

RESOLUTION NO. 18-093, SERIES 2018

RESOLUTION ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A MITIGATION MONITORING PLAN; AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WEST DAVIS ACTIVE ADULT COMMUNITY PROJECT

WHEREAS, the subject project is known as West Davis Active Adult Community (“WDAAC”) and is annexation from Yolo County and development of approximately 75 acres with a mixed-use residential community oriented toward providing housing for active adults and seniors. The project site is generally located north of Covell Boulevard and west of the existing Sutter-Davis Hospital; and

WHEREAS, the WDAAC project proposes the development of a mix of land uses consisting of rental and for-sale, residential uses; off-site stormwater facilities; and open spaces, including a pocket parks and greenways. The project would include up to 560 primary; and

WHEREAS, the Final Environmental Impact Report (SCH #2017042043) consisting of the Draft EIR and responses to comments and revisions has been prepared pursuant to the California Environmental Quality Act (CEQA; *Public Resources Code* § 21000 *et seq.*) to analyze the environmental effects of the project; and

WHEREAS, a Notice of Preparation was circulated for a 30-day public review and comment period commencing on April 14, 2017; and

WHEREAS, a public scoping meeting was held April 26, 2017 to receive comments on the appropriate scope of the EIR; and

WHEREAS, the Draft EIR was circulated for a 60-day public review and comment period commencing December 22, 2017 and concluding February 20, 2018; and

WHEREAS, on January 10, 2018, the Planning Commission held a public meeting to receive comments regarding the adequacy of the Draft EIR; and

WHEREAS, the Final EIR (Response to Comments) documents were released April 6, 2018; and

WHEREAS, Section 21000 *et seq.* of the *Public Resources Code* and Section 15000 *et seq.* of Title 14 of the California Code of Regulations (*CEQA Guidelines*) which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, between the public scoping meeting and date of final action fourteen official noticed public meetings and hearings of various City commissions and the City Council were held to deliberate the merits of the proposed project and make recommendations regarding components of or a final action on the project; and

WHEREAS, on January 10, 2018 the Planning Commission voted 7-0 to recommend that the City Council certify the EIR as adequate, and voted 5-2 to recommend that the City Council approve the General Plan Amendment for the project; and

WHEREAS, the City Council has reviewed the Final EIR prepared for the project, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution; 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 specifically finds that where more than one reason for approving the project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Council would have made its decision on the basis of any one of those reasons; 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 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 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 and Reporting 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 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.
7. The City Council finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.
8. The City Council 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 provided to the County of Yolo Planning Department; and
 - b) A copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files; and
 - c) 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 12th day of June, 2018, by the following vote:

AYES: Frerichs, Lee, Swanson, Davis

NOES: None

ABSENT: Arnold (recuse)



Robb Davis
Mayor

ATTEST:



Zoe S. Mirabile, CMC
City Clerk

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

FOR THE

WEST DAVIS ACTIVE ADULT COMMUNITY 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 EIR.

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

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

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR) for the project, examined several alternatives to the project that were not chosen as part of the approved project (the No Project (No Build) Alternative, the Conventional (Non-Age Restricted) Alternative, the Higher Density, Less Land Alternative, and the Off-Site (Inside Mace Curve) Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under CEQA (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the project. The Findings provide the written analysis and conclusions of this Council regarding the project's environmental impacts, mitigation measures, alternatives to the project, and the overriding considerations, which in this Council's view, justify approval of the project, despite its environmental effects.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

II. GENERAL FINDINGS AND OVERVIEW

Procedural Background

The City of Davis circulated a Notice of Preparation (NOP) of an EIR for the proposed project and an Initial Study on April 14, 2017 to trustee agencies, the State Clearinghouse (SCH # 2017042043), and the public. A scoping meeting was held on April 26, 2017 in the City of Davis. Those present at the scoping meeting included representatives from the following: the City of Davis, De Novo Planning Group, and the project applicant team. The NOP and comments received during the NOP comment period are presented in Appendix A of the Draft EIR.

The City of Davis published a public Notice of Availability (NOA) for the Draft EIR on December 22, 2017 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2017042043) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from December 22, 2017 through February 20, 2018.

The Draft EIR contains a description of the 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 potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

The City received 17 comment letters regarding the Draft EIR from public agencies, organizations, and members of the public during the public comment period. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

Project Revisions

After completion of the Draft EIR, the proposed circulation improvements to the West Covell Boulevard/Risling Court/Shasta Drive intersection were revised in order to improve bicycle and pedestrian comfort. Fehr & Peers completed additional focused analysis of traffic operations at the West Covell Boulevard/Risling Court/Shasta Drive intersection as a result of the project revisions. The results of the focused analysis are summarized in a technical memorandum dated March 22, 2018. The memorandum is included as Appendix A of the Final EIR.

The Draft EIR assumed that the westbound and northbound right-turns at the West Covell Boulevard/Risling Court/Shasta Drive intersection would continue to have channelized 'free-flow' right-turn lanes. Both corners currently include triangular raised medians with flared approach lanes. The northbound right-turn movement has a full-width acceleration lane departing the

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

intersection, while the westbound right-turn movement has a minimal acceleration area. These designs allow motorists to perform these right-turn movements at a relatively high rate of speed, though they must yield to through traffic, when present.

The following changes at the West Covell Boulevard/Risling Court/Shasta Drive intersection were made after completion of the Draft EIR:

- Remove triangular raised median and convert westbound right-turn lane to a signal-controlled movement with a 150-foot turn pocket.
- Remove triangular raised median and restripe northbound through lane to be a shared through/right lane.

The revised project remains consistent with the scope of the project evaluated in the EIR and does not result in a significant new environmental impact or a substantial increase in the severity of an environmental impact. The revision improves safety and comfort for pedestrians and cyclists, and increases consistency with City design standards. It does not alter the analysis or conclusions of the EIR and does not require recirculation pursuant to CEQA Guidelines Section 15088.5.

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 West Davis Active Adult Community Project Draft EIR.
- The West Davis Active Adult Community Project Final EIR, including comment letters 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 project and/or project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. 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 approving the West Davis Active Adult Community Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with the California Environmental Quality Act. 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 West Davis Active Adult Community Project, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. AESTHETICS AND VISUAL RESOURCES

1. POTENTIAL TO RESULT IN SUBSTANTIAL ADVERSE EFFECTS ON SCENIC VISTAS AND RESOURCES OR SUBSTANTIAL DEGRADATION OF VISUAL CHARACTER (EIR IMPACT 3.1-1)

- (a) Potential Impact. The potential for the project to result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character is discussed on pages 3.1-6 through 3.1-8 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. The loss of the visual appearance of the existing vacant land on the site will change the visual character of the project site in perpetuity. Compliance with the City's site plan and architectural approval process would reduce visual impacts to the greatest extent feasible; however, the proposed project would permanently convert the undeveloped site to urbanized uses. The project cannot be designed to avoid or reduce impacts related to degradation of the visual character of the site to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to aesthetics and visual resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

2. THE PROJECT MAY CONTRIBUTE TO THE CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION (EIR IMPACT 4.1)
- (a) Potential Impact. The potential for the project to contribute to the cumulative degradation of the existing visual character of the region is discussed on pages 4.0-4 and 4.0-5 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. Implementation of the proposed project would change the visual character of the project site by introducing new residential and mixed uses to an undeveloped site. The project site has been previously used for agricultural uses, and is currently designated for agricultural uses by the Davis General Plan. As described above, project implementation would result in significant adverse impacts to the visual character or quality of the site. Development of the proposed project, in addition to other future projects in the area, would change the existing visual and scenic qualities of the City. There are no mitigation measures that could reduce this impact except a ceasing of all future development, which is not a feasible option. This would represent a significant and unavoidable impact of the project.
- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to aesthetics and visual resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

B. AGRICULTURAL RESOURCES

1. PROJECT IMPLEMENTATION MAY RESULT IN THE CONVERSION OF PRIME FARMLAND, UNIQUE FARMLAND, AND FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USES (EIR IMPACT 3.2-1)
- (a) Potential Impact. The potential for the project to result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses is discussed on pages 3.2-11 through 3.2-13 of the Draft EIR.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.2-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.2-1 would require the project applicant to set aside in perpetuity, at a minimum ratio of 2:1 of active agricultural acreage, an amount equal to the current phase. While implementation of Mitigation Measure 3.2-1 would reduce the above-identified impact through preservation of agricultural land at a 2:1 ratio, the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Consistent with the Davis General Plan EIR, feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level. This would represent a significant and unavoidable impact of the project.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. PROJECT IMPLEMENTATION MAY LEAD TO THE INDIRECT CONVERSION OF ADJACENT AGRICULTURAL LANDS TO NON-AGRICULTURAL USES (EIR IMPACT 3.2-4)

(a) Potential Impact. The potential for the project to lead to the indirect conversion of adjacent agricultural lands to non-agricultural uses is discussed on pages 3.2-14 through 3.2-16 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.2-2.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.2-2 would require the project applicant to consult with adjacent agricultural property owners and attempt to purchase a “no aerial spray” easement. Mitigation Measure 3.2-2 would reduce the above identified impact. However, it is not guaranteed that an agreement will be reached, or that it would fully eliminate the potential burden placed on the adjacent agricultural lands from an operational perspective. The project cannot be designed to avoid or reduce

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

impacts related to indirect conversion of adjacent agricultural lands to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. THE PROJECT MAY CONTRIBUTE TO CUMULATIVE IMPACTS ON AGRICULTURAL LAND AND USES (EIR IMPACT 4.2)

(a) Potential Impact. The potential for the project to contribute to cumulative impacts on agricultural land and uses is discussed on page 4.0-5 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. Implementation of the proposed project may result in indirect pressure to convert agricultural lands to a non-agricultural use or conflict with agricultural operations other than the aerial application of pesticides. The project has the potential to impact adjacent pesticide application due to the County Agricultural Commissioner's Conditions Covering the Use of Restricted Materials guidance. According to the guidance, aerial application of "danger" labeled pesticides requires a 500-foot buffer from environmentally sensitive areas. The proposed project includes a 150-foot AG buffer. However, 350 feet of the required 500-foot setback would need to encroach onto the adjacent agricultural land. Therefore, if aerial application of pesticides is deemed necessary on the adjacent farmlands, the proposed project would indirectly disrupt farming operations on the adjacent property. The project cannot be designed to avoid or reduce impacts related to agricultural land and uses to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

C. AIR QUALITY

1. PROJECT OPERATIONS HAVE THE POTENTIAL TO CAUSE A VIOLATION OF ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION (EIR IMPACT 3.3-1)
 - (a) Potential Impact. The potential for project operations to cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.3-18 through 3.3-20 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.3-1.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.3-1 would require the project applicant to incorporate various measures into the project design in order to reduce operational emissions. Implementation of Mitigation Measure 3.3-1 would reduce proposed project operation-related criteria pollutant emissions. In addition, implementation of Mitigation Measure 3.7-1, as provided in Chapter 3.7, "Greenhouse Gas Emissions", would reduce these emissions further. However, even after mitigation measures are applied, proposed project respirable particulate matter (PM₁₀) emissions would be above the Yolo-Solano Air Quality Management District (YSAQMD) threshold. The project cannot be designed to avoid or reduce operational air quality impacts to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. THE PROJECT MAY CONTRIBUTE TO CUMULATIVE IMPACTS ON THE REGION'S AIR QUALITY (EIR IMPACT 4.3)
 - (a) Potential Impact. The potential for the project to contribute to cumulative impacts on the region's air quality is discussed on pages 4.0-5 through 4.0-7 of the Draft EIR.
 - (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. As discussed above, even with implementation of mitigation, PM₁₀ emissions would be above the YSAQMD threshold. The project cannot be designed to avoid or reduce operational air quality impacts to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

D. TRANSPORTATION AND CIRCULATION

1. UNDER CUMULATIVE PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD CAUSE SIGNIFICANT IMPACTS AT STUDY INTERSECTIONS (EIR IMPACT 3.14-5)

- (a) Potential Impact. The potential for the project to cause significant impacts at study intersections under cumulative plus project conditions is discussed on pages 3.14-44 through 3.14-46 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.14-1 would require the payment of the project's fair share funding towards improvements at the West Covell Boulevard / State Route (SR) 113 Northbound (NB) ramps and the West Covell Boulevard / Sycamore Lane intersection. However, the West Covell Boulevard / SR 113 NB ramps improvement is under the California Department of Transportation (Caltrans) jurisdiction. It is unknown whether additional right-of-way would be needed for this improvement, or if a design exception would be required. There are no assurances that Caltrans would approve and/or fund such a widening. Since the remaining fair share funding sources needed for construction have not been identified, fair share payment would not ensure construction.

