance standards.</i> <i>Because applicant funds would be contributing toward plan development, the plan shall explicitly focus on implementing transit service and facilities improvements identified in the aforementioned Transit Service and Facilities Plan that would address project-related contributions to unmet transit needs and project-related deficiencies with respect to transit service warrants and performance standards. The proposed project shall not be responsible for funding improvements that address existing deficiencies. Potential transit improvements include, but are not limited to, the following:</i> <i>1) Modifying existing transit routes or adding new routes to serve the project site, adding service capacity (through increased headways and/or larger vehicles) to prevent overcrowding and maintain productivity standards.</i> <i>2) Constructing transit priority treatments to improve on-time performance (i.e., transit signal priority and/or Intelligent Transportation Systems (ITS) upgrades at East Covell Boulevard traffic signals, transit queue jumps at East Covell Boulevard intersections, etc.).</i>			



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		3) Improving terminal facilities (i.e., stops) to accommodate additional passengers and transit vehicles. 4) Implementing transit pass/fare subsidies for residents and employees. Improvements shall be selected based on relevant performance data and targeted to address areas not meeting established Unitrans or Yolobus performance standards. Transit facility improvements shall be designed and constructed pursuant to applicable City of Davis, Unitrans, and Yolobus standards. To implement this mitigation measure, the proposed project shall establish an appropriate funding mechanism (e.g., Community Facilities District or other mechanism determined acceptable by the City) to fund transit service and facilities improvements and adhere to Unitrans and Yolobus policies related to unmet transit needs, transit service warrants, and performance standards. The funding mechanism shall provide funding for capital costs and ongoing operation of transit services. Ongoing annual fees would be identified and paid by the applicant to fund necessary transit service and facility improvements. Fees would be assessed on all future project land uses that generate an increased demand for transit services,			



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		<i>including residential, commercial, civic, and recreation land uses. The project's funding contributions allocated through the funding mechanism shall be limited to improvements and/or portions of improvements that are attributable to the project's contributions to deficient transit service and/or operations. The project shall not contribute funding towards improvements needed to address existing deficiencies and/or improvements needed to address deficiencies attributable to other future land use projects.</i> <i>Prior to establishing the funding mechanism, the applicant shall submit to the City for review and approval a complete and adequate report supporting the level of assessments/fees necessary for the establishment and continuation of the funding mechanism. The report shall be prepared by a registered engineer, in consultation with a qualified financial consultant. The report shall identify the transit services intended to be funded by the mechanism, the cost to establish and operate these services, the portion of the overall costs to be funded by the applicant, and the assessment/fees to obtain the necessary funding, including a methodology for calculating fee increases over time. A transit service to be explicitly funded by the funding mechanism and included in the report would be the implementation of transit service and facilities improvements necessary to adhere to Unitrans and Yolobus policies</i>			



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		<i>related to unmet transit needs, transit service warrants, and performance standards. Project contributions towards ongoing operating costs shall consider other regular established transit funding sources, such as the State of California Local Transportation Fund (LTF) and State Transit Assistance (STA) fund, as well as potential contributions from other future development that would benefit from the transit improvements.</i> <i>4.13-8(b) Prior to issuance of any building permits, the project applicant shall pay its fair share toward the installation of a second westbound through lane along the project's East Covell Boulevard frontage, as determined by the City of Davis Department of Public Works Engineering and Transportation.</i>	City of Davis Public Works Engineering and Transportation Department	Prior to issuance of any building permits	
4.13-9	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) associated with cumulative development of the proposed project in combination with future buildout of the City of Davis.	4.13-9 Implement Mitigation Measure 4.13-4.	See Mitigation Measure 4.13-4	See Mitigation Measure 4.13-4	
4.13-11	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses	4.13-11 <i>Prior to occupancy of the first residential unit during Phase 1 of the proposed project, to the satisfaction of the City of Davis, the project applicant shall enter into an agreement to contribute fair share funding, as determined by the City of Davis Public Works Engineering</i>	City of Davis Public Works Engineering and Transportation Department	Prior to occupancy of the first residential unit during Phase 1 of the proposed project	



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	(e.g., farm equipment) associated with cumulative development of the proposed project in combination with future buildout of the City of Davis.	and Transportation Department, to cover their proportionate cost of the following improvements: <u>Covell Boulevard between Shasta Drive/Risling Court and Birch Lane:</u> Coordinate traffic signals, optimize signal timings, and operate with a 140 second cycle length during the AM peak period and a 150 second cycle length during the PM peak period. Such improvements may require controller or communications upgrades. <u>Mace Boulevard between Alhambra Drive and Cowell Boulevard:</u> Coordinate traffic signals, optimize signal timings, and operate with a 150 second cycle length during the AM and PM peak periods. Such improvements may require controller or communications upgrades. <u>West Covell Boulevard/SR 113 Southbound Ramps:</u> Construct a second westbound left-turn lane and a second receiving lane on the southbound on-ramp. <u>West Covell Boulevard/SR 113 Northbound Ramps:</u> Construct a second westbound left-turn lane and a second receiving lane on the southbound on-ramp.			



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		<u>West Covell Boulevard/SR 113 Northbound Ramps:</u> Modify the northbound off-ramp to consist of three lanes approaching West Covell Boulevard, including one left-turn lane, one shared left/through/right lane, and one right-turn lane. Construct a second eastbound left-turn lane. <u>Mace Boulevard/Second Street/County Road 32A:</u> Modify the northbound approach to consist of five lanes, including two left-turn lanes, two through lanes, and a right-turn lane <u>Mace Boulevard/I-80 Eastbound Slip On-Ramp:</u> Extend the on-ramp and relocate the ramp meter 500 feet east of its current location to provide more ramp meter vehicle storage. <u>Mace Boulevard/Chiles Road:</u> Modify the southbound channelized right-turn lane to a standard signal-controlled movement. <u>Chiles Road/I-80 Eastbound Off-Ramp:</u> Modify the westbound approach to consist of a single through lane. Modify the eastbound approach to consist of two through lanes and begin the second through lane at the Hanlees Davis Toyota driveway.			



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		<i>Mace Boulevard between Second Street/County Road 32A and Chiles Road: Construct bicycle and pedestrian facility improvements on this segment of Mace Boulevard. Potential improvement options include a Class I shared-use path, Class II bike lanes, or Class IV separated bikeways. Bicycle facility improvements shall reduce the potential for conflicts involving bicyclists at intersections, crossings, and other mixing zones, including (but not limited to) appropriate pavement markings, signage, and physical separation. Pedestrian facility improvement options include modifications to pedestrian crossings of free/channelized vehicular movements to reduce the speed of turning vehicles and to reduce pedestrian exposure to conflicting vehicular traffic.</i>			
4.14 Utilities and Service Systems					
4.14-3	Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	4.14-3 <i>Prior to issuance of any building permits, the project applicant shall pay the City's Wastewater Capacity Charges in effect at time of issuance.</i>	City of Davis Public Works Utilities and Operations Department	Prior to issuance of any building permits	



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4.14-5	Increase in demand for utilities and service systems associated with the proposed project, in combination with future buildout of the City of Davis General Plan.	4.14-5 <i>Implement Mitigation Measure 4.14-3.</i>	See Mitigation Measure 4.14-3	See Mitigation Measure 4.14-3	