Additionally, the West Covell Boulevard / Sycamore Lane intersection improvement would not, on its own, restore operations to an acceptable level of

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

service (LOS). The project cannot be designed to avoid or reduce impacts at these two study intersections to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. UNDER CUMULATIVE PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD CAUSE SIGNIFICANT IMPACTS AT STUDY FREEWAY FACILITIES (EIR IMPACT 3.14-6)

(a) Potential Impact. The potential for the project to cause significant impacts at study freeway facilities under cumulative plus project conditions is discussed on page 3.14-47 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-1(a).

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.14-1(a) would require the payment of the project's fair share funding towards widening the NB SR 113 off-ramp at West Covell Boulevard. However, the widening of the SR 113 northbound off-ramp would occur within Caltrans right-of-way, and would therefore require Caltrans approvals. Because there are no assurances that Caltrans would approve and/or fund such a widening, construction of this improvement cannot be guaranteed. The project cannot be designed to avoid or reduce impacts at this study freeway facility to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. THE PROPOSED SITE PLAN WOULD NOT PROVIDE ADEQUATE EMERGENCY VEHICLE ACCESS (EIR IMPACT 3.14-9)

(a) Potential Impact. The potential for the project to result in inadequate emergency vehicle access is discussed on page 3.14-49 of the Draft EIR.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.14-2 would require the project to dedicate an emergency vehicle access easement from the project site to John Jones Road. If implemented, this mitigation measure would alleviate this potential impact. However, there are no assurances that this easement would be provided and agreed upon by the applicant and Sutter Davis Hospital. Therefore, this mitigation measure is infeasible because dedication and construction of this improvement cannot be guaranteed. The project cannot be designed to avoid or reduce impacts related to emergency vehicle access to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
4. THE PROPOSED SITE PLAN WOULD NOT PROVIDE ADEQUATE PROJECT ACCESS (EIR IMPACT 3.14-10)
- (a) Potential Impact. The potential for the project to result in inadequate project access is discussed on pages 3.14-49 through 3.14-51 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-3.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.14-3 would require the payment of the project's fair share funding towards improvements at the West Covell Boulevard / Risling Court / Shasta Drive intersection. If implemented, this mitigation measure would alleviate this potential impact. However, because there are no assurances that this improvement would be funded and constructed, this mitigation measure is infeasible. The project cannot be designed to avoid or reduce impacts at this

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

project access intersection to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

5. **UNDER CUMULATIVE PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD CAUSE SIGNIFICANT IMPACTS AT STUDY INTERSECTIONS (EIR IMPACT 4.15)**

(a) **Potential Impact.** The potential for the project to cause significant impacts at study intersections under cumulative plus project conditions is discussed on pages 4.0-13 and 4.0-14 of the Draft EIR.

(b) **Mitigation Measures.** No feasible mitigation measures have been adopted for this impact.

(c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation and Remaining Impacts.** No feasible mitigation measures have been adopted for this impact. Improvements at the West Covell Boulevard / SR 113 NB ramps and the West Covell Boulevard / Sycamore Lane intersection could improve operations at these study intersections. However, as discussed above, the West Covell Boulevard / SR 113 NB ramps improvement is under Caltrans jurisdiction, and the West Covell Boulevard / Sycamore Lane intersection improvement would not, on its own, restore operations to an acceptable LOS. The project cannot be designed to avoid or reduce impacts at these two study intersections to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

6. **UNDER CUMULATIVE PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD CAUSE SIGNIFICANT IMPACTS AT STUDY FREEWAY FACILITIES (EIR IMPACT 4.16)**

(a) **Potential Impact.** The potential for the project to cause significant impacts at study freeway facilities under cumulative plus project conditions is discussed on pages 4.0--14 and 4.0-15 of the Draft EIR.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. Improvements at the NB SR 113 off-ramp at West Covell Boulevard could improve operations at this study freeway facility. However, as discussed above, the West Covell Boulevard / SR 113 NB ramps improvement is under Caltrans jurisdiction. The project cannot be designed to avoid or reduce impacts at this study freeway facility to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

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

A. AESTHETICS AND VISUAL RESOURCES

- 1. PROJECT IMPLEMENTATION MAY RESULT IN LIGHT AND GLARE IMPACTS (EIR IMPACT 3.1-2)
 - (a) Potential Impact. The potential for the project implementation to result in light and glare impacts is discussed on pages 3.1-9 and 3.1-10 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.1-1.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.1-1 would require the project to show that the use of reflective building materials that have the potential to result in glare that would be visible from sensitive receptors located in the vicinity of the project site would not be used. Mitigation Measure 3.1-1 would reduce light and glare impacts from project operation to a less than significant level. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval,

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

B. AIR QUALITY

1. PROJECT CONSTRUCTION HAS THE POTENTIAL TO CAUSE A VIOLATION OF AN AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION (EIR IMPACT 3.3-2)
 - (a) Potential Impact. The potential for the project construction to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.3-20 through 3.3-23 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.3-2 would require the project applicant to implement several dust control measures during all construction activities. Mitigation Measure 3.3-2 would reduce air quality impacts from project construction to a less than significant level. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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. BIOLOGICAL RESOURCES

1. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS INVERTEBRATE SPECIES (EIR IMPACT 3.4-1)
 - (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status invertebrate species is discussed on pages 3.4-15 and 3.4-16 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-1.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status invertebrate species will be mitigated to a less than significant level as Mitigation Measure 3.4-1 would first require the on-site elderberry shrub(s) to be avoided and preserved on-site through site design, as feasible. All elderberry shrub(s) that are located adjacent to construction areas, but can be avoided, would be fenced and designated as environmentally sensitive areas. These areas would be avoided by all construction personnel. Fencing would also be placed at least 20 feet from the dripline of each shrub, unless otherwise approved by the U.S. Fish and Wildlife Service (USFWS). The use of insecticides, herbicides, or other chemicals that might harm the beetle or its host plant would be prohibited within 100 feet of the shrubs. If the elderberry shrub(s) cannot be avoided, as determined by the City of Davis Public Works Department in conjunction with the project applicant, then the project applicant would be required to mitigate for potential impacts to the shrub(s) by either (1) purchasing VELB conservation credits from a USFWS-approved conservation bank, or (2) transplanting the individual shrub(s) that is not avoided to a suitable mitigation site in a manner consistent with the USFWS' 1999 Conservation Guidelines for the Valley Elderberry Longhorn Beetle. Any remaining impacts related to special-status invertebrate species after implementation of Mitigation Measure 3.4-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

2. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS REPTILE AND AMPHIBIAN SPECIES (EIR IMPACT 3.4-2)

(a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status reptile and amphibian species is discussed on pages 3.4-16 through 3.4-19 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-2 and 3.4-3.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status reptile and amphibian species will be mitigated to a less than significant level as Mitigation Measure 3.4-2 would first require the project to avoid areas of potential pond turtle nesting habitat during the nesting season (April to August). Then, this measure would require the project to

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

retain a qualified biologist to perform a preconstruction survey to ensure that there are no western pond turtles within aquatic habitats and adjacent suitable uplands to be disturbed by project activities. If it is determined from the preconstruction survey that there are western pond turtles present, then the project proponent shall seek consultation and approval by the California Department of Fish and Wildlife (CDFW) in order to move the turtles. Further, pursuant to Mitigation Measure 3.4-2, all construction personnel would be required to observe a 15 miles-per-hour speed limit on unpaved roads, and would be required to receive worker environmental awareness training from a qualified biologist to instruct workers to recognize western pond turtle, their habitats, and measures being implemented for its protection.

Additionally, Mitigation Measure 3.4-3 would require the project proponent to consult with USFWS regarding the potential for the project to affect giant garter snake habitat. If USFWS determines that giant garter snake may be potentially affected by project construction, the project proponent would be required to obtain an incidental take permit from USFWS, and implement the minimization guidelines for giant garter snake.

Any remaining impacts related to special-status reptile and amphibian species after implementation of Mitigation Measures 3.4-2 and 3.4-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

3. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES (EIR IMPACT 3.4-4)
 - (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status bird species is discussed on pages 3.4-19 through 3.4-24 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-4, 3.4-5, and 3.4-6.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status bird species will be mitigated to a less than significant level as Mitigation Measure 3.4-4 would first require the project proponent to complete an initial take avoidance survey for western burrowing owl. Implementation of avoidance and minimization measures (as presented in the March

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

7, 2012, CDFW Staff Report on Burrowing Owl Mitigation) would be triggered if the initial take avoidance survey results in positive owl presence on the project site where project activities shall occur.

Mitigation Measure 3.4-5 would first require the proposed proponent to hire a qualified biologist to perform a preconstruction survey for nesting Swainson's hawk and other raptors. This measure also requires buffers to be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. Further, the project proponent would be required to mitigate for the permanent loss Swainson's hawk foraging habitat on a per-acre basis.

Mitigation Measure 3.4-6 would first require the proposed proponent to hire a qualified biologist to perform a preconstruction survey for other protected bird species that maybe be located on-site. This measure also requires buffers to be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities.

Any remaining impacts related to special-status bird species after implementation of Mitigation Measures 3.4-4, 3.4-5, and 3.4-6 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

4. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES (EIR IMPACT 3.4-5)
 - (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status mammal species is discussed on pages 3.4-24 and 3.4-25 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-7.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status mammal species will be mitigated to a less than significant level as Mitigation Measure 3.4-7 would first require the project to retain a qualified biologist to perform a preconstruction survey to ensure that there are no active maternity roosts if removal of any on-site trees with suitable roost

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

cavities (as determined by a qualified biologist) and/or dense foliage must occur during the bat pupping season (April 1 through July 31). If it is determined from the preconstruction survey that there are special-status bat maternity roosts, then appropriate buffers around the roost sites shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from tree removal or other project activities.

Any remaining impacts related to special-status mammal species after implementation of Mitigation Measure 3.4-7 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

5. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON CANDIDATE, SENSITIVE, OR SPECIAL-STATUS PLANT SPECIES (EIR IMPACT 3.4-6)

- (a) Potential Impact. The potential for the project to have a direct or indirect impact on candidate, sensitive, or special-status plant species is discussed on pages 3.4-26 and 3.4-27 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-8 and 3.4-9.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to candidate, sensitive, or special-status plant species will be mitigated to a less than significant level as Mitigation Measure 3.4-8 would first require the project to retain a qualified biologist to perform a focused survey for the following California Native Plant Society (CNPS) listed plants: heartscale (April to October), brittlescale (April to October), San Joaquin spearscale (April to October), recurved larkspur (March to June), and saline clover (April to June). The survey would be performed during the floristic season (shown in parenthesis). If any of these plants are found during the focused survey, the project proponent would be required to contact the CNPS to obtain the appropriate avoidance and minimization measures.

Additionally, Mitigation Measure 3.4-9 would first require the project to retain a qualified biologist to perform a focused survey for *the* federally and state listed palmate-bracted salty bird's-beak (*Chloropyron palmatum*). The survey would be performed during the floristic season (generally May through October). If this plant is

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

found during the focused survey, the project proponent would be required to contact the USFWS and CDFW to obtain the appropriate avoidance and minimization measures.

Any remaining impacts related to candidate, sensitive, or special-status plant species after implementation of Mitigation Measures 3.4-8 and 3.4-9 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

6. THE PROPOSED PROJECT HAS THE POTENTIAL TO AFFECT PROTECTED WETLANDS AND JURISDICTIONAL WATERS (EIR IMPACT 3.4-7)

- (a) Potential Impact. The potential for the project to affect protected wetlands and jurisdictional waters is discussed on pages 3.4-27 and 3.4-28 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-10.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to protected wetlands and jurisdictional waters will be mitigated to a less than significant level as Mitigation Measure 3.4-10 would first require the project proponent to retain a qualified wetland delineator to perform a wetland delineation and jurisdictional determination. Any impacts on jurisdictional features would be required to obtain the appropriate Clean Water Act (CWA) Section 404 and or 401 permits. All permit conditions including required avoidance, minimization, and mitigation measures included as conditions of the permit would also be followed.

Any remaining impacts related to protected wetlands and jurisdictional waters after implementation of Mitigation Measure 3.4-10 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

7. PROJECT IMPLEMENTATION MAY RESULT IN CONFLICTS WITH LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE (EIR IMPACT 3.4-10)
- (a) Potential Impact. The potential for the project to result in conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, is discussed on pages 3.4-29 through 3.4-31 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-11.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the project to result in conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, will be mitigated to a less than significant level as Mitigation Measure 3.4-11 would first require the project to retain a qualified arborist to perform a survey of any trees within the footprint of the proposed off-site detention basin (located north of Sutter Hospital, and east of the City water tank). The tree survey and arborist report would detail the number, species, size, and relative health and structure of all trees in the aforementioned area. The report would also describe which trees on-site are subject to regulation under the City of Davis Tree Ordinance.

Further, a tree protection plan would be prepared that includes measures to avoid or minimize impacts on trees that are to be preserved on-site and well as proposed mitigation for regulated trees subject to impact or removal. A tree modification permit would be submitted to the City for any proposed removal of a tree. Fees would also be assessed by the City, and paid by the project proponent, in accordance with Davis Municipal Code Chapter 37, "Tree Planting, Preservation, and Protection."

Any remaining impacts related to local policies or ordinances protecting biological resources after implementation of Mitigation Measure 3.4-11 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

8. PROJECT IMPLEMENTATION MAY RESULT IN CONFLICTS WITH AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN (EIR IMPACT 3.4-11)

- (a) Potential Impact. The potential for the project to result in conflicts with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, is discussed on pages 3.4-31 and 3.4-32 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-12.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the project to result in conflicts with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, will be mitigated to a less than significant level as Mitigation Measure 3.4-12 would first require the project to comply with the requirements of the Yolo County Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) as applicable, if the NCCP/HCP is adopted prior to initiation of ground disturbing activities. This would likely include the payment of fees, and the integration of applicable avoidance and mitigation measures for covered species. For species not covered by the Yolo NCCP/HCP, applicable mitigation measures in the Draft EIR would continue to apply after adoption of the Yolo NCCP/HCP and must be satisfied by the project applicant. The project applicant, the City of Davis Department of Community Development and Sustainability, and a representative of the Yolo Habitat Conservancy would coordinate to ensure compliance with the Yolo NCCP/HCP for covered species and satisfaction of applicable EIR mitigation measures for non-covered species.

Any remaining impacts related to local policies or ordinances protecting biological resources after implementation of Mitigation Measure 3.4-12 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

D. CULTURAL AND TRIBAL RESOURCES

1. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5, OR A SIGNIFICANT TRIBAL CULTURAL RESOURCE, AS DEFINED IN PUBLIC RESOURCES CODE §21074 (EIR IMPACT 3.5-1)

(a) Potential Impact. The potential for the project to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074, is discussed on page 3.5-16 through 3.5-18 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to a significant historical resource or significant tribal cultural resource will be mitigated to a less than significant level as Mitigation Measure 3.5-1 would require all construction workers to receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. Further, if any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find would cease, the City of Davis Department of Community Development and Sustainability would be notified, and the applicant would retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If the find is a tribal resource, the Yocha Dehe Wintun Nation would be notified. This mitigation also outlines the site investigation procedures for a find, and requires a data recovery plan to be prepared and adopted prior to any excavation.

Any remaining impacts related to a significant historical resource or significant tribal cultural resource after implementation of Mitigation Measure 3.5-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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

2. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5 (EIR IMPACT 3.5-2)

- (a) Potential Impact. The potential for the project to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5, is discussed on page 3.5-19 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to a significant archaeological resource will be mitigated to a less than significant level as Mitigation Measure 3.5-1 would require all construction workers to receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. Further, if any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find would cease, the City of Davis Department of Community Development and Sustainability would be notified, and the applicant would retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If the find is a tribal resource, the Yocha Dehe Wintun Nation would be notified. This mitigation also outlines the site investigation procedures for a find, and requires a data recovery plan to be prepared and adopted prior to any excavation.

Any remaining impacts related to a significant archaeological resource after implementation of Mitigation Measure 3.5-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

3. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE (EIR IMPACT 3.5-3)

- (a) Potential Impact. The potential for the project to directly or indirectly destroy a unique paleontological resource is discussed on page 3.5-19 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to a unique paleontological resource will be mitigated to a less than significant level as Mitigation Measure 3.5-1 would require all construction workers to receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. Further, if any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find would cease, the City of Davis Department of Community Development and Sustainability would be notified, and the applicant would retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If the find is a tribal resource, the Yocha Dehe Wintun Nation would be notified. This mitigation also outlines the site investigation procedures for a find, and requires a data recovery plan to be prepared and adopted prior to any excavation.

Any remaining impacts related to a unique paleontological resource after implementation of Mitigation Measure 3.5-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

4. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES (EIR IMPACT 3.5-4)
- (a) Potential Impact. The potential for the project disturb human remains, including those interred outside of formal cemeteries, is discussed on pages 3.5-20 and 3.5-21 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to human remains will be mitigated to a less than significant level as Mitigation Measure 3.5-2 would require that if any human remains are found during grading and construction activities, work would be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Yolo County Coroner has been informed and has determined that no investigation of the cause of death is required. The measure also outlines steps to be taken if the remains are of Native American origin.

Any remaining impacts related to human remains after implementation of Mitigation Measure 3.5-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

E. GEOLOGY AND SOILS

1. IMPLEMENTATION AND CONSTRUCTION OF THE PROPOSED PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL (EIR IMPACT 3.6-2)
- (a) Potential Impact. The potential for the project to result in substantial soil erosion or the loss of topsoil is discussed on page 3.6-15 and 3.6-16 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.6-1 and 3.6-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts resulting in substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level as Mitigation Measures 3.6-1 and 3.6-2 will

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

ensure that project plans adequately address grading, erosion, sediment, and pollution control requirements of the Regional Water Quality Control Board (RWQCB), and through employing BMPs and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Additionally, as required by Mitigation Measure 3.6-2, the stormwater runoff from the site shall be treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit.

Any remaining impacts related to erosion or loss of topsoil after implementation of Mitigation Measures 3.6-1 and 3.6-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

2. THE PROPOSED PROJECT WOULD BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF PROJECT IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE (EIR IMPACT 3.6-3)
 - (a) Potential Impact. The potential for the project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse is discussed on page 3.6-16 through 3.6-18 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-3.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to unstable soils will be mitigated to a less than significant level as Mitigation Measure 3.6-3 will ensure that a design-level geotechnical engineering report is produced by a California Registered Civil Engineer or Geotechnical Engineer. The design-level geotechnical engineering report would

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

include a summary of the site, soil, and groundwater conditions, seismicity, laboratory test data, exploration data and a site plan showing exploratory locations and improvement limits. Any remaining impacts related to unstable soils after implementation of Mitigation Measure 3.6-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

F. GREENHOUSE GASSES, CLIMATE CHANGE, AND ENERGY

1. THE PROPOSED PROJECT MAY GENERATE OPERATION-RELATED GHGS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT (EIR IMPACT 3.7-2)
 - (a) Potential Impact. The potential for the project to generate operation-related GHGs, either directly or indirectly, that may have a significant effect on the environment is discussed on page 3.7-22 through 3.7-24 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.7-1.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.7-1 will ensure that all residential units are designed such that they to achieve a minimum of 15% greater energy efficiency than the baseline 2016 Title-24 Energy Efficiency requirements (compliant with Tier 1 of the 2016 CalGreen Code). Any remaining impacts related to direct or indirect generation of operational greenhouse gas emissions after implementation of Mitigation Measure 3.7-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

G. HAZARDS AND HAZARDOUS MATERIALS

1. THE PROJECT MAY HAVE THE POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT (EIR IMPACT 3.8-1)

(a) Potential Impact. The potential for the project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-15 through 3.8-17 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, 3.8-5, and 3.8-6.

(c) Findings. Based upon the EIR and the potential for the project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, will be mitigated to a less than significant level as Mitigation Measure 3.8-1 and 3.8-2 require submittal and approval of a Soil Management Plan and a soil sampling program. The Soil Management Plan would establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe handling of these materials if encountered. The soil sampling program would include an assessment of the potential agrichemical (including pesticides, herbicides, diesel, petrochemicals, etc.) impacts to surface soil within the project site. Mitigation Measure 3.8-1 also outlines the requirements for the soil sampling program, and steps to take if the results indicate the presence of agrichemicals that exceed screening levels.

Mitigation Measure 3.8-3 requires submittal of a Hazardous Materials Business Plan (HMBP) to Yolo County Environmental Health Division (CUPA). Mitigation Measures 3.8-4 and 3.8-5 require removal and/or abandonment of any underground septic tanks, fuel tanks, or wells that are uncovered from past site uses during construction. Mitigation Measure 3.8-6 requires the applicant to confirm to the City of Davis that soil sampling of the on-site soil stockpiles was performed to identify potential soil contaminants. If elevated levels of total petroleum hydrocarbons (TPH) (gas, diesel and motor oil) or volatile organic compounds (VOCs) are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan would be prepared and implemented prior to the commencement of grading activities.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Any remaining impacts related to hazardous materials routine transport, use, disposal, or through accident conditions involving the release of hazardous materials into the environment after implementation of Mitigation Measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, 3.8-5, and 3.8-6 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

H. HYDROLOGY AND WATER QUALITY

1. THE PROJECT MAY VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS DURING CONSTRUCTION (EIR IMPACT 3.9-1)

- (a) Potential Impact. The potential for the project to violate water quality standards or waste discharge requirements during construction is discussed on pages 3.9-14 and 3.9-16 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.6-1 and 3.9-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with the potential to violate water quality standards or waste discharge requirements during construction will be mitigated to a less than significant level as Mitigation Measures 3.6-1 and 3.9-1 require the preparation of a detailed SWPPP, implementation of BMPs, and submittal and approval of a Spill Prevention Countermeasure and Control Plan which will specify measures and procedures to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities.

Any remaining impacts related to water quality standards or waste discharge requirements during construction after implementation of Mitigation Measures 3.6-1 and 3.9-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

2. THE PROJECT MAY VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS POST-CONSTRUCTION (EIR IMPACT 3.9-2)
 - (a) Potential Impact. The potential for the project to impact water quality standards or waste discharge requirements post-construction is discussed on pages 3.9-16 through 3.9-19 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.9-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with violations of water quality standards or waste discharge requirements post-construction will be mitigated to a less than significant level as Mitigation Measure 3.9-2 requires submittal of a final plan identifying permanent stormwater control measures to be implemented by the project to the City. The plan shall include measures consistent with the Preliminary Drainage Study prepared for the project and shall be subject to review and approval by the Public Works Department. Any remaining impacts related to water quality, and waste discharge after implementation of Mitigation Measure 3.9-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

3. THE PROJECT MAY PLACE HOUSING OR STRUCTURES THAT WOULD IMPEDE/REDIRECT FLOWS WITHIN A 100-YEAR FLOOD HAZARD AREA AS MAPPED ON A FEDERAL FLOOD HAZARD BOUNDARY OR FLOOD INSURANCE RATE MAP OR OTHER FLOOD HAZARD DELINEATION MAP (EIR IMPACT 3.9-6)
 - (a) Potential Impact. The potential for the project to place housing or structures that would impede/redirect flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map is discussed on pages 3.9-23 through 3.9-25 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.9-3, 3.9-4, and 3.9-5.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with the 100-year flood hazard area will be mitigated to a less than significant level as Mitigation Measure 3.9-3 requires the project applicant to either demonstrate that the developed portions of the project site are outside of the anticipated 100-year flood hazard area, or incorporate measures into the proposed project to achieve a 100-year level of flood protection for any site installations. Mitigation Measure 3.9-4 requires the project applicant to prepare and submit an application for Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) for approval. Mitigation Measure 3.9-5 requires the building pads for all onsite structures to be set a minimum of 1.0 foot above the maximum 100-year water surface elevations on the project site, as shown on the CLOMR approved by FEMA.

Any remaining impacts related to the 100-year flood hazard area after implementation of Measures 3.9-3, 3.9-4, and 3.9-5 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the 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.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

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 and Final EIR.

Aesthetics and Visual Resources: The following specific impact was found to be less than significant: 3.1-3.

Agricultural Resources: The following specific impacts were found to be less than significant: 3.2-2 and 3.2-3.

Air Quality: The following specific impacts were found to be less than significant: 3.3-3, 3.3-4, and 3.3-5.

Biological Resources: The following specific impacts were found to have no impact: 3.4-3, 3.4-8, 3.4-9.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Geology and Soils: The following specific impacts were found to be less than significant: 3.6-1 and 3.6-4.

Greenhouse Gases and Climate Change: The following specific impacts were found to be less than significant: 3.7-1, 3.7-3, and 3.7-4.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant: 3.8-2, 3.8-3, 3.8-4, 3.8-5, and 3.8-6.

Hydrology and Water Quality: The following specific impacts were found to be less than significant: 3.9-3, 3.9-4, 3.9-5, and 3.9-7.

Land Use: The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, and 3.10-3.

Noise: The following specific impacts were found to be less than significant: 3.11-1, 3.11-2, 3.11-3, 3.11-4, and 3.11-5.

Population and Housing: The following specific impacts were found to be less than significant: 3.12-1 and 3.12-2.

Public Services and Recreation: The following specific impacts were found to be less than significant: 3.13-1, 3.13-2, 3.13-3, 3.13-4, 3.13-5, and 3.13-6.

Traffic and Circulation: The following specific impacts were found to be less than significant: 3.14-1, 3.14-2, 3.14-3, 3.14-4, 3.14-7, 3.14-8, and 3.14-11.

Utilities: The following specific impacts were found to be less than significant: 3.15-1, 3.15-2, and 3.15-3.

The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

Biological Resources: The following specific impact was found to be less than cumulatively considerable: 4.4.

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

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

Greenhouse Gases and Climate Change: The following specific impact was found to be less than cumulatively considerable: 4.7.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.8.

Hydrology and Water Quality: The following specific impacts were found to be less than cumulatively considerable: 4.9 and 4.10.

Land Use: The following specific impact was found to be less than cumulatively considerable: 4.11.

Noise: The following specific impacts were found to be less than cumulatively considerable: 4.12.

Population and Housing: The following specific impact was found to be less than cumulatively considerable: 4.13.

Public Services and Recreation: The following specific impact was found to be less than cumulatively considerable: 4.14.

Utilities: The following specific impact was found to be less than cumulatively considerable: 4.17.

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

- The EIR determined that the impact is less than significant for the project.
- The EIR determined that the project would have a less than cumulatively considerable contribution to the cumulative impact.
- The EIR determined that the impact is beneficial (would be reduced) for the project.
- The EIR determined that the cumulative impact was fully addressed in the General Plan EIR and that the project would not result in new or expanded cumulative impacts.

VI. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

The State CEQA Guidelines Section 15126.6 mandates that every EIR evaluate a no-project alternative, plus a feasible and reasonable range of alternatives to the project or its location. Seven alternatives to the proposed project were developed based on City of Davis staff and City Council input, input from the public during the NOP review period, and the technical analysis performed to identify the environmental effects of the proposed project. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable 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. But where all significant impacts can be

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

substantially lessened, in this case 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 (Public Resources Code 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 project alternatives as compared to the proposed project.

As explained below, these findings describe and reject, for reasons documented in the FEIR and summarized below, each one of the project alternatives, and the City finds that approval and implementation of the proposed West Davis Active Adult Community Project is appropriate. The evidence supporting these findings is presented in Section 5.0 of the Draft EIR.

A. IDENTIFICATION OF PROJECT OBJECTIVES

As described above, an 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 of more of the significant effects.” Chapter 2.0 and Chapter 5.0 of the Draft EIR identify the project’s goals and objectives. The project objectives include:

1. Create a community that connects the City’s senior population to existing services and facilities in West Davis.
2. Design a neighborhood with homes to support an active lifestyle for older adults.
3. Create a diverse community that provides housing for multiple generations and lifestyles by including a provision in the single-family neighborhood for 20% non-age restricted housing.
4. Provide Davis residents with housing options that meets their long-term needs so they remain local rather than leave the City.
5. Provide a community that is not isolated from the rest of the City by providing public gathering spaces for all City residents.

B. ALTERNATIVES ANALYSIS IN EIR

With the exception of the No Project alternative, all alternatives considered were mixed-use residential development varied in the ways described below:

- Variation in resident targeting, with no age restrictions for occupancy of the units;
- Variation in physical development type, with the same number of units on less land; and

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- Variation in location, with an off-site alternative.

Pursuant to Section 15126.6 of the CEQA Guidelines, the EIR considered four 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 project objectives and purpose, and the feasibility and reasonableness of the alternative. The four alternatives were analyzed in Chapter 5 of the DEIR. The alternatives that were analyzed are as follows:

1. No Project (No Build) Alternative
2. Conventional (Non-Age Restricted Alternative
3. Higher Density, Less Land Alternative
4. Off-Site (Inside Mace Curve) Alternative

Based on impacts identified in the EIR, and other reasons documented below, the City Council finds that the West Davis Active Adult Community Project, as approved, is the most desirable, feasible, and appropriate action and rejects the other alternatives as infeasible based on consideration of the relevant factors identified herein. A summary of each alternative, its relative characteristics, and documentation of the City Council's findings in support of rejecting the alternative as infeasible are provided below.

C. GENERAL FINDINGS FOR PROJECT ALTERNATIVES

The City Council finds that the range of alternatives studied in the 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 West Davis Active Adult Community Project. The City Council finds that the alternatives analysis is sufficient to inform the 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 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 EIR, and other reasons documented below, the City Council finds that approval of the West Davis Active Adult Community is the most desirable, feasible, and appropriate alternative, and rejects other alternatives and other combinations and/or variations of alternatives as infeasible.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

D. FINDINGS FOR REJECTION OF ALTERNATIVES

1. NO PROJECT (NO BUILD) ALTERNATIVE:

The No Project (No Build) Alternative is discussed on pages 5.0-3, and 5.0-5 through 5.0-9 of the Draft EIR. The No Project (No Build) Alternative assumes that the project site would remain in its existing state and no additional development would occur. The current condition of the site consists of agricultural uses, a gravel parking lot, and the existing Covell Boulevard improvements and drainage channel.

Findings: The No Project (No Build) Alternative is rejected as an alternative because it would not achieve any of the five identified objectives. The No Project (No Build) Alternative is the environmentally superior alternative.

Explanation: This alternative would not realize the benefits of the project nor achieve any of the project objectives. The City of Davis has identified the need for diverse housing options to serve local residents to help meet existing housing needs, including age-restricted, non-age-restricted, and affordable units, consistent with City Housing Policies. Under the No Project (No Build) Alternative, no new age-restricted, non-age-restricted, or senior affordable housing opportunities would be allowed and no site development would occur. The No Project (No Build) Alternative would result in fewer significant environmental impacts than the proposed project, but would fail to fully meet any project objectives identified by the City.

For these reasons, the project is deemed superior to the No Project (No Build) Alternative.

2. CONVENTIONAL (NON-AGE RESTRICTED) ALTERNATIVE:

The Conventional (Non-Age Restricted) Alternative is discussed on pages 5.0-3, 5.0-4, and 5.0-10 through 5.0-15 of the Draft EIR. Under this alternative, the project site would be developed similar to the proposed project with up to 560 units, but the units would not be age-restricted. The required affordable housing component would be provided on-site under this alternative, similar to the proposed project. The proposed amenities, mixed use area, bicycle and pedestrian improvements, and landscaping would be the same as the proposed project.

Findings: The Conventional (Non-Age Restricted) Alternative is rejected as an alternative because it would result in greater impacts to eight resources areas. Additionally, this alternative would not fully meet the five project objectives. The total population resulting from this alternative would likely be greater due to the non-age restricted units and potential for families to inhabit the site.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Explanation: This alternative results in greater impacts in the following eight resources areas: air quality, geology and soils, greenhouse gases, noise and vibration, population and housing, public services and recreation, transportation and circulation, and utilities. The increased impacts are largely due to the potential increase in total population resulting from this alternative when compared to the proposed project. The alternative would also be less able to meet the objectives to provide housing for older adults and seniors, who would have to compete for housing units with non-senior households, including student households. The Conventional Alternative would provide housing at a location near Sutter-Davis Hospital and University Retirement Community at Davis to residents that would not be expected to benefit from living near these senior-supportive facilities. The Conventional Alternative would also have the potential to increase conflicts between senior and non-senior residents of the development by removing the explicit goal of providing housing oriented to active adults and seniors.

For these reasons, the project is deemed superior to the Conventional (Non-Age Restricted) Alternative.

3. HIGHER DENSITY, LESS LAND ALTERNATIVE:

The Higher Density, Less Land Alternative is discussed on pages 5.0-4, and 5.0-15 through 5.0-20 of the Draft EIR. Under this alternative, the project site would be developed with the same number of dwelling units as the proposed project (up to 560), but on a smaller footprint than the proposed project. This alternative would include development of approximately fifty percent of the footprint of the proposed project site, or approximately 37 acres. This alternative would result in a density of approximately 15.1 units per acre. The assumed type of units would be adjusted to reflect the increased density. The increased density under this alternative would allow a portion of the required agricultural land mitigation area and stormwater detention facilities to be located on the project site. The proposed amenities, mixed use area, bicycle and pedestrian improvements, and landscaping would be the same as the proposed project.

Findings: The Higher Density, Less Land Alternative is rejected because it would not avoid any of the significant and unavoidable impacts of the project. Additionally, this alternative would not provide the same level of benefits as the project.

Explanation: This alternative would fully meet all five of the objectives of the project. The Higher Density, Less Land Alternative would reduce impacts in seven resource areas as compared to the proposed project, including impacts from conversion of agricultural land to urban uses, but would also result in similar impacts in eight resource areas. This alternative would not avoid any of the significant and unavoidable impacts of the project. Additionally, this alternative would not be as effective as the proposed project at meeting the project objectives identified in the EIR because the higher-density development type would not accommodate the envisioned single-story single-family residential components of the proposed project. Further, due to the clustering of the

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

residences at a higher density than the project, development of the site in accordance with this alternative could introduce visual elements that are substantially greater in scale than the surrounding development, adversely impacting the visual character and compatibility of the area. Potential land use conflicts may occur between the urban uses and maintained agricultural uses under this alternative. This alternative is also potentially economically unfeasible due to the lack of housing variety as this alternative would result in a density of approximately 15.1 units per acre, and the assumed type of units would be adjusted to reflect the increased density. This would potentially reduce the value of the units that would be built, and impair the feasibility of providing the greenways, mini-parks, and other on-site amenities that are included in the proposed project. On balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the project.

For these reasons, the project is deemed superior to the Higher Density, Less Land Alternative.

4. OFF-SITE (INSIDE MACE CURVE) ALTERNATIVE:

The Off-Site (Inside Mace Curve) Alternative is discussed on pages 5.0-4, and 5.0-20 through 5.0-25 of the Draft EIR. Under this alternative, the proposed project would be developed with a decrease in units at an off-site location. Parcels of similar size that are designated and/or zoned for residential uses are not currently available for development within the City. For the purposes of evaluating an off-site alternative location within the City, City staff has identified the 47-acre property located inside the Mace Curve, adjacent to Harper Junior High School. The off-site location is designated Agriculture by the Yolo County General Plan land use map has a County zoning of Agriculture-Extensive (A-N). Similar to the proposed project site, development of this off-site location would require a Measure R vote. This site was identified as a “yellow light” site in the 2008 Resolution by City Council implementing the Housing Element Steering Committee recommendations. The 2008 Resolution noted that this off-site location could support 350 to 473 dwelling units.

The overall proposed project density of approximately 7.6 dwelling units per acre (du/ac) ($560 \text{ du} \div 74 \text{ ac} = 7.57 \text{ du/ac}$). Utilizing this density of 7.6 du/ac, the approximately 47-acre off-site location would provide up to 360 units ($360 \text{ du} \div 47 \text{ ac} = 7.55 \text{ du/ac}$). The proposed amenities, mixed use area, bicycle and pedestrian improvements, and landscaping would be the same as the proposed project.

Findings: The Off-Site (Inside Mace Curve) Alternative is rejected because it would result in 200 fewer housing units than the proposed project. As a result, this alternative would only partially meet four of the five project objectives. The Off-Site (Inside Mace Curve) Alternative is the next environmentally superior alternative to the No Project (No Build) Alternative.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Explanation: This alternative would fully meet one of the objectives of the project as it would provide amenities and public gathering spaces for all City residents, similar to the proposed project. However, this alternative would not connect seniors to existing services and facilities in West Davis and, although this alternative would provide housing for multiple generations and lifestyles, this alternative would result in 200 fewer units than the proposed project. As such, this alternative would satisfy four of the objectives to a lesser degree than the proposed project. The Off-Site Alternative is located nearly four miles from Sutter-Davis Hospital and University Retirement Community at Davis, and would not facilitate development of senior-oriented housing near other senior-oriented facilities. The Off-Site (Inside Mace Curve) Alternative would reduce impacts in 11 resource areas as compared to the proposed project, but would also result in similar impacts in four resource areas. This alternative would not avoid any of the significant and unavoidable impacts of the project.

For these reasons, the project is deemed superior to the Off-Site (Inside Mace Curve) Alternative.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE WEST DAVIS ACTIVE ADULT COMMUNITY PROJECT FINDINGS

As described in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the project:

- Potential to result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character (EIR Impact 3.1-1);
- Project implementation may result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses (EIR Impact 3.2-1);
- Project implementation may lead to the indirect conversion of adjacent agricultural lands to non-agricultural uses (EIR Impact 3.2-4);
- Project operations have the potential to cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation (EIR Impact 3.3-1);
- Under cumulative plus project conditions, project implementation would cause significant impacts at study intersections (EIR Impact 3.14-5);
- Under cumulative plus project conditions, project implementation would cause significant impacts at study freeway facilities (EIR Impact 3.14-6);
- The proposed site plan would not provide adequate emergency vehicle access (EIR Impact 3.14-9);
- The proposed site plan would not provide adequate project access (EIR Impact 3.14-10);
- The project may contribute to the cumulative degradation of the existing visual character of the region (EIR Impact 4.1);

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- The project may contribute to cumulative impacts on agricultural land and uses (EIR Impact 4.2);
- The project may contribute to cumulative impacts on the region's air quality (EIR Impact 4.3);
- Under cumulative plus project conditions, project implementation would cause significant impacts at study intersections (EIR Impact 4.15);
- Under cumulative plus project conditions, project implementation would cause significant impacts at study freeway facilities (EIR Impact 4.16).

The adverse effects identified above are substantive issues of concern to the City of Davis. The development of senior housing is called for and contemplated in the Davis General Plan. Policy HOUSING 1.8 of the Davis General Plan aims to encourage a variety of housing types and care choices, as well as housing innovation, for seniors. The proposed project is consistent with this Policy as the project would provide a variety of housing types and sizes, and would provide an approximately three-acre continuing care retirement community.

Policy HOUSING 4.4 aims to encourage senior housing in all parts of Davis and near neighborhood centers, shopping centers, public transportation, and/or parks and greenbelts where compatible with existing uses. The facility is served by a nearby Yolobus and Unitrans bus stop, and has various bicycle/pedestrian facilities in close proximity. Existing bus stops are located on the north side of Covell Boulevard, near the intersection with Risling Court (at southeast corner of project site), near the John Jones Road and Covell Boulevard intersection. On the south side of Covell Boulevard, a stop is located approximately 250 feet east of Risling Court. Additionally, the project site is located near various retail and commercial areas, with an existing shopping center located east of the site opposite SR 113. Further, the project includes various parks, greenbelts, and pedestrian paths within the site. Approval and development of the proposed project will provide local residents and seniors with housing located in close proximity to neighborhood centers and shopping centers, with access to transit routes and bicycle paths.

Additionally, General Plan Policy UD 2.4 aims to create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers, and transit stops. The proposed project would incorporate solar photovoltaics onto residential rooftops, which would reduce the need for fossil fuel-based energy (for proposed project buildings), including for electricity. The project includes on-site open space amenities, including but not limited to, a dog park and tot lot, 4.5 miles of off street biking and walking paths within the project area, and an additional 0.22 miles of off street biking and walking paths offsite. The project also includes a mixed use are; current plans for the facility include a health club, restaurant, meeting rooms, and an outdoor swimming pool, all of which would be available for use by residents and the public. Further, the project site is located in close proximity to neighborhood centers and services, such as the Marketplace Shopping Center, retail uses along John Jones Road, and Sutter Davis Hospital.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

General Plan Policy TRANSPORTION 1.3 aims to locate higher intensity residential development near existing centers and along corridors well served by non-motorized transportation infrastructure and public transportation. The project meets this policy as already described.

The City Council has balanced the benefits of the project against its unavoidable environmental risks in determining whether to approve the project, and has determined that the benefits of the Project outweigh the unavoidable adverse environmental effects. The reasons set forth below are based on the EIR and other information in the record. As set forth in the preceding sections, approving the project will result in significant adverse environmental effects that cannot be reduced to a less-than-significant level, even with the adoption of all feasible mitigation measures. As determined above, however, there are no additional feasible mitigation measures, nor are there feasible alternatives, that would mitigate or substantially lessen the impacts to a less-than-significant level. Therefore, despite these significant environmental effects, the City Council, in accordance with Public Resources Code Sections 21001, 21002.1(c), 21081(b) and CEQA Guidelines Section 15093, chooses to approve the Project because, in its judgment, the following economic, social, and other benefits that the Project will produce will render the significant effects acceptable.

Substantial evidence supporting the benefits cited in this Statement of Overriding Considerations can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the record of proceedings, as defined in section II, above. Any one of the following reasons is sufficient to demonstrate that the benefits of the project outweigh its unavoidable adverse environmental effects, thereby justifying approval of the project.

1. **Development of Senior Housing.** The project would provide age-restricted and non-age-restricted housing options and contribute toward an adequate supply of rental housing and ownership housing in the City of Davis to help meet existing senior housing needs, consistent with City housing policies. Davis General Plan Policy HOUSING1.9 aims to encourage a variety of housing types and care choices, as well as housing innovation, for seniors, which the project would provide. Davis General Plan Policy HS 4.2 aims to provide services which enable seniors to remain as independent as possible, which the project would provide. The project would be consistent with this policy and action.
2. **Development of Affordable Housing.** The project would increase the supply of senior affordable housing for varying income levels and needs in a post-redevelopment environment. Under the terms of the Development Agreement, all of the high-density units would meet the required minimum income and rent targets, including a minimum of one-third of the units for households with incomes not exceeding 30 percent of area median income (extremely low income). The 150 affordable apartment units would be developed in order to meet the City's Affordable Housing requirements. The project would also advance City Council Goals for 2016-1018 that includes Objective 6 to increase the supply of affordable housing.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

3. **Quality Design and the Integration of On-Site Amenities.** The proposed project would comply with all existing energy standards, including those established by the City of Davis. The proposed project would introduce solar photovoltaics onto residential rooftops. In addition to quality design, the proposed project includes several on-site amenities. Site amenities would include a tot lot, dog park, health club, restaurant, meeting rooms, and an outdoor swimming pool. The project site would be interconnected via a grid of north-south and east-west neighborhood walking and biking paths. The internal greenways would provide connection between the site access points, the residential housing units and the activity and wellness center.
4. **Improvements to the Nearby Circulation System.** The Project includes extensive improvements to the intersections of Covell Boulevard with Shasta Drive / Risling Place and with John Jones Road, to eliminate free right turn lanes, reduce the distance for pedestrians crossing Covell Boulevard, and increase safety for all uses. The project also includes dedication of land for a potential landing of bicycle/pedestrian crossing of SR 113, should such a project be proposed in the future. Landscaping improvements along Covell Boulevard will improve aesthetics of the corridor and increase comfort for all users.
5. **Consistency with the Davis General Plan.** The Davis General Plan designates the project site as Agriculture (A). The proposed project would require a City of Davis General Plan Amendment to the Land Use Element to change land uses on the project site. Changes to the Land Use Element would include changing the entire project site from Agriculture (Yolo County) to Residential – Medium Density, Residential – High Density, Neighborhood Mixed Use, and Urban Agriculture Transition Area (City of Davis). The proposed general plan amendment will ensure the project’s consistency with the City’s General Plan requirements.

The Proposed Project is consistent with all of the following General Plan policies, goals, and actions:

- | | |
|----------------|--|
| Policy LU A.3: | Require a mix of housing types, densities, prices and rents, and designs in each new development area. |
| Policy UD 2.4: | Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers. |
| Goal HS 4: | Create and maintain a social and service environment supportive of seniors. |
| Policy HS 4.2: | Provide services which enable seniors to remain as independent as possible. |

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- Goal HOUSING 1: Promote an adequate supply of housing for people of all ages, income, lifestyles and types of households consistent with General Plan policies and goals.
- Policy HOUSING 1.2: Strive to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students.
- Policy HOUSING 1.8: Encourage a variety of housing types and care choices, as well as housing innovation, for seniors.
- Policy HOUSING 4.4: Encourage senior housing in all parts of Davis and near neighborhood centers, shopping centers, public transportation, and/or parks and greenbelts where compatible with existing uses.
- Policy TRANS 1.3: Encourage higher intensity residential, commercial, and mixed-use development near existing activity centers and along corridors well served by non-motorized transportation infrastructure and public transportation.
6. Consistency with the Davis Climate Action and Adaptation Plan (D-CAAP). The proposed project is consistent with the D-CAAP, which lays the framework for the City of Davis to achieve its target reduction goals of GHG emissions, and is consistent with the City's GHG standards for new residential projects. Because the proposed project is consistent with the D-CAAP, development of the project would assist the City in achieving their adopted GHG reduction targets.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

VIII. 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 environmental impacts of the proposed project.

The Davis City Council has considered information contained in the EIR prepared for the proposed West Davis Active Adult Community Project as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable aesthetic, agricultural resource, air quality, and transportation and circulation impacts may result from implementation of the proposed project, the Council finds that the benefits of the project and overriding considerations outweigh the adverse effects of the project. Having included all feasible mitigation measures in the Mitigation Monitoring and Reporting Program, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed West Davis Active Adult Community 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 West Davis Active Adult Community 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 West Davis Active Adult Community Project have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed West Davis Active Adult Community 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.

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the West Davis Active Adult Community Project (project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Davis will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
AESTHETICS AND VISUAL RESOURCES				
Impact 3.1-2: Project implementation may result in light and glare impacts	Mitigation Measure 3.1-1: In order to reduce the potential for glare from buildings and structures within the project site, the Preliminary and Final Planned Developments for the project shall show that the use of reflective building materials that have the potential to result in glare that would be visible from sensitive receptors located in the vicinity of the project site shall be prohibited. The City of Davis Department of Community Development and Sustainability shall ensure that the approved project uses appropriate building materials with low reflectivity to minimize potential glare nuisance to off-site receptors.	City of Davis Department of Community Development and Sustainability	Prior to issuance of each building permit	
AGRICULTURAL RESOURCES				
Impact 3.2-1: Project implementation may result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses	Mitigation Measure 3.2-1: Prior to initiation of grading activities for each phase of development of the project, the project applicant shall set aside in perpetuity, at a minimum ratio of 2:1 of active agricultural acreage, an amount equal to the current phase. The applicant may choose to set aside in perpetuity an amount equal to the remainder of the project site instead of at each phase. The agricultural land shall be elsewhere in the Davis Planning Area, 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 for the proposed project is subject to the review and approval by the City Council. The amount of agricultural acreage set aside shall account for farmland lost due to the conversion of the project site, as well as some of the off-site improvements, including but not necessarily limited to the off-site stormwater detention pond and the off-site Rising Court improvements. The amount of agricultural acreage set aside shall not include conversion of the agricultural buffer. The amount of agricultural acreage that needs to be set aside for off-site improvements shall be verified for each phase of the project during improvement plan review. Pursuant to Davis 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	City of Davis Department of Community Development and Sustainability City of Davis City Council	Prior to initiation of grading activities for each phase of development of the project	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM 4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.2-4: Project implementation may lead to the indirect conversion of adjacent agricultural lands to non-agricultural uses	<p>requirements of LAFCO including a LESA score no more than 10 percent below that of the project site.</p> <p>Mitigation Measure 3.2-2: Prior to the issuance of occupancy permits, the applicant shall consult with adjacent agricultural property owners and attempt to purchase a “no aerial spray” easement. The applicant shall submit the written proof of the easement, or a statement indicated an agreement has not been reached to the Department of Community Development and Sustainability.</p>	City of Davis Department of Community Development and Sustainability	Prior to the issuance of occupancy permits	
AIR QUALITY				
Impact 3.3-1: Project operations have the potential to cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation	<p>Mitigation Measure 3.3-1: Prior to the issuance of each building permit, the project applicant shall ensure that the project incorporates the following mitigation:</p> <ul style="list-style-type: none"> • Require the use Low VOC Cleaning Supplies during project operation • Require the use of low VOC Paint (VOC emission factor of below 100 g/L for residential interiors exteriors, and below 150 g/L for non-residential interior, non-residential exterior, parking). • Install metal halide post top lights, metal halide cobrahead/cutoff lights, LED lights, or high pressure sodium cutoff lights. • Require only the install low-flow appliances (for the bathroom faucet, kitchen faucet, toilet, and shower). • Require the use water-efficient irrigation systems. 	City of Davis Department of Community Development and Sustainability	Prior to issuance of each building permit	
Impact 3.3-2: Project construction has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation	<p>Mitigation Measure 3.3-2: The project applicant shall implement the following dust control measures during all construction activities. These measures shall be incorporated as part of the building and grading plans.</p> <ul style="list-style-type: none"> • Water all active construction sites at least three times daily. • Frequency should be based on the type of operation, soil, and wind exposure. • Apply water or dust palliatives on exposed earth surfaces as necessary to control dust emissions. Construction contracts shall include dust control treatment in late morning and at the end of the 	City of Davis Department of Community Development and Sustainability (for review and approval of each building permit) and	Prior to issuance of grading permits and during all site construction activities	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>day, of all earth surfaces during clearing, grading, earth moving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible. Excessive watering will be avoided to minimize tracking of mud from the project onto streets as determined by Public Works.</p> <ul style="list-style-type: none"> • Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour). • Outdoor storage of fine particulate matter on construction sites shall be prohibited. • Contractors shall cover any stockpiles of soil, sand and similar materials. There shall be no storage of uncovered construction debris for more than one week. • Re-vegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project. • Cover all trucks hauling dirt, sand, or loose materials, or maintain at least two feet of freeboard within haul trucks. • Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area (as applicable). • Sweep streets if visible soil material is carried out from the construction site. • Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel. • Reduce speed on unpaved roads to less than 5 miles per hour. 	City of Davis Department of Public Works (for monitoring during all site construction activities)		
BIOLOGICAL RESOURCES				
Impact 3.4-1: Project implementation may result in direct or indirect effects on special-status invertebrate species	<p>Mitigation Measure 3.4-1: The project proponent shall implement the following measures to avoid or minimize impacts on valley elderberry longhorn beetle:</p> <ul style="list-style-type: none"> • All on-site elderberry shrubs shall be avoided and preserved on-site through site design, as feasible. • All elderberry shrubs that are located adjacent to construction areas, but can be avoided, shall be fenced and designated as 	City of Davis Department of Community Development and Sustainability and Public Works	Prior to issuance of grading permits and during all site construction activities	

4.0

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>environmentally sensitive areas. These areas shall be avoided by all construction personnel. Fencing shall be placed at least 20 feet from the dripline of each shrub, unless otherwise approved by USFWS.</p> <ul style="list-style-type: none"> No insecticides, herbicides, or other chemicals that might harm the beetle or its host plant shall be used within 100 feet of the elder-berry shrubs. If the shrub(s) cannot be avoided through redesign, as determined by the City of Davis Public Works Department in conjunction with the project applicant, the project applicant shall mitigate for potential impacts to the shrub(s) by either (1) purchasing VELB conservation credits from a USFWS-approved conservation bank, or (2) transplanting the individual shrub(s) that is not avoided to a suitable mitigation site in a manner consistent with the USFWS' 1999 Conservation Guidelines for the VELB. The mitigation shall be overseen by a qualified biologist, approved by the City of Davis Department of Community Development and Sustainability and USFWS. 	<p>Department (for review and approval of the site design) and U.S. Fish and Wildlife Service (for approval of mitigation, if the shrubs cannot be avoided through redesign)</p>		
<p>Impact 3.4-2: Project implementation may result in direct or indirect effects on special-status reptile and amphibian species</p>	<p>Mitigation Measure 3.4-2: The project proponent shall implement the following measures to avoid or minimize impacts on western pond turtle:</p> <ul style="list-style-type: none"> Ground-disturbing activities in areas of potential pond turtle nesting habitat shall be avoided during the nesting season (April–August), to the extent feasible. A preconstruction survey for western pond turtles within aquatic habitats and adjacent suitable uplands to be disturbed by project activities shall be conducted by a qualified biologist. In aquatic habitats which may be dewatered during project construction, surveys shall be conducted immediately after dewatering and before any subsequent disturbance. Elsewhere, surveys shall be conducted within 24 hours before project disturbance. If pond turtles are found during preconstruction surveys, a qualified biologist, with approval from CDFW, shall move the turtles to the nearest suitable habitat outside the area subject to project disturbance. The construction area shall be reinspected whenever a lapse in construction activity of 2 weeks or more has occurred. 	<p>City of Davis Department of Community Development and Sustainability (for review and approval of the site design and pre-construction surveys) and California Department of Fish and Wildlife (for approval of turtle moving,</p>	<p>Prior to issuance of grading permits and during all site construction activities</p>	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> Construction personnel performing activities within aquatic habitats and adjacent suitable uplands to be disturbed by project activities shall receive worker environmental awareness training from a qualified biologist to instruct workers to recognize western pond turtle, their habitats, and measures being implemented for its protection. Construction personnel shall observe a 15-miles-per-hour speed limit on unpaved roads. <p>Mitigation Measure 3.4-3: The project proponent shall implement the following measures to avoid or minimize impacts on giant-garter snake:</p> <p>The project proponent shall consult with USFWS regarding the potential for the project to affect giant garter snake habitat. If USFWS determines that giant garter snake may be potentially affected by project construction, the project proponent shall obtain an incidental take permit from USFWS and implement the minimization guidelines for giant garter snake, as follows:</p> <ul style="list-style-type: none"> Unless authorized by USFWS, construction and other ground-disturbing activities within 200 feet of suitable aquatic habitat for the giant garter snake shall not commence before May 1, with initial ground disturbance expected to correspond with the snake's active season. Initial ground disturbance shall be completed by October 1. To the extent possible, construction activities shall be avoided within upland habitat within 200 feet from the banks of giant garter snake aquatic habitat. Movement of heavy equipment in these areas shall be confined to existing roadways, where feasible, to minimize habitat disturbance. Construction personnel shall receive USFWS-approved worker environmental awareness training to instruct workers to recognize giant garter snake and their habitats. Within 24 hours before construction activities, the project area shall be surveyed for giant garter snake. The survey shall be repeated if a lapse in construction activity of 2 weeks or greater has occurred. If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective 	<p>if the turtle is found during the surveys)</p> <p>City of Davis Department of Community Development and Sustainability (for review and approval of construction surveys) and U.S. Fish and Wildlife Service (for consultation and determination)</p>	<p>Prior to issuance of grading permits and during all site construction activities</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM 4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.4-4: Project implementation may result in direct or indirect effects on special-status bird species</p>	<p>measures have been completed or it is determined by the qualified biologist and City staff, in coordination with USFWS and CDFW, that the giant garter snake shall not be harmed. Any sightings or incidental take shall be reported to USFWS and CDFW immediately.</p> <ul style="list-style-type: none"> Any aquatic habitat for the snake that is dewatered shall remain dry for at least 15 consecutive days after April 15 and before excavating or filling of the dewatered habitat. If complete dewatering is not possible, potential snake prey (e.g., fish and tadpoles) will be removed so that snakes and other wildlife are not attracted to the construction area. Giant garter snake habitat to be avoided within or adjacent to construction areas will be fenced and designated as environmentally sensitive areas. These areas shall be avoided by all construction personnel. 			
<p>Impact 3.4-5: Project implementation may result in direct or indirect effects on special-status bird species</p>	<p>Mitigation Measure 3.4-4: The project proponent shall implement the following measure to avoid or minimize impacts on western burrowing owl:</p> <ul style="list-style-type: none"> No less than 14 days before initiating ground disturbance activities, the project proponent shall complete an initial take avoidance survey using the recommended methods described in the Detection Surveys section of the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). Implementation of avoidance and minimization measures (as presented in the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation) would be triggered if the initial take avoidance survey results in positive owl presence on the project site where project activities shall occur. If needed, the development of avoidance and minimization approaches shall be developed in coordination with CDFW. <p>Mitigation Measure 3.4-5: The project proponent shall implement the following measures to avoid or minimize impacts on Swainson's hawk:</p> <ul style="list-style-type: none"> No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson's hawk and other raptors during the nesting season (February 1 through August 31). Appropriate buffers shall be established and maintained around 	<p>City of Davis Department of Community Development and Sustainability (for review and approval of survey) and U.S. Fish and Wildlife Service (for coordination)</p> <p>City of Davis Department of Community Development and Sustainability (for review and approval of</p>	<p>No less than 14 days before initiating ground disturbance activities</p> <p>No less than 30 days before start of construction, during all site construction activities, and prior to</p>	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.</p> <ul style="list-style-type: none"> • Prior to initiation of any ground disturbing activities, mobilization for construction, or the issuance of a grading permit or building permit, the applicant shall mitigate for the permanent loss of Swainson's hawk foraging habitat on a per-acre basis. The acreage of Swainson's hawk foraging habitat which would be permanently lost as a result of the project shall be determined by the project applicant's qualified biologist. The results of this survey shall be submitted to the Yolo Habitat Conservancy for review and approval. Mitigation shall occur within Yolo County consistent with the Yolo Habitat Conservation Plan/Natural Community Conservation Plan ("Yolo HCP/NCCP"). Mitigation shall ensure permanent 1:1 conservation of high-quality foraging habitat for the Swainson's hawk through a habitat conservation easement. Depending on project size, the following options are available: <ul style="list-style-type: none"> (a) For projects impacting less than 40 acres of Swainson's hawk foraging habitat, mitigation shall be satisfied by participation in the Yolo Habitat Conservancy's Swainson's Hawk Interim Mitigation Fee Program. Eligible projects shall pay the Program in-lieu fee (currently \$8,660 per disturbed acre) to the Yolo Habitat Conservancy ("Conservancy"). Alternatively, projects impacting greater than 40 acres may mitigate pursuant to (b), below. (b) For projects impacting 40 or more acres of foraging habitat, the applicant shall either (i) place a Conservancy-approved conservation easement on high-quality foraging habitat, (ii) 	<p>surveys), California Department of Fish and Wildlife (for coordination), and Yolo Habitat Conservancy (for review of the foraging habitat survey)</p>	<p>initiation of any ground disturbing activities, mobilization for construction, or the issuance of a grading permit or building permit</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM 4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.4-6: Project implementation may result in direct or indirect effects on candidate, sensitive, or special-status plant species</p>	<p><i>purchase foraging habitat credits from a mitigation bank acceptable to the Conservancy and the California Department of Fish and Wildlife, or (iii) purchase foraging habitat credits from a mitigation bank acceptable to the Conservancy and the California Department of Fish and Wildlife, or (iii) purchase foraging habitat credits from a Conservancy-approved mitigation receiving site.</i></p> <p>Mitigation Measure 3.4-6: <i>The project proponent shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the site:</i></p> <ul style="list-style-type: none"> • <i>Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.</i> • <i>If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.</i> 	<p>City of Davis Department of Community Development and Sustainability (for review and approval of surveys)</p>	<p>Within 14 days before start of construction activities that occur during nesting season (Feb. 15 to Aug. 31), and during all site construction activities</p>	
	<p>Mitigation Measure 3.4-8: <i>Prior to construction, the project proponent shall retain a biologist to perform a focused survey for the following CNPS listed plants: heartscale (April to October), brittlescale (April to October), San Joaquin spearscale (April to October), recurved larkspur (March to June), and saline clover (April to June). The survey shall be performed during the floristic season (shown in parenthesis). While there is a low potential for</i></p>	<p>City of Davis Department of Community Development and Sustainability</p>	<p>Prior to construction and during the floristic seasons</p>	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY (for review and approval of surveys)	TIMING	VERIFICATION (DATE/INITIALS)
	<p>these species to be found on the project site, there is some limited habitat present within and along the fringe of the irrigation ditches. If any of these plants are found during the focused survey, the project proponent shall contact the CNPS to obtain the appropriate avoidance and minimization measures.</p> <p>Mitigation Measure 3.4-9: Prior to construction, the project proponent shall retain a biologist to perform a focused survey for the federally and state listed palmate-bracted salty bird's-beak (<i>Chloropyron palmatum</i>). The survey shall be performed during the floristic season (generally May through October). This species is generally restricted to seasonally-flooded, saline-alkali soils in lowland plains/basins, which is generally present within and along the fringe of the irrigation ditches. If this plant is found during the focused survey, the project proponent shall contact the USFS and CDFW to obtain the appropriate avoidance and minimization measures.</p>	<p>City of Davis Department of Community Development and Sustainability (for review and approval of survey) and U.S. Forest Service and California Department of Fish and Wildlife (if the species is found during the survey)</p>	<p>Prior to construction</p>	
<p>Impact 3.4-7: The proposed project has the potential to effect protected wetlands and jurisdictional waters</p>	<p>Mitigation Measure 3.4-10: The project proponent shall implement the following measure to avoid or minimize impacts on potentially jurisdictional waters:</p> <ul style="list-style-type: none"> • Before any activities that would result in discharge, fill, removal, or hydrologic interruption of any of the water features within the project site, a wetland delineation and jurisdictional determination shall be conducted by a qualified delineator and the delineation that determines the extent of jurisdictional waters should be approved by USACE. • Any impacts on jurisdictional features shall obtain the appropriate CWA Section 404 and or 401 permits. All permit conditions including required avoidance, minimization, and mitigation 	<p>U.S. Army Corps of Engineers (for review and approval of delineation)</p>	<p>Before any activities that would result in discharge, fill, removal, or hydrologic interruption of any of the water features within the project site</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM 4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.4-10: Project implementation may result in conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance</p>	<p>measures included as conditions of the permit shall be followed.</p> <p>Mitigation Measure 3.4-11: The project proponent shall implement the following measure to avoid or minimize impacts on trees protected by the City of Davis:</p> <ul style="list-style-type: none"> • Before the commencement of construction, the project proponent shall retain a qualified arborist to perform a survey of all trees within the footprint of the proposed off-site detention basin (located north of Sutter Hospital, and east of the City water tank). The tree survey and arborist report shall detail the number, species, size, and relative health and structure of all trees in the aforementioned area. The report will also describe which trees on-site are subject to regulation under the City of Davis Tree Ordinance. • A tree protection plan shall be prepared that includes measures to avoid or minimize impacts on trees that are to be preserved on-site and well as proposed mitigation for regulated trees subject to impact or removal. Compliance with the tree protection plan shall be required before and during any site disturbance and construction activity and before issuance of building permits. A tree modification permit shall be submitted to the City for any proposed removal of a tree. Fees shall be assessed by the City, and paid by the project proponent, in accordance with Davis Municipal Code Chapter 37, "Tree Planting, Preservation, and Protection." 	<p>City of Davis Department of Community Development and Sustainability</p>	<p>Before start of construction activities</p>	
<p>Impact 3.4-11: Project implementation may result in conflicts with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan</p>	<p>Mitigation Measure 3.4-12: If the Yolo HCP/NCCP is adopted prior to initiation of any ground disturbing activities for any phase of development associated with the project, the project applicant shall comply with the requirements of the Yolo HCP/NCCP as applicable, which would likely replace other project mitigation measures for species covered in the Yolo HCP/NCCP. This would likely include the payment of fees, and the integration of applicable avoidance and mitigation measures for covered species. For species not covered by the Yolo HCP/NCCP, applicable mitigation measures in this EIR will continue to apply after adoption of the Yolo HCP/NCCP and must be satisfied by the project applicant. The project applicant, the City of Davis Department of Community Development and Sustainability, and a</p>	<p>City of Davis Department of Community Development and Sustainability, and a representative from the Yolo Habitat Conservancy</p>	<p>If the Yolo HCP/NCCP is adopted prior to initiation of any ground disturbing activities for any phase of development associated with the project</p>	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>representative of the Yolo Habitat Conservancy shall coordinate to ensure compliance with the Yolo HCP/NCCP for covered species and satisfaction of applicable EIR mitigation measures for non-covered species. To the extent there is duplication in mitigation for a given species, the requirements of the Yolo HCP/NCCP shall supersede.</p>			
CULTURAL AND TRIBAL RESOURCES				
<p>Impact 3.5-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074</p>	<p>Mitigation Measure 3.5-1: All construction workers shall receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. The sensitivity training shall cover laws pertaining to cultural resources, examples of cultural resources that may be discovered in the project site, and what to do if a cultural resource, or anything that may be a cultural resource, is discovered.</p> <p>If any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If paleontological resources are found during grading and construction activities, a qualified paleontologist shall be retained to determine the significance of the discovery.</p> <p>The archaeologist and/or paleontologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and</p>	<p>City of Davis Department of Community Development and Sustainability</p>	<p>Throughout all ground disturbing activities</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM 4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>recording, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.</p> <p>Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory. Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.</p> <p>The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved</p>			

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.5-2: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5</p>	<p>by the City for the development of the project.</p> <p>Implement Mitigation Measure 3.5-1.</p>	<p>See Mitigation Measure 3.5-1</p>	<p>See Mitigation Measure 3.5-1</p>	
<p>Impact 3.5-3: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource</p>	<p>Implement Mitigation Measure 3.5-1.</p>	<p>See Mitigation Measure 3.5-1</p>	<p>See Mitigation Measure 3.5-1</p>	
<p>Impact 3.5-4: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries</p>	<p>Mitigation Measure 3.5-2: If human remains are discovered during the course of construction during any phase of the project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Yolo County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:</p> <ul style="list-style-type: none"> • The coroner shall contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains. • The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs: <ul style="list-style-type: none"> ○ The Native American Heritage Commission is unable to 	<p>City of Davis Department of Community Development and Sustainability</p>	<p>If human remains are discovered during the course of construction during any phase of the project</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM 4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> ○ identify a descendent. ○ The descendent identified fails to make a recommendation. ○ The City of Davis or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. 			
GEOLOGY AND SOILS				
<p>Impact 3.6-2: Implementation and construction of the proposed project may result in substantial soil erosion or the loss of topsoil</p>	<p>Mitigation Measure 3.6-1: Prior to any site disturbance, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the City of Davis and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.</p> <p>Mitigation Measure 3.6-2: Prior to any site disturbance, the project proponent shall document to the satisfaction of the City of Davis that stormwater runoff from the project site is treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit. Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to provide water quality treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. Roofs shall be designed with down spouting into landscaped areas, bafflepools, or trenches. Driveways</p>	<p>City of Davis Department of Community Development and Sustainability, City of Davis Department of Public Works, and the Regional Water Quality Control Board</p> <p>City of Davis Department of Community Development and Sustainability Public Works Department</p>	<p>Prior to any site disturbance</p> <p>Prior to any site disturbance</p>	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.6-3: The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse</p>	<p><i>should be curbed into landscaping so runoff drains first into the landscaping. The aforementioned requirements shall be noted on the Preliminary and Final Planned Developments for the project.</i></p> <p>Mitigation Measure 3.6-3: Prior to final design approval and issuance of building permits for each phase of the project, the project applicant shall submit to the City of Davis Building Inspection Division, for review and approval, a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall include the recommendations in the report entitled Preliminary Geotechnical Assessment, Davis Innovation Center, dated October 20, 2014 unless it is determined in the design-level report that one or more recommendations need to be revised. The design-level report shall address, at a minimum, the following:</p> <ul style="list-style-type: none"> • Compaction specifications and subgrade preparation for onsite soils; • Structural foundations; • Grading practices; and • Expansive/unstable soils, including fill. <p>The design-level geotechnical engineering report shall include a summary of the site, soil, and groundwater conditions, seismicity, laboratory test data, exploration data and a site plan showing exploratory locations and improvement limits. The report shall be signed by a licensed California Geotechnical Engineer. Design-level recommendations shall be included in the foundation and improvement plans and approved by the Davis Public Works Department prior to issuance of any building permits.</p>	<p>City of Davis Building Inspection Division</p>	<p>Prior to final design approval and issuance of building permits for each phase of the project</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM 4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
GREENHOUSE GASES AND CLIMATE CHANGE				
Impact 3.7-2: The proposed project may generate operation-related GHGs, either directly or indirectly, that may have a significant effect on the environment	Mitigation Measure 3.7-1: Prior to issuance of building permits, the applicant shall ensure that all residential units are designed such that they to achieve a minimum of 15% greater energy efficiency than the baseline 2016 Title-24 Energy Efficiency requirements (compliant with Tier 1 of the 2016 CalGreen Code).	City of Davis Director of Community Development and Sustainability	Prior to the issuance of building permits	
HAZARDS AND HAZARDOUS MATERIALS				
Impact 3.8-1: The project may have the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	Mitigation Measure 3.8-1: A soil sampling program shall be implemented to assess potential agricultural (including pesticides, herbicides, diesel, petrochemicals, etc.) impacts to surface soil within the project site, as follows: The sampling and analysis plan shall meet the requirements of the Department of Toxic Substances Control Interim Guidance for Sampling Agricultural Properties (2008). If the sampling results indicate the presence of agricultural materials that exceed screening levels, a removal action workplan shall be prepared in coordination with Yolo County Environmental Health Division. The removal action workplan shall include a detailed engineering plan for conducting the removal action, a description of the onsite contamination, the goals to be achieved by the removal action, and any alternative removal options that were considered and rejected and the basis for that rejection. The removal action shall be deemed complete when the confirmation samples exhibit concentrations below the commercial screening levels, which will be established by the agencies. Mitigation Measure 3.8-2: Prior to commencement of grading, the applicant shall submit a Soil Management Plan (SMP) for review and approval by the City. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe	City of Davis Director of Community Development and Sustainability (for review of program), and Yolo County Environmental Health Division (if the sampling results indicate the presence of agricultural materials that exceed screening levels)	Prior to the issuance of grading permits	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY and Sustainability	TIMING	VERIFICATION (DATE/INITIALS)
	<p>handling of these materials if encountered. The city will approve the SMP prior to any earth moving.</p> <p>Mitigation Measure 3.8-3: Prior to bringing hazardous materials (including 55 or more gallons for liquids, 500 or more pounds for solids, and/or 200 or more cubic feet for compressed gases) onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to Yolo County Environmental Health Division (CUPA) for review and approval. If during the construction process the applicant or his subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).</p> <p>Mitigation Measure 3.8-4: If any underground septic tanks, or fuel tanks are uncovered from past site uses during construction, the project proponent shall retain an environmental professional to assist with the removal consistent with the Yolo County Environmental Health Department's Underground Storage Tank Program, and Septic Abandonment Permit requirements.</p> <p>Mitigation Measure 3.8-5: Project site wells that are no longer operated shall be properly abandoned through permit by the Yolo County Environmental Health Division (YCEH) permit program. The well abandonment work shall be completed by a C-57 State licensed well contractor.</p> <p>Mitigation Measure 3.8-6: If the source of soil onsite soil stockpiles is</p>	<p>Yolo County Environmental Health Division</p> <p>Yolo County Environmental Health Division</p> <p>Yolo County Environmental Health Division</p>	<p>Prior to bringing hazardous materials (including 55 or more gallons for liquids, 500 or more pounds for solids, and/or 200 or more cubic feet for compressed gases) onsite</p> <p>If any underground septic tanks, or fuel tanks are uncovered from past site uses during construction</p> <p>If any site wells will no longer be operated</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM 4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>undocumented, the applicant shall confirm to the City of Davis that soil sampling of the stockpiles was performed to identify potential soil contaminants associated with onsite soil stockpiles. The samples shall be submitted for laboratory analysis of total petroleum hydrocarbons (TPH) (gas, diesel and motor oil) by EPA Method 8015M and volatile organic compounds (VOCs) by EPA Method 8260. The results of the soil sampling shall be provided to the City of Davis. If elevated levels of TPH or VOCs are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities.</p>	<p>City of Davis Department of Community Development and Sustainability</p>	<p>If the source of soil onsite is undocumented</p>	
HYDROLOGY AND WATER QUALITY				
<p>Impact 3.9-1: The project may violate water quality standards or waste discharge requirements during construction</p>	<p>Implement Mitigation Measure 3.6-1.</p> <p>Mitigation Measure 3.9-1: Prior to the commencement of construction activities, the project proponent shall submit, and obtain approval of, a Spill Prevention Countermeasure and Control Plan (SPCC) to the Yolo County Health Department. The SPCC shall specify measures and procedures to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities, and shall meet the requirements specified in the Code of Federal Regulations, title 40, part 112.</p>	<p>See Mitigation Measure 3.6-1</p> <p>Yolo County Health Department</p>	<p>See Mitigation Measure 3.6-1</p> <p>Prior to the commencement of construction activities</p>	
<p>Impact 3.9-2: The project may violate water quality standards or waste discharge requirements post-construction</p>	<p>Mitigation Measure 3.9-2: Prior to issuance of building or grading permits, the applicant shall submit a final stormwater and drainage plan identifying permanent stormwater control measures to be implemented by the project to the City. The plan shall include measures consistent with the adopted guidelines and requirements set forth in the "Phase II Small MS4 General Permit, 2013-0001-DWQ," dated February 5, 2013 and shall be subject to review and approval by the Public Works Department.</p>	<p>City of Davis Department of Public Works</p>	<p>Prior to issuance of building or grading permits</p>	
<p>Impact 3.9-6: The project may place housing or structures that would impede/redirect flows within a 100-year flood hazard</p>	<p>Mitigation Measure 3.9-3: Prior to the issuance of grading permits and subsequently prior to the issuance of building permits, the project applicant shall either demonstrate that the developed portions of the project site are outside of the anticipated 100-year flood hazard area, or incorporate</p>	<p>City of Davis Department of Public Works</p>	<p>Prior to issuance of grading permits and</p>	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map</p>	<p>measures into the proposed project to achieve a 100-year level of flood protection for any site installations. This may include elevating the proposed building pads above the base flood elevation, installing adequate storm water retention areas, or other measures commonly accepted by the City of Davis.</p> <p>Mitigation Measure 3.9-4: Prior to commencement of grading operations, the project proponent shall prepare and submit an application for Conditional Letter of Map Revision (CLOMR) to FEMA for approval. The CLOMR shall include revised local base flood elevations based on current modeling of the project site. No building permit shall be issued in the area impacted by the CLOMR until a CLOMR has been approved by FEMA.</p> <p>Mitigation Measure 3.9-5: The building pads for all onsite structures shall be set a minimum of 1.0 foot above the maximum 100-year water surface elevations on the project site, as shown on the Conditional Letter of Map Revision (CLOMR) approved by FEMA. No building permit shall be issued until a CLOMR has been approved by FEMA, and it has been demonstrated that no building pads would be placed below 1.0 feet above the calculated local base flood elevations.</p>	<p>Federal Emergency Management Agency</p> <p>Federal Emergency Management Agency</p>	<p>subsequently prior to the issuance of building permits</p> <p>Prior to commencement of grading operations</p> <p>Prior to issuance of building permits</p>	
TRANSPORTATION AND CIRCULATION				
<p>Impact 3.14-5: Under cumulative plus project conditions, project</p>	<p>Mitigation Measure 3.14-1: No later than recordation of the final map creating the 200th market-priced lot, the project applicant(s) shall contribute fair share funding to cover their proportionate cost of the following intersection improvements:</p> <ul style="list-style-type: none"> a) West Covell Boulevard/SR 113 NB Ramps – widen northbound off-ramp to consist of three lanes (i.e., one left, one shared left/through/right, and one right-turn lane) approaching West Covell Boulevard. The fair share funding shall be submitted to Caltrans. b) West Covell Boulevard/Sycamore Lane – lengthen eastbound left-turn lane from 150 to 275 feet. The fair share funding shall be submitted to the City of Davis. 	<p>City of Davis Department of Public Works</p>	<p>No later than recordation of the final map creating the 200th market-priced lot</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM 4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.14-6: Under cumulative plus project conditions, project implementation would cause significant impacts at study freeway facilities	Implement Mitigation Measure 3.14-1(a): Pay fair share to widen northbound SR 113 off-ramp at West Covell Boulevard to consist of three lanes approaching West Covell Boulevard.	City of Davis Department of Public Works	No later than recordation of the final map creating the 200 th market-priced lot	
Impact 3.14-9: The proposed site plan would not provide adequate emergency vehicle access	Mitigation Measure 3.14-2: By the time the final map is submitted, the final map shall indicate that the project shall dedicate an emergency vehicle access easement from the project site to John Jones Road. Best efforts shall be made by the project applicant to work with Sutter Davis Hospital to obtain the easement.	City of Davis Department of Public Works	By the time the final map is submitted	
Impact 3.14-10: The proposed site plan would not provide adequate project access	Mitigation Measure 3.14-3: No later than recordation of the final map creating the 200 th market-priced lot, the project applicant(s) shall contribute fair share funding to cover their proportionate cost of the following intersection improvements: a) West Covell Boulevard/Rising Court/Shasta Drive – lengthen the southbound right-turn lane from 85 to 200 feet. The fair share funding shall be submitted to the City of Davis. b) West Covell Boulevard/Rising Court/Shasta Drive – lengthen the eastbound left-turn lane from 175 to 250 feet. The fair share funding shall be submitted to the City of Davis.	City of Davis Department of Public Works	No later than recordation of the final map creating the 200 th market-priced lot	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

This page left intentionally blank.